

Identifying the Barriers Sex Workers Experience to Participate in Public Policy Making

Keith Adrian Mienies
1258202

Supervisor: Mr. Murray Cairns

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Abstract

In South Africa, sex work is illegal, and sex workers have operated in the shadows for decades, although the profession has been around for centuries. Sex workers are marginalised and vulnerable which affects their power and authority to participate in public policy deliberations. Their ability to participate in community forums and public discussions about issues that affect them is limited mainly due to their lack of agency, social exclusion and stigma. Ultimately, their equality in the democracy they live is compromised due to social norms, cultural values and religion. This study investigated the barriers that sex workers face to participate in public policy making.

This research was a basic interpretive qualitative study which was conducted in Johannesburg, South Africa. Data was collected using structured and semi structured tools through focus group discussions with active sex workers and key informant interviews with policy makers, academics and legal experts. The data was collected and analysed through an exploratory lens that allowed a story to unfold and used people's experiences to shed light on what these barriers were.

The results from the study concluded that sex workers are in fact socially excluded within the communities they live and this exclusion fuels internal and external stigma. This structurally decreases their human and social agency and systematically excludes their voices, human rights, legitimate policy needs and opinions from public policy making processes within their communities. In order to address this structural disadvantage, an advanced form of behaviour change of communities, policy makers and public service personnel is recommended.

Declaration

I, Keith Adrian Mienies, declare that this research report is my own original work. It is submitted in partial fulfilment of the requirements for the degree of Masters of Management, in the field of Public Policy, at the University of Witwatersrand. This work has not been submitted before for any degree or examination to any other university.

Dedication

The mere fact that I've made it this far is testament to the love and support I've received from my family and friends during this process. To my supervisor, Murray Cairns, you've guided me from absolute perplexity to the light. Thank you!

Acronyms

BPP	Batho Phele Principles
CSO	Civil Society Organisation
DoJCD	Department of Justice and Constitutional Development
FGD	Focus Group Discussions
HIV	Human Immunodeficiency Virus
KII	Key Informant Interviews
LRC	Law Reform Commission
NDOH	National Department of Health
NGO	Non-governmental Organisation
OECD	Organisation for Economic Cooperation and Development
PLHIV	People living with HIV
SANAC	South African National AIDS Council
SWEAT	Sex Worker Education and Advocacy Taskforce
WHO	World Health Organisation
WLC	Women's Legal Centre

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Chapter 1. Introduction & Background

1.1. Introduction

All sex work related activities (for both the sex worker and the client) are criminalised in South Africa by the Sexual Offences Act 23 of 1957 and the Sexual Offences Amendment Act, which criminalises sex for reward (Richter, 2013). The definition of reward is unclear and the Act does not define exactly how this offence is to be prosecuted. In a discussion paper issued by the Law Reform Commission in 2009, the commission found it difficult to define sex work or prostitution accurately within the South African context given its socioeconomic challenges and has generally suggested that sex work is:

... the exchange of any financial or other reward, favour or compensation for the purpose of engaging in a sexual act (South African Law Reform Commission, 2009b).

One of the key social and public health challenges in South Africa is its high HIV infection rates and how it impacts people's livelihoods. South Africa is home to the largest number of people living with HIV (PLHIV) - an estimated 12% of South Africa's 54-million residents (SANAC, 2014) and roughly 20% of adults between 15 and 49 are HIV positive (Haynie, 2016). HIV is a major concern for the public health care system as resources are dire and clinical competencies and skills are at a shortage (Katz, Bassett, & Wright, 2013). A particular group of people in South Africa who has an increased risk of HIV and is heavily impacted by the epidemic is sex workers and their clients (WHO, 2016). It is estimated that South Africa has 153 000 sex workers, of which 70% are HIV positive and account for approximately 20% of new infections in the country (WHO, 2016). Given the high rate of infection and the public health burden it places on the National Department of Health, public health advocates and

specialists argue that the decriminalisation of sex work will make a difference in the risk profiles of sex workers and their clients significantly and inadvertently have a positive impact on HIV management (Albertyn, 2016; National Department of Health, 2016). They believe that legalising sex work will make sex workers feel less stigmatised and therefore more likely to seek treatment and health services, which in turn will address the public health issue of high infection rates among this population (Haynie, 2016).

The Law Reform Commission (LRC) was tasked to investigate the Sexual Offences Act, in particular how it translates to sex work (South African Law Reform Commission, 2009b) and consider its position on adults affected by sexual violence. In 1999 this process was started and subsequently split into four separate sexual offences discussion papers dealing with both substantive and procedural law (to the extent of exclusion of adult prostitution and child pornography) (South African Law Reform Commission, 2009b). The discussion paper from 2009 focusses on adult prostitution in particular. The LRC started its investigation in 1999, released its first issue paper in 2001 for public comment. The discussion paper reflected on research that had been conducted on the topic and gave further information regarding options for law reform, which was shared publically for comment. The final step was for the LRC to issue a report to the Department of Justice and Constitutional Development (DoJCD) with recommendations for policy reform, following the information known, comments from the public and all options considered (KII R03, September 2016).

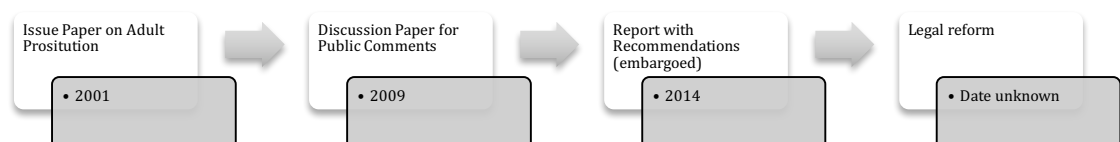


Figure 1 - The Law Reform Commission's Process on Policy Review

The report with recommendations, which was recently published (and at the time of this writing (January 2017) is still embargoed by the Department of Justice and Constitutional Development) is based on four legal options for policy reform (South African Law Reform Commission, 2009a):

- i) full criminalisation (status quo),
- ii) partial criminalisation,
- iii) decriminalisation, and
- iv) regulation

The LRC report was submitted to the Department of Justice and Constitutional Development (DoJCD) in 2014 and no feedback or information has been received publically on the way forward and actions regarding its recommendations (Albertyn, 2016). If the Ministry accepts either partial or full decriminalisation of sex work from this recommendation, it will make South Africa the first country on the African continent to legalise sex work (Haynie, 2016) and a human rights victory regarding the abuse and violence that sex workers face (Women's Legal Centre, 2012)

Following 1994, South Africa has gained significant momentum in terms of expanding the institutions that enable participatory democracy, both provincially and nationally (Booyesen, 2008). Given the current democratic institutions in South Africa, participation in public policy and political decision making is the norm when debating new policies or policy reform (Irvin & Stansbury, 2004; Waheduzzaman & As-Saber, 2015). Although every citizen in South Africa has the right to participate in this democracy, not everyone has the capacity to; especially marginalised populations such as sex workers (Richter, 2013).

A person's ability to participate is largely influenced by their standing in society, their immediate environment and themselves. Bandura (2001a, 2014) distinguishes between individual, proxy and collective modes of agency. Proxy

and collective agency is often a result of people not having direct control over their lives or the conditions they live in. This evolves from an individual's agency to socially mediated agency (Bandura, 2001a, 2014) in which the individual reaches out to others with the resources, means and knowledge to realise their intentions, because they don't feel that they can, due to a lack of personal agency.

Since 1994, South Africa's extended platforms for participative democracy has included ward committees, *Izimbizo's*, the deployment of community development workers, Project Consolidate and e-Government (Booyesen, 2008). Participation, for the purposes of this study, will be viewed as a tool of empowerment that allows people (especially marginalised populations) to influence policy making decisions based on their legitimate policy needs (Everatt, Marais, & Dube, 2010). All socioeconomic factors must be considered when identifying and establishing participatory platforms for participation of citizenry in decision making structures, however, marginalised populations suffer from various socioeconomic factors and are still largely excluded, which will be explored during this research project.

The South African policy reform process must include civil society in its decision making structures and is governed by the Constitution of South Africa to be inclusive, non-discriminatory and consultative (South African Government, 1996a). While these provisions are laudable, its application in reality is still not well understood (Armstrong, 2002) and an area that is not focussed on enough. A gap exists between the theory (legislative frameworks, participatory platforms and vehicles) and the reality of marginalised constituents such as sex workers to participate.

In the introduction of the Discussion Paper on Adult Prostitution (2009b), the Commission highlights the socio-economic context of the issue as follows:

The socio-economic determinants of prostitution suggest that prostitution is driven by the complex intersection of social and economic factors in which poverty and inequality are key drivers. The Commission looks at what motivates the supply and the demand for prostitution (chapter 2 at p 28). It also looks at the links between prostitution and crime (chapter 3 at p 58), prostitution and drugs (chapter 3 at p 68) and between prostitution and HIV (chapter 4 at p 75) (South African Law Reform Commission, 2009b).

Although these platforms exist, it undermines sex workers' legitimate policy needs and disregard their inputs due to how people perceive them based on societal norms and values. These norms and values influences the accessibility and sensitivity of participatory platforms for sex workers as a marginalised group. Djordjevic (2008) cited in Gore (2014) states that:

... we should listen to the demands of prostitutes and sex-workers organisations. By challenging the stigma of sex work and tackling the attitudes embodied in the framework of society and state institution, we will enable sex workers to protect themselves, build their skills and eventually mobilise them into a place where they have enhanced choices of whether or not to remain in sex work (Gore, 2014, p. 5).

Allowing sex workers to voice their legitimate policy needs through institutions that don't just rubber stamp, but respect their socioeconomic and legal status, will lead to true participation. Arnstein (1969) defines eight distinct levels of participation, with the one extreme labelled manipulation (no or very little power to participate) and the other extreme citizen control (full power to participate). Figure two below illustrates Arnstein's ladder of participation and non-participation (Arnstein, 1969).

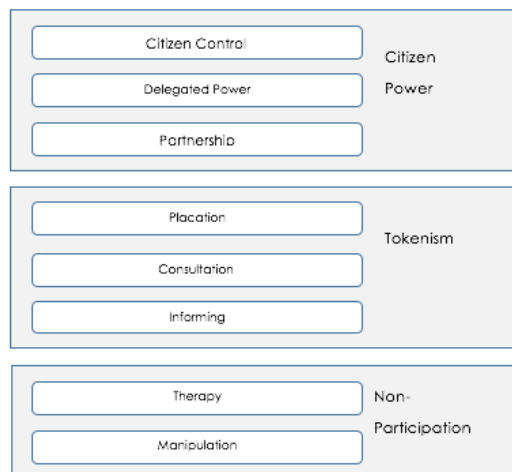


Figure 2 - Arnstein's Ladder of Participation and Non Participation (Arnstein, 1969, p.2)

It is not that difficult to disguise manipulation and therapy as genuine participation if the constituents are not privy to information being discussed by policy makers behind closed doors. When looking closely at the ladder of participation, three key themes emerge, which was highlighted by Arnstein (1969) as:

- Manipulation + Therapy = Nonparticipation, which leads to educate or cure people instead of having them meaningfully participate;
- Informing and Consultation + Placation = Tokenism, which leads to being heard, but these views and expressions rarely carry any weight when it comes to decision making, in other words, there is no assurance of change or action;
- Partnership + Delegated Power + Citizen Control = Citizen Power, which means full decision making authority or at least negotiating power of the participant in the process.

Measuring a person's ability to participate in public policy issues against the concepts and levels of Arnstein's Ladder requires an entry point that takes consideration of people's lived realities and social norms and values and how

this influences participation. This entry point, for the purposes of this study, is Bandura's social cognitive theory (Bandura, 2001a, 2014). Bandura (2001a) explains that a person's environment (i.e. their circumstances while growing up, current living conditions and emotional state it leads to) has a significant impact on their personal and human agency as an adult and thus influences their ability to participate and integrate into a community (Bandura, 2001a, 2014).

The approach to understanding the complexities of the socioeconomic factors that influences the ability of sex workers to participate in policy making and political decisions i.e. the barriers they experience to participation, will be based on i) human and social agency, ii) social exclusion and stigma, and iii) mobilisation and organisation.

In order to understand these concepts and apply them to the realities of sex workers in modern time, the discussion paper from the LRC on adult prostitution (South African Law Reform Commission, 2009b) which is currently embargoed by the DoJCD, will be used.

1.2. Background & Context

In 1997 an initiative called *Batho Pele*, which means People First, was launched by the South African Government to transform the public service to be more people oriented and change its culture to serve the people better (Education and Training Unit, 2016). This initiative had 8 Principles known as the Batho Pele Principles (BPP) to guide the way public servants interact with its customers (citizens). Section 4 of the White Paper on Transforming Public Service Delivery 1459 of 1997 defines consultation, one of the 8 principles of the BPP, as:

"Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered" (Department of Public Service and Administration, 1997).

The right to participation and consultation are especially applicable to sex workers: equality, human dignity, freedom and security of the person, freedom of expression, freedom of trade, occupation and profession (South African Government, 1996b; Women's Legal Centre, 2015). It is within the rights of sex workers, nationally that these rights are upheld as instructed by the Constitution. These rights should be respected, protected, promoted, and fulfilled (Women's Legal Centre, 2012).

Khoza (2010) writes about the level of patient participation in determining and selecting healthcare services and options and found that the Batho Pele Principles were not practiced as the white paper intends it to. Khoza (2010) argues that prior to 1994, healthcare decisions was in the hands of the medical professional and not the patient. During his research, he realised that the latter was passive in the decision making process, especially for black patients. He further realised that the care and healthcare services were prioritised and provided in the interest of white and wealthy South Africans. And that black South Africans didn't receive the same treatment as their white fellows. He concluded that black people were in fact deprived of the same quality of healthcare service than received by white South Africans. He confirms that black South Africans are marginalised and vulnerable and stigma and discrimination played a big role in the treatment they received (Van Rensburg, 2004). This research project looked at the effect of stigma and discrimination on agency and power of sex workers. Similar to how Khoza investigated the factors that influence treatment of marginalised groups in healthcare services.

Similarly, to the investigation of patient rights for marginalised populations, it is worth researching the access and barriers to access of sex workers to participatory platforms beyond health services. Such as participation in democratic public policy making processes. Various platforms for participation in South Africa's democratic government system are in place (Font, Wojcieszak, & Navarro, 2015; Golubovic, 2010). These platforms have various

degrees of participation mechanisms and sometimes they are disguised as consultation meetings, but in fact is just a way of informing citizens of a policy initiative that has already been decided on. This concept is referred to as elite policy making systems (also known as elite capture), which can be defined as:

...an environment characterized by apathy and information distortion, and governs a largely passive mass. Policy flows downward from the elite to the mass. Society is divided into those who have power and those who do not. Elites share values that differentiate them from the mass. The prevailing public policies reflect elite values, which generally preserve the status quo. Elites have higher income, more education, and higher status than the mass...The elites shape mass opinion more than vice versa. Public officials and administrators merely carry out policies decided on by the elite, which flows 'down' to the mass (California State University Long Beach, 2002).

Reflecting the concept of elite policy making to Arnstein's ladder of participation, this instance can be linked to manipulation and/or therapy (Arnstein, 1969) and is most applicable to marginalised and vulnerable populations who hold little power to influence final policy outcomes (Durojaye, 2012).

In order to understand and contextualise the socioeconomic barriers sex workers face to participate in policy making decisions, this research project will be applied based on the following internal and external factors that contribute to a person's agency i.e. societal norms, cultural values and stigma, stereotypes and social capital (Bandura, 2001a, 2014; Gore, 2014). With regards to participation, Everatt et al. (2010) identified the following as barriers to participation in public policy decisions for marginalised groups:

- i. Exclusion from debates and participatory platforms;
- ii. Entrenched marginalisation;
- iii. Elite policy making

These concepts and barriers will be explored later in this report and discussed in chapter 5 based on the information received from key informants and during focus group discussions with sex workers.

1.2.1. Power to Participate

In terms of the South African democracy, the LRC processes for policy reform must be consultative and include a large number of stakeholders i.e. civil society, academics, law and legal experts, subject experts, the private sector, labour organisations and sex workers (Booyesen, 2008; Font et al., 2015; South African Government, 1996b). The standard approach to consultation and participation cannot be applied to sex workers without considering aspects of their realities and how this impacts their agency and capacity to participate. Sex workers are most affected by the outcome of this public policy issue and constitutionally has the right to be consulted, provide input and participate in the process (South African Government, 1996a). As Colebatch wrote:

A critical question for both analysts and practitioners is how people with little standing in the world of authority can challenge the existing order and participate in the policy process (Colebatch, 2006, p. 15).

The order Colebatch refers to can be viewed as barriers or power struggles between those with power and those without power. This imbalance of power influences the ability of the disempowered to participate in policy making decisions. The power to participate should be extended to accessible and more meaningful ways of participation and not just a rubber stamp (Everatt et al., 2010). A study by Everatt et al (2010) highlights that respondents during key informant interviews and focus group discussions noted that:

For them it at least presented the opportunity to funnel the voices of the public into development planning, programming and budgeting. They seemed philosophical about the weight of that influence, and whether it would decisively affect outcomes. But the act and the fact of participation carries value in its own right (Everatt et al., 2010).

