

Decriminalization of sex work in south africa

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This paper aims to discuss the issue of decriminalization of sex work in the South African context. One may understand decriminalization as the removal of laws that are against sex work or prostitution. Using Wojcicki (2002) the paper intends to discuss in detail the movement of decriminalization from the apartheid era to the post apartheid era. In addition, the discussion in this paper also includes discussion of the discourse of sex work and lastly, thoughts and ideas of the decriminalization of sex work in the South African context. Wojcicki (2002) argues that in order to be able to understand the origins and little success of the decriminalization of sex work; it is useful that one looks at sex work in the apartheid era and then the changes that have taken place post apartheid (2002: 84). Therefore, it may be argued that it is useful to look at how the sex work was seen during apartheid and what changes have occurred after the apartheid era. Seeing as though black South Africans had neither the power or the resources to voice out their opinion, the voices of those that were fighting for the decriminalisation of sex work in the apartheid era were those of white South Africans (Wojcicki 2002: 84). From this, one may understand that during apartheid, the voice of the powerless was not heard and the notion of decriminalization of sex work was not one that was supported by all, rather by the dominating race. Nevertheless, with the end of apartheid came a change in the way of thinking of sex work. First, the author announces that the shift from the law enforcement to attend to more pressing and more violent matters was one of the advantages that end of apartheid brought about. In this manner, one may understand this in the sense that police resources were now more focused on violent crimes rather than crimes of the public order (Wojcicki

2002: 84). Secondly, another change that came with the end of apartheid was the incorporation of all human rights in the writing and talking of sex work. In post apartheid, sex work was more concerned with the equal representation of all human right that were protected by the African National Congress's Constitution (Wojcicki 2002: 84). Thirdly, it is important to note that in the post apartheid era, black people could now be heard. The above author argues that black South Africans came with a counter discourse. This argued, "... not only are prostitution and the decriminalization of sex work immoral, but they are also " un-African" (Wojcicki 2002: 85). " One may argue that the end of apartheid gave black South Africans a platform to voice out their opinions and concerns over matters that they were otherwise unable to. Concequently, the matter of decriminalizing sex work cannot be discussed without touching on the racial and cultural diversity that exists in South Africa. As mentioned above, black South Africans in the apartheid era did not have the platform or the power to fight against decriminalization of sex work. One may argue that this was mainly because most forms of media were controlled and owned by white people and the apartheid government (Wojcicki 2002: 100). Post apartheid saw all racial groups having a say in the decriminalization of sex work. Therefore, one can say that because of this there has been a shift in the discourse of sex work mainly because these racial and cultural groups have values, opinions and beliefs that do not necessarily agree with the decriminalization of sex work. While many may believe and argue that the decriminalization of sex work will eliminate the exploitation and unfair treatment of a group that was otherwise subordinate, other racial groups do not believe so. Wojcicki (2002) argues that the

exposure to foreign magazines and TV shows has led men in to wanting sexual desires that are not acceptable within their cultures (Wojcicki 2002: 101). From this, one may gather that the discourse of sex work has changed, especially after apartheid because now there is room for other races and cultures to freely voice out their opinions that society is faced with.

Moreover, the shift has now gone from an issue that is supported and said to be in favour of human rights to one that is deemed immoral. For instance, in a letter to the Star, Wojcicki (2002) argues that Motsoko Pheko criticized the ANC for supporting so many “ un-African” things and legalizing any issue that they cannot deal with. (2002: 101). Upon reading the material, I have become more aware of the concerns that people seem to have about the decriminalization of sex work and thus, the issue as a whole. As a black woman that lives in an apartheid-free environment and is exposed to so much more, I agree that there has been some sort of influence from the Western side of doing things. Moreover, as a Media student, I understand the influence and the effect that the media has on society as a whole. Being a black South African myself, I was raised and taught to think and understand that a women’s body is sacred. Therefore, I understand that from a black person’s point of view, it is not in our culture to “ sell” our bodies for men to do as they sexually please. Growing up, I was taught a woman has to get married and be loyal to their husband. Consequently, sex work in that regard, goes against that. Nevertheless, looking at it as a student that has engaged with Gender studies and feminists writing over the years, I feel as though decriminalizing sex work could somehow work in the favour of women. In my understanding, it will eliminate exploitation and abuse of

women that work as sex workers and will be now recognised as a form of work that is not illegal. In addition, the legalization of sex work could expose women to health care that was otherwise denied to them. In my opinion, the decriminalization of sex work seems a good idea as it challenges the stereotypes that are attached to women who are sex workers. It is also important that one notes when discussing such an issue, especially in a South African context, it is vital to consider the different races and cultures involved. In conclusion, this paper has discussed the decriminalization of sex work and its consequences that have been accompanied by post apartheid as opposed to the apartheid era. References -Janet Maia Wojcicki, " The Movement to Decriminalise Sex Work in Gauteng Province, South Africa, 1994-2002" African Studies Review 46, 3 (dec 2003) pp. 83-109