**MASIMANYANE**

**WOMEN’S RIGHTS INTERNATIONAL**

**Incorporating MASIMANYANE WOMEN’S SUPPORT CENTRE**

**Building local, national and global partnerships to eradicate violence against women**

**POSITION STATEMENT FROM MASIMANYANE WOMEN’S SUPPORT CENTRE ON THE DECRIMINALISATION OF PROSTITUTION IN SOUTH AFRICA**

Masimanyane Women’s Support Centre is a social justice and equality organisation working to end violence against women and girls (VAW). We have a 20 year history of working in South Africa and we have provided services to more than 300 000 women and girls who have survived various forms of sexual violence and sexual exploitation. We have developed a strong analysis on the particular way in which inequality is played out in our society and how it harms our ability to realise a society that is fair and just and equal.

Masimanyane has in particular had to provide services to young women who have been engaged in prostitution in and around our province as well as assisting women prostituted into our province from other countries and some who were taken from our province to countries where they were exploited.

This is an indication of the rise in levels of the commodification of women’s bodies through sexual exploitation. This growing phenomenon is harming young women, taking back the gains made in addressing gender equality and denying women and girls the rights enshrined in South Africa’s constitution and Bill of Rights.

**PATRIARCHY AND PROSTITUTION**

Masimanyane locates this discussion on the prostituting of women and girls within the larger issue of the struggle for gender equality and the structural impediments that lead to the ongoing discrimination and oppression of women and girls. Masimanyane views prostitution as a cornerstone of patriarchal control and sexual subjugation of women that impacts negatively not just on the women and girls in prostitution, but on all women as a group because prostitution continually affirms and reinforces patriarchal definitions of women as having a primary function to serve men sexually.

**IMPACT OF PROSTITUTION ON WOMEN**

Prostitution has a negative impact on women and is harmful to their bodies, minds and overall wellbeing. Women and girls report that the act of prostitution is intrusive, unwanted, and often overtly violent sex and mostly consists of submitting to acts carried out by clients or by pornographers on the bodies of women and girls.

One women reported having to have oral sex and being forced to “drink” the ejaculated fluid of the “customer” and being consumed by fear of contracting HIV or an STI. Another woman reported to being forced to have sex with a dog while the man watched.

Some young woman in prostitution have reported having various objects being forced into their vaginas and anuses or having groups of men ejaculate on them simultaneously. Most accounts are at best horrific and always dehumanising.

**HEALTH IMPACT**

Women suffer health consequences as a result of prostitution which includes harm to their physical bodies through various acts of physical violence including in some cases of having instruments penetrate various orifices by men who buy their bodies. Some report unwanted and forced pregnancies, sexually transmitted infections including HIV, abortions and urinary tracts infections and much more.

The harm to the mental health of women and girls is also extensive as is the social harm through stigma and discrimination. Most women seeking the services of Masimanyane talk about the desire to escape prostitution rather than a need for protection in it. At the very least health services are critical to both their physical and mental health.

Violence and degradation, even when not acted out, are inherent conditions of prostitution sex. For one thing, the possibility of violence is always present, for another, sex mediated by money means power to dictate what sex will happen. Most women selling sex do not have such power to negotiate.

**HUMAN RIGHTS**

South Africa is a country in transition from an apartheid system to a human rights system and the Bill of Rights in our constitution confirms these rights. Prostitution violates the right to physical and moral integrity. It violates the prohibition of torture and of cruel, inhuman or degrading treatment or punishment because of practices of sexual "entertainment" and pornography. It violates the right to liberty and security and the prohibition of slavery, of forced labour and of trafficking in persons because many women and girls are held in sexual slavery to meet the demand of male buyers of sex. It violates the right to enjoy the highest standard of physical and mental health militating against a healthy sense of and relationship with their own bodies.

**PROSTITUTION AS WORK**

Most advocates agree that there is no way to detect a distinct market for those who are ¨voluntary sex workers¨ and a separate market for those who are victims of trafficking and forced into prostitution. The demand and the market are the same. Men exercising their power in this case, their economic power to obtain access to women´s bodies. The arguments that vindicate prostitution as ¨sex work¨ only promote the expansion of the sex industry and the business of pimps and traffickers.

Both Germany (2002) and the Netherlands had legalised prostitution lifting the prohibition against promoting prostitution and theoretically gave women the right to contracts and benefits in prostitution establishments. World renowned expert on Prostitution, Janice Raymond reported that “ Five years later, a federal government evaluation of the law in Germany found that the German Prostitution Act, as it is called, had failed to improve conditions for women in the prostitution industry nor helped women to leave. It has also failed to reduce crime in the world of prostitution." As a result, the report stated that "prostitution should not be considered to be a reasonable means for securing a living."

Results were equally bad in the Netherlands where prostitution and the sex industry have been legalized since 2000. Two official reports in 2007 and 2008 have soured official optimism about the Dutch legalization model.

The government-commissioned Daalder Report found that the majority of women in the window brothels are still subject to pimp control and that their emotional well-being is lower than in 2001 "on all measured aspects." The Dutch National Police Report puts it more strongly: "The idea that a clean, normal business sector has emerged is an illusion..." They are now backtracking on the legalization of prostitution in that country.

Legalization of prostitution is a failed policy in practice. The prostitution policy tide is turning from legalization of prostitution to targeting the demand for prostitution without penalizing the victims. Countries who want to be effective in the fight against trafficking and not havens of sexual exploitation are beginning to understand that they cannot sanction pimps as legitimate sexual entrepreneurs (business men) and must take legal action against the buyers. We need to protect women in prostitution by not criminalising them and extending services and support to them. Their human rights must be respected, protected, promoted, and fulfilled. At the same time we cannot consider decriminalising the entire sex industry because of the harm it inflicts on the bodies and lives of women and girls.

The call should be on building communities where women are not having sex as a means for survival and where their social, cultural and economic rights including health, housing, education, work opportunities, etc. are guaranteed. We recognise and affirm that some women do choose to sell sex and those women’s rights should be respected and protected.

The argument that prostitution is a legitimate form of work for women and that there are sometimes no better work options for women is to give up political battle for women’s non-prostitution economic empowerment and to tolerate the growing operations of enormously lucrative sex businesses that absorb women as the raw material for their industry.

Accepting prostitution as a viable “work opportunity” will open the way for the rife exploitation of young women and girls. Pimps will be given the right to trade these young women as commodities resulting in profits for themselves and extensive harm to the victims. The guarantees made in the constitution and bill of rights and gender equality will continue to be undermined if we decriminalise the entire sex industry.

**CONCLUSION**

Masimanyane’s view is that we have a duty to imagine a world without prostitution as we have learned to imagine a world without slavery, apartheid, infanticide or female genital mutilation. Ultimately gender relations must be restructured so that sexuality can once again be an experience of human intimacy. We should work at reclaiming and reconstructing a sexuality that is life-enhancing, mutually respectful and beneficial and if it is heterosexual, based on gender equality.

Our state must respect, protect, promote and fulfil the human rights of women and girls in the country.

**DR LESLEY ANN FOSTER**

**Executive Director: Masimanyane Women’s Support Centre**

**East London, South Africa**