In his particular study, the responses from the respondents measured their preferences to participation and what they believe to be barriers to participation in policy making decisions. Thus, the quality and impact of participation is not being measured. In addition, although various platforms exist to enable public participation in policy making decisions, these platforms might not be the most appropriate vehicles for meaningful and in-depth participation to take place, which could be due to a number of reasons over and above the location and logistics of the forum (Everatt et al., 2010). It is clear from Booyesen (2008), Everatt (2010), Colebatch (2006) and Font et al. (2015) that the individual's power to participate has long neglected the realities of socioeconomic conditions in which people live.

1.2.2. Political Landscape

During a consultation meeting between the South African National AIDS Council (SANAC) and the Sex Worker Civil Society Sector in January 2015, the Deputy Minister of Justice and Constitutional Development (DoJCD), John Jeffereys said that in order for law reform to be discussed and considered on the decriminalisation of sex work in the South African legal framework, the general population needed to be sensitised on the issue and understand what exactly this means for society at large (Albertyn, 2016; SAFAIDS, 2014). It is evident from Jeffereys' statement that there is a need to address stigma and discrimination (amongst other factors) from society against sex workers. The issues of stigmatisation and social exclusion thus leaves sex workers at a disadvantage, which inevitably impacts their ability to voice and practice their constitutional right to influence the institutional power and authority dynamics of public policy outcomes.

At the recent AIDS Conference which was held in Durban in July 2016, the Deputy Minister of Social Development voiced her support for the

decriminalisation of sex work. She said that her opinion on this topic and support for the advocacy work that the Sex Work Education and Advocacy Taskforce (SWEAT) does in South Africa will probably cost her a disciplinary hearing because her political party does not agree with her views on the subject (KII R05, September 2016). This link between her support and disapproval from the political party she represents is evident that the level of social and political capital of sex workers in his/her community is attached to labels and stereotypes i.e. criminals, sinful and whores. And the perceptions of policy makers at this level influences the voice, power and authority of sex workers during the consultation process, leading to negative political implications.

1.2.3. Authority and Capacity

Dahl (1957) argues that leaders do not merely respond to the preferences of constituents; they also have the ability to form their own preferences and this typically leads to a concept called non-decision making. The general assumption is that institutions and organisations are on board with a specific issue, but in reality they are not (Bachrach & Baratz, 1962). Reflecting on Arnstein's (1969) ladder of participation, this is a good example of manipulation and therapy which she labels as non-participation (Arnstein, 1969). Capitalising on the low agency (social and political capital of sex workers), decisions on this policy issue are disconnected from their realities (another example of elite policy making), which leads to a disconnect with participative democratic principles of policy making. Lukes (1974) agrees with Dahl (1957) and Arnstein (1969) who believes that a false or manipulated consensus may exist and may be maintained through the domination of a powerful group of people or institutions. Power, authority and the capacity of sex workers thus limits their ability to participate in formal, informal institutions (community organisations, non-governmental organisations, community forums and advocacy groups) and legal institutions

(i.e. municipal by-laws) because of their agency and the stigma they experience (Women's Legal Centre, 2012).

Grassroots movements have become one of the few platforms known to give sex workers an opportunity to express their concerns without experiencing further stigma and discrimination as individuals (Commission for Gender Equality, 2013). The level of consultation and participation of sex workers through grassroots movements will be discussed the following chapters.

Informal discussions with practising sex workers at a meeting in May 2016 highlighted the need for a more equal and balanced voice when it comes to policy deliberations and decisions. Sex workers' human agency affects their political capital – their power and authority within society to participate in political debates and decisions (Bénit-Gbaffou & Katsaura, 2014; Flavin & Griffin, 2009; Font et al., 2015) - in such a way that their substantive equality (that they are treated in the same way as non-sex workers) is compromised and not respected in terms of both law and social structures (Durojaye, 2012).

This research project will be conducted with sex workers in the City of Johannesburg area. The key informants originally identified were from South Africa based on their past or present involvement in sex worker rights and advocacy, and the snowball sampling lead to one key informant from London, England being included in the study.

1.3. Problem Statement

Sex worker's rights have been living in the shadows for centuries. It has been proven that they are more vulnerable to abuse and human rights violations than the general population (Commission for Gender Equality, 2013; Women's Legal Centre, 2015). Their work is currently criminalised, but subject to the recommendations from the Law Reform Commission, this could change

(Albertyn, 2016). These recommendations preceded a lengthy review process which consulted the public and other stakeholders before it submitted its final report to the Department of Justice and Constitutional Development.

The gap this research aims to address is to identify the barriers sex workers face that hinder them from participation in participatory platforms during policy deliberations. The goal is to expose the inequalities they experience due to factors beyond their control i.e. socioeconomic and legislative, but institutionalised through societal cultures, values and norms (Bandura, 2014; Jancovich & Bianchini, 2013). The entry point of this research will be the LRC discussion paper from 2009 and the consultation process it followed before finalising their recommendations to the DoJCD.

The participation by sex workers themselves as the principle beneficiary of the LRC's review, report and recommendations has not been measured or gauged in any way. In particular, the discussion paper from 2009 states:

...However the Commission is of the opinion that the comments received from the public on the Issue Paper are valuable and indicative of generally held views and have therefore been included under the discussion of the different legal options. The Commission will be further informed by the public consultation process following the release of this Discussion Paper (South African Law Reform Commission, 2009b).

It continues to state that:

...After submissions and input from this consultation process have been integrated into the proposals, the Commission's preliminary recommendations and legislative options will be prepared for further development at expert meetings (South African Law Reform Commission, 2009b).

In order to understand how participation during deliberations and decision making phases of a public policy issue (i.e. the review of the Sexual

Offences Amendment Act of 1957 by the LRC) is linked with sex worker's socioeconomic factors, a qualitative study was conducted to narrate a story and link the reality of sex worker's experience with legal and institutional frameworks governing participation and lastly, understanding the sex worker's ability to feel empowered to participate. The importance of a study of this nature is that its methodology and analysis framework can be applied to understand barriers and challenges experienced by other marginalised populations in public policy making processes.

These diverse women and men who feel that their equality is being compromised due to the nature of their work informed this research project's data collection and analysis to ensure that the barriers they identify are linked to their socioeconomic realities, their challenges and experiences and how this impacts their ability to participate in policy making decisions.

1.4. Purpose Statement

The purpose of this research is to identify the barriers sex workers face to participation in public policy decisions.

Key to understanding these barriers is to take a holistic approach to identifying the challenges that cause them in the first place. Factors over and above money and transport must be considered and understood to explain to a larger extent what its impact is on this population's agency, social and political capital to participate.

1.5. Research Questions

What are the barriers that sex workers face to participate in public policy decisions?

With the following sub questions:

1. What are the human, social and political agency of sex workers and how does it influence their ability to participate?
2. How do the perceptions (stigma and stereotypes) of policy makers influence the power and authority of sex workers to participate in policy making decisions and institutions?

Chapter 2. Literature Review

2.1. Introduction

The purpose of this chapter is to provide an overview of existing literature on the topics of democracy, participation, social exclusion, human agency and legal frameworks and its effect on public participation in policy making. It defines different models of democratic theory, its elements and the various dimensions and interpretations of democracy as it relates to participation. These are linked closely with Arnstein's ladder of participation and how power and authority play a crucial role in determining the value that participation has in a democracy. The advantages and disadvantages of democracy is explored and reflected on South Africa's own institutions and legal frameworks that governs democracy on a national and provincial level.

The concept of social cognitive theory (Bandura, 2001b, 2014) is explored within a framework of personal agency (Bessant, 2008; Smith et al., 2000) and the factors that influences one's ability to participate given internal and external socioeconomic factors.

The literature search included use of the databases available at the University of the Witwatersrand and the Internet. Key words used to guide the literature search included participation, public policy, social exclusion, human agency and democracy. As far as possible, the literature search was refined to sources that were published in the last 10 to 15 years. The main purpose of including international literature was to frame the context of the topic in a broader sense to allow for a comprehensive understanding of experiences and realities faced by international government systems.

This chapter will approach its analysis of literature through social cognitive theory in order to contextualise what influences participation and non-

participation between the state and its people. In order to understand the existing research that has been conducted and identify knowledge gaps to create an accessible environment for citizens and communities to participate in policy making processes in such a way that they have agency which allows them to practice access to democratic processes.

2.2. Democracy

Citizen participation is crucial in ensuring a cooperative institutional framework between the state and its people (Biegelbauer & Hansen, 2011). It allows citizens to freely express their rightful interests; it creates a transparent environment between citizens and political authorities; and it enhances the quality of public policy decisions and its implementation.

A true democracy, Pratchett (1999) argues consists of a government system that encourages citizen participation in all its activities. This notion of a true democracy, which requires transparent and consistent participation from citizens, serves two purposes (Pratchett, 1999):

- i. That the state adapts services or activities that fulfil the needs of its citizens and;
- ii. That it creates a platform for communication between citizens and the state

Breaking this down, Golubovic (2010) identifies two types of democracies, he differentiates between representative democracy and participatory democracy. Representative democracy is underpinned by involving regular, lay citizens to make decisions that affect them if actioned by the state and in turn creates an enabling environment for a more vibrant form of politics (Everatt et al., 2010; Golubovic, 2010; Pratchett, 1999). Participatory democracy allows citizens to influence policies continuously, in other words, engaging citizens regularly instead of only during traditional forms of participation i.e.

periodic elections and community forums (Brown, 2006; Font et al., 2015; Golubovic, 2010).

Brown (2006), further elaborates between the different elements that constitutes a democracy. These are authorisation, accountability, participation, expertise and resemblance (Brown, 2006). He believes that a true and representative democracy consists of a combination of these elements and that none of them can exclude the others. These elements combined is what forms the basis for a democratic governance system that is participatory and informed by the interest of the public through formal representatives in the state (Brown, 2006).

Iris Marion Young writes about two different principal models of democracy: deliberative and aggregative (see: Geczi, 2007). Deliberative democracy allows anyone who is affected by a political problem to raise their legitimate concerns and aggregative democracy is when society mobilise and argue their collective policy needs to the state (Geczi, 2007). Perote-Peña (2011) defines deliberative democracy as:

... a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future (Perote-Peña et al., 2011).

In an interview with Iris Marion-Young and Jane Mansbridge, Archon Fung (2004) asks both interviewees to unpack the problems they perceive to be the realities of the lay citizen who are working class and how this impact deliberative democracy. Young (2004) states that deliberative democracy should be supplemental to work and family life and that the concept in itself means that the people have a say in determining the 'working day' to allow them to participate (Fung, 2004).

Public participation in policy making decisions has its complexities and thus raises different questions about the different platforms of participation, how representation or people respond to certain policy initiatives, in particular considering access to these platforms (Font et al., 2015; Pratchett, 1999).

Hanna Pitkin (2006) argues that -

...representation is a complex concept that includes multiple elements (Brown, 2006).

Pratchett (1999) further describes three dimensions of responsiveness - the first is the issue of focus which he describes as the manner in which citizen preferences are gauged (e.g. the questions posed by the state), secondly, he refers to the organisational focus which is the level of the decision making process within the organisation in which these participation exercises occur and finally, the decision-making focus which refers to the effect that citizen participation has on actual decision making (Pratchett, 1999).

Table 1 - Dimensions of Responsiveness in Public Participation (Pratchett, 1999)

Dimension	Focus	Organisational Focus	Decision Making Focus
Description	How do we view preferences of lay citizens in the policy making process and how are these preferences used to inform decision making?	When and at what level (influence) does participation platforms occur and the influence of what the quality of interactions on final policy making decisions has?	Given the other two dimensions, to what extent does the participation influence actual decision making (to what extent)?

These different dimensions influence the way in which participation can be measured or gauged in terms of cooperation. Booysen (2008) and Golubovic (2010) describes three levels of cooperation between citizens and public entities – information, consultation and active participation. Reflecting on responsiveness, it is important to look at different levels of cooperation within a

democratically governed public system. These levels of cooperation are further described in table 2 below.

Table 2 - Levels of Cooperation between citizens and public entities (Booyesen, 2008; Golubovic, 2010)

Level of Cooperation	Information	Consultation	Active Participation
Description	Government informing citizens of its policy decisions (one-way flow of information)	Government seeking feedback from citizens on policy decisions before they are made (two-way flow of information)	Citizens take charge of policy making decisions by being actively involved in making recommendations or drafting a law (extended two-way flow of information)

Responsiveness and cooperation between the citizenry and the state can be defined in various ways and many factors play a role in its interpretation, but what is important for the purposes of this study is to identify whether responsiveness, cooperation and participation, in combination, have significant gaps in its implementation. Booyesen (2008) and Golubovic (2010) talks about their interpretation of consultation and that the different types of consultation when information is shared or received, can be divided into three types: one way flow, two way flow and active participation. Both authors describe one-way flow of information as a process that is either pushed by government or retrieved by citizens (as needed). They further state that this type of consultation, is actually just a way of informing citizens of policy changes and decisions as opposed to soliciting critical feedback or inputs (O'Keefe & Hogg, 1999). This level of cooperation is clearly linked to what Arnstein (1969) refer to as manipulation and therapy. This leads to the state legitimising and pushing their own policy preferences before the interest of the citizenry, which may not be in the best interest of the public (Jancovich & Bianchini, 2013) and can be linked to the characteristics of an elite policy making model (Bessant, 2008; Everatt et al., 2010).

2.3. Participation

Participation, for the purposes of this study, will be viewed as a tool of empowerment that allows people to take control of their destiny and influence policy making decisions based on their legitimate policy needs (Everatt et al., 2010). To understand what influences citizen participation and makes it valuable, participation by ordinary citizens in decision making is determined by two factors (Brown, 2006)

- i. the participant's competence; and
- ii. the quality of their contributions

Reflecting on Colebatch's (2006) comment on authority and power to participation:

A critical question for both analysts and practitioners is how people with little standing in the world of authority can challenge the existing order and participate in the policy process (Colebatch, 2006)

In order to understand the dynamics gives people the ability to participate, it is important to distinguish between power and influence. Talcott Parson's theory of steering media (see: Makarovič & Rek, 2014) will be applied as a basis to understand these two concepts better, which Makarovič (2014) identified as two separate forms of participation:

- i. Power – adopting decisions after they've been made
- ii. Influence – influencing decisions before they are made

These forms of participation only focus on definitions of power and influence, what it means and how it is applied in reality, but fail to take into consideration the competence and quality of contributions from these consultations and negotiations. There has been contestation across social disciplines about what these two forms of participation mean (Makarovič & Rek,

2014), how they are interpreted and what their respective impacts are on different parts of society (including political elites). Citizens with poor agency and standing in society hold very little power and their voices, although represented in various ways, are not strong enough to influence decision making on a state level. Human agency and political capital will be defined and unpacked later in this chapter.

The table below highlights the different types and forms of political participation as it relates to power and influence:

Table 3 - Forms of political participation based on power and influence to decision making (adapted from Makarovič, 2014)

	Types of participation	Forms of Participation
Power	Direct individual participation	Elections, public office holder
	Mediated organised participation	Membership of political party
Influence	Direct individual participation	Demonstrations, signing petitions, boycotts
	Mediated organised participation (inclusion)	Membership of civil society groups and organisations
	Mediated organised participation (representation)	Lobbying and advocacy given specific expertise

Active or direct participation is known as an advanced form of consultation where citizens are more hands-on with developing, shaping and influencing public policy decisions through membership of committees, demonstrations, holding public office and signing petitions (Booyesen, 2008; Golubovic, 2010; OECD, 2001; Pratchett, 1999). It allows a more representative structure to participation and freedom of choice and association as opposed to one-way flow of information, which can be viewed as passive participation that refers to citizens being informed after a decision has been made without their inputs or ability to influence the outcomes (Font et al., 2015; Golubovic, 2010;

Jancovich & Bianchini, 2013). Thus, they lack power to influence policy due to their choice in participation type and form as opposed to the barriers they experience to participation in these platforms.

Types and forms of participation do not only play a key role in defining how people choose to participate, but how the state sees citizens mobilising and organising themselves can significantly impact how their participation is perceived.

These levels of participation that Arnstein developed in the 60s and the various other literature referred to above regarding participation and to what extend platforms exist and how they are used distressingly points out the reality that all this information is good to know, but their applicability given one's social and economic environment is hugely impacted by how they are accessed.

Civil society organisations (CSO) have gained more popularity over time, locally and internationally (Armstrong, 2002). CSOs can be defined as a form of participation that is mediated and organised to increase the power of the individual and their influence (Armstrong, 2002; Makarovič & Rek, 2014). CSOs have two key roles in the process of citizen participation:

- i) Firstly, they are used as a tool to help citizens organise themselves, mobilise resources and create collective platforms to express their legitimate interests; and
- ii) Secondly they can be a legitimate party - representing the views and interests of citizens (as a collective) (Golubovic, 2010)

The European Union published a White Paper in 2001 (Armstrong, 2002; Geczi, 2007) recommending that all its institutions must involve CSOs more actively in decision making processes, including developing standards, principles and systems for transparent participation.

The role CSOs play for marginalised communities to influence policy decisions has become very important (California State University Long Beach, 2002; OECD, 2001; van Donk, 2014), but often these CSOs are run by experts who are not in the same social class as their constituents and its representation is skewed or misrepresented (Stewart et al., 2008). This of course could potentially lead to the decisions taken in the name of the constituents into disrepute. A form of elite policy making and manipulative participation (Arnstein, 1969; Everatt et al., 2010). There is another danger that the lack of participation from civil society can further distance the citizenry from the state and lead to mistrust between government and subsequently negatively impact future engagements between them (INVOLVE, 2005).

