



**President Cyril Ramaphosa**  
**His Excellency, President Cyril Ramaphosa,**  
**President of the Republic of South Africa**  
**Per email: [presidentrsa@presidency.gov.za](mailto:presidentrsa@presidency.gov.za)**  
**[media@presidency.gov.za](mailto:media@presidency.gov.za)**

18 May 2020

Dear President Ramaphosa

**RE: DIGNITY, SECURITY OF THE PERSON AND HUMAN RIGHTS OF SEX WORKERS AND QUEER (LGBTQIA+) PERSONS DURING THE COVID 19 EPIDEMIC**

We would like to commend your leadership and our government's efforts in responding swiftly to the COVID 19 pandemic. By responding swiftly in taking measures to slow the rate of infections, a large number of our lives have been saved and we acknowledge the work done to prepare our health facilities for the inevitable demand for increasing health care and services. We acknowledge, too, your leadership in supporting evidence-informed policy for the decriminalisation of sex work and in addressing the human rights of people with diverse sexual orientation and gender identities. People in South Africa do not live single issue lives and many of our struggles are linked and the consequent injustices experiences are compounded. We once again call on you to demonstrate, as you continue to do, the decisiveness and leadership which the people of South Africa have come to expect of you.

South Africa has many progressive legal and policy provisions within our constitution. But, even during 'ordinary' times post democracy, these provisions are often not extended in practice to sex workers and queer persons. The realisation of these fundamental rights and access to justice are compounded by how people are positioned in relation to race and class generally. Queer persons' experience homophobia/transphobia within families, at health facilities homes, places of work and in schools. This has led to legal judgements or policy programming leading to remedial actions in these contexts. Similarly, sex workers are not included centrally in worker struggles and are often at the boundaries of organising of informal workers. Some LGBTQIA+ persons are workers in the informal economy and as such do not register for UIF.

Responses to sex workers and queer persons have generally taken place in relation to health programming in addressing HIV or Gender-Based Violence. Sex workers are included as 'key or marginalised' populations to provide data for testing, treatment and research studies to remedy and inform responses to HIV and AIDS. Gender-Based Violence programmes include sex workers, yet both sex workers and queer persons cannot always pay to go to shelters and generally the shelters do not welcome people with children or who are dealing with addiction and mental health challenges. Due to discrimination in these communities, some sex workers and queer persons are not registered for

SASSA grants, nor UIF and do not have their identity documents or have not had their gender markers approved by Home Affairs. These struggles are complex and have layers of interlinking challenges and need careful consideration.

The government has publicly committed to decriminalisation of sex work, informed by robust research internationally and locally. This is articulated too through policy by UNAIDS and SA National AIDS Council Sex worker Plan. However, despite various undertakings, sex work remains criminalised in South Africa. This often results in abuse and victimisation of sex workers at the hands of the police.

Some weeks now into the COVID 19 pandemic in South Africa, it is evident that the dignity, security and human rights of many queer persons and sex workers have been eroded further. As NGOs working on the ground, providing relief through home-based care and providing food parcels we are extremely concerned about the treatment of sex workers and queer persons and want to bring these issues to your attention from insights we have from Cape Town, Durban and Johannesburg.

In advocating for the rights of marginalised populations, home is a place where many people sleep rough; they do not call themselves homeless as where they are, is home. People move about because perhaps their family of origin has made their lives impossible through expressions of violence, prejudice, homophobia or transphobia. Water and Sanitation is an issue, and many find themselves living without these basic sanitary conditions and live in spaces that are unhygienic. People group themselves in chosen families, to support and care for each other through generations, there are children and older people in these communities. As with any families there is love and care but also vulnerability, these older persons and children should stay together as they have chosen.

Queer persons and sex workers also continue to have primary health care needs (continued treatments for chronic diseases) sexual and reproductive health needs (post exposure prophylaxis, contraception and abortion) and some have birthed and live rough with new-borns. Some sex workers are known and targeted by police. Even when walking in public spaces to purchase essential items as food. There is increased exposure to violence, arrest, fines and coercion to bribery. HIV organisations are continuing their research to test sex workers but this is not linked at all to a systemic response to improving the lives of sex workers. Gender-Based Violence groups still do not welcome sex workers and queer folks who may have children or have very particular needs.

As government continues to adapt its response to the pandemic, it has undertaken to commit significant resources to address the needs of the population. We stress it cannot be business as usual for responses to the marginalised populations of sex workers and queer persons, and specific relief measures should be put in place for these groups which take into account lived realities. As we write this letter, we would like to remember our transgender sex worker peer, Elma Robyn Montsumi who passed away on 12 April 2020 in police custody. Elma was not sick but was an addict needing health care.

We are asking for:

1. In line with our constitution, we need rights-based law enforcement. This includes immediate reform of law to decriminalise sex work and repeal laws that criminalise poverty, including bylaws that impact disproportionately on marginalised groups. We ask for a directive to be issued that persons are not arrested or detained for any reason relating to sex work;
2. Targeted collaboration with NGOs (as in SWEAT and Triangle) to establish social and legal systems to respond to undocumented persons who are sex workers or LGBTQIA+ persons who need social relief of distress grants, and an integrated health care response; and

3. Swift communication and the provision of grants to NGOs by the state who can provide relief and shelter that caters for the particular needs of these most marginalised populations of sex workers and queer persons nationally so that sanitary conditions can be provided and physical distancing in cases of COVID 19.

Yours sincerely

**ASIJKI – Constance Mathe**  
**Mothers for the Future Duduzile Dlamini**  
**SWEAT and Sisonke – Nosipho Vidima**  
**Triangle – Sharon Cox**  
**Sexual and Reproductive Justice Coalition – Marion Stevens**

ENDORSED BY:

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Women's Legal Centre  
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