Another form of participation that has evolved over time is through digital technology i.e. social media, to participate in a democracy (Gabel, Goodman, & Bird, 2016). It allows people who normally would face physical barriers to accessing participatory platforms to do so from wherever they are, given an internet connection, hardware and software. Gabel et al. (2016) writes about First Nation communities in Canada whose levels of participation is extremely low and government as well as the First Nation leaders are looking to technology to address the challenge of participation by this population.

Being a marginalised community due to their socio-economic status in the country and past injustices, platforms must be created that is accessible and meaningful to them and their legitimate policy needs (Gabel et al., 2016).

Participation through digital technology allows people who normally would passively participate (watch policy decisions unfold without getting involved), to actively participate and raise their opinions through online platforms (Gabel et al., 2016).

Using technology, we will soon see the rise of a new participant in the democratic process one that doesn't respect barriers of hierarchies and expertise (Balling & Kann-christensen, 2013).

The barriers that has been identified by the authors include anger and feelings of being disconnected from the institutions that represent them, lack of representation in public office and party leadership not prioritising their needs and issues as well as a lack of understanding of the processes involved (Gabel et al., 2016). This is significantly important for vulnerable and marginalised populations to allow them to participate considering the socioeconomic and physical barriers to participation that they currently experience.

Figure three below highlights the advantages and disadvantages of citizen participation in decision-making processes. It discusses the importance of education, cost, empowerment and political suasion as advantages, and complacency, representation and authority as disadvantages (Irvin & Stansbury, 2004). It goes further by using the analysis from Irvin and Stansbury (2004) to find the sweet-spot that makes citizen participation more effective, successful, useful and mutually beneficial to both citizens and the government (Golubovic, 2010; Irvin & Stansbury, 2004; van Donk, 2014). Their analysis concludes that it is critical to understand the dynamics involved in participation processes relating to the policy issue (technicality), the community (perceptions and involvement) and the resources required to find the balance (costs, time, efforts) (Irvin & Stansbury, 2004).

Advantages of Citizen Participation	The 'Sweet-Spot'	Disadvantages of Citizen Participation
<p>Education – an educated citizenry can inform policy decisions better and improve its social and environmental outcomes</p> <p>Political Suasion – Government showing interest in the opinions, preferences and needs of the citizens</p> <p>Empowerment – regular citizens to become legitimate stakeholders in decision making process</p>	<p>A citizenry that volunteers to participate for community benefits and is not hostile towards government (relationship building)</p> <p>Grouping of representatives geographically to speed decision making (homogenous community to represent)</p> <p>Allowing citizen groups to have legitimate authority in decision making processes (authority)</p> <p>Policy implementation respects participation for its success (dependent relationship)</p> <p>Sufficient information is provided regarding the decision to allow meaningful participation (education and information)</p>	<p>Cost – Extensive public consultations and discussion forums require resources, but also the time and effort from public sector employees</p> <p>Complex relationship dynamics –a citizenry that doesn't trust government is harder to penetrate for meaningful debates around decisions</p> <p>Complacency – Although the public demands participation and extensive consultations, their intent to participation doesn't match reality</p> <p>Representations – large, diverse and complex groups of citizens could lead to inequality in representation of forums</p>

Figure 3 - Advantages and Disadvantages of Citizen Participation (Irvin & Stansbury, 2004)

2.4. Social Exclusion

Anyone can participate in policy decisions if they meet the criteria to. In the case of democracy, this criterion is set using a variety of factors. Some people are excluded from this criterion not based on legislative or institutional obstacles, but because of their socioeconomic status within their community and general society (Biegelbauer & Hansen, 2011; Font et al., 2015; Pratchett, 1999). A concept which will be referred to as social exclusion for the purposes of this study, which Stewart et. al. (2008, p. 78) define as:

...deeply embedded societal processes whereby certain groups are unable to fully participate in and benefit from major societal institutions and experience economic, political and social deprivations and inequalities (Stewart et al., 2008).

The UK government's Social Exclusion Unit (2005, p. 3) defines social exclusion as:

... more than income poverty. It is a shorthand term for what can happen when people or areas face a combination of linked

problems such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, bad health, family breakdown. These problems are linked and mutually reinforcing so that they can create a vicious cycle in people's lives (HM Government, 2008).

Du Toit (2004) argues that the definitions of social exclusion above, require a move beyond the simplistic use of exclusion and inclusion, to:

... concepts that allow for a much more sensitive analysis of the links between livelihood dynamics and the broader discursive, social and spatial formations of power (Du Toit, 2004)

The definitions above as well as the addition by Du Toit (2004) indicate how social exclusion influences people's ability to have voice, power and influence. Linked very closely to the argument of Makarovič (2014) that measuring participation should be closely linked with how much power and influence the intended participants have on final policy outcomes, which should be further linked to Booysen (2008) who stresses the importance of understanding the quality of people's inputs during consultative forums and participation platforms. Socioeconomic factors such as poverty, unemployment and lack of skills strip people's agency and creates barriers for them to participate in policy making decisions (Davies, 2005; Du Toit, 2004; Stewart et al., 2008).

Du Toit's (2004) study in the Western Cape reflects on the exclusion of farm workers and their lack of participation in policy decision making processes, even though they play such an important role in the production of produce on the farms, regardless of their importance and key function in this system of production, they still lack agency due to poverty, lack of education and stigma. During his analysis of the approaches to social exclusion, he talks about the centrality and importance of excluded groups due to societal norms (Du Toit, 2004). For example, the fact that a member of society is unemployed because they are unskilled or uneducated doesn't mean that they cannot participate in

policy making decisions, it just means that their ability to participate is significantly less compared to someone who is employed and educated (Du Toit, 2004). The structural drivers that influences one's ability to participate is not considerate of the realities.

2.5. Human Agency

Social Cognitive Theory explains the causal factors between an individual's behaviour, personal and the current environment and how these three factors interplay on their ability to learn and participate in society (Bandura, 1988, 2001b). Bandura defines social cognitive theory as:

...learning occurs in a social context with a dynamic and reciprocal interaction of the person, environment, and behaviour (Bandura, 2001b).

This is also known as the theory of social learning (Glanz, Lewis, & Rimer, 1997). It unpacks how a person's learning capabilities are directly linked to their experiences, social interactions with others and external influences i.e. the media, culture and social norms (Bandura, 1988, 2001a, 2014). The illustration below schematically outlines how these factors, through a multidirectional cycle are placed.

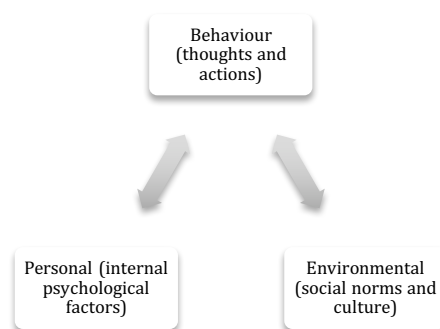


Figure 4 - Social Cognitive Theory Constructs (Bandura, 2001; 2014)

Table 4 - Concepts of Social Cognitive Theory Descriptions (Glanz, K. Lewis, F & Rimer, B., 1997)

Component	Description
Personal	Personal regulation of behaviour and how this impacts on

	goal direction and performance i.e. self-motivation and confidence.
Behaviour	A person's knowledge and skills to do something or perform an action.
Situation	Environmental factors that are external to the person and affects a person's behaviour i.e. opportunities and social support

The various dynamics that influence the make-up and enforcement of these concepts are affected by one's immediate surroundings (Bandura, 2014). For example, self-influence as part of these properties plays a significant role in whether someone will execute their forethought, seriously consider their self-reflectiveness or set their intention on something that is out-of-their-reach. Bandura (2014) identified four core properties of human agency, these are briefly described in the table below:

Table 5 - Properties of human agency (Bandura, 2014)

Type	Description
Intentionality	Individuals and groups sets themselves intentions, which include actions on how to realise them
Forethought	Setting oneself goals and ensuring that you take the actions now in order to realise them
Self-reactiveness	To apply the intention and forethought to actions that are realistic, planned, motivated for and executed accordingly
Self-reflectiveness	Looking internally, self-reflectiveness is about reflecting within one self to make sure that the actions we plan to execute have meanings and add value to our lives. If not, they re-adjust

Bandura (2014) further distinguishes between three modes of agency: individual, proxy and collective. Individual or direct personal agency refers to the ability of a person to have control over their social conditions and institutional practices that affect their daily lives (Bandura, 2001a). Proxy and collective agency is often a result of people not having direct control over their lives or the conditions they live in. This evolves from an individual agency to socially mediated agency (Bandura, 2001b, 2014) – reaching out to others with

the necessary resources, knowledge and means to realise their intentions or forethought, because they don't feel that they can, because they lack agency.

2.6. Political Capital

Claire Benit-Gbaffou and Obvious Katsaura (2014) refer to a concept called political capital that leads to political legitimacy.

We understand political legitimacy as resulting from the use of political capital that can be accumulated, invested, maintained, converted, grown, spent or lost. Like other forms of capital, political capital can be incorporated (or embedded) in the leaders' habitus, in what we understand as political 'skills', leadership, charisma, ability to speak in public, to negotiate and debate, etc. (Bénit-Gbaffou & Katsaura, 2014: 1813).

In the case of lay citizenry who do not hold any social or political capital i.e. factors influenced by education, social class, status or wealth that leads to influence, this could lead to marginalisation and cause social exclusion (Stewart et al., 2008). This exclusion causes those who do not hold any capital the inability to participate and contribute towards policy decisions. These concepts continue to highlight the risk of exclusion of some due to their social capital factoring in power and legitimacy which should not. Similarly, the aspect of personal human agency and collective agency plays a significant role in understanding these concepts.

2.7. Legal and Policy Frameworks

It is important to understand the nature of citizen's rights to participate in terms of legal frameworks. In South Africa, the three key instruments or legal frameworks that govern public participation are the Constitution, the Local Government Municipal Structures Act 117 of 1998 and the Local Government Municipal Systems Act 32 of 2000 (Booyesen, 2008; Gauteng Provincial Legislature, 2016; Mubangizi & Dassah, 2014; van Donk, 2014). Chapter 3 of the Constitution recognises the importance of local government, closest to the

citizenry to involve them in policy making (Mubangizi & Dassah, 2014). Chapter 7 lays out the ideals of local government and states the importance of its involvement of citizens in local government matters (Mubangizi & Dassah, 2014). Chapter 4 of the Municipal Systems Act is dedicated to how public participation should be participatory in terms of creating conditions that allow for public participation, but also to increase the capacity of the local communities to participate more meaningfully in governance matters (Mubangizi & Dassah, 2014). It guides participation to such an extent that it instructs municipalities to encourage and create conditions for the participation in governance matters including the Integrated Development Plan, the performance management system, overall performance, budgeting processes and strategic decisions that influence service delivery and operations (Mubangizi & Dassah, 2014).

In total – at the legislative and policy levels – public participation in South Africa is held in high regard and given much prominence. The problem, however, is how to operationalise the implementation process and, in this way, make community participation central to local government activities. In fact, the existence of legislative and policy frameworks on public participation in South Africa is not necessarily an indication that all is well with participatory practices. It appears that legislation and policies have been deliberately designed not to imbue public participation with any genuine power (Mubangizi & Dassah, 2014).

The following table outlines the key legal and policy frameworks in South Africa as well as the draft policy guidelines that enacts public participation in government operationalisation:

Table 6 - The key legal, policy and guideline documents that govern public participation in South Africa (Mubangizi et al., 2014)

Legal Framework	Citation
Constitution of the Republic of South Africa	Chapter 3 Chapter 7 Section 118 (1) Section 152 (1) Section 195

Local Government Municipal Systems Act 32 of 2000	Chapter 4 Section 16 Section 17
Local Government Municipal Structures Act 117 of 1998	Section 72 Section 73
Policy Framework	Citation
White Papers	White Paper on Transforming Public Service Delivery – Batho Pele, 1997
	The White Paper on Local Government, 1998
	Guidelines on Operation of Ward Committees, 2005
Policy Guidelines	Relevant Guideline
	The Community Participation Framework Document, 2007
	The Draft National Policy Framework for Public Participation, 2005

The legislative frameworks are specific to South Africa. Compared to other countries, for example in Hungary, the Constitution legally requires government to work closely with CSOs to carry out its duties (Golubovic, 2010). In Romania the *Sunshine Law* was published in 2003 which forces government to consult citizens in the process of adopting legal acts (Golubovic, 2010). In Bosnia-Herzegovina, citizens must be consulted through a process of posting a draft legal act on the government's website for inputs and comments from citizens (Golubovic, 2010). In the United Kingdom, public consultations are governed by the Code of Practice on Consultation (2004), it goes into as much detail as giving seven principles (see: HM Government, 2008) that the state must adhere to when developing public policies and how it should go about involving and consulting citizens (Golubovic, 2010).

Given the principles of participation, democracy and legal frameworks discussed above, actual participation of citizens in policy making processes are still unstable and cannot be guaranteed by default (Jancovich & Bianchini, 2013). It is common for scholars to assume that citizens want to actively participate in policy making decisions, but a study found that the majority of Americans prefer

to observe the unfolding political system they live in instead of actively participating in decision making structures (Font et al., 2015). The general feeling of the study population was that Americans prefer to allow experts to make decision on their behalf. This concept has given rise to a governance model known as expert based governance (Font et al., 2015; O'Keefe & Hogg, 1999) and can be linked very closely with the characteristics of elite policy making (Everatt et al., 2010) as discussed earlier.

This could be due to the fact that citizens want to continue with everyday life and do not necessarily have the time to participate in forums or citizen panels. Furthermore, evidence has shown that participation of citizens is also linked to their perceptions and attitude towards government. An empirical study in Bangladesh concluded that the level of participation in decision making of local citizens in development projects has failed due to continued government corruption and dysfunctional political systems (Waheduzzaman & As-Saber, 2015). These factors all influence the citizen's lack of respect for the government and has left Bangladeshis feeling like their contributions and inputs are not respected. Similarly, in South Africa millions of citizens voted in 1994, but due to increasing corruption, poor leadership and mismanagement of public funds, the South African population has lost hope (Kardas-Nelson & Fogel, 2014). This leads to the general assumption by the citizenry that state officials are not interested in respecting legal institutions and frameworks that require their participation.

A study conducted amongst 2500 Spaniards where respondents had a choice between three preferences for decision making models – representative, expert-based or participative found that, similar to Americans, they prefer the central position of policy making (Font et al., 2015).

In this study, the preferences to participation by sex workers' were gauged, but taken a step further to understand the secondary and contributing

factors that affects these preferences. This will inform the identification of barriers to participation from a socioeconomic perspective.

2.8. Conclusion

This chapter highlighted the different types of democracy, democratic theory, models and dimensions of democracy to showcase its applicability to public participation. Doing so allowed for a better understanding of the foundation in which public participation is rooted and how it should be applied within public participation frameworks and institutions. Specifically relating participation to Arnstein's ladder of participation and how the different levels are impacted by power and influence of the participant. A further investigation into social exclusion and human agency's impact on participation has been highlighted as key to the ability to participate and socioeconomic factors' contribution to the challenges and barriers faced by marginalised populations to meaningfully participate in public policy decisions have been explored.

This leads to question how social values, norms and culture impacts on a person's ability to participate, especially if individual's form part of a marginalised group whose agency is significantly compromised due to stigma and exclusion and factors beyond their control. This research project will identify the barriers sex workers face to participating in public policy decisions and how these factors affect their ability to voice their legitimate policy needs and concerns.

The table below plots the analytical framework that was used during this research project.

Table 7 - Analytical framework of research questions against research theme, Author

Analytical Framework			
Theme/Issue	Author(s)	Data to gather	Research Question

Participation	(Arnstein, 1969; Booyesen, 2008; Irvin & Stansbury, 2004)	Ask sex workers to unpack what keeps them from participating in public policy forums/community meetings	What are the barriers that sex workers face to participate in public policy decisions?
Social Exclusion	(Bandura, 1988, 2001a; Davies, 2005; Stewart et al., 2008)	KII and FGD participants to explain i) why they are socially excluded as a marginalised population and ; ii) how this affects their vulnerability	How do the perceptions of policy makers and society influence the ability of sex workers to participate in policy making decisions?
Agency	(Bandura, 2014; Bessant, 2008; Houghton, 2015; Smith et al., 2000)	To understand from both KII and FGDs how factors like confidence, social exclusion and stigma affects a person's human agency, power, voice and credibility in society	What are the human, social and political agency of sex workers and how does it influence their ability to participation?

Chapter 3. Methodology

3.1. Introduction

The purpose of this chapter is to outline the methodologies applied during this research project. The research methods and analysis during this study was qualitative. Data sources include key informants (i.e. policy makers, policy analysts, academics and lawyers) and active commercial sex workers living around Johannesburg, South Africa. A total of six key informants were interviewed and one focus group discussion with six sex workers were conducted. The original intent was to have two focus group discussions, but due to the availability of sex workers to participate, the second focus group discussion was not possible. The following section outlines the research design, methods, tools and analysis approach of this research project.

3.2. Research paradigm

The research paradigm is used to make sense of subjects or topics given the complexity of a problem. A research paradigm can be defined as:

... a model or framework for observation and understanding which shapes what we see and how we understand it (Babbie, 2015, p. 32)

Babbie (2015) further states that it is important to be aware of the paradigms of a research topic and the data that it will collect in order to:

- Understand others' views and perceptions that are different from your own;
- Gain new insights into information when stepping outside of your own paradigm.

Considering the realities of sex workers, what a sex worker's life is like on a daily basis and that NGOs are working to empower sex workers to question the

status quo, it is important to be mindful that this self-reflection (Bandura, 2001a, 2014) is influenced by what sex workers know, as opposed to what they should know (a gap exist between the two, which requires critical thinking and approaches to highlight and ensure inclusion) (Leonardo, 2004). It requires a constructivist paradigm which indicates that 'reality' is that which is subjectively experienced by individuals and differs between people and communities. The paradigm of this study was to remain unbiased and central to the opinions people have of sex work and about sex workers.

The research methods and data analysis of this study was qualitative. A qualitative data collection and analysis approach allowed for the in-depth interpretation and themed analyses of the barriers sex workers face to participation. The data was interpreted and examined to allow a story to unfold and narrate an understanding of the experiences and knowledge of sex workers and how this influences their ability to participate (Wagner, Kawulich, & Garner, 2012).

Creswell (2005) defines qualitative research as:

A type of research that relies on the views of participants, asks open-ended questions, reduces information to themes and conducts an inquiry into a topic in a unbiased and subjective matter (Creswell, 2005).

In other words, the application of qualitative research in this study was used to identify underlying factors that causes barriers to participation i.e. social values and perceptions, morality and agency. Doing so allowed the researcher to process the information received in order to understand the social phenomenon of sex workers and their ability to participate (Wagner et al., 2012). Mack et. al. (2005) summarises the characteristics of qualitative research designs as follows:

Table 8 - Characteristics of qualitative research design methods (Mack, et al., 2005)

Characteristic	Qualitative Characteristics
Framework	Uses semi-structured methods of collecting data e.g. in-depth interviews, focus group discussions and observation
Analytics	To qualify, describe and explain variations and relationships
Question format	Open-ended
Data Format	Textual
Flexibility	Flexible and iterative design methods

Based on these characteristics, this research project's framework, analysis, questions and data format was qualitative. Bhattacharjee (2012) and Wagner et. al. (2012) describes four different types of research:

Table 9 - Four different types of research (Bhattacharjee, 2012 & Wagner et. al., 2012)

Research Type	Description
Exploratory Research	This type of research looks into new areas of inquiry to gain a better understanding of new phenomena to create new insights if inquiry
Descriptive Research	It describes and observes specific areas of interest/phenomena. Can be viewed as very scientific and orderly
Explanatory/Analytical Research	Digs deeper into phenomena with 'why' and 'how' questions to gain in-depth understanding about a particular topic. Understanding the different factors involved in a specific research problem
Predictive Research	To speculate or forecast intelligently what possible futures could be. This speculation is based on evidence, facts and cause and effect

An analytical research approach was used during this research project to take the descriptive research approach a step further to explain the barriers that sex workers experience to participation and how these barriers affect their ability to participate in a democratic policy making process (Babbie, 2015; Mouton, 1996). The type of research that was conducted during this study was explanatory with some aspects being exploratory. Fundamentally, it wanted to identify the socioeconomic barriers experienced by sex workers based on their

realities and perceptions of policy makers (explanatory), but also dig deeper to understand what the root causes of these barriers (exploratory) were and what the impact is on sex worker's ability to participate in policy decisions and other participatory platforms within their local communities (Bhattacharjee, 2012; Wagner et al., 2012).

Bandura (1988, 2001a, 2014) talks about a reciprocal causation model in his theory of social cognition, which means that there is a continuous interaction between environment, personality and behaviour which influences how a person learns and interact with others in everyday life. These elements, discussed in chapter 2 of this research report in more detail, stems from social cognitive theory. Social cognitive theory suggests that people's agency is influenced by their environments, the way communities interact with them and what they think of themselves (Bandura, 2014). Within this context and framework, sex worker's social context was gauged qualitatively to measure their confidence to speak out and voice their legitimate policy concerns and needs in public forums.

The only practical way to do this was to speak openly and flexibly to sex workers during focus group discussions to gain a better understanding of the socioeconomic barriers they face in their lived realities. This will be unpacked further by understanding the views and perceptions of non sex-workers to understand whether stigma and discrimination contributes to these barriers or not (Makarovič & Rek, 2014) and how these combined concepts affects the agency of sex workers as individuals and members of society. In other words, the approach to this research cycle involves using social cognitive research as an entry point to generalise and understand through observations to determine whether sex workers' agency is affected (explanatory) and how these effects contribute to their social standing in society (exploratory).

Given the application of social cognitive theory and the theory of participation, a new lens of enquiry and additional framework of socioeconomic

factors will be applied to gain a deeper understanding of how factors i.e. poverty, education, skills, stigma and agency influence participation.

3.3. Research Design

The following table describes the different research designs that can be applied in social science research (Bhattacharjee, 2012):

Table 10 - Research Designs used in Social Science Research (Bhattacharjee, 2012)

Research Design	Description
Phenomenological study	Focusses on the understanding of realities and experiences as a source of knowledge to describe social reality from a diverse set of experiences and its symbolic meanings
Basic interpretive study	Based on the experiences and not just the observations of information being collected. The interpretation of a phenomena within the context in which it was developed or observed.
Grounded Theory	Building theories based on empirical observations by the researcher
Case Study	Investigates a specific case to explain a certain phenomena
Action Research	Observing and documenting the change and effects of a social phenomenon

The research design selected for this research project is a basic interpretive study. Doing so allowed for a deeper understanding and conceptualisation of sex workers lives based on the conversations during data collection as it relates to them and public policy making experiences.

Yin (2009) identified three primary considerations to ascertain the best design and methodology to use for qualitative research:

1. The type of research questions – how, why, what;
2. The extent of control the researcher has on the environment it is researching;

3. The degree of focus on contemporary events, as opposed to historical events.

Yin (2009) continues to state that the research strategy should not be identified using only theory and literature, but that the researcher should apply their minds to identify the forms of research and design that is most suitable to their research objectives. For this research project, key informant interviews and focus group discussions were chosen as data gathering methods to understand the richness and breadth of the research topic. Using primary data as a research design method from first-hand experiences allows for an in-depth understanding of factors that cannot be calculated or rooted only in evidence or theory, but subsequently understood and contextualised given a variety of experiences and literature from previous research. Semi structured formal interviews were used and qualitatively analysed as explorative and explanatory. The process was flexible in its application and allowed for interviewees (primary data source) to explain information shared relating to challenges and barriers that sex workers experience in policy making processes.

3.4. Data

Yin (2009) identified six sources of data that can be applied in a qualitative research study. Their strengths and weakness are:

Table 11 - Strengths and weakness of data sources (Yin, 2009)

Data Source	Strengths	Weakness
Documentation	Stable, unobtrusive, exact and covers a broad range of topics	Access, bias of interpretation of author
Archival Records	Same as strengths of documentation) Precise and quantitative	Same as weakness of documentation Access
Interviews	Focusses on the study topic, insightful	Risk of poorly constructed questions, reflexivity
Direct observation	Realistic and contextual	Time consuming, costly

Data Source	Strengths	Weakness
Participant observation	Same as direct observation Insightful into personal attributes	Same as direct observation weaknesses Researcher can manipulate events
Physical Artefacts	Insightful into cultural features	Selectivity and availability

The data sources used in this research project was primarily interviews, a group discussion and documentation review. The interviews allowed for the understanding of concepts, factors and experiences and the documentation was the entry point to understand the legal implications, frameworks and regulations that governs participation in a democracy.

Interviews during this research project included focus group discussions and key informant interviews, as described below:

Table 12 - Table of Data Sources

Data Source	Number	Method and criteria for inclusion	Tool	Participants
Focus Group Discussions	1	These were conducted with active commercial sex workers aged 18 years and older based in Johannesburg, Gauteng.	Semi-structured focus group discussion guide (appendix 9.4)	Practising sex workers aged 18 years and older (3 male, 3 female and 3 transgender)
Key informant	6	These were key experts within a	Semi-structured	Key experts involved in human rights, public

interviews with key subject experts		specific field relating to this study e.g. human rights, sex worker's rights, public health, academia, etc. (these include policy makers and advocates, technical experts and politicians).	key informant interview guide (Appendix 9.1)	health, academia and legal expertise programming for sex workers.
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The use of focus group discussion in qualitative research allows for a deeper understanding of complex issues like socioeconomic factors and cultural experiences (Bhattacharjee, 2012). The key features of a focus group discussion are that they (Wilkinson, 1998):

1. Provide access to the participant's own language, concerns and concepts;
2. Encourages a comprehensive and full view of the issue at hand;
3. Are an opportunity to observe the collective sense making.

Using focus group discussions allowed the researcher to explore participant's understandings of public policy and what it means to them. The underlying risk of focus group discussions is that one person can dominate the discussion and make others feel uncomfortable or afraid to raise their opinions (Bhattacharjee, 2012). During the focus group discussion, one participant dominated the discussion because she was older than the other participants and projected authority in the room because she believed she was more senior and has more knowledge of the industry than the others. The risk of her steering the

conversation was mitigated by the researcher who allowed other participants to voice their opinions in order to bring the conversation back in line with the enquiry to avoid a tangent that could influence other's opinions and inputs. This balanced itself out during the discussions as sex workers started to feel more comfortable to engage and give their inputs.

The focus group discussions were mobilised through the Sex Worker Education and Advocacy Taskforce (SWEAT) which advocates for sex worker's human rights and provides legal and psychosocial support to sex workers. The organisation is headquartered in Cape Town and has satellite offices across South Africa. Their peer educators assisted the research process to mobilise active sex workers over the age of 18 in the Johannesburg area to participate in focus group discussions. These discussions were moderated by the researcher and conducted in English. The discussions were conducted and guided through formal and structured interview guides. A translator was used due to the language barrier and included in the interview recordings. The participants from the focus group discussion were Sepedi and the translator had basic English capacity.

Through focus group discussions, in-depth insight was gained into the collective thinking of active sex workers. Their individual contributions and experiences to participation was observed during the discussions. The discussion sought to explore whether increased knowledge on the policy process influenced the sex worker's power, agency and preference to participate (Bandura, 1988, 2001b; Biegelbauer & Hansen, 2011).

The key experts on this policy issue included political principals, decision makers, policy makers, advocacy/human rights and public health experts. Using semi-structured questionnaires (see appendix 9.1 and 9.4) to gain insight into the perceptions of sex workers from non sex workers as well as responsiveness

of sex workers based on focus, organisational focus and decision making in the policy making processes (including knowledge, politics and empowerment).

3.5. Sampling

The study population of this research project was selected using purposive and snowball sampling methods. Purposive sampling refers to a strategy that uses pre-identified criteria to select candidates that are relevant to the research question (Mack et al., 2005). Due to the research topic, informants had to be purposefully selected based on their expertise and knowledge. Snowball sampling avoided any bias from existing and known networks of key informants and included an array of unknown experts working in the sex worker sector. Snowball sampling refers to a sampling strategy that uses existing participants or informant's networks to identify additional people to participate and contribute to the research study (Mack et al., 2005).

The researcher used his professional network of individuals who work in the area of sex worker rights, public health policy development and human rights to identify the first four key informants. Following the initial interviews, the researcher was referred to other key informants who were unknown to him. This ensured an unbiased selection of informants and interviewees. Following the purposive sampling strategy, snowball sampling techniques were used to identify five other key informants. The original research proposal targeted six to eight key informants and one to two focus group discussions. In reality, 11 key informants were identified and six were interviewed. One focus group discussion was conducted and not two.

Having had no responses to interview requests, follow up calls or emails, finally, six key informant interviews were conducted. These six interviewees were diverse due to the nature of the informant's background, their expertise and experience working with sex workers on public policy issues, and their

knowledge. Their respective expertise is reflected in table 13 below, using a coding method to guarantee the confidentiality of their identities:

Table 13 - Key Informant Interviewee Expertise and Location

Key Informant Number	Professional Expertise	Location
KII 001	Sex Work Decriminalisation Public Policy & Politics Strategy Development Public Health Biomedical	Gauteng, SA
KII 002	Human rights, public health access, sex work decriminalisation	Gauteng, SA
KII 003	Legal and human rights, sex work decriminalisation	Gauteng, SA
KII 004	policy, operations, programme implementation, human rights, legal, public health	Western Cape, SA
KII 005	Advocacy, human rights and sex worker empowerment	Western Cape, SA
KII 006	Academic in human rights, sex worker programming and biomedical interventions targeting marginalised populations	London, UK

The key informant interviews were conducted in-person and Skype. During all data collection methods, the researcher followed strict confidentiality and ethical procedures, protocol and processes.

The focus group discussions were found to be more challenging to coordinate. Prior to the start of the research project and during approval of the research proposal, SWEAT agreed to support the researcher by mobilising sex workers in the Johannesburg area to participate in the focus group discussions.

The original intent was that practising sex workers over the age of 18 would voluntarily participate in the discussions at a central location to be arranged by SWEAT. Two focus group discussions were scheduled and SWEAT was informed of the intention to conduct both in Johannesburg at their offices in Braamfontein. Following the receipt of the ethics clearance certificate (see appendix 9.7), final arrangements were put in place to conduct the focus group discussions on 17 November 2016. Upon arrival to conduct the focus group discussions, SWEAT informed the researcher that the sex workers were nowhere to be found and that there was a possibility the driver would not return with them for the focus group discussions. More time was allocated than originally planned to accommodate the late arrival of sex workers from their respective locations. The greatest fear of conducting the focus group discussions in their communities were that their identities would be exposed for attending a workshop with other sex workers. To address this fear, the focus group discussions were held in a space where they were not known or their identities could not be made public. This was partially to protect them from any harm that this information could get them into and provide them with a safe space to discuss the research topic and questionnaire.

Four hours after the originally planned time for the focus group discussions, six sex workers arrived at the SWEAT office in Braamfontein. They were short-tempered and frustrated to be pulled away from work to sit in a focus group discussion. They were provided with snacks and each given a reimbursement of R50 for their travel expenses to and from the focus group discussion location.

The second group of sex worker did not arrive for the focus group discussion. Plan B was to approach sex workers on the streets of Johannesburg to ask them a few questions to gauge their understanding of the policy making process, their preference to participate in policy decisions and to identify what their major challenges were to participation in their communities. Although an attempt was made to speak to sex workers as identified by their peers, they

refused to talk to the researcher fearing their pimps and or other gatekeepers would see them. A second attempt was made during a late evening in a suburb of Johannesburg where sex workers are known to work. Unfortunately, access to sex workers were not granted by pimps watching them from afar and managing their clientele, timings and revenue. The researcher found that after two attempts to conduct a second focus group discussion and individual interviews with sex workers that there is no possible alternative to approach them. Given the time constraints to this research project, the existing information proved to be sufficient to draw conclusions and inform the outcomes of the study.

In summary, six key informant interviews were conducted and one focus group discussion with six sex worker participants. The second focus group was not possible and the remaining snowball key informants did not respond to interview requests (and follow-ups). Although the limited number of focus group discussions have implications for the triangulation of data and its validity, the number of respondents in the focus group discussions was diverse and can be considered to be representative of other sex workers in the geographical area of the study.

3.6. Ethical Considerations

The required ethics approval was received from the Human Research Ethics Committee (non-medical) from the University of Witwatersrand's research office (see appendix 9.7).

Interviewees and participants in focus group discussions provided their full consent and understood and agreed that the interviews will be audio recorded. Confidentiality of responses during interviews and focus group discussions were guaranteed to all participants, but anonymity could not be guaranteed due to the fact that participants knew each other by virtue of their

involvement in SWEAT. Information sheets were provided to participants and copies of consent forms were available upon request. All participants were informed that they could opt out of the interview or discussion at any time should they feel uncomfortable and that their personal details will not be shared in the research report. These will be coded in such a way that only the main researcher knows their identity and protects their contributions during write-up.

This study adhered to national and international ethical standards. The research was conducted in line with the Codes of Ethics for Research on Human Subjects as outlined by the University of Witwatersrand.

The full time occupation of the researcher is at a private company that used to provide comprehensive health related services to sex workers through mobile clinics. This role and company requires engagement with sex workers that is not personal or financially driven, but more focussed on policy and global advocacy. This addressed the risk of skewed or biased data analysis and interpretation during this research project.

3.7. Conclusion

This chapter discussed the research methodology that was followed while conducting this research project. All research design decisions are supported by theoretical and academic principles and aligned with social science qualitative research methods. The research design, instruments and analysis framework discussed in this chapter allows the reader to fully understand the approach and selection of particular research methods, tools and design. Furthermore, it tells the reader what the original intent was in terms of data collection and sampling and what actually unfolded when the research was being conducted.

Chapter 4. Data

4.1. Introduction

The purpose of this chapter is to present the data that was collected during key informant interviews and focus group discussions. As discussed in chapter three, the data was analysed qualitatively. In preparation for the analysis of data (chapter five), the data is captured, categorised and presented through the following six themes:

- I. Legal
- II. Participation and Consultation
- III. Social Exclusion and Stigma
- IV. Knowledge
- V. Agency
- VI. Mobilisation and Organisation

Abbreviations for key informants and focus group discussions are referenced as KII and FGD, respectively. The data was collected from an array of policy makers and experts as well as active commercial sex workers. Four of the six sex workers were members of an NGO that represents them and advocates for their rights and two were not. Key informants included lawyers, academics, senior executives in the public and private sector and public health experts. This purpose of this research project was to identify the barriers sex workers experience to accessing participatory platforms in public policy making.

4.2. Presentation of Data

The themes used to categorise the data collected during this research project were identified and selected following a review of the information received from key informants and sex workers during interviews. Through these themes, the approach to present the data allowed for an analysis and deeper understanding of i) the perceptions of sex workers by key informants; ii) sex

workers' ability to contribute to public policy making processes; and iii) their respective understanding of what policy means.

4.3. Legal

The responses for nine out of 10 interviewees were that it is inherent to South Africa's democracy and its constitution to ensure a consultative and participatory approach to public policy making (Booyesen, 2008). However, the understanding and conceptualisation of policy differed significantly between key informants and sex workers. The major difference was understanding what a policy is and how it applies to one's everyday life. Six of the eight sex workers did not understand or could not define public policy. The other two sex workers said:

We know some, but others we don't know (FGD 001, 17 November 2016).

And

Yes, for example, they should not steal clients from each other as sex workers, those are some of the rules or policies she knows (FGD 001, 17 November 2016).

The reference point for sex workers on everyday policy was not to have sex with the police because it often leads to abuse or not being paid. This lack of common understanding and definition of public policy between policy maker and sex worker can be flagged as a key contributing factor for not realising the importance of participation of sex workers in policy making deliberations. Sex workers did not understand how their livelihoods are impacted by national policies, except for the policy that is getting the most media attention, which is the decriminalisation of sex work (FGD 001, 17 November 2016). Key informants knew exactly what the policy options were in terms of policy reform of the Sexual Offences Act and which policy platforms existed in South Africa and how

the public can access and meaningfully contribute to them. One responded noted that:

Yes, I think all of the government policies have got some sort of guideline like the National Health Department, all its policy making processes are stipulated in the National Health Act (KII 001, 16 September 2016).

Furthermore, one key informant highlighted that provincial and national government departments have their own guidelines and policies regarding participation in public policy making processes:

The South African constitution, typically municipal by-laws and municipal regulations have community forums or citizen panels that kind of institutionalise participation (KII 006, 30 September 2016).

One of the key informants who was involved in the review of the Sexual Offences Act 23 of 1957 said that the process was very long, complicated and requires consultation and participation from the public at every phase (KII 003, 27 September 2016). She said that the process to review the Act started in 1999 and the committee has since only published two papers (with the final report currently embargoed by the DoJCD). However, sex workers who were interviewed were not aware of this process, nor how to participate. They said they had never heard of these platforms and would not know how to participate due to complex language (FGD 001, 17 November 2016).

A key policy relating to sex workers in South Africa is the development and implementation of the National Sex Worker Plan (National Department of Health, 2016; SAFAIDS, 2014; South African Government, 2016; WHO, 2015). During the development of this plan, sex workers are believed to have been included and consulted. The process was coordinated by the South African National AIDS Council (SANAC). SANAC set up a technical working group to inform the development of the policy and this working group had to be

representative of multiple sectors and included sex workers (KII 001, 16 September 2016).

...The technical working group was established with the aim of including the beneficiaries of the plan (KII 001, 16 September 2016).

Furthermore, the process was time consuming and required significant resources to ensure sufficient consultation. During the focus group discussions, sex workers were asked whether they knew of this plan, how it was developed and whether they had an opportunity to provide inputs. They said that they did not and did not know how to (FGD 001, 17 November 2016).

When sex workers were asked whether they knew of any policies or regulations that governed participation of the general public in policy making, their response was generally that they did not:

We know some, but others we don't know (FGD 001, 17 November 2016).

Further discussions around policies which sex workers were aware of included a specific dress code when working during the day in residential areas, near schools or in public places.

one of the rules I know it is a dressing code like during the day I should not wear short skirts (FGD 001, 17 November 2016).

To them, this was a policy (in other words, a rule). They elaborated on the importance of not stealing clients from one another and to stay out of sight of police to avoid harassment.

In summary, there is a clear disconnect between the understanding of what policy means to policy makers and sex workers respectively. The

disconnect is primarily in the government's overt attempt to create platforms for participation of sex workers in public policy making processes, yet, because they remain criminals legally, the efforts being put in place to include sex workers in policy making is contradicting. Furthermore, this disconnect in i) the understanding of policy, its application and definition in everyday life; ii) the complexity and language barriers of policy making processes, and; iii) the creation of platforms to participate are key barriers in legal terms for sex workers to participate in policy making deliberations. Participation in these platforms require sex workers to speak out publicly about their work, but they fear stigmatisation, which becomes a barrier in its own right to participation, which comes through strongly in the data, discussed later in the chapter.

4.4. Participation and Consultation in Policy Making

The identification of sex workers on participatory platforms are mainly coordinated and managed through NGOs (KII 001, 16 September 2016). They work through strategic partners, call workshops to access sex workers, provide them with information about their rights to participate and ask them to participate in public debates. This process fails to reach sex workers who are underground or hidden. Not only are they unreachable, but their risk profile significantly increases and access to essential services such as psychosocial support, public healthcare and human rights services are hindered (KII 006, 30 September 2016).

Further to these attempts by the public sector to include sex workers in policy making platforms and discussions, their ability to speak out in front of others and their vulnerability to further stigmatisation is at risk and not being addressed.

They are saying even if it should be legalised but the stigma around it will never stop, because it is something that is sitting in the mind sets of individuals (FGD 001, 17 November 2016).

In other words, their vulnerability, because of their work, structurally excludes them from participatory platforms. Thus, participation of sex workers can be considered structurally biased and systematically exclude sex workers from policy making processes. Chapter 5 discusses these structural barriers in more detail under the themes of agency and social exclusion.

This leads to incidences where policy is developed without adequate consultation from sex workers and assumptions were made based on the perceived ideas of sex worker needs.

...a whole lot of assumptions are made in the interest of sex workers, but without consulting them, which leads to all sorts of failures to optimally address the problem that the policy is supposed to address (KII 002, 12 October 2016).

It is important to note that sex workers are not a homogenous group and there are many different levels of interest and understanding of policy. The level of knowledge about policy should be taken into consideration when interacting with sex workers who don't understand the modalities or legalities of policy making.

...for the most part sex workers have been excluded from all of these debates because a lot of the time sex workers are not knowledgeable about the policy which pertains to them (KII 007, 29 September 2016).

From discussions and interviews, participation of sex workers on public policy platforms are structurally biased due to stigma. This leads to automatic exclusion of sex workers from policy deliberations because of how people view them e.g. they are uneducated, are HIV positive, are animals, whores, etc.

Some call us animals (FGD 001, 17 November 2016).

Sex workers tend to internalise this stigma to such an extent that it influences their perceptions of themselves and creates another barrier to their ability to participate.

It will not change that much, because the fact will still remain, people will never accept what I am doing, so according to me the way things are, it is what I can live up on because nothing can change in connection with our life (FGD 001, 17 November 2016).

SWEAT raises awareness around policy making and reform amongst sex workers. It realised around 2012 that sex workers didn't understand the concepts of decriminalisation vs criminalisation fully (KII 006, 30 September 2016).

... beyond the word decriminalisation, sex workers didn't really understand what the legal model would entail and what the differences are and relative advantages and disadvantages are (KII 005, 26 September 2016).

The Gauteng Legislature, who is responsible for law making across the Gauteng province, convenes public hearings to get inputs from citizens before any legislation is passed in the province. This platform is realised in the form of workshops which is paid for by the legislature's budget as well as education programmes, community outreach and public awareness campaigns to empower citizens and marginalised populations to participate in these debates and discussions before enacting legislation, which it believes will strengthen democracy and ensure the realisation of a participatory democracy (Gauteng Provincial Legislature, 2016).

These are designed to empower marginalised sectors of society, such as stokvels, religious groups and Community-Based Organisations. Public awareness workshops educate the people of Gauteng on proposed Bills and how they can make input. Committees also use these workshops to get feedback from Citizens on issues of concern to the Province, such as Health,

Education, Housing, Environmental issues, and more (Gauteng Provincial Legislature, 2016)

This believe is the fact that the legislature recently facilitated a sector parliament for commercial sex workers in Springs (TMG Digital, 2016). It aimed to

...creating a platform for meaningful engagement between public representatives and commercial sex workers (TMG Digital, 2016).

The sector parliament wanted to:

...destigmatised, encourage engagements and recognise the work done to improve the understanding of the sex work environment (TMG Digital, 2016).

Some of the key discussion points on the agenda for the day was to review the position of government on the involvement of sex workers in policy making processes, address the rise in underage sex workers and promote access to the justice system for sex workers who has abusive clients, abusive police and human trafficking syndicates (South African Government, 2016; TMG Digital, 2016). After searching extensively and enquiring about the outcome of this sector parliament, no other information could be found – not a write-up, minutes or report was available at the time of this writing (February 2017).

A similar initiative was conducted by the Gauteng Legislature in 2014 as it realised there was a need for a constructive platform to discuss challenges experienced by this specific sector of society (South African Government, 2014). In its media advisory, the legislature states:

As a custodian of Public Participation in the Province, GPL observed the exclusion of Commercial Sex Workers from general society and the violation of their human rights due to the work they do (South African Government, 2014).

It goes further to state that:

Gauteng Provincial Legislature being a representative of the people resolved to intervene as providers of commercial sex work form part of Gauteng citizenry that deserve to enjoy the full benefits of democracy (South African Government, 2014).

These efforts by the Gauteng Provincial Legislature is a clear indication that platforms to include marginalised populations in decision making and general discussions are being prioritised. A key concern was the lack of reports or minutes from these sector parliaments. Having reached out to numerous contacts and conducting extensive online research, none of the reports or discussion notes from what was discussed could be found.

Sex workers said that they do not feel that their contributions matter when they are in these platforms, contrary to what policy makers say, some of them feel that they are only included for show (FGD 001, 17 November 2016).

Regardless of what is said about sex workers' lack of knowledge on the policy making process and the risk of them not being able to speak out when they need to, some of the committees require selection processes for a seat at the table. This risk leads to exclusion in participatory platforms as well as a key barrier to participation for sex workers. If a sex worker doesn't understand the complex processes they are required to be involved in, how are they going to interview for a place at the decision making table? This leads to the selection and recruitment of 'policy adept' sex workers exclusively, because it makes the work of the policy maker easier.

... but again those were the researched policy adept sex workers (KII 003, 27 September 2016).

Perception of sex workers from policy makers and experts influences their selection, their importance and the power of their voices. At first, one

respondent noted, the chair of a technical working group didn't want to include sex workers, because he felt that they were not technical experts (KII 005, 26 September 2016). The same respondent said that when she started working in the sector she had a very paternalistic attitude to the inclusion of sex workers on highly technical working groups and believed that she was speaking for the masses and understood their needs.

Building relationships with sex workers to gain their trust is equally important to convince them to participate.

Sex workers are actually voluntarily walking into these platforms and saying that I want to take part, I want to take part because I am tired of criminalisation, I want to take part because I am tired of this human rights violations that I face (KII 006, 30 September 2016).

This motivation and willingness to participate, extending participatory platforms to unreached sex workers proved to be successful. Sex workers noted that they like coming to these meetings and workshops (voluntarily) because in addition to learning about their rights and receiving prevention commodities i.e. condoms and lubrication, they are also educated about the process of legalisation and how they can voice their needs.

I go to Sisonke meetings because I learn about my rights (FGD 001, 17 November 2016).

A Cape Town based NGO's mission is to empower sex workers to make their own decisions. SWEAT provides their members with the skills and knowledge to participate meaningfully in policy deliberations and uses these networks to reach sex workers in the commercial sex industry who know what sex work is about, how it works, to provide them with a platform to speak out about their needs (KII 006, 30 September 2016). Through this programme, sex workers become a central part of their advocacy efforts for human rights, public health and psychosocial services. One respondent said:

... it forms a foundation for sex workers to have a voice and become the forefront in policy making, programme implementation and strategies (KII 006, 30 September 2016).

Sex workers felt that these workshops and seminars are useful, but often not realistic given their realities:

We need to make money to pay pimps, support our families and pay rent (FGD 001, 17 November 2016).

From a government perspective, participation and empowerment of sex workers to participate in public policy debates are being facilitated through sector parliaments for commercial sex workers (South African Government, 2014). These sector parliaments provide sex workers with an opportunity to propose legislation, make recommendations for improvement in the policy environment and have some decision making power, even just for a day (South African Government, 2016).

... A public participation desk at the Gauteng legislature was an attempt to get communities including kind of poor inner city communities involved in public policy debates (KII 003, 27 September 2016).

However, sex workers in the focus group discussion have never heard of these sector parliaments and fear that their participation in them will not carry any weight.

some they still have that lack of confident and still of embarrassment but sometimes of knowing what is eligible to them (FGD 001, 17 November 2016).

In summary, the ability of sex workers to participate in public policy making deliberations are largely influenced by stigma and knowledge. The barriers identified through the interviews and focus group discussions around participation include complex language used in policy deliberations, not

understanding the processes and systems involved and the exclusion of sex workers who are not policy adept. Furthermore, their internal and external stigma that comes from being a sex worker plays a role in being confident enough to speak about their needs and security.

4.5. Social Exclusion and Stigma

Social exclusion as both a theory and a construct influences perceptions of sex workers, leading to stigma and discrimination. Being forced to create their own social networks and seek support and help from organisations whose niche mandate is to empower them, sex workers are excluded from mainstream society and resort to interacting with people like themselves or hiding their identity in their communities to protect them from abuse, furthering marginalisation and discrimination.

Only the other sex workers on the street know me (FGD 001, 17 November 2016).

A policy maker noted that:

I think they [sex workers] are quite marginalised and excluded from society in general (KII 007, 29 September 2016).

Another respondent emphasised that:

I think sex workers are genuinely marginalised from society, they are dislocated from social structures, you know including families, churches, communities, I think they tend to be quite marginalised in general so I think they cannot engage with mainstream processes unless they're in networks or we reach out to them in very specific ways (KII 001, 16 September 2016).

Sex workers stated that:

So some treat us nicely, some don't according to how we are dressing (FGD 001, 17 November 2016).

And

So when we go to police stations or other places we will be called like names like “kwere-kwere” (FGD 001, 17 November 2016).

During focus group discussions, sex workers said they were often referred to as whores, criminals, drug dealers and scum by the people closest to them. There is a clear link between the perceptions of sex workers and morality. This is partially due to factors such as religion, stereotypes and social values (Richter, 2013).

...you feel embarrassed with the work that you are doing (FGD 001, 17 November 2016).

And

But I still feel stigmatised, I see stigmatise in myself without being stigmatised by people because of the word sex worker and the facts of seeing other sex workers (FGD 001, 17 November 2016).

Addressing participation of sex workers in public policy making deliberations means that social exclusion and changing behaviour towards sex workers must be a focal point for intervention. Although this might not be a realistic expectation, creating safe spaces for sex workers to raise their legitimate policy needs is in closer reach than changing the behaviour and attitudes towards sex work of the general society.

A further risk of social exclusion is that policy makers use sex workers as a token to participation, as opposed to meaningfully participating in policy deliberations.

There is a disconnect there that I am saying policy makers are open to their participation on the other hand I am saying there is exclusion (KII 001, 16 September 2016).

Policy makers need to be brought closer to the reality of sex workers, one respondent noted and agrees that there is tokenism in the participation of sex workers in the policy making process. A reason provided by an academic professor and international policy maker was that:

I don't think they have got a good sense of what they want yet, I mean I don't think they understand what the options are (KII 007, 29 September 2016).

Sex workers felt differently and said that they know what they want, but the people in power do not listen to them because they are not educated enough, they are just prostitutes who lack confidence:

...because sometimes when some of them are arrested they will fight with the police at the police station to tell them that this is our body and we are entitled to do this and that, but the only problem is some they still have that lack of confidence and embarrassment (FGD 001, 17 November 2016).

And

She is saying according with her own way for her she has gain confidence and she can stand in front of people and talk the way she is because through the education she gets (FGD 001, 17 November 2016).

The health sector realised, in 2008 (Stewart et al., 2008), that sex workers must become equal partners for sustainable programming and interventions to be effective (KII 005, 26 September 2016). The views on this prioritisation of government to include sex workers received criticism:

The way that it played out within processes I'm not convinced that there was sufficient respect for sex worker's views. (KII 006, 30 September 2016).

And

...they said they need mobile clinics because sometimes it is difficult for them to be going to the government clinic, because people they swear at them (FGD 001, 17 November 2016).

Tokenism and ignorance of the needs and views of sex workers affects their ability and vulnerability to speak out and voice their concerns.

... how it reflects on sex worker's self-confidence and engagement - if you are in a room where you have to break into sub-committees to discuss specific issues and within those smaller groups people say derogatory things about sex work or hold views like sex workers should just get another job (KII 002, 12 October 2016).

Sex workers are afraid and ashamed of what they do for a living, which means that even if they had a place to speak, they felt vulnerable and unable to (FGD 001, 17 November 2017).

The implications of social exclusion are far reaching:

...these things [social exclusion] are both economical and they affect the social environment and social life of sex workers and their children and when we go to whether sex workers have the ability to talk to a community forum without being excluded or marginalised or isolated, it is a problem because we have actually seen where a sex worker is part of the community, she goes to a meeting just about basic water needs and because she is known to be a sex worker in the community no matter how she has contributed in the community, when she voices out her needs about the community, about her livelihood in the community about her safety or about the need for service, it is often disregarded because of the morals, a sex worker can't actually say anything, you are demonic, you are a whore, you are without morals so there is nothing that you can say to the community (KII 006, 30 September 2016).

Community exclusion doesn't just affect the sex worker, but also his/her immediate family and more importantly, their children (KII 006, 30 September 2016). Religion and churches fuel stigma experienced by sex workers and contributes to their exclusion in mainstream society. If a sex worker lives in a community that is religious, they are destined to experience harsh stigma and even abuse at the hands of the religious members of society.

...for example very few of them, a much smaller proportion than in the general population, are church goers and that is kind of almost universal in the general population, so I think that is a kind of marker of social exclusion. The fact that they are not part of a church or has given up sex work because of religion leads to social exclusion (KII 007, 29 September 2016).

This belief from the community leads them to be excluded and marginalised to such an extent that nothing they say is of value or carries any weight (FGD 001, 17 November 2016).

No, we don't tell people, if someone sees me then I will run away from that place. Yes, I am saying that if someone recognises me on the streets or in my community, then I will move (FGD 001, 17 November 2016).

Sex workers themselves agree that they feel socially excluded from community forums. One sex worker said that if someone in her community found out what she did for a living, she would run away and not return.

Yes, she was staying there and someone recognised her then she moves (FGD 001, 17 November 2016).

She was ashamed of her work because it influenced the way in which people perceived her.

So some treat us nicely, some don't according to how we are dressing and how we should be dressing (FGD 001, 17 November 2016).

It is evident that social exclusion and stigma plays a big role in a sex worker's ability to participate in public policy or just general community dialogues. The lack of knowledge and stigmatisation of sex work are key contributing factors to the exclusion of sex workers in mainstream society, especially the power of their voice and their agency in participation platforms. Efforts from NGOs to increase the knowledge of sex workers on public policy issues does not really address how the mainstream society views sex work. This lack of knowledge increases the likelihood that sex workers remain secretive about their work and furthermore, morality and religion are the most relevant factors that influences broader society to interact with sex workers on an equal playing field.

4.6. Knowledge

All interviewees, including sex workers believe that not knowing the process for public policy making influences whether or not they want to participate.

In terms of ensuring access to meaningful participation, citizens in general must be informed about processes, expectations, their right to give inputs and be consulted (KII 005, 26 September 2016).

In the case for sex workers, they are often left behind and their inputs are rarely solicited because the majority of policy makers feel that it will not be meaningful and that the discussions are often so technical and strategic that they will not be able to keep up (KII 001, 16 September 2016).

Sex workers also felt that they would rather not contribute because they do not know enough or are not smart enough to speak the correct language in

the boardroom. When unpacking this lack of confidence and fear of speaking in a room of experts, sex workers said that they would rather let organisations like SWEAT, Sisonke and Women's Legal Centre represent them. These organisations know what they want, because they can talk to them and they are not judged by their level of education or the words they use.

Yes, I feel free because I can speak about anything with this organisation (FGD 001, 17 November 2016).

One responded referred to technical experts as a defining factor used to set up membership for technical working groups and committees (KII 005, 26 September 2016). When asked what she meant by a technical expert and whether that term excluded sex workers she responded that:

...there is a debate about what a technical expert actually is and on the one hand people might say a technical expert is somebody with knowledge that comes either from learned knowledge like having been involved in or having been exposed to research or having knowledge and expertise that comes from training and having worked in a particular area such as financing or HIV program delivery or policy making (KII 005, 26 September 2016).

This contradicts accepting sex workers' lived realities and experience as sufficient knowledge to make meaningful contributions to policy deliberations as experts in the field. It might not be formal education at a university, but their experiences should be enough to contribute to policy deliberations since it affects them directly. NGOs have taken on the responsibility and have made it their mandate to create awareness and increase knowledge around the policy development process to sex workers.

. ...we would have workshops once every two weeks, there was an increase in meetings where a more sophisticated understanding of the different legal models and their relative benefits was being debated and capacitate them with knowledge to understand the process... To educate them [sex

workers] about their rights and deepen their understanding about how current policy entrenches human rights violations and provides an environment in which police can act with impunity and clients can commit crimes against sex workers with impunity (KII 005, 26 September 2016).

SWEAT provides a six-week training (empowerment) programme for sex workers, free of charge, to teach them about law reform, lobbying, advocacy, media campaigning and how to articulate their needs. This programme arose because there was a realisation that sex workers do not have sufficient knowledge to voice their needs due to stigmatisation, oppression and the marginalisation they experience.

So, the empowerment program is basically to empower sex workers, capacitate them, make them realise their human rights, make them realise what is needed for law reform, how to participate in advocacy strategies and advocacy events and activities (KII 006, 30 September 2016).

Sex workers agree that these training programs are useful and give them the information they need to protect themselves and know their rights.

...sometimes of knowing what is eligible to them through the education they receive from the organisations (FGD 001, 17 November 2016).

Key informants believed that knowledge and being educated leads to power. Power to have a voice, to articulate needs and to be heard. The criticism of policy makers regarding the inclusion of sex workers in their committees or forums is that the majority of the sex workers they select or appoint are the ones who come across as educated, knowledgeable:

Well they are people who appear educated largely (KII 005, 26 September 2016).

The sex workers who understand and can navigate in a policy-maker filled room are the ones who are chosen to represent other sex workers. Especially at international conferences and workshops.

... for example one of them is on a couple of World Health Organisation technical working groups as well, so I mean they kind of had a bit of exposure (KII 005, 26 September 2016).

These sex workers are referred to as policy adept and when asked, sex workers said that there are a few of them and they mostly work in-house, not like them on the street (FGD 001, 17 November 2016).

The lack of knowledge leaves sex workers at a disadvantage to participate in policy making platforms and it contributes to their lack of human agency. This is used by policy makers as an excuse to exclude street-based sex workers from participation platforms. Regardless of this blatant tokenism and exclusion, sex workers choose to remain unseen and instead be represented by NGOs like SWEAT and Sisonke. Who in the meantime, provide them with training programs to educate them on their rights and advocacy mechanisms so that they can engage themselves and push for policy reform. Before then, this lack of knowledge influences the authority and power that sex workers hold and ultimately plays a significant role in their social agency and abilities to voice their legitimate policy needs.

4.7. Agency

Key informants believe that sex worker's agency has evolved over time. That platforms to voice their concerns are being developed. Sex workers however felt differently. Agency to them is not about platforms to participate, but about the confidence to speak out during these platforms, to feel safe and not judged because of the work they do.

...but the only problem is some they still have that lack of confidence and of embarrassment (FGD 001, 17 November 2016).

Key informants felt that specifically in the public health space, the voices of sex workers are being noticed by high profile policy makers and subsequently represented in the media.

One respondent noted that:

Yes, so I think those women [sex workers] don't have political agency, because they were not able to speak out (KII 003, 27 September 2016).

This came after a conversation about being empowered enough to speak in front of others about their needs. The respondent noted that she was an empowered white woman and understands how difficult it must be for a black, marginalised and stigmatised woman to speak out about an issue that the public already disapproves of. This leads to extensive stigma and discrimination due to stereotypes and doesn't make the process for sex workers to publically participate any easier.

I think that probably in terms of policy processes there's lip service about the real contribution that sex workers can make (KII 005, 26 September 2016).

This tokenism or lip service makes sex workers feel even more disregarded, leading them to confining themselves to their own communities. Their agency with their peers are on par which means they don't feel undervalued, 'less than' or disrespected.

Sisonke is the only option for them to talk to (FGD 001, 17 November 2016).

And

I mean my sense of sex workers is that they draw strength from each other more than from anyone else, so a community of sex workers might feel empowered in the sense that their own experience in the conditions that they live and support each other and on the street sometimes they do support each other in some ways (KII 003, 27 September 2016).

Sex workers agreed that instead of speaking to outsiders, they would rather stay within their own social circles, where discrimination and stigma is not as bad (FGD 001, 17 November 2016).

... but the only problem is some they still have that lack of confident and still of embarrassment but sometimes of knowing what is eligible to them through their education they receive from the organisations they know what is their eligible on, it is just that the confident of facing those people who have their own degrees sometimes there comes a challenge for others to express themselves (FGD 001, 17 November 2016).

Factors that influence the agency of sex workers according to key informants that were interviewed are believed to be poverty, lack of education and social capital, criminalisation of sex work, stigma and marginalisation. As highlighted before, sex workers agree that these factors influence how they feel about themselves and how they interact with people.

How the agency of a sex worker is affected in a community goes beyond their human rights needs. Wanting to log a complaint about municipal services comes under scrutiny because of the work she/he does, which is often disregarded because of stigma and this impacts their agency significantly.

... these things are both economical and they affect the social environment and social life of sex workers as well and their children and when we go to whether sex workers have the ability to talk to a community forum without being suppressed or marginalised or isolated, it is a problem because we have actually seen where a sex worker is part of the community, she goes to a meeting just about basic water needs and because she

is known to be a sex worker in the community no matter how she has contributed in the community, when she voices out her needs about the community, about her livelihood in the community about her safety or about the need for service, it is often disregarded because of morals, a sex worker can't actually say anything, you are demonic, you are a whore, you are without morals so there is nothing that you can say to the community that will carry any weight. (KII 006, 30 September 2016).

Sex workers are called animals, thugs, whores.

Yes, they call us different names and we feel pain because that is not what we are (FGD 001, 17 November 2016).

These names make them ashamed about the work they do, to speak out publicly about their experiences and voice their concerns about their safety.

They [sex workers] prefer to voice their needs through organisations like Sisonke and SWEAT because they feel too disempowered to speak out individually for the fear of being further stigmatised and abused (FGD 001, 17 November 2016).

One focus group participant said:

...that sometimes it's not like we don't know our rights, because sometimes when some of us are arrested we will fight with the police to tell them that this is our body and we are entitled to do this and that, but the only problem is that we still have that lack of confidence and feel embarrassed ... it is just that the confidence of facing those people who have their own degrees sometimes there comes a challenge for others to express themselves (FGD 001, 17 November 2016).

Vulnerabilities of sex workers due to marginalisation and stigma is further amplified when the people who should protect and provide them with services are the ones who treat them with violence and abuse (FGD 001, 17 November 2016). This is a big concern for implementers of programs targeting sex workers. The biggest risk is losing contact with sex workers because they go

underground and would rather suffer and die from abuse and illness than seek for help from police or public healthcare facilities (KII 003, 27 September 2016).

Well I think that sex workers started from a very low base, so clearly the majority of sex workers in South Africa are poor, uneducated, black and female, so for all of those factors they are lacking in social capital, their work is defined as illegal, so they lack agency and they are marginalised (KII 007, 29 September 2016).

One of the biggest factors that came to light during discussions was how stigma plays a key role in sex workers' experiences both in public service centres, their communities, families and within themselves. One sex worker believes that decriminalisation would not make a difference, because stigma is not regulatory or legal and a shift in the policy environment would not change the fact that their daily realities will continue to be difficult.

... even if it should be legalised but the stigma around it will never stop, because it is something that is sitting in the mind sets of individuals (FGD 001, 17 November 2016).

A policy maker asked a group of sex workers during a consultation workshop in their community whether they wanted decriminalisation and she recalls that:

... they didn't really care what the legal model was, as long as they were safe and had good relationships with police (KII 003, 27 September 2016).

Sex workers agreed wholeheartedly with this sentiment and emphasised that legalisation will not affect the stigma they experience, that the paper will not change their everyday reality.

They are saying even if it should be legalised but the stigma around it will never stop (FGD 001, 17 November 2016).

It is clear from the data that social exclusion, stigma and knowledge are key contributing factors that causes a barrier for sex workers to speak openly and freely about their policy needs. This lack of ability to identify publicly as a sex worker reduces their voice to just a criminal, whore, animal and prostitute. Their power and authority is thus reduced in terms of speaking about their basic human rights that extend beyond treatment due to the work they do, and also impacts their internal locus and value of themselves. Empowerment leads to an increase in social agency and political capital, but empowerment, as identified through the data, is only achievable if sex workers increase their confidence to speak up. Expecting sex workers to increase their agency through knowledge and education improve their ability to participate contradicts with the policy environment which criminalizes their work. They are systematically excluded from participatory platforms and have resorted to representation through NGOs to voice their policy needs. They have transferred a great deal of trust and power to a third party because they do not have sufficient agency to do it themselves. This representation has become a cornerstone for advocacy efforts through collective organisation and mobilisation.

4.8. Mobilisation and Organisation

Discussing participation, consultation, vulnerabilities and agency without considering the impact of organisation and mobilisation is fruitless (KII 001, 16 September 2016). Most respondents during the key informant interviews believed that organisation and mobilisation of a collective voice for sex workers is key and strategically more likely to make a difference:

I think the key is sex worker's self-organisation, that is why you know I am very supportive of the idea of Sisonke as a sex worker movement, because self-organisation brings a lot of things including the feeling that you can participate in something and be represented by people you know (KII 003, 27 September 2016).

And sex workers agreed;

Yes, we feel free because we can speak about anything with this organisation (FGD 001, 17 November 2016).

If you don't form part of an organised group, you could lose out on an opportunity to have your voice heard and your needs addressed:

...so I think generally we only accessed sex workers themselves if they were organised sex workers (KII 003, 27 September 2016).

And;

I would imagine that you would feel unable to speak out unless you are reasonably exceptional or unless you were organised, I think it is through mobilisation and organisation that people become empowered to speak out (KII 003, 27 September 2016).

Sex workers agreed with the responses from the key informants and feel that through organisation and mobilisation they are more comfortable to share their experiences, seek help and talk freely about their work (FGD 001, 17 November 2016).

Organisation and mobilisation gives sex workers a sense of power as a collective as opposed to individuals with little social agency, insufficient knowledge and who are labelled as criminals. The role that NGOs play to represent sex workers is critical in the efforts for both policy reform and sex worker empowerment.

4.9. Conclusion

The data collected during this research project highlighted four key factors that can be identified as barriers to participation of sex workers in public policy making processes. These are:

- I. Stigma and discrimination. Sex workers' fear of being judged when accessing services both within personal circumstances and their community influences their ability to participate and they choose to remain quiet or be represented by NGOs in public policy making processes;
- II. The level of understanding of what policy means to sex workers and policy makers differ significantly. The process of policy making is overly complicated and bureaucratic and sex workers lack the knowledge to participate, making them feel disempowered to speak about their policy needs;
- III. The vulnerability and labelling of sex workers as animals, whores and criminals further socially excludes them from social platforms to discuss policy needs; and lastly,
- IV. Sex workers lack social and political agency which has an effect on their confidence to publicly identify as sex workers and speak out about their policy needs;

The following chapter discusses this data against the literature that was reviewed, the understanding of these socioeconomic barriers by the researcher and finally drawing conclusions to identify the barriers that sex workers experience to participation of public policy making processes.

Chapter 5. Discussion

5.1. Introduction

This chapter discusses the data that was collected during this research project to identify the barriers that sex workers experience in public policy making decisions. The data is discussed against the relevant literature from chapter two and in line with the research objectives and questions from chapter one. In chapter four, six themes were used to categorise the data. These six themes were legal, participation and consultation, social exclusion and stigma, knowledge, agency and organisation. From these six themes, three have been selected for in-depth discussion to specifically answer the research questions.

5.2. Social Exclusion and Stigma



Figure 5 - Social exclusion and stigma key influencers, Author

Social exclusion, as defined in chapter two, is the exclusion of individuals from major participatory platforms due a number of factors which society view as non-traditional, immoral and against cultural practices (Stewart et al., 2008). This includes groups or populations like prisoners, sex offenders, racial groups and genders (Davies, 2005; Du Toit, 2004; Stewart et al., 2008). These populations who are excluded from society, often disregarded, have been found to have no real power and influence on societal issues (Du Toit, 2004; Makarovič

& Rek, 2014). Their voice is considered irrelevant based on who they are and their input will most certainly not influence policy outcomes.

Socially excluded groups, also known as marginalised populations are created through interpretation of religious and social values, culture and morals (Davies, 2005). The long-term impact of these factors on the everyday life of these excluded groups lead to them being isolated and vilified (Gabriel, 2012).

Sex workers are known to be a marginalised group who are stereotyped as criminals, sinners, animals and thugs (KII 002, 12 October 2016). Social exclusion has been found to be influenced mostly by socioeconomic factors i.e. poverty, lack of education, unemployment (Biegelbauer & Hansen, 2011; Du Toit, 2004; Everatt et al., 2010; Font et al., 2015; Pratchett, 1999; Stewart et al., 2008). The literature further indicated that social exclusion has an impact on an individual's ability to learn and interact with others (Bandura, 2001a, 2014; Du Toit, 2004) known as social cognitive theory and that this influences the level of power that an individual's voice has when interacting with others in their community (Bandura, 2001b, 2014; Du Toit, 2004; Makarovič & Rek, 2014).

It is evident from the data which was collected that sex workers are socially excluded from participatory platforms in public policy making processes. One sex worker referred to shame and guilt as contributing factors to her lack of interest in participation platforms within her community. This feeling of shame and guilt extends beyond the typical rhetoric that sex workers are labelled as animals, thugs, whores and criminals because of their work (FGD 001, 17 November 2016), but it really is about understanding how sex workers have adopted these labels as their own. In other words, how they have internalised these stereotypes to such an extent that they believe their exclusion in these participatory platforms is the norm and they are not educated or knowledgeable enough on the policy making process to participate (KII 005, 26 September 2016). This concept can be referred to as internal stigma (Pettifor et al., 2015).

According to key informants, the internal and external stigma arise from moral, religious and social value perspectives. Sex workers agreed that these labels make them feel that their voices are less important and cause a huge lack of confidence to speak out, even to their peers or immediate family. All focus group respondents highlighted that they feared 'coming out' to their families and immediate community members because of the prospect of further marginalisation and stigmatisation. The same was found from key informants who retained narrative distance from sex workers by continually referring to sex workers in their interview responses as 'they' or 'them'. The constant 'othering' of sex workers as 'them' leads to an automatic vilification (Gabriel, 2012) of sex workers by the people who are expected to represent them in policy making processes.

One sex worker in the focus group spoke about her child being bullied at school because the school community knows that she is a sex worker. When she confronted the headmaster about this, they said it was her choice to be a sex worker and they cannot guarantee the treatment of her children. The work she does is frowned upon. Based on this example, another sex worker said that she prefers not to disclose what she does for work due to her fear of further abuse and alienation from society.

The responses from both key informants and sex workers highlighted that a key contributing factor to social exclusion of sex workers in society is the lack of understanding from non-sex workers of who and what a sex worker is. This resonated with sex workers as a stereotype that non-sex workers place on them because legally sex work is criminalised in South Africa (FGD 001, 17 November 2016). This blanket stigma and discrimination sex workers experience leads them to being socially excluded from a variety of issues and social aspects of life within their community.

In essence, social exclusion means and can be interpreted differently by the respective data source in this study. i) Sex workers prefer to remain secretive about being a sex worker for fear of abuse, stigma and discrimination from their community. ii) Key informants believe that sex workers are indeed significantly marginalised, vulnerable and stigmatised firstly because of the work they do and secondly the reason why NGOs exist to give them the support they need to advocate for their rights. iii) Government believes that it is creating safe spaces to include sex workers in public policy making process e.g. the commercial sex work sector parliament. The latter being heavily represented by policy adept sex workers (KII 007, 29 September 2016). In most cases, a select group of sex workers are invited to participate in policy making and programme committees and forums. One key informant believed that sex workers didn't understand the strategic approach to policy making and that the issues that are being discussed might be too complicated for sex workers to comprehend. Sex workers confirmed that the language used in these policy processes is often complicated and too difficult to understand. Although this might be the case, it still fuels exclusion, to the extent that only sex workers within certain networks, who know the right people get seats at the decision making table because they have some level of knowledge and confidence to participate in the discussions in these committees. Tokenism is a key contributor to further exclusion of sex workers in the public policy making structures. One argument is to have platforms that are enabling and create a space where sex workers feel comfortable to speak in their own language, within their own communities, but more often than not, this becomes cumbersome for policy making institutions and eventually leads to amplification of this structural barrier to participation faced by a commercial sex worker.

However, none of these data sources discussed the interconnectedness of their interpretations and how they overlap. Regardless of how safe the spaces are that government creates and the NGO facilitated workshops, sex workers

fundamentally feel uncomfortable and excluded because of their fear of stigma, being negatively stereotyped and exposed as sex workers in their communities.

The fact that these issues are not addressed and currently completely disconnected from each other, poses a threat to the prospect of participation for sex workers. In other words, if a sex worker fears to be known as a sex worker due to stigma and discrimination based on societal values, which affects his/her quality of life, then their ability to speak about their legitimate policy needs as sex workers is compromised. Regardless of the platforms that are created by NGOs or government, the rooted issue of social exclusion is not taken into consideration to facilitate participation by the target group. These stereotypes influence how mainstream society views sex workers and to what extent they are accepted. Being accepted as a sex worker and being respected as a member of a community has been found to have different meanings (FGD 001, 17 November 2016).

Furthermore, during the key informant interviews, the researcher observed that there was a vast difference in understanding of what social exclusion meant for sex workers and key informants respectively. The former defined and understood social exclusion as a complicated concept and felt the closest thing they could think of was their fear to speak out in public due to their lack of confidence. This lack of confidence to speak out in public forums can be linked to internal stigma which leads sex workers to think that their opinions and needs are not worthy of being mentioned or addressed (FGD 001, 17 November 2016). Understanding of concepts and interpretation of what that means in one's reality becomes a barrier in the system. For instance, a policy maker feels that sex workers should be mobilised in a workshop or consultation platform to give them an opportunity to voice their policy needs. If this workshop or consultation takes place within the community of the sex worker, they will not attend. Like the data has shown, sex workers have an extreme fear for being publicly known as sex workers, especially in the communities they live

as this cause social exclusion. For the policy maker this might seem far-fetched, but for the sex worker this is their reality.

Social exclusion as a construct is prohibiting sex workers from speaking out at platforms and interpretation of what sex workers want or need is ignored. If, for example, a policy maker creates a public policy forum that they consider safe and transparent inside the community a sex worker resides, the sex worker already has fears of community stigma and discrimination if the people who live around him/her knew what they did for work. The sex worker will not attend these forums because he/she fears being recognised as a sex worker by someone from that community. The expectation from the policy maker and the reality of the sex worker is significantly different in this instance. A key informant mentioned that sex workers complained about losing income when they have to sit in workshops and participatory platforms (KII 001, 16 September 2016). Another discussed the underlying barrier that sex workers face where they cannot speak out about basic needs and community issues (KII 003, 27 September 2016). The lack of comprehension of the complexity of the issues that affects ability and meaningfulness of participation of sex workers, disconnect in understanding the deeper issues that influences the ability and meaningfulness of participation by sex workers in policy deliberations, is not given sufficient airtime.

In summary, sex workers are socially excluded from public forums and participatory platforms merely because they are sex workers, and the morality and social values of non-sex workers. The extent to which social exclusion is a barrier to participation is the disconnect between what social exclusion means for sex workers and policy makers respectively. This dissonance in understanding the underlying factors that contribute to tokenism, marginalisation and stigma is recognised as a barrier to participation from sex workers and policy makers alike. The following section discusses the impact of social exclusion on a sex worker's human agency to participation.

5.3. Agency

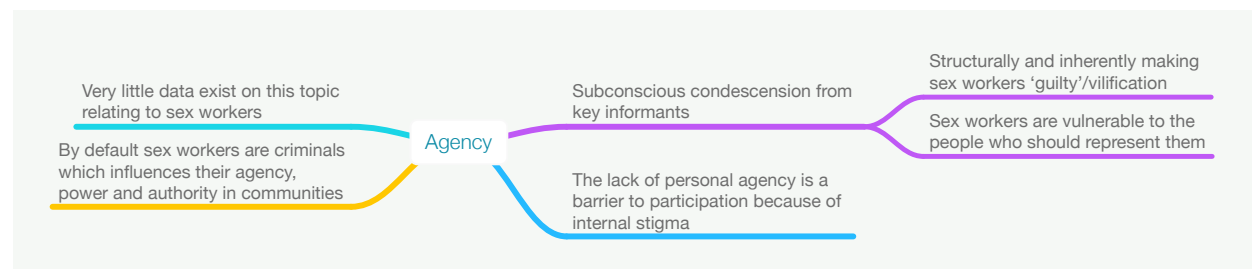


Figure 6 - Agency of sex workers' core influencers, Author

During the literature review, social cognitive theory was explored. This allowed the researcher to understand the link between a person's immediate environment and their ability to learn. In other words, the extent to which a person's human and social agency is affected by their daily experiences and circumstances (Bandura, 1988, 2001a, 2014; Smith et al., 2000). In the previous section of this chapter, social exclusion and stigma was discussed against the data which was collected. Part of that discussion included the realisation that social exclusion goes beyond the ability to participate, but includes influencers such as perceptions, discrimination, social values, morality and religion. These all create environments for sex workers to be stigmatised and furthermore leads sex workers to believe that the stigma they experience (the labels people put on them) are true. They thus internalise the stigma and reach a point where their agency is compromised due to both internal and external factors.

Both sex workers and key informants agreed that the agency of sex workers by default is very low. What this means to them is that sex workers felt guilt and shame about the work they do. This is true and has been confirmed by sex workers themselves who said that they feel guilty and ashamed about being a sex worker and will not tell people in their communities that they are sex workers. In terms of agency, the data shows another disconnect between definitions of agency and how this is linked to the ability to participation platforms for sex workers (Kariuki & Tshandu, 2014).

But what the data fails to unveil is whether the social agency of sex workers and the fact that they are socially excluded are taken into consideration when participatory platforms are created for public policy making processes. A second time in this chapter that a disconnect is identified between expectations of policy makers and the realities of sex workers. This disconnect poses a significant barrier to participation that goes beyond physical participation. This amplifies the notion that the disconnect between policy makers and sex workers are undervalued and not taken into consideration when establishing these participatory platforms. In fact, the original discussion in chapter two of this report distinguished between i) proxy, ii) individual and iii) collective agency (Bandura, 2001a). The findings show that sex workers feel that i) their proxy agency is mostly non-existent because they are unable to come out publicly as a sex worker due to fear of further stigma and exclusion; ii) their individual agency is compromised due to a lack of confidence; and iii) their collective agency, which is largely driven by NGOs who represent them, instils elements of tokenism that leads to the inclusion of policy adept sex workers only. The latter links closely with what Arnstein(1969) refer to as therapy and manipulation in her ladder of participation.

The proxy agency of sex workers is inevitably low due to the stigma and discrimination they receive from the public. Their fear of abuse, exclusion and further alienation from societal processes leaves them with little room to manoeuvre or find ways to meaningfully participate in policy deliberations. Whether it has to do with sex work or not, their ability to speak out openly as a contributing member of their respective communities puts them at a structural disadvantage which they do not have any control over. The need for change originates from the society for whom sex workers have little standing or agency. This change will not happen overnight and is controlled mostly by the media, high profile government official's policy initiatives and politics.

The individual agency of sex workers is compromised due to the lack of confidence to speak out. The internal stigma that the external alienation and stereotyping causes affects sex workers' self-value to such an extent that they believe that their contributions in policy deliberations is not of great value.

Their collective agency seems to be the strongest of the three agencies and is further evident from the comments from both key informants and sex workers on mobilisation and organisation. The role of NGOs in this instance their representation of the disempowered through their networks and lobbying efforts is increasingly important. Although, regardless of the work they do to advance the rights of sex workers, there seems to be another disconnect between the expectations from these NGOs and the realities of sex workers. The structural exclusion of non-policy adept sex workers on national and international forums must be further investigated before one can safely assume that the work the NGOs do is truly representative of the sex worker constituency. Furthermore, the data shows that sex workers' level of participation according to Arnstein's (1969) ladder can be identified as manipulation and therapy.

5.4. Organisation

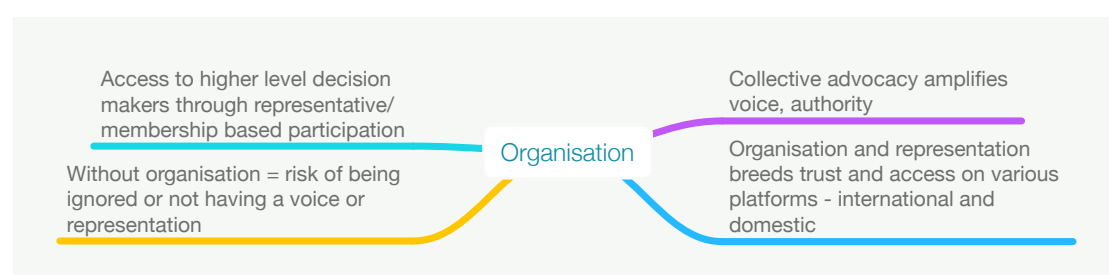


Figure 7 - Key findings regarding organisation and mobilisation, Author

Five out of six key informants highlighted the importance of organisation and mobilisation to support sex workers and increase their ability to participate and be consulted. Sex workers agreed that NGOs like Sisonke and SWEAT

represent their needs and advocate for their rights, but that they cannot always attend these workshops due to work demands and the risk of losing income. This is positive in the sense that their needs are collectively bargained at a policy level, but what also came to light during this research was that sex workers are often excluded from workshops with policy makers due to the fact that they are not knowledgeable enough or comprehend the policy language used. This leads to the inclusion of only 'policy adept' sex workers. Sex workers who have been taught the policy making process and have built a relationship with the NGOs outside of attending HIV prevention, care and treatment workshops. This is another type of exclusion of sex workers who are not members of NGOs. This in itself is a form of manipulation and therapy which exists within what the development world knows and identifies as advocacy mechanisms for vulnerable populations (Richter, 2013). And ultimately means non-participation and informing sex workers of public policy actions, as opposed to incorporating their policy needs.

Although mobilisation and organisation is a practical strategy for collective action and organised advocacy efforts, it remains largely exclusive in the sense that it is not inclusive of all sex workers. The sex workers in the focus group discussion felt that if they participated in these workshops, that these organisations would represent their interests because they are unable to articulate their own due to their lack of confidence and knowledge and their experiences of stigma, discrimination and stereotypes. When considering the amount of responsibility placed within these organisations to represent a constituency who is stereotyped as uneducated, black, female and poor, what is the power that it holds if its constituents are disempowered? The majority of key informants felt that organisation and mobilisation is key in advocacy efforts to improve access to public health services, decriminalisation of sex work and sex worker empowerment. Sex workers might not always understand the political dynamics and policy language that Sisonke's management refers to when they interact, but they know that the organisation itself is managed by sex workers

(past and present). Mobilisation and organisation is thus a key factor to consider when addressing the barriers that sex workers experience in policy making processes and organisation can be used as a vehicle for empowerment and behaviour change.

In Conclusion, the three themes that were found to be the most prominent during this research project were social exclusion, agency and mobilisation. These three factors are believed to be the most significant barriers for sex workers to meaningfully and freely participate in public policy making process. Because of these barriers, sex workers are unable to practice their right to democracy in South Africa for fear of further abuse and marginalisation. Sex workers themselves understand that their work is criminalised, but fail to understand why the general society excludes them from processes because they are deemed criminals and sinful. The perceptions of sex workers from society are so strong, that it outweighs the voice and policy needs of the sex worker. Ultimately, these barriers are beyond the control of the sex worker. It is easy to believe that the control of change is in the hands of sex workers, but as described by one key informant:

I think there's an important building of trust that needs to happen with sectors within government and official policy processes. That require a lot of soft skills and that require a lot of time and political engagement with sex workers. So to work with a population that is systematically excluded from services and who are deemed criminal, sinful, creates a big suspicion (KII 002, 12 October 2016)

In summary, if all the information collected during this research study was reduced to reflect on the literature on participation, the findings resonates with Lukes (1974) and Dahl's (1957) argument that a false sense of consultation exists in public policy making for sex workers. Arnstein (1969) described therapy and manipulation as the two bottom rungs of the ladder of participation which means non-participation. These levels of participation are contrived to

mean genuine participation, but is an enabling mechanism for the powerful (i.e. policy makers) to educate participants. The data shows that the role of NGOs is largely educating and informing participants and that policy making institutions reach out to sex workers who are members of NGOs. Giving NGOs and participants a contrived sense of participation, which those in power will use as evidence of consultation, but in actual fact, the inputs from participants carry no agency or authority and is thus ignored. The interactions during manipulation and therapy must be measured and gauged to determine (during formal and informal platforms) i) content and context of inputs being received during consultations; ii) who these inputs are coming from (whether they are from policy adept sex workers or non-members of NGOs; and iii) how far in the policy making process these inputs are implemented and realised.

Chapter 6. Findings and recommendations

6.1. Summary of Findings

Based on the data that was presented in chapter four and discussed in chapter five, the barriers sex workers experience is influenced by socioeconomic and human factors that are not being accounted for currently when creating public participation platforms for marginalised communities such as sex workers. The key barriers are social exclusion and stigma, agency and mobilisation. The discussions with sex workers and key informants alike draws the conclusion that these barriers are maintained and fuelled by perceptions, stereotypes and responses of non-sex workers towards sex workers. Furthermore, these barriers are structural as it relates to social values, norms and morality. In addition to the legal and policy barriers that sex workers face, these structural barriers further fuel stigma and affects the confidence (agency) of sex workers to such an extent that they fear to participate in policy making decisions. Addressing these structural barriers require a change of attitudes of communities and its leadership in addition to policy reform. It is likely that policy reform will aid the process of changing behaviour and address a barrier that sex workers are currently being persecuted for, which is criminalisation.

Based on these factors, the conclusion of each barrier is summarised in the following section.

6.2. Social Exclusion and Stigma

Sex workers are socially excluded from community platforms due to the stigma associated with their work. This causes fear of participation in public platforms due to their fear of further alienation and the implications of the stigma and discrimination on their families. Stigma has been found to be both internal and external and the main cause for social exclusion in general. Most importantly, the internal stigma and its effects on sex worker's preferences to

participate to a large degree influences their ability to voice their legitimate policy needs.

The participation of sex workers in public policy participatory platforms can be concluded to be structurally exclusionary based on the stigma they receive from within their communities. A vulnerability comes to light because of labels associated with sex work i.e. criminals, sinners, whores. This is partially due to a lack of information in the communities who stigmatise them and policy enablers that leads to further marginalisation of this group.

6.3. Agency

The agency of sex workers has been found to be significantly less than non-sex workers, mainly because of the internal stigma that they experience. Feelings of guilt, shame and disgust imposed by them from non-sex workers influences their internal locus of control and makes them question their self-worth. During focus group discussions this was evident from sex worker responses and subsequently linked to the cause of anxiety and stress when considering participating in community forums or policy deliberations. Furthermore, little data exists that discusses the human and social agency of sex workers, which could explain the lack of self-confidence, human agency and self-worth of sex workers from non-sex workers. A realisation during this study was the concept of othering of sex workers. The key informants, also policy makers and experts in public policy advocacy, who hold a significant amount of decision making power over their lives, were subliminally condescending towards sex workers. The reference to 'them' and 'us' structurally and inherently makes sex workers guilty and vulnerable to the people who are supposed to represent them and their interests.

6.4. Mobilisation

Individual voices of sex workers, given their lack of agency and the stigma they experience are not as powerful as the collective voice of NGOs who represent them. It is evident from the data that sex workers prefer to be represented by NGOs like SWEAT and Sisonke as opposed to speaking out about their policy needs individually. Their fear of alienation and further stigmatisation from their communities is what influences this preference as well as knowing that these NGOs know what they want and provide them with security and support when facing arrest or needing healthcare services.

Sex workers essentially transfer their trust and voice for collective action to these NGOs and leave them with the responsibility to take care of their needs, vocalise their concerns and provide them with information in a relatable way. Sex workers also believe that being represented through organisations like Sisonke and SWEAT breeds trust in policy making institutions and that their collective voice carries more weight than they individually ever could.

In the previous chapter, the data proved that a false sense of participation is created by policy makers through institutions like NGOs. This false sense of participation in essence is non-participation according to Arnstein (1969) and merely therapy or manipulation of the powerful that makes the powerless feel like they are contributing, being consulted and participating in policy making decisions, but they are actually not.

6.5. Recommendations

The key recommendations from this study are:

- i. To a large extent, social behaviour change and education campaigns around what sex work is, must be conducted with the general population to level the playing field when discussing policy reform. The data shows that sex workers fear participation due to

harsh stigma and discrimination received from communities and its leadership. Addressing this barrier through behaviour change will lead to sex workers feeling more confident to participate;

- ii. The confidence of sex workers needs to be addressed to allow them to feel more comfortable to raise their legitimate policy needs during community forums and participatory platforms. This can only be done in the context of a better informed general population;
- iii. Consultations with sex workers (both members and non-members of NGOs) must be gauged and measured to determine the impact of these consultations on policy outcomes. Manipulation and therapy (which means non-participation) has been highlighted as a key risk in consultations and representation of sex workers through NGOs, but this has not been explored in detail;
- iv. Further research on the human agency of sex workers should be conducted to understand how the environment a sex worker lives and works in influences his/her ability to participate in community platforms and forums and the impact of this non-participation on their families and social networks.

Chapter 7. Conclusion

The purpose of this study was to explore the barriers that sex workers experience in accessing public participation platforms during policy making processes.

This was investigated against the backdrop of democracy, participation, social cognitive theory and legal frameworks. The barriers were identified through a qualitative exploratory study. The data collection methods which were used were semi structured interviews, and focus groups, audio-recorded for analysis purposes. Six key informants and one focus group discussion with six participants were conducted at the end of 2016.

The data shows that sex workers experience a number of barriers to participation, but most prominently, social exclusion of sex workers within their communities and family structures, internal and external stigma and a lack of social and human agency of sex workers all contribute to a sex worker's ability to participate.

The findings from the study concluded that sex workers have a lower level of accessibility to participatory platforms than non-sex workers and that this infringes on their rights to participate in a democracy.

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Appendices

9.1 Key Informant Interview Guide

Key Informant Interview Guide

Identifying Barriers Sex Worker's experience to participate in public policy processes and decisions

Version: 1.3

12 September 2016

Interview date: ____/____/____ (dd-mm-yyyy)

Venue:

Interviewer:

Interviewee:

Start time: _____._____

End time: _____.

Format

- Introduce the research project and format of the interview. Explain that you are here to explore the barriers sex workers experience to participate in policy making decisions in South Africa considering their socio-economic circumstances;
- Obtain informed consent;
- Explain the ground rules for the interview:

(1) That the interview will last about 1 hour, (2) That everything they say will remain confidential, and (3) That their names will not be used when

reporting on the findings, but the organisation that they represent will. (4) A audio recorder is used to facilitate the recording and analysis of the interview.

Materials

Interview guide, notepad, pen, voice recorder and consent form.

Directions for the Lead facilitator

Do not read all of the probes in the beginning of the questions. **First give the interviewee the opportunity to answer the question on their own** and then use the probes to address areas they did not cover.

Public Policy Making Processes

1. In terms of policy development and deliberations, have you ever worked with sex workers in the past/currently?
 - a. Probe: When making new policies or reviewing existing ones, e.g. the decriminalisation process, what is the process you/your organisation follow (to ensure a consultative approach)?
 - b. Probe: If it was consultative, how were the stakeholders identified? Please elaborate.
2. Do you know of any legislation/policies/guidelines that governs public participation in public policy making processes?
 - a. Probe: The Constitution, community forums, citizen panels, community planning platforms, other participation platforms that institutionalize participation?
 - b. Do you think sex workers participate in these? Do they want to (preferences)? Please elaborate your answer.

Perceptions of Sex Workers on policy making processes

3. What in your opinion do you think are the perceptions/views of sex workers by policy makers?
 - a. Probe: Do sex workers have enough political, social and human capital/agency/knowledge to make a 'meaningful' contribution when participating in policy decisions?

- b. Probe: What influences people's perceptions of sex workers when it comes to policy and decision making? What are 'other's' biggest concerns?
 - c. Probe: Do sex workers feel that they are socially excluded from this process? How about in larger society and community settings?
- 4. Following on from the previous question, what do you believe to be the biggest barriers sex workers face to participate in policy making decisions and platforms when deliberating or deciding on new/reform policy?
 - a. Probe: Lack of education, skills, less informed, knowledge, professionalism?
 - b. Probe: What can sex workers do to address these barriers?
 - c. What are some of the factors that contribute to them being less/informed on policy making issues?
 - d. Probe: Do you think that these perceptions of sex workers influences their internal locus (believing that you can control or influence something) of social norms, culture, values and stigma?
- 5. Do you think there is a dissonance between decisions taken and what sex workers actually want when it comes to policy development/reform?
 - a. Probe: How do you think sex workers feel about decision taken in their name and on their behalf by specialist/expert policy makers or developmental partners and government?

Recommendations

- 6. What can be done to improve or strengthen participation of sex workers in policy making decisions and deliberations in South Africa?

9.2 Key Informant Information Document

Participant's Information Leaflet and Informed Consent Form for a Key Informant Interview

Dear Prospective Participant,

You have been identified as a key informant based on your expertise and knowledge on the subject of the research project. The study focusses on identifying the barriers sex workers face to participation in public policy making decisions and deliberations within a democracy in South Africa.

Before you agree to take part in this study, you should fully understand what is involved and that you can withdraw at any point of the study. If you have any questions, which are not fully explained in this leaflet, do not hesitate to ask the researcher.

Title of the Study

Identifying the barriers sex workers experience to participate in public policy making processes and decisions.

The Nature and Purpose of this Study

The aim of this study is to identify and understand the socio-economic challenges that sex workers face to participate in public policy making processes within a democracy. By doing so the researcher wishes to learn more about the correlation between a person's life circumstances and how this affect their agency to participate in public policy making decisions.

Explanation of Procedures to be Followed

This will be a interview to obtain responses from key informants (academics, public healthcare professionals, government officials and key experts) on their experiences, circumstances and other influencing factors when making policy recommendations on behalf of or for sex workers. The interview will be audio-recorded and notes will be made during the session.

Discomfort Involved

There are no known risks in participating in this study. Some questions asked in the study may make you feel uncomfortable, but you do not need to answer them if you don't want to. The interview will take about one hour of your time.

Possible Benefits of this Study

Although you will not benefit directly from the study, the results of the study will enable a better understanding of the barriers sex workers experience and how this impacts their ability to participate in policy making decisions.

Right as a Participant

- Your participation is voluntary; and
- You may withdraw from this study at any time.

Ethical Approval

This protocol received written approval from the University of Witwatersrand Ethics Committee. A copy of the letter is available upon request.

Information and Contact Person

The contact person for the study is Mr Keith Mienies who can be reached at any time with questions or concerns on keithmienies@gmail.com or +27 79 119 8553. My research project supervisor is Mr Murray Cairns who can be reached on murray.cairns@wits.ac.za or +27 82 535 1186.

Compensation

Your participation is voluntary. No compensation will be given for your participation.

Confidentiality

All information that you give during this interview will be kept strictly

confidential. Once the data is analysed, no one will be able to identify you. The report will not include names of people interviewed. Although your responses in the research report will be coded and not mention your names, during the focus group discussions, your confidentiality cannot be guaranteed.

Thank you so much for considering to participate in my research project. Your inputs are valuable and I hope that I can reflect them accordingly in my research report.

9.3 Key Informant Consent Form

Consent to Participate in this Study as a Key Informant

Dear Prospective Participant,

By signing this consent form, you hereby:

- Confirm that the person asking my consent to participate in this study has told me about the nature, process, risk, discomforts and benefits of this study;
- Have also received, read and understood the above written information regarding this study;
- Are aware that the findings of this study, including personal details, will be coded without my name or personal details into a research report;
- Are participating voluntarily, and agree that the interview can be audio-recorded;
- Have had time to ask questions and have no objection to participating in the research;
- Understand that there is no penalty should I wish to request to withdraw from the research and my withdrawal will not affect me in any way;

- Will receive a signed copy of this informed consent agreement should I wish to have one.

Key Informant's name _____

(Please print)

Key Informant's signature _____ Date _____

Interviewer's name _____

(Please print)

Interviewer's signature _____ Date _____

9.4 Focus Group Discussion Guide

Focus Group Discussion Guide

Sex Worker's barriers to participation within a democratic public policy making system

Version: 1.0

3 August 2016

Discussion date: ____ / ____ / ____ (dd-mm-yyyy)

Venue: _____

Facilitator: _____

Note taker: _____

Start time: ____ . ____

Number of participants in the focus group discussion: ____

End time: ____ . ____

Format

- Introduce the moderator and note-taker. Explain that we are here to explore the barriers sex workers face to participate in policy making decisions in South Africa;
- Obtain informed consent;
- Explain the ground rules for the meeting:

(1) that the discussion will last about 1 hour, (2) that everything they say will remain confidential, and (3) that their names will not be used when reporting on the findings. (4) A audio recorder is used only to facilitate the recording and analysis of the discussion. (5) You will be expected to participate freely and respect other people's views. (6) raise your hand when you want to contribute to the discussion.

Materials

Discussion guides, notepads, pens, tape recorder, consent forms, information leaflet

Directions for the Lead facilitator

Do not read all of the probes in the beginning of the question. **First give the participants the opportunity to answer the question on their own** and then use the probes to address areas they did not cover.

Knowledge of Public Policy Making

7. What do you know about public policies South Africa?
8. Do you know how they are made? What the process is?
9. Do you know which legislation governs public policy making processes?
 - a. Probe: community forums, imbizos? Have you participated in these in the past?

Participation

10. Do you know any platforms that exist so a person can participate in policy making?

11. Can you tell me about a time that you've participated in the development or discussion of a public policy issue?

a. Follow-up: During this experience how did you participate?

i. If no, why and what didn't allow you to participate?

ii. If none, what do you think were the reasons you didn't participate?

1. Probes:

- Lack of knowledge, education
- Access due to money, transport
- Stigma and discrimination – internal, community, household, etc.
- Work commitments?

Alignment of Policy making and realities of sex workers

12. Are you aware of the current process of the revision of the Sexual Offences Act? In other words, the decriminalization of sex work process?

13. What do you know of this process?

14. Have you taken part in any of the discussions or protests or formal written submissions?

15. Did you do this on your own? Through an organization like a civil society organization or representative?

16. When thinking about the people who make decisions on your behalf like government, private companies, NGOs and CBOs, how do you feel about the following:

- a. Decisions taken in your name as sex workers of what you need?
- b. Policy makers saying they are working to meet the needs of sex workers and protect them?
- c. Sex worker rights, access to healthcare
- d. Any other factors that you feel like raising?

Perceptions of Sex Workers

17. How do you think the general community views you as a sex worker?

18. Do people know that you are a sex worker?
19. Does that influence the way they treat you?
20. What do you think public officials think about sex workers?
 - a. Do you think that the way they think about sex workers influences the way they receive your contributions?
21. What is their perceptions of sex workers and do you think that these perceptions influence your voice to be listened to?

Socioeconomic Conditions

22. What social or economic challenges do you experience as a sex worker?
 - a. Probe: education, being away from your families, finding work, harsh working conditions?
 - b. Do you think that some of the things you mentioned earlier influences your ability to have a voice? That maybe your lack of education, not having a job influences the way people see or view your opinions?

Recommendations

23. What can be done to improve participation of sex workers in policy making in SA?

9.5 Focus Group Participant Information Document

Participant's Information Leaflet and Informed Consent Form to Participants in the Focus Group Discussion

Title of the Study

Identifying the barriers sex workers experience to participate in public policy making processes and decisions.

Introduction

You are invited to participate as a volunteer for a research study to identify the barriers sex workers face to participation in public policy making decisions in South Africa. This information leaflet is to help you decide if you would like to participate. Before you agree to take part in this study you should

fully understand what is involved and that you can withdraw at any point of the study. If you have any questions, which are not fully explained in this leaflet, do not hesitate to ask the investigator.

The Nature and Purpose of this Study

The aim of this study is to gain a better understanding of what the socio-economic challenges are that sex workers face to participate in public policy making processes. By doing so we wish to learn more about the correlation between a person's life circumstances and how this affect their agency to participation.

Explanation of Procedures to be Followed

This will be a focus group discussion to obtain feedback from sex workers on their experiences, circumstances and other influencing factors when policy decisions had to be made and they either formed part of or not. The discussions will be audio-recorded and notes will be made during the session.

Discomfort Involved

There are no known risks in participating in this study. Some questions asked in the study may make you feel uncomfortable, but you do not need to answer them if you don't want to. The discussion will take about an hour of your time.

Possible Benefits of this Study

Although you will not benefit directly from the study, the results of the study will enable us to understand the challenges sex workers face in reality and how this impacts their abilities to participate. As well as other marginalised and vulnerable populations going forward.

Right as a Participant

- Your participation is voluntary; and

- You may withdraw from this study at any time.

Ethical Approval

This protocol received written approval from the University of Witwatersrand Ethics Committee, University of Witwatersrand. A copy of the letter is available upon request.

Information and Contact Person

The contact person for the study is Keith Mienies, Cell number 079 119 8553.

Compensation

Your participation is voluntary. No compensation will be given for your participation.

Confidentiality

All information that you give will be kept strictly confidential. Once the data is analysed no one will be able to identify you. The report will not include names of people interviewed.

Consent to Participate in this Study

- I confirm that the person asking my consent to participate in this study has told me about the nature, process, risk, discomforts and benefits of this study;
- I have also received, read and understood the above written information regarding this study;
- I am aware that the findings of this study, including personal details, will be processed anonymously into research reports;
- I am participating voluntarily, and agree that the interview can be audio-recorded;

- I have had time to ask questions and have no objection to participating in the research;
- I understood that there is no penalty should I wish to request to be withdrawn from the research and my withdrawal will not affect me in any way;
- I will receive a signed copy of this informed consent agreement should I wish to have one.

Participant's name _____

(Please print)

Participant's signature _____ Date _____

Investigator's name _____

(Please print)

Investigator's signature _____ Date _____

Witness's name _____

(Please print)

Witness's signature _____ Date _____

9.6 Focus Group Discussion Consent Form

Focus Group Participants Consent Form

Dear Prospective Participant,

By signing this consent form, you hereby:

- Confirm that the person asking my consent to participate in this study has told me about the nature, process, risk, discomforts and benefits of this study;
- Have also received, read and understood the above written information regarding this study;
- Are aware that the findings of this study, including personal details, will be processed anonymously into research reports;

- Are aware that my participation within a group discussion cannot guarantee confidentiality, but my responses in the research report will be reflected as “FGD Respondent” instead of using my name;
- Are participating voluntarily, and agree that the interview can be audio-recorded;
- Had time to ask questions and have no objection to participating in the research;
- Understand that there is no penalty should I wish to request to be withdrawn from the research and my withdrawal will not affect me in any way;
- Will receive a signed copy of this informed consent agreement should I wish to have one.

Participant's name _____

(Please print)

Participant's signature _____ Date _____

Investigator's name _____

(Please print)

Investigator's signature _____ Date _____

Witness's name _____

(Please print)

Witness's signature _____ Date _____

Identifying the Barriers Sex Workers Experience to Participate in Public Policy Making

9.7 WITS Human Research Ethics Committee (non-medical) Certificate



HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Mienies

CLEARANCE CERTIFICATE

PROTOCOL NUMBER: H16/10/11

PROJECT TITLE

Identifying the barriers sex workers experience to participate in public policy making processes and decisions

INVESTIGATOR(S)

Mr K Mienies

SCHOOL/DEPARTMENT

Wits School of Governance/

DATE CONSIDERED

21 October 2016

DECISION OF THE COMMITTEE

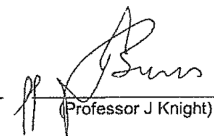
Approved

EXPIRY DATE

02 November 2019

DATE 03 November 2016

CHAIRPERSON


(Professor J Knight)

cc: Supervisor : Mr M Cairns

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10004, 10th Floor, Senate House, University. Unreported changes to the application may invalidate the clearance given by the HREC (Non-Medical)

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

Signature 

Date

03, 11, 16

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES