

“Even though the man raped me and stole my cell phone, I am more frightened of the police than I am of that man”

The Policing Of Sex Work In South Africa:

**A Research Report On The
Human Rights Challenges Across
Two South African Provinces**

Sonke Gender Justice and SWEAT

“The Policing Of Sex Work In South Africa: A Research Report On The Human Rights Challenges Across Two South African Provinces”

December 2017

Report compiled by Donna Evans and Dr Rebecca Walker.

Acknowledgements

Sonke Gender Justice (Sonke) and SWEAT would like to thank the research participants for their courage and willingness to share their frontline experiences. The researchers would also like to acknowledge and thank the following organisations and individuals for their valuable contributions to this research report. Many could not be named specifically in order to safeguard confidentiality, but their substantial support and input into this project is appreciated. We are also grateful to many individuals who provided research input, direction and helped shape the recommendations for the report.

- Sex Worker Education & Advocacy Taskforce (SWEAT) Gauteng staff and Human Rights Defenders
- Sisonke Sex Worker Movement Gauteng staff, particularly Katlego Rasebitse and the Peer Educators
- Wits Reproductive Health and HIV Institute (WRHI) Clinic, Pretoria, whose Peer Educators delivered multiple outreach and creative space sessions to source participants for this research
- The Australian Volunteers Program, and the Australian High Commission staff for their support
- Belinda Setshogelo, Treatment Action Campaign, Mpumalanga, for the extended outreach which allowed Mpumalanga voices to be heard
- Centre for Positive Care, Springs particularly Conney and Nyameka (surnames withheld)
- Setshaba Research Centre, Soshanguve
- Lesly (surname withheld), for the outreach support and work on the interview transcripts
- Hlengiwe (surname withheld), for the endless outreach support
- Jenny Coetzee, Perinatal HIV Research Unit
- Various health clinics and NGOs which provide direct services to sex workers
- Dianne Massawe (previously Gauteng Provincial Manager of SWEAT)
- Wayne Helfrich (previously Project Manager of WRHI Pretoria)
- Mosima Kekana (previously Managing Attorney of Women’s Legal Centre, Johannesburg Office)
- Professor Jo Vearey and Edward Govere, The African Centre for Migration and Society (ACMS), Wits University
- Thabang Pooe, Zia Wasserman, Marlise Richter, Busisiwe Mahontsi, Simphiwe Singo and Siphokazi Dyani Sonke Gender Justice



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Abbreviations

| | |
|--------|---|
| AIDS | Acquired Immunodeficiency Syndrome |
| ARV | Antiretroviral Treatment |
| CGE | Commission for Gender Equality |
| DOH | Department of Health |
| FSW | Female Sex Workers |
| JHB | Johannesburg |
| GBV | Gender based violence |
| GP | Gauteng Province, South Africa |
| HIV | Human Immunodeficiency Virus |
| MP | Mpumalanga Province, South Africa |
| NGO | Non-Government Organisation (civil society) |
| PHRU | Perinatal HIV Research Unit, Soweto |
| R | Rands - South African currency |
| SANAC | South African AIDS Council |
| SAPS | South African Police Service |
| SONKE | Sonke Gender Justice |
| STI | Sexually Transmitted Infection |
| SWEAT | Sex Worker Education and Advocacy Taskforce |
| TAC | Treatment Action Campaign, Mpumalanga |
| UNAIDS | Joint United Nations Programme on HIV/AIDS |
| WHO | World Health Organisation |
| WRHI | Wits Reproductive Health and HIV Institute |

Definitions

The following provides a brief description of a number of terms that are used throughout the report.

Sex work

In this report the term “sex work” is used to refer to “any agreement between two or more persons in which the objective is exclusively limited to the sexual act and ends with that and which involves preliminary negotiations for a price” (UNAIDS 2000). The term “sex worker” therefore refers to an adult who engages in sexual commerce as described in this definition. It does not refer to individuals under the age of 18 nor does it refer to non-voluntary selling of sex or human trafficking for sexual exploitation.

Human rights violations

This is a broad term encompassing a range of violations and infringements that, to some extent, may be considered to be culturally defined and context-specific. This report follows the definition of “human rights” set out in the Universal Declaration of Human Rights. In the context of sex work, the rights that are likely to be most commonly violated include:

- the right to freedom, equality and dignity
- the right to life, liberty and security of person
- the right not to be subjected to torture, cruel, inhuman or degrading treatment
- the right not to be subjected to arbitrary arrest or detention
- the right to equality and recognition before the law, and to a fair trial
- the right to freedom of movement
- the right to work and to have rest and leisure, including reasonable limitation of working hours
- the right not to be arbitrarily deprived of one’s property

In addition, the South African Constitution (Act No. 108 of 1996) contains an extensive Bill of Rights affirming the democratic values of human dignity, equality and freedom. It requires the State to respect, protect, promote and fulfil the rights conferred (Section 7). The South African Prevention and Combating of Torture of Persons Act 2013 (Act No. 13 of 2013) also protects human rights and specifically prohibits acts of torture. The African Charter on Human and People’s Rights confers similar rights, providing individuals with equal protection of the law. In particular, Article 5 prohibits torture and cruel, inhuman and degrading treatment.

Transgender

This term denotes a person whose “inner gender identity differs from the physical characteristics of his or her body at birth” (Open Society Institute 2006), and includes transsexual persons (i.e. people who have undergone alterations of the body to change their sex, either through surgery and/or hormonal therapy).

Peer Educator

The role of a Peer Educator is to act as a bridge between sex work initiatives and the sex work community. Peer education is intended to mobilise and recruit sex workers to access services that support their health, human rights and psycho-social needs. Peer Educators are also responsible for providing sex workers with basic information about their health and human rights, with a focus on the prevention of HIV.

Gender based violence (GBV)

In this report GBV is broadly defined as “the general term used to capture violence that occurs as a result of the normative role expectations associated with each gender, along with the unequal power relationships between [...] genders, within the context of a specific society” (Bloom 2008). Examples of GBV include domestic violence, femicide, sexual violence and harassment, corrective rape, and homophobic attacks.

List of research sites

Site A: Gauteng Province (GP) – Pretoria Urban Area 1

Site B: Gauteng Province (GP) – JHB Peri-urban Area1

Site C: Gauteng Province (GP) – Pretoria Urban Area 2

Site D: Gauteng Province (GP) – JHB Urban Area (includes 11 sub-sites across JHB suburbs and CBD)

Site E: Gauteng Province (GP) – Pretoria Urban Area 3

Site F: Mpumalanga Province (MP) – Large Rural Town 1

Site G: Mpumalanga Province (MP) – Large Rural Town 2

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Executive summary

Within a context where gender-based violence (GBV) is endemic, sex workers in South Africa experience particular vulnerabilities to systematic violence, abuse, extortion, rape, and even torture. The criminalisation of sex work in South Africa enables an environment where sex workers are subject to numerous human rights violations, including discrimination, harassment, and abuse at the hands of Police Officers. Police corruption and violence is recognised as a problem in many areas of South Africa, but sex workers are particularly vulnerable to the violation of their legal, labour, and human rights by police, with little access to redress.

The research presented in this report was conducted in response to the large volume of human rights violations involving sex workers and policing authorities that has been reported to civil society organisations in South Africa. The aim of the research was to gather data on the level and type of violations taking place in two provinces in South Africa – Gauteng and Mpumalanga - in order to identify patterns and themes. **This information can be used to constructively engage with both the South African Police Service (SAPS) and sex worker advocacy organisations on ways in which these issues can be better understood and dealt with.**

This research took place between February 2016 and May 2017, and involved 120 sex workers working in a variety of places of solicitation in seven sites in the Gauteng and Mpumalanga Provinces. The selection of these sites reflects both the diversity of individuals working in the South African sex industry, and “hot spot” areas of ongoing violations which were identified by local service providers and sex worker organisations. A purposive sample of sex workers was invited to participate in the interviews: all had experienced interactions with the police and all had had some contact with a sex worker support organisation. A random sample of sex workers participated in the survey. The majority of both samples identified as female and most were aged between 26 and 35. **One of the key characteristics of the survey sample was that the majority of sex worker participants supported between three and nine people with the money they earned.**

The research presented here contains both quantitative and qualitative data, collected from: (1) an administered survey with 57 participants, and (2) semi-structured interviews with 63 participants. There is clear congruence between the quantitative and qualitative data. A major theme that emerged was that sex workers do not trust the police; the qualitative data in particular showed that sex workers fear the police. A careful content analysis of the data provided possible reasons for this fear: police reportedly perpetuate serious criminal offences against sex workers and with a high frequency. These offences include **violence, torture and intimidation; rape and sexual assault; harassment; corruption and bribes; unlawful arrests and detention.**

The qualitative data provides harrowing accounts of violations by police, ranging from incidents of extreme violence and torture to on-going bribery and harassment. **The data suggests a high concentration of incidents involving a limited number of specific Police Officers or a single policing location, and “hot spot” locations** where the police officer and/or police station is involved in multiple events over extended periods of time.

The report concludes that violence against sex workers by police is pervasive and entrenched. Where crimes are being reported, and sex workers are seeking the protection and support of police, they are often met with a refusal to co-operate and obstruction of the course of justice.

One of the key recommendations of the report is **the need for stronger engagement between SAPS, sex workers and sex worker organisations around the report findings and to develop ways to set up processes to hold identified perpetrators of the kinds of violations recorded in the report accountable.** The point that criminalisation has made sex workers more vulnerable to violence is highlighted alongside the need to educate broader civil society, the public and the police service around the fact that the basic human rights of sex workers should not be violated. Recommendations also support the call for the decriminalisation of sex work in South Africa in order to stop punishing consenting adults involved in commercial sex.

Against the constant violation of laws, which should protect the human rights of sex workers, decriminalisation would significantly enhance sex workers’ ability to access their rights and seek protection and recourse against police harassment and violence. **Decriminalisation would create and legally mandate the maintenance of safe working conditions for sex workers and ensure access to legal, social and health-related support.**

▶ CHAPTER 1: INTRODUCTION



1.1 Background to sex worker – police interactions

Sex work in South Africa: an overview

Sex work is an important livelihood strategy globally and in South Africa (UNAIDS 2012). A rapid size estimation study conducted in 2013 estimated that there are between 132,000 and 182,000 female, male, and transgender sex workers in South Africa (SANAC 2013; Konstant et al. 2015). Of this number, research suggests that the majority of sex workers are internal or cross-border migrants (Richter & Vearey 2016) and that sex workers are responsible for a number of dependants (Fick 2005). This is consistent with global studies, which indicate that the majority of sex workers are responsible for dependants and that this is often the motivation behind entering and staying in the sex industry (Dodsworth 2012; Basu & Dutta 2011; Sloss & Harper 2004). In Sub-Saharan Africa, approximately two-thirds of female sex workers (FSWs) are responsible for dependants (Scorgie et al. 2012). In South Africa, research shows that FSWs are responsible for an average of 4 adult and/or child dependants – this is twice the number of male or transgender participants (Richter et al. 2013).

Like many other forms of work, sex work is heterogeneous and can be conducted full-time or part-time and supplemented by other livelihood strategies. Where some sex workers may operate independently and manage their own incomes, others may use an intermediary such as a “pimp”, while others are managed by a controller who handles their income, their movements and provides them with certain services (Rangasami et al. 2016). Research in Southern Africa suggests that fewer sex workers rely on pimps, although there is some evidence that pimps act as intermediaries and play a protective role for street-based FSWs in Cape Town (Scorgie et al. 2011; Pauw & Brener 2003). Sex work can vary from being outdoor/street based to working in hostels or brothels (often bars or taverns) to being a so-called “high-class escort” in a more controlled and often wealthy environment (WHO 2011). There are also variations in sexual orientations, gender combination, and client and sex worker sexual preferences (Richter et al. 2013). While each of these spaces of work brings its own forms of precarity and risk, street-based sex workers have been reported to face higher levels of police and client violence (Rangasami et al. 2016).

Sex workers in South Africa face many forms of violence and vulnerabilities that have been well-documented (Richter & Vearey 2016; Walker & Oliveira 2015; Scheibe et al. 2016). This includes gender-based violence (GBV), inter-personal violence (Coetzee et al. 2017), behavioural violence (attacks from clients, abuse by the police or members of the public, etc.) and structural violence (discrimination within, and challenges accessing healthcare, legal support, education, etc.) (Walker & Oliveira 2015; Scorgie 2013b; Gould & Fick 2008).

Sex work and the law in South Africa

Under South African legislation – specifically, the Sexual Offences Act 1957 (Act 23 of 1957), and the Criminal (Sexual Offences and Related Matters) Amendment Act 2007 (Act 32 of 2007) – voluntary adult sex work, buying of voluntary adult sex, as well as all sex work related acts are criminal offences. Since it is difficult to successfully prosecute under the Sexual Offences Act, authorities tend to rely largely on municipal bylaws to arrest and prosecute sex workers. “Loitering” and “public nuisance” are offences that sex workers are commonly detained for, and often without trial (Gould 2011). However, these crimes are also hard to prove in terms of evidence, and accusations are often arbitrary and unfair – amounting to harassment of sex workers. The misuse of laws, public by-laws and other regulations creates a difficult and threatening environment for sex workers, in which they are unprotected and unable to access the legal remedies necessary to report crimes committed against them (Secretariat: The Global Commission on HIV and the Law 2012). In the Western Cape, the Sex Worker Education and Advocacy Taskforce (SWEAT) has taken out an interdict against harassment of sex workers by police (<http://www.sweat.org.za/who-we-are-2/who-we-are-2/>).

While the South African government is bound by its constitutional and international human rights commitments to uphold and defend sex workers' rights to freedom and security of the person, the criminalisation of sex work, which further entrenches widespread stigma of sex work, means that these rights are routinely violated. Sex workers, like many other at-risk groups in South Africa, are over-policed but under-protected (cf. Fick 2006a). As in many parts of the world, the criminalisation of sex work in South Africa means that sex workers face gross levels of human rights violations. This includes high levels of violence and abuse; stigma and discrimination; harassment; barriers to healthcare, HIV testing and treatment; and problematic access to documentation and socio-legal services (cf. Richter & Vearey 2016; Scorgie et al. 2013a; Global Commission on HIV and the Law 2012; Agustín 2007; Kempadoo 2005; Sanders 2005; Busza 2004).

Having restricted access to legal protection makes sex workers a soft and easy target for criminals, and reflecting global trends sex workers continue to be murdered at rates higher than the general population (Potterat et al. 2004). Often, in South Africa societal perceptions of sex work are informed by religious ideologies that include moral judgments. This means that sex workers are easily cast as "sinners" and face high levels of stigma. These views often result in denying sex workers access to rights enshrined in the Constitution as well as protection from many sectors of society (WHO 2005). While all sex workers face certain risks in a criminalised environment, street-based sex workers in particular are at high risk of violence, including sexual violence and murder (Plumridge & Abel 2001). Criminalisation means that sex workers are forced to work in isolated and unprotected spaces, in order to avoid being identified by the police and for fear of being arrested and facing abuse (Gould & Fick 2008; Pauw & Brener 2003). This increases the risks they face.

Law enforcement and the role of the police

There is a long-standing crisis in police leadership and management in the South African Police Service (SAPS), which has resulted in low morale and the undermining of hardworking personnel. This in turn impacts on the ability of SAPS to discharge its constitutional obligations, ultimately leading to deterioration in public safety (CFCR 2017; ISS 2017; Newham 2013). Most indicators highlight persistent and widespread problems including: violence and abuse by police; wrongful arrest; destruction of property; and corruption. Shortcomings in holding police officials accountable for serious crime and misconduct are reflective of these broader systemic problems within SAPS, particularly in the area of GBV (CGE 2016; Khayelitsha Commission of Inquiry into Policing 2014; Newham 2005). A recent study by the Commission for Gender Equality (CGE) on the performance and efficiency of SAPS police stations across a number of provinces to implement relevant national and local interventions to combat crime – particularly violence directed against women – found that they were inadequately equipped to tackle GBV, domestic violence and/or violence against women (CGE 2016).

However, it is clear that many of the challenges in the relationship between sex workers and police are framed by a failure to recognise the basic human rights of sex workers and the increased vulnerabilities that a context of criminalisation creates. With the majority of sex workers being female, women in the industry remain particularly vulnerable to GBV, which disproportionately affects women and girls (CGE 2016; Dartnall & Jewkes 2012; Coetzee et al. 2017). Meanwhile male and transgender sex workers are often the targets of homophobia and related hate crimes. In South Africa GBV is systemic and deeply entrenched in institutions, cultures and traditions. GBV "pervades the political, economic and social structures of society and is driven by strongly patriarchal social norms and complex and intersectional power inequalities, including those of gender, race, class and sexuality" (Cornelius, Shahrokh & Mills 2014). While all sectors of society can be affected by GBV, individuals who live in spaces of socio-economic inequality and marginalisation, who face challenges accessing support services and healthcare, and who struggle with employment opportunities or exploitation within work spaces such as sex workers, face heightened risks.

Sex workers are subject to particular police violations including arbitrary arrests, detention and physical and sexual violence (CGE 2013; Pettifor et al. 2000; Pauw & Brener 2003; Gould & Fick 2008; Fick 2006a; Fick 2006b; Fick 2005). Many also experience challenges accessing the law when attempting to report crimes and, for example with cases of rape, not being believed (Brown et al. 2006; Scorgie et al. 2012). Sex workers in general – even those working in indoor venues – often have no recourse to labour rights and very limited recourse to any protection under the law (Open Society Institute 2006). Police raid brothels and arrest sex workers and often extort bribes from them or demand sex in exchange for their release from detention (Scorgie et al. 2011).

The multiple layers of vulnerability that sex workers face means that they require specialised access to support and legal protection, particularly when crimes are committed against them. However, when sex workers are not only denied protection from the police, but are also at the receiving end of police abuse and violence, they are left far more vulnerable and at risk. Within this context, crimes against sex workers are essentially condoned and a culture of impunity for perpetrators is entrenched. This makes it particularly difficult to effectively address and mitigate violence against sex workers.



1.2 Aims and objectives of the research

In February 2016, Sonke Gender Justice started systematically documenting human rights violations against sex workers in cases where they came into contact with police. This documentation project evolved into the research presented here, and focused on sex worker-police interactions in two provinces - Gauteng and Mpumalanga. The main objective is to contribute to reducing the volume of human rights violations being experienced by sex workers, by supporting rights-based policing dialogues and approaches. The specific aims are to:

- Establish new ways of addressing GBV frontline policing challenges in the sex work context
- Strengthen the pathways for civilian and policing dialogue involving sex workers
- Generate opportunities for positive partnerships between the police and sex workers and sex worker support organisations
- Catalyse strategic actions to deliver a more rights compliant operational policing environment, which enables identifying and holding accountable those who violate the rights of sex workers

This research project set out to document the contemporary policing experiences of sex workers working in a number of selected sites. "Hot spots" for police violations of sex workers' rights were identified by local service providers and sex worker organisations who were partners in the research across Gauteng and Mpumalanga provinces.

The research findings can be used to illustrate the challenges experienced by police, sex workers and sex worker advocacy organisations across human rights, legal, complaints and procedural domains. In doing so, the hope is to build a positive solution-focused dialogue amongst a range of stakeholders on policing practices, civilian oversight mechanisms, complaints pathways, and partnership opportunities.

▶ CHAPTER 2: RESEARCH METHODS

2.1 Study Design

The study used a simple mix of quantitative (survey) and qualitative (semi-structured interviews) research methods with a sample of sex workers, to record interactions between sex workers and police in a set of purposively selected sites. The study was conducted in 2016-2017.

2.1.1 Study sites, study population, sampling and recruitment

All study participants for the interviews were *purposively* selected: sex workers who had experienced a negative interaction with the police were identified by project partners and invited to participate in the research project. Sex workers for the survey were *randomly* selected.

Survey

A total of 57 sex workers participated in the survey. They all attended an outreach event organised by partners and were invited to participate and fill in the survey during this event. The survey was administered at a semi-rural site in Gauteng Province. The site was chosen because of previous work undertaken in the area by project partners and because the Community Engagement Manager of a local NGO had identified the site as a location where sex workers reported frequent police violations.

Semi-Structured interviews

A total of 61 sex workers – who had not participated in the survey - and 2 individuals who did not identify as sex workers participated in the structured interviews. The two people not identifying as sex workers included the wife of a security guard at an informal brothel, and the landlord of an informal brothel. Participants represented a range of different work situations including streets, informal brothels, and taverns.

The participants were recruited in the following ways:

- Through an outreach activity (n=9)
- From on-going partner creative space meetings (n=16)
- Known to Peer Educators working in partner organisations (n=4)
- Through on-going outreach work of a partner organisation (n=34)

The 63 interview participants came from a number of different sites including:

- Informal brothels along a single street in Gauteng (n=9)
- Greater Metropolitan Johannesburg from a range of street based locations, informal brothels and taverns (n=16)
- Personal contact through sex worker advocacy organisation in KwaZulu-Natal (n=2)
- Tract of vacant land in urban Pretoria area (n=5)
- Peri-urban area outside Johannesburg along the roadside (n=10)
- Personal contact through Pretoria-based Peer Educator (n=2)
- Mpumalanga, from a number of informal brothels (n=19)

2.1.2 Data collection



Survey

Data for the survey was collected through a questionnaire. Questions in the survey included: what forms of contact had participants experienced with the police and how often; whether they had ever been arrested for sex work and - if arrested - the nature of the arrest (whether charged, taken to court, kept in custody etc.). Participants were also asked if they trusted the police and whether they would report crimes committed against them to the police. The questionnaire was produced in English and Peer Educators from partner organisations worked with participants to translate the questions into different languages where required. Most participants completed the questionnaires themselves in English. A few that were less literate had scribes (Peer Educators). Data was collected in a single day in February 2017.



Interviews

The interviews followed a semi-structured interview format and were signed as a formal statement once completed. All were conducted by the same researcher, who is a lawyer qualified in Australia and experienced in the collection of interview statements and conducting interviews of such a nature. The interviews were conducted in English with a Peer Educator from a local sex worker organisation working as a translator if necessary. They were conducted in a safe space of the participant's choice. In some cases, interviews were transcribed after the interview took place and returned to the participant to verify and sign that the information was correct. In other instances, they were typed while the interview was conducted and participants were asked to verify and sign at the time of the interview. Most of the interviews were conducted with each participant alone – in a few cases more than one participant was present, and those other sex workers present were requested not to interrupt. The interviews were conducted between January 2016 and May 2017, but they required participants to recall incidents which took place as long ago as 2013. They are referred to in the findings as “statements”.

Timelines

In three separate locations across the two provinces, extensive information was available about recurring events involving a number of sex workers over extended periods of time. The timelines were prepared after extensive consultation and collaboration with partner organisations. The timelines reflecting these events have been created for Site A, Site F and Site G, and can be found in Appendix 3. The timelines can be read alongside the specific issues and offences identified at the various sites as mentioned throughout this report, and assist in demonstrating the frequency of the individual challenges at specific locations as well as attempts to engage with the police. The researchers have made extensive attempts to verify dates and descriptions of events with the relevant service providers to ensure the record is as accurate as possible.

2.1.3 Data analysis

Quantitative

The 57 surveys were checked for quality and missing variables were coded. Completed surveys were entered into an Excel database and then imported into a statistical analysis programme (SPSS) for descriptive analysis (see figures and graphs used for the survey data in this report).

Qualitative

The semi-structured interviews were analysed using content analysis, which Patton (1990) describes as “the process of identifying, coding, and categorizing the primary patterns in the data” (p. 381). Two different steps of content analysis were conducted. The first content analysis was inductive, in that it looked for patterns showing legally defined violations by police. The second analysis was a deductive content analysis that looked for themes that emerged from the data without any imposition of definitions. These are integrated in the presentation of the findings.



2.2 Ethical considerations

Research carried out with highly stigmatised groups that are hard to reach, face much vulnerability and, in the case of sex workers, where their work is criminalised, raises a number of ethical challenges. Researchers have a responsibility to ensure that participants are respected and protected – and this needs to be a part of the study design as well as the analysis and dissemination of the research study.

2.2.1 Confidentiality and informed consent

The research team paid careful attention to participant confidentiality and informed consent. Potential participants for the interviews were identified through service providers working with sex workers and invited to participate if they had had an interaction with police. If potential participants agreed, they were asked to sign a Client Confidentiality Agreement. This document explained the background of the research activity, the purposes for which the research report would be distributed, and offered 3 different options for confidentiality, including: complete confidentiality, partial confidentiality, and open publication with no confidentiality required. Most participants chose complete confidentiality.

As with research of this nature where participants are vulnerable to arrest or to police harassment, the risk of exposing individuals to further harm through their involvement in the study was of concern. While measures of anonymity were taken, there is always the risk that participants who have sought to keep their sex work hidden from certain family or community members are exposed. The research team therefore sought to minimise these risks through various anonymity measures.

Pseudonyms were used for all participants, with the use of real names restricted to the signing of informed consent forms and participant interview statements, which are kept securely by the research team.

In this report all participants are identified through their alias name, gender, age, province location and number of their interview (e.g. Alias name, Female, Age, GP: #01). Discussions with the participants also suggested that by identifying the actual location of the recruitment, some of the participants' identities might be deduced by local policing authorities. On that basis, entire locations have subsequently been de-identified for reporting purposes. Participant interviews were carried out at various locations, including: informal brothels; street based locations; at a guesthouse; at a tavern; onsite at sex worker health clinics; via telephone; and at the Sonke Gender Justice Johannesburg Office.

2.2.2 Additional risks and benefits

The risk of asking participants to recall negative experiences of the police, which can include forms of sexual violence and rape, is that the researcher exposes the participant to emotional distress and past and present traumas. Therefore, participants were offered referrals to counselling if they required it. The fact that some of the participants were also identified through support services suggests that they already had access to some level of support. Participants were also asked if they wanted the contents of their statement supplied to the Women's Legal Centre who could contact them to provide advice and information on the events described. The majority of people interviewed did not want any further action taken on their behalf, apart from the telling of their stories in this report.

Sex workers were not reimbursed for their participation, however a small travel stipend as well as some refreshments were provided to those who travelled to a different location for the interview.



2.3 Research limitations

It is important to keep a number of limitations in mind when reading the findings of this research.

While many of the participants were not connected to a sex worker organisation when recruited, some of the interview participants were members of on-going groups and attendees at outreach events. This latter group probably had knowledge of legal and health support services in the area, and therefore the interview sample does not fully reflect the voices of those sex workers who have no contact with sex worker organisations – who could potentially be considered even more vulnerable because of their marginality and possible lack of knowledge and support.

Interview participants were selected on the basis that they identified as being sex workers who had had interactions with police. Therefore the interview participants were a purposive sample. The survey participants were a random sample of sex workers.

The vast majority of survey participants spoke and wrote English, and completed the survey in English. A limited number of survey participants required translation assistance. For these few requiring assistance, this could have led to some influence or bias in their responses.

It is important to acknowledge that the organisations supporting this research work in the area of sex worker rights. This could have led to an expectation that the researcher would be able to do something about the violations reported, which could possibly lead to bias.

While the study overwhelmingly reports the experiences of female sex workers, it is important to acknowledge that the experiences of male and transgender sex workers are not adequately represented here. This reflects an overall limitation of much sex worker research in which the everyday experiences of male and transgender sex workers remain hidden, in spite of the fact that they often face heightened vulnerabilities.

▶ CHAPTER 3: RESEARCH FINDINGS

3.1 Socio-demographic features of the survey and the interview

Socio-demographic data was collected from the survey and interview sample; this is represented in the figures below. Note that the sample for the survey size was 57 and 63 for the interviews.

Figures 1 and 2 detail the age and gender profile of the survey and interview participants, respectively. The majority of survey participants were female and in the 26-30 age category, while the majority of interview participants were female in the 31-35 age category.

 **Figure 1: Age and gender profile of survey participants**

| AGE & GENDER PROFILE OF SURVEY PARTICIPANTS | | | | |
|---|-------------------|----------------|----------------------|------------------------|
| Age | Female | Male | Transgender | Age Group Totals |
| 18-20 years | 0 | 0 | 0 | 0 |
| 21-25 years | 5 | 1 | 2 | 8 |
| 26-30 years | 20 | 1 | 1 | 22 |
| 31-35 years | 15 | 0 | 0 | 15 |
| 36-40 years | 8 | 0 | 0 | 8 |
| 41-45 years | 3 | 0 | 0 | 3 |
| 46-50 years | 0 | 0 | 0 | 0 |
| 51-55 years | 0 | 0 | 0 | 0 |
| 56-60 years | 0 | 0 | 0 | 0 |
| 61-65 years | 1 | 0 | 0 | 1 |
| TOTALS | 52 females | 2 males | 3 transgender | 57 participants |

Survey participants were also asked where they lived and worked. 51 of the 57 participants indicated that they lived and worked in Gauteng, two said they lived and worked in Free State, two in Limpopo, and one each in Mpumalanga and Western Cape.

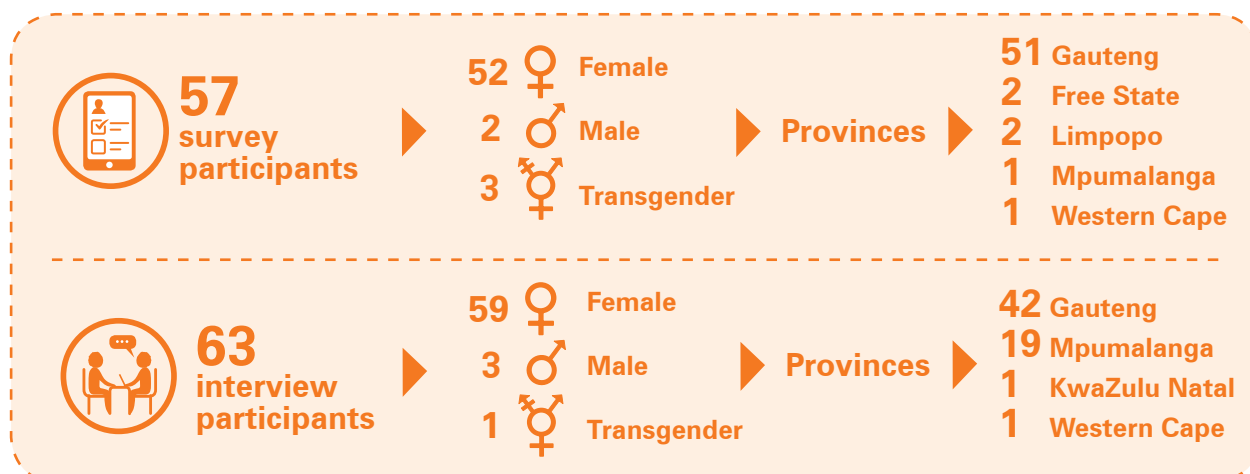




Figure 2: Age and gender profile of sex worker **interview** participants

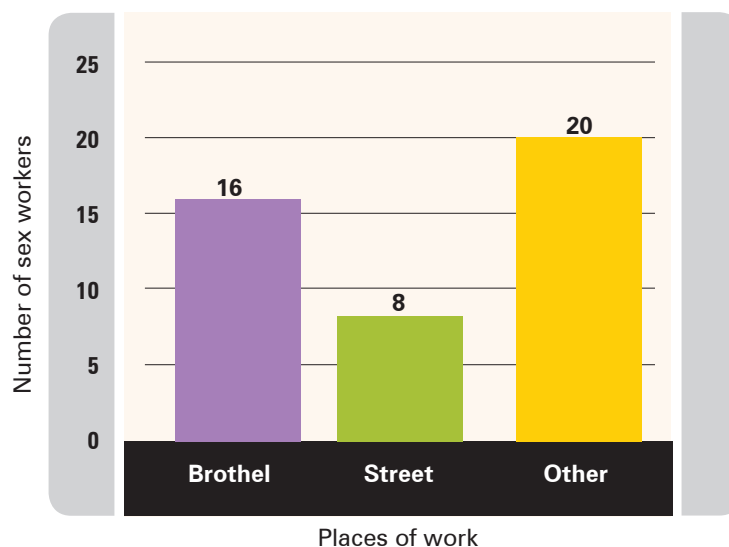
| AGE & GENDER PROFILE OF INTERVIEW PARTICIPANTS | | | | |
|--|-------------------|----------------|----------------------|-----------------------------------|
| Age | Female | Male | Transgender | Age Group Totals |
| 18-20 years | 0 | 0 | 0 | 0 |
| 21-25 years | 7 | 0 | 0 | 7 |
| 26-30 years | 15 | 0 | 0 | 15 |
| 31-35 years | 18 | 2 | 0 | 20 |
| 36-40 years | 8 | 0 | 1 | 9 |
| 41-45 years | 8 | 0 | 0 | 8 |
| 46-50 years | 2 | 0 | 0 | 2 |
| 51-55 years | 0 | 0 | 0 | 0 |
| 56-60 years | 0 | 0 | 0 | 0 |
| 61-65 years | 0 | 0 | 0 | 0 |
| TOTALS | 58 females | 2 males | 1 transgender | 61 sex worker participants |

From the interview sample 61 of the 63 interview participants were sex workers. Of the 2 who were not sex workers, one was the landlord of an informal brothel (Reabetswe, Male, age not known, MP: #36) and one was the wife of a security guard working at an informal brothel (Keletso, Female, 39, GP: #01). The statistics for these two have not been included in the above table.

The graph below identifies the places of work of the survey participants. Note that 'other' in the survey data includes taverns and homes. As the graph for the survey data shows, most participants worked in a brothel or a bar, hostel or in their own homes, with fewer working on the street. In the interview data, most participants were either street-based or worked in an informal brothel. The smallest number worked from home and/or via the Internet.



Figure 3: Main places of work of **survey** participants



The table below identifies the places of work of interview participants.



Figure 4: Main places of work of **interview** participants

| PLACES OF WORK OF INTERVIEW PARTICIPANTS | | | | |
|--|--------|------|-------------|-------|
| Location: | Female | Male | Transgender | Total |
| Informal Brothel | 24 | 0 | 0 | 24 |
| Street Based | 21 | 2 | 1 | 24 |
| Home/Internet | 4 | 0 | 0 | 4 |
| Guesthouse/Tavern/Hotel | 5 | 0 | 0 | 5 |
| Bushland | 9 | 0 | 0 | 9 |

Note: the table reflects the responses of 60 of the participants. A number of sex workers included multiple locations, for example street and brothel based.

The next four graphs from the survey (figures 5-7) and interview (figure 8) data describe dependents of participants and number of children supported. They show that the majority of sex workers who participated in this study support 3 to 9 people with the money they earn. This is consistent with studies that show that globally sex workers support a high number of dependents (Scorgie at al. 2012) and that in South Africa FSWs support an average of 4 dependants (Richter et al. 2013). This is significant because it demonstrates the importance of the wage earned through sex work and that when prevented from earning a living it is not only sex workers who are impacted but their dependents too. Figure 6 (on page 18), which shows children supported by gender of the participant indicates that almost all of the FSWs in the sample had children, with the majority having more than one child.

It should be noted that in responding to the survey questionnaire a number of sex workers indicated “many” rather than inserting a number. These missing numbers result in the data potentially under-reporting the number of people being supported.



Figure 5: Number of dependents supported by **survey** participants

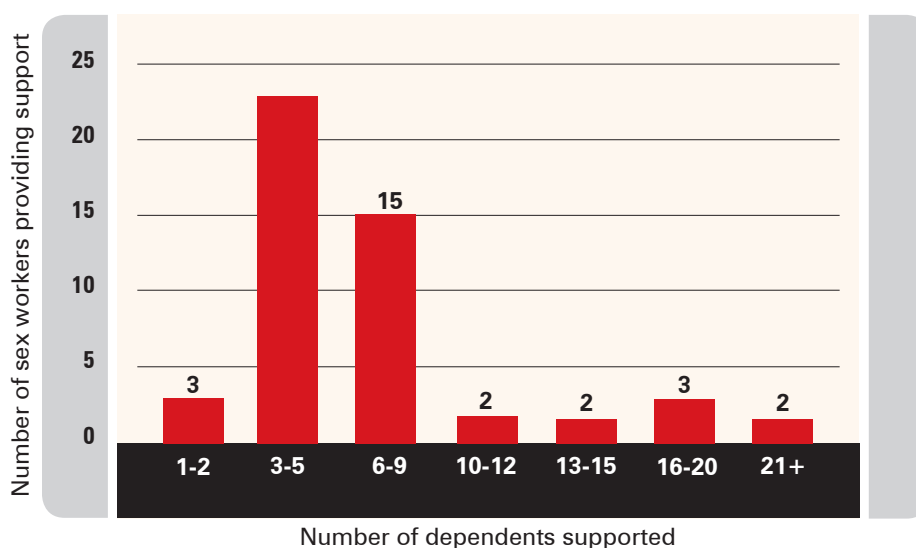




Figure 6: Number of children supported by **survey** participants, by gender of participant

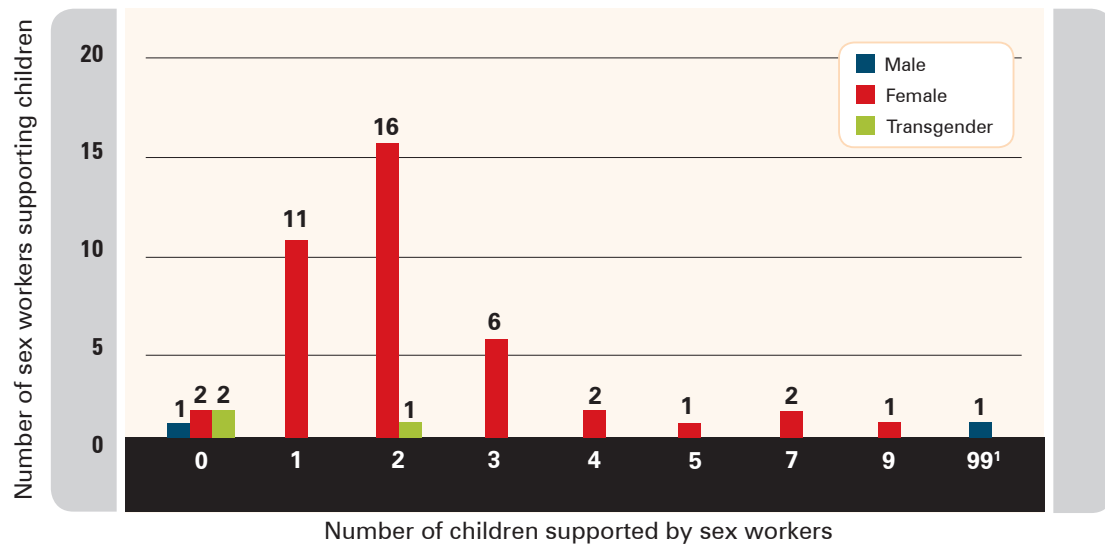


Figure 7: Number of dependents supported by **survey** participants, by age of participant

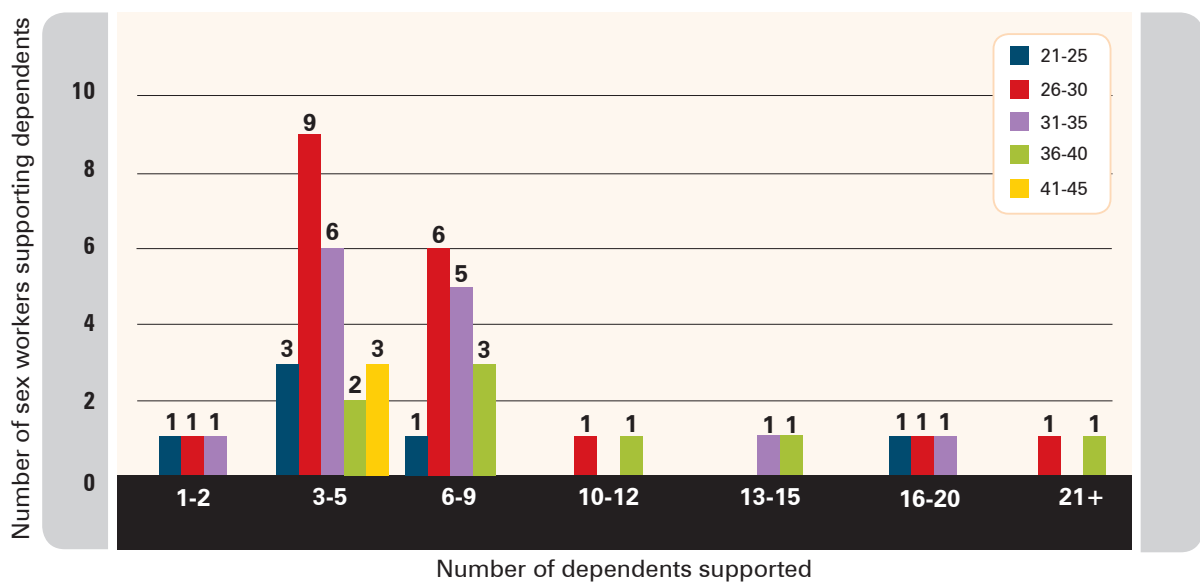




Figure 8: Number of dependents supported by **interview** participants

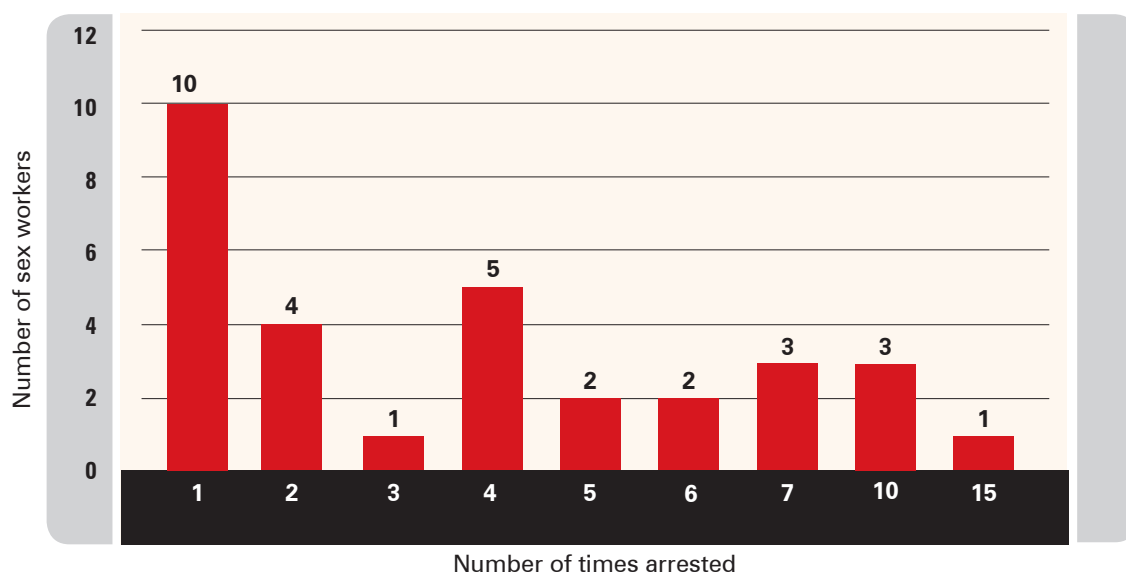
| NUMBER OF DEPENDENTS SUPPORTED BY INTERVIEWED PARTICIPANTS | | | | | |
|--|-------------------------------|-----------------------------|-------------------------------------|------------------|---|
| Age of Sex Worker | Female Sex Workers Dependents | Male Sex Workers Dependents | Trans-gender Sex Workers Dependents | Total Dependents | Average number of dependents supported by sex workers of this age |
| 18-20 years (0 participants) | 0 | 0 | 0 | 0 | 0 |
| 21-25 years (6 participants) | 17 | 0 | 0 | 17 | 2.83 |
| 26-30 years (15 participants) | 58 | 0 | 0 | 58 | 3.86 |
| 31-35 years (20 participants) | 84 | 1 | 0 | 85 | 4.25 |
| 36-40 years (9 participants) | 42 | 0 | 3 | 45 | 4.66 |
| 41-45 years (8 participants) | 51 | 0 | 0 | 51 | 6.37 |
| 46-50 years (2 participants) | 4 | 0 | 0 | 4 | 2 |
| TOTAL DEPENDENTS | 256 | 1 | 3 | 260 | Average of 4.33 dependents each for the 60 sex workers |

Note that the above table includes the responses of 60 interview participants. One participant is the wife of a security guard working at an informal brothel; her dependents have been included given that her family is supported through involvement in the sex industry. One participant is the landlord of an informal brothel, and has not been included in the table. Two participants specified “children” and were not included in the table as the number of children could not be quantified.

The graph below shows how many times participants in the survey had been arrested. Most had been arrested more than once, more than half had been arrested 4 times or more, and 7 participants were arrested between 7 and 15 times.



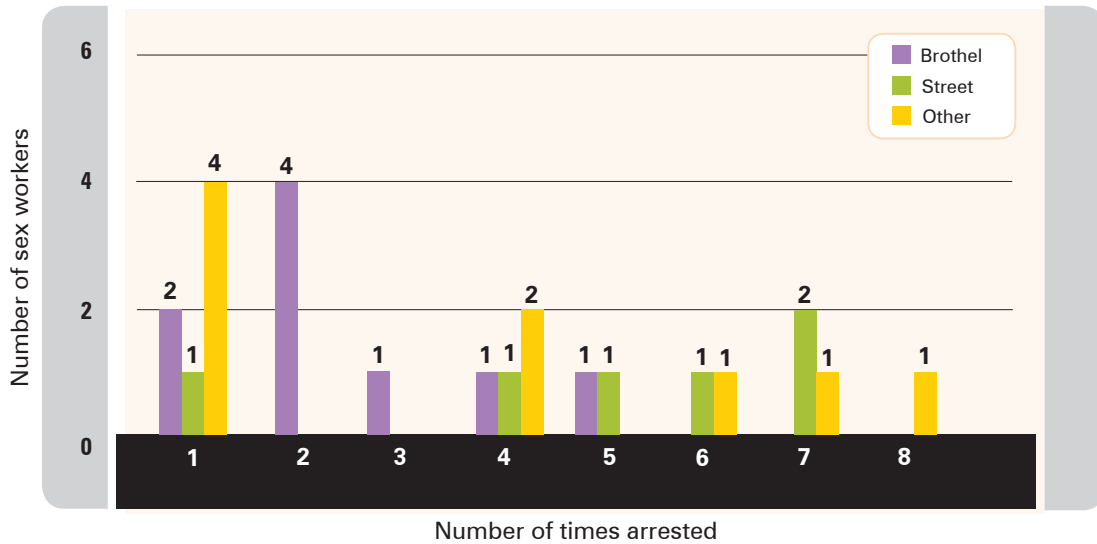
Figure 9: Number of times **survey** participants have been arrested



The graph below (Figure 10) shows that sex workers working in the street and in taverns, bars, hostels and homes are more likely to be arrested than those working in brothels. This supports other research that indicates that street based sex workers have been reported to face higher levels of police and client violence (Rangesami et al. 2016).



Figure 10: Number of times **survey** participants have been arrested based on place of work



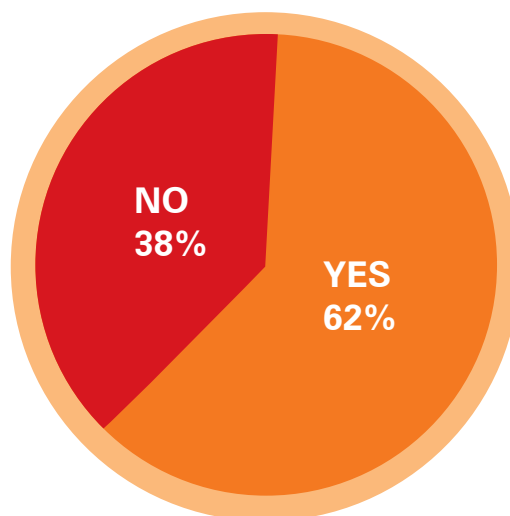
3.2 Sex workers' experience of the police

3.2.1 Number of arrests by those surveyed

The survey asked a number of questions related to the participants' general experience of the police. The graph below (Figure 11) shows how many of the survey sample had been arrested during their working life. Of the 52 who responded, 32 had been arrested, 20 had not.



Figure 11: Percentage of survey participants who have ever been arrested



A point of interest here is that although a relatively high number had not ever been arrested, they still reported experiencing negative interactions with police. This indicates high levels of everyday harassment.

For those surveyed, the table below (Figure 12) gives an indication of the arrest data and the outcomes of being arrested, including how many of those arrested appeared in court, and time spent in police custody. It indicates that sex workers have been arrested an average number of four times and that they are more likely to pay a fine than to appear in court.



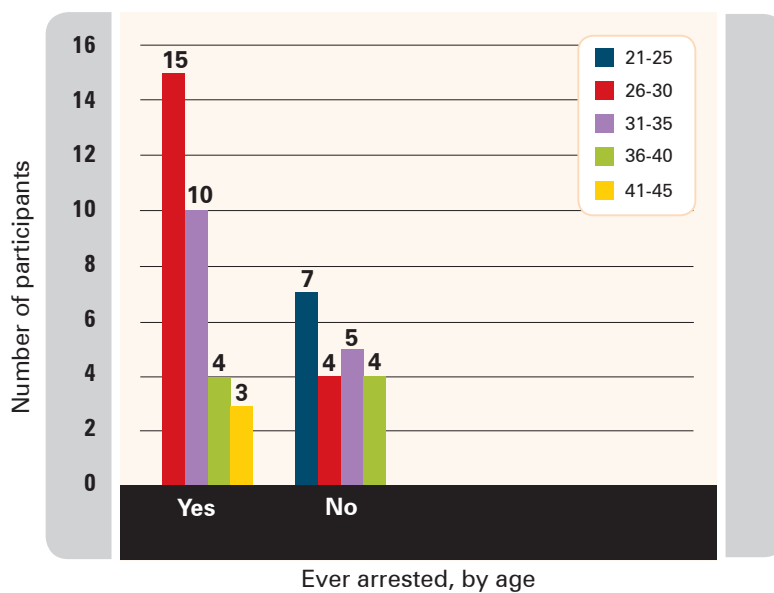
Figure 12: Additional information about **survey** participants who have been arrested

| ADDITIONAL INFORMATION ABOUT SURVEY PARTICIPANTS WHO HAVE BEEN ARRESTED | |
|--|-----------------------|
| 1. Number of Sex Workers who had ever been arrested | 32 |
| 2. Average number of times each Sex Worker had been arrested | 4 |
| 3. Number of Sex Workers who appeared at Court after arrest | 4 out of 32 (12.5%) |
| 4. Number of arrested Sex Workers who paid a fine | 17 out of 32 (53.12%) |
| 5. Number who were not charged, not fined and did not appear at Court after arrest | 10 out of 32 (31.25%) |
| 6. Average time spent in police custody/police cells after each arrest | 40 hours |

The graph below (Figure 13) shows arrests in relation to age. This data could suggest that younger women (21-25) are not arrested as often as those in the 26-35 age category, or that there is a cumulative effect – meaning that older sex workers have a greater likelihood of being arrested.



Figure 13: Number of times **survey** participants have been arrested, by age



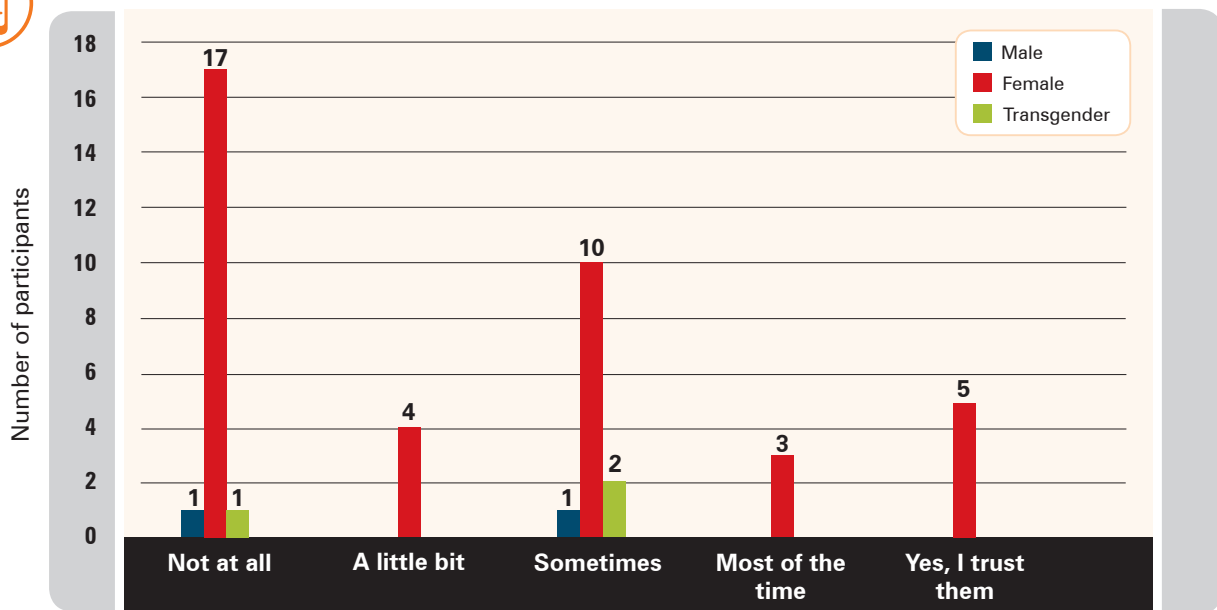
3.2.2 Perceptions of police

Trusting the police?

The survey explored the participants' perceptions of the police. 37.2% of sex workers do not trust the police "not at all" (based on 51 out of 57 responding to this question), while 8% said they trusted the police "a little bit". Interestingly, 27% said they "sometimes trusted them", and 24% said they did trust them, as shown in Figure 14 below.



Figure 14: Levels of trust of the police among **survey** participants



Despite some level of trust being identified in the survey, the qualitative data showed the high levels of fear that sex workers have towards police. Note the letters and numbers after the quotes represent the province, and the interview transcript number recorded by the researcher.



"I feel very scared of police because they hurt sex workers and don't treat us properly".

(Neo, Female, 27, MP: #44)



"I feel very scared of the police, that's why I run away whenever I see them. They treat us very badly".

(Ketso, Female, 28, MP: #45)



"I feel very frightened of the police. The police told us when they released us that whenever they found us anywhere, even when shopping they would arrest us".

(Jade, Female, 33, MP: #47)



"I feel frightened of the police. Sometimes they hurt us, sometimes they pepper spray us sex workers. Sometimes they torture us with the electric shock thing".

(Smangele, Female, 39, MP: #50)



"The police arrest me when I am at the shops, in people's properties, standing in people's yards etc. I am not doing sex work when they arrest me. Because they know me, they just arrest me".

(Zandile, Female, 41, GP: #55)



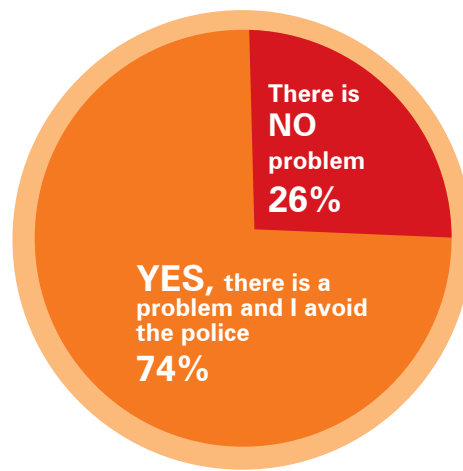
"I am very scared of the police. I am scared the police might shoot me again. I am worried that if I follow up my complaint this Metro Police Officer might hurt himself, or send another person, to arrest me or hurt me again".

(Lazola, Female, 31, GP: #63)

When asked whether local police behaviour is a problem for them, more of the surveyed sex workers answered yes than no. As the table below highlights – from 46 responses – 74% indicated that there is a problem and that they avoid the police, while only 26% said there was no problem.



Figure 15: Frequency of problematic policing recorded by **survey** participants
Is local policing behaviour a problem for you as sex workers?

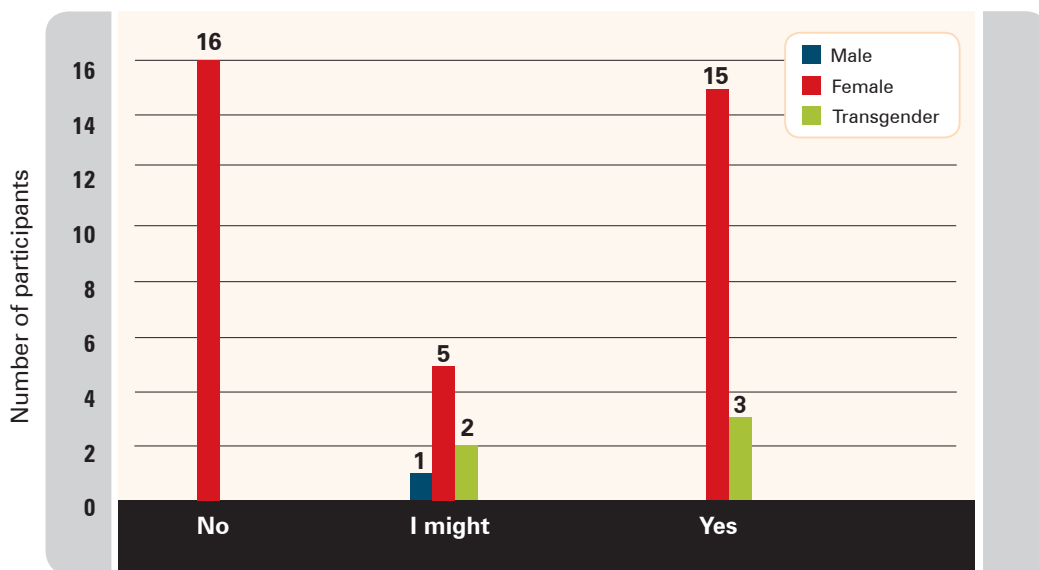


Reporting incidents to police?

The survey results about whether participants would report to the police if they found themselves a victim of crime are almost equally split between yes and no. This suggests that even though participants say they do not trust the police, some would still report a crime.



Figure 16: Whether **survey** participants would report crimes to the police where the sex worker is a victim, by gender of participant



The qualitative data from the interviews demonstrates that when sex workers attempt to report crimes, they often face challenges and/or are prevented from opening cases. Often they are told that because they are sex workers they cannot open a case, or they are shamed for being sex workers and humiliated in the police station.

Also, once in custody, participants who have demanded the right to make a phone call or speak to a lawyer have been refused and are commonly held by police without charge and without being informed of their rights.

There were, however, some positive comments about certain Police Officers and/or reference to changes in relationships with police due to the work of Sisonke (Sex Worker Movement) in the interview data.



“Police in the Johannesburg CBD [Central Business District] are nicer to the sex workers now because they know Sisonke helps us and they are scared of getting in trouble if they hurt us”.

(Rosinah, Female, 38, GP: #12)



“Some of the police had been rude, some had been polite to us before they left”.

(Neo, Female, 27, MP: #44)



“We were treated well in police custody and given food. Police kept asking if we were okay”.

(Tshego, Female, 35, GP: #52)

3.2.3 Human rights violations by police

The findings presented below come from both the survey and the semi-structured interviews. The survey results are depicted in the graphs and work together with the qualitative data. The survey data is also summarised in the table below (Figure 17). Note that the table data is based on ALL responses, whereas the graphs draw from the data where gender is indicated and therefore deal with a smaller sample overall.

Criminal policing behaviour experienced



Figure 17: Criminal policing behaviour experienced by **survey** participants– survey summary table (n=57)

| POLICING BEHAVIOUR | YES | NO |
|-----------------------------------|----------|----------|
| Harassed by police (n = 54) | 31 (57%) | 23 (43%) |
| Intimidated by police (n= 51) | 27 (53%) | 24 (47%) |
| Threatened with harm (n= 51) | 21 (41%) | 30 (59%) |
| Dropped off somewhere else (n=50) | 22 (44%) | 28 (56%) |
| Kidnapped by police (n=50) | 7 (14%) | 43 (86%) |
| Pepper sprayed by police (n=52) | 13 (25%) | 39 (75%) |
| Physically assaulted (n=51) | 12 (24%) | 39 (76%) |
| Sexually assaulted (raped) (n=49) | 16 (33%) | 33 (67%) |
| Asked to pay a bribe (n=50) | 27 (54%) | 23 (46%) |
| Paid a bribe (n=50) | 26 (52%) | 24 (48%) |

It is useful to keep in mind that the survey participants and semi-structured interview participants are different. Note that the qualitative data presented below is drawn from the thematic analysis of the semi-structured interviews and presents the serious criminal offences perpetrated by police that occur with high frequency across all seven sites.

From these qualitative interviews, in many instances there is evidence of:

- **A high concentration of incidents** involving a limited number of specific Police Officers or single policing location.
- **“Hot spot” locations** where the Police Officer and/or police station is involved in multiple events over extended periods of time.

In section 3.3 below, we highlight the connections from the qualitative interview transcripts between specific areas and a high concentration of incidents or reoccurring offences that can be linked to specific police stations and/or Police Officers.

The serious criminal offences occurring with high frequency are:

- Violence, torture and intimidation
- Rape and sexual assault
- Harassment
- Corruption and bribes
- Unlawful arrests and detention

It is important to note that the findings which follow the figures below are drawn from a number of examples within the interviews. While these examples have been chosen to reflect the range of offences taking place and highlight different levels of severity and frequency, they can only ever be a ‘snapshot’ of the overall picture. The interview participants’ statements held on file present a far more in-depth and extensive picture of the human rights violations against sex workers by police.

Violence and intimidation

The survey collected data on whether participants had been “intimidated” and/or “threatened” and “abducted” by the police. The results are presented in the graphs below (Figures 18-20). They show that intimidation is the most common experience, followed by being threatened, and that abduction is not commonly experienced. The transgender and male samples are too small to draw any general conclusions.



Figure 18: Number of **survey** participants who have been intimidated by the police, by gender of participant

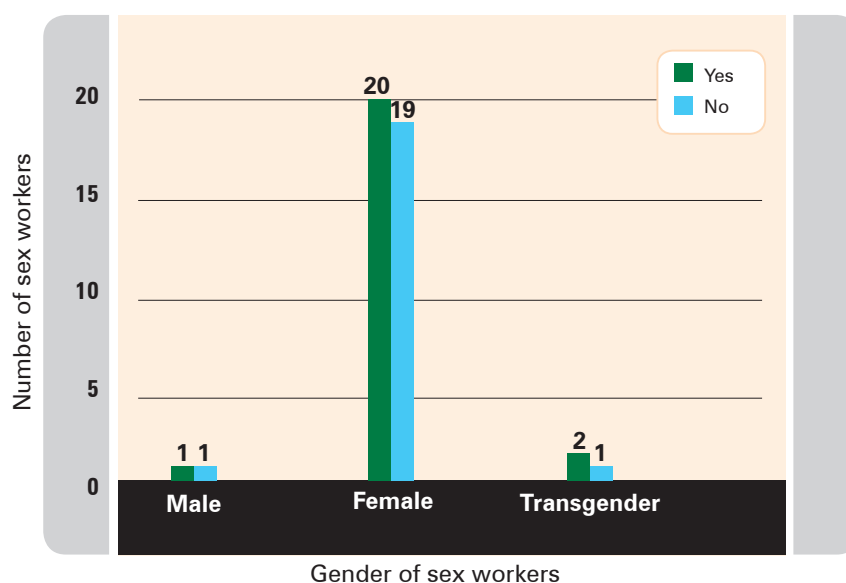




Figure 19: Number of **survey** participants who have been threatened by police, by gender of participants

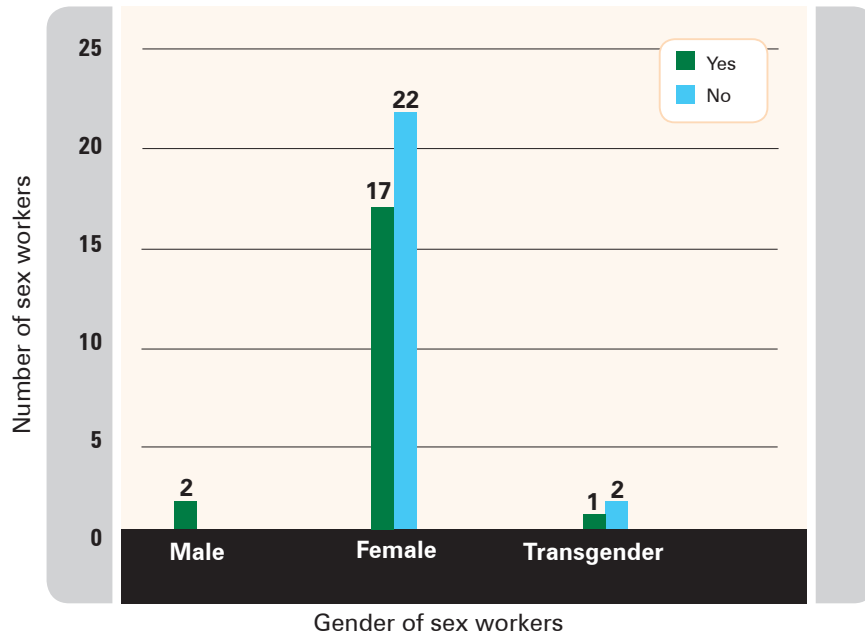
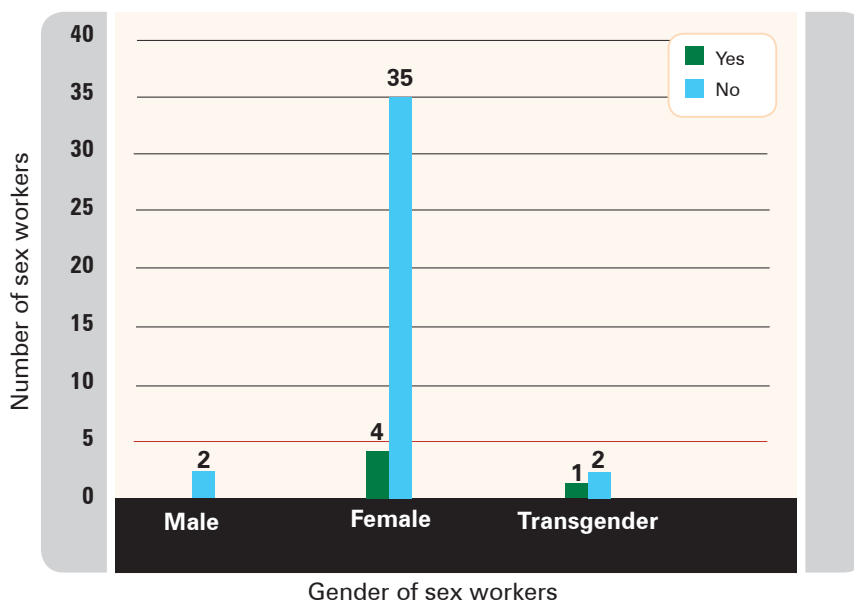


Figure 20: Number of **survey** participants who have been abducted by police, by gender of participant



In the qualitative interviews, all the participants described experiences of violence and assault by the police consistent with previous reports that have documented similar findings (cf. Rangasami et al. 2016; Manoek 2012; Scorgie et al. 2011). While some participants reported continuous forms of intimidation and harassment that involved acts of violence, such as being beaten or pepper-sprayed by police, others described prolonged attacks and very serious human rights violations against them, including rape and torture.

Reported physical assaults ranged from being beaten by Police Officers with their bare hands, guns, knives, sjamboks, knobkerries; and the use of electric shocks, pepper sprays, and police dogs to chase and attack sex workers.



"I fell to the ground and they kept hitting me. One of them was trying to break my leg, he kept striking it to the wall. I was bleeding near the wrist. The police hurt my neck and I can't turn my neck properly ever since".

(Zinzi, Female, 29, MP: #49)



"He [the Metro Police Officer] pointed his gun at me and shot me in the left thigh. I fell to the ground and felt immediate pain".

(Lazola, Female, 31, GP: #63)



"One of the police men hit me on the back with his gun, it had a long barrel. I felt pain where the gun hit me. This officer then struck me a number of times with the gun barrel...One of the other officers had a knife in his hand, and he was threatening me with the knife. He ran the knife down my forehead and I jerked my head back".

(Thendo, Female, 25, MP: #43)



"I was hit in the back by the sjambok and my back started to bleed. I have a scar from the injury".

(Rosinah, Female, 40, GP: #12)



"Many times I was chased by police and the dogs...the dogs would bite and attack if they caught you".

(Zinzi, Female, 29, MP: #49)

The survey asked about pepper spray – a number of participants indicated that they had been pepper sprayed (13 out of the 52 that responded to this question – 25%). The interviews suggest that pepper spray is commonly used against sex workers. There are instances when it is used even when there is no threat, such as when sex workers are locked in the back of a police van. A number of participants describe groups of sex workers being crammed into the back of a police van and being pepper-sprayed through the bars causing difficulties with breathing and pain to the eyes. In one particular incident at Site D a participant describes the arrest of approximately 50 sex workers one night in July 2013 where they were left inside a riot police vehicle outside an identified police station,



"We were all crushed together and it was hard to breath. The police unlocked the door and sprayed in the inside of the vehicle with pepper spray and relocked the door on us. People were screaming and yelling".

(Rosinah, Female, 40, GP: #12)

The details of this incident are confirmed by a number of other interview statements.

In another incident a participant describes being arrested by Police Officers at her home (an informal brothel), when she was about to sleep and being put into the back of a police van where pepper spray was sprayed through the bars,



"It was very painful, my eyes were itching and my nose was burning inside. We were all coughing so much it was like we were going to vomit".

(Lucia, Female, 40, MP: #40)

While the findings suggest that the use of such violence is routine, there are also a number of incidents described in which the extent of violence is particularly severe. The following incidents (from Site D and Site B, respectively) reflect two of these cases:

A 35 year-old participant Dipuo, who is a mother and supports her two children through sex work, described an incident in which police chased her and other sex workers on the street. She was grabbed by one of the policemen who dragged her along the ground to the police van.



"The police beat me around the head very hard. They were punching me and I was bleeding. They hit me so hard a tooth flew out of my mouth. I started to bleed from both ears as well as my mouth".

(Dipuo, Female, 35, GP: #25)

The participant describes how she was then put into a police van and driven far away to a street in a township where she was left, bleeding. She was assisted by passers-by who called an ambulance. She spent two days in hospital. Dipuo now has impaired hearing and a swelling in her mouth where the tooth was knocked out.

A 28 year-old participant Sibongile, who supports three children through her work described how she was routinely arrested by Police Officers and asked for bribes for not having the correct papers. On one occasion she was sitting at the side of the road, reading, when a police car stopped and she was hit across the left side of her face with a sjambok. When Sibongile tried to stand up she was struck on the forehead with a gun, and when she tried to fight back she was held to the ground with a foot across her neck.



"I had injuries, damaged eye, black eye. I had bleeding from my forehead, and down the left side of the face. I had swelling and bruising".

(Sibongile, Female, 28, GP: #57)

The participant was treated at a clinic and filled in a J88 form to document her injuries. When she went to the police to report the assault she states,



"The police there refused to take a complaint from me. They called me names, told me to stop being a prostitute, there was nothing they could do about it".

(Sibongile, Female, 28, GP: #57)

The Police Officer responsible for the assault is known to the participant (as well as other participants from the same site), who link him to the attacks on sex workers in which they are forced to perform a specific sex act with an object – as noted on page 31. The site (Site B) in which this attack took place is also known for violence, particularly physical and sexual assault by Police Officers against sex workers as detailed in section 3.3.

The findings not only suggest that the levels of violence experienced by sex workers are extremely high but also, as with Sibongile's case above, that sex workers experience many challenges in attempting to report cases of violence and assault and in accessing support from the police. A participant who was shot in the thigh by a Police Officer reports that,



"The Police at ... [Site D: JHB Peri-urban Area 1] have never contacted me to follow up the complaint...Because I am a sex worker, I don't think they will help me".

(Lazola, Female, 31, GP: #63)

In another incident a sex worker was beaten up and had her money and phone stolen by a client. When she went to report the assault and robbery to the police she was asked why she was wearing a miniskirt and told that she could only open a case if she went home and changed (Meghan, Female, 48, GP: #28).

In addition to the levels of violence experienced, sex workers also report the tactics used by the police to humiliate and shame sex workers – leading to trauma and on-going fear of police for individuals who sell sex. One participant Mbali, who supports four family members through her earnings, describes five Police Officers entering the brothel where she was sitting outside with other women one Friday evening on a cold winter's night – she states that a female Police Officer forced the women to strip and get into a bath of cold water one by one,



"The police woman told us we must wash our prostitution. The male Police Officers were watching so they saw us naked. Some ladies refused to get into the bath, this woman beat those women who refused to get in with her hands".

(Mbali, Female, 28, MP: #51)

The participant states that they were also forced to eat used condoms out of the dustbin,



"She was shouting that her husband was taken by a prostitute so she was going to teach all the prostitutes a lesson. The other ladies refused to eat the used condoms. The male Police Officers grabbed those ladies so the lady could force the condoms into each lady's mouth".

(Mbali, Female, 28, MP: #51)

In another incident two male participants explain how they were having sex with a taxi driver (client) in a parked taxi when the police ordered them out and made them stand, semi-naked with their arms in the air. The participants describe the humiliating ordeal in which the Police Officers made them turn around and show their behinds and also took photographs of their genitalia and faces,



"The tall Police Officer pulled out a mobile phone and took photos of my penis and groin while the other one held the torch".

(Baleka, Male, 35, GP: #22)

The above participant also noted, *"I felt very humiliated and traumatised"*. Both participants report the taxi driver paying a bribe to the police to avoid arrest.

The clients of sex workers are also targets of police violence and assault. In one case a client was beaten after he had been forced to wet himself because the police had denied him access to a toilet (Neo, Female, 27, MP: #44), and another participant describes the police beating the client so badly that he was bleeding from the mouth (Lucia, Female, 40, MP: #40).

Rape and sexual assault

The semi-structured interviews documented sexual violence and rape specifically. This is one of the most common forms of abuse experienced by sex workers across all sites (cf. Rangasami et al. 2016; Scorgie et al. 2011). This is mainly described in two forms: (a) sexual violence and rape by clients, which is then not taken seriously by the police and often results in cases not being opened; and (b) sexual violence and rape by Police Officers. The following section summarises various incidents of sexual violence and rape and reflects the extent to which this appears to have become an entrenched everyday experience for many sex workers. Case study 1 also provides details from a participant at Site D who experienced multiple offences by the police, including repeated sexual assaults and rape (see Appendix 1).

Most participants report complying with Police Officers' demands for sex as a way to avoid arrest,



"I normally have sex with Police Officers so I don't get arrested. The police don't pay me when they have sex with me".

(Thabang, Female, 41, GP: #58)



"...sometimes I have to pay the police to stop them from arresting me. They ask for R100. Sometimes they want sex instead of being paid the money. I have sex with the police when they ask, so that they do not arrest me".

(Violet, Female, 37, GP: #59)

One participant Ofentse, who works at a guest house and supports four people (including two children) through her earnings describes how the police around the Gauteng semi-rural survey catchment area will often force her to get into the police car under the pretence of offering her a lift, yet threatening arrest if she doesn't comply to their demands.



"When I get into the police car, the police start touching my genitals. They say they want sex. If I refuse to give free sex, they tell me they will pay later, after they have had sex on demand. But sometimes after they finish having sex, they tell me they don't have any money to pay me".



"Sometimes the police want oral sex, sometimes full sex. Sometimes they use condoms; sometimes they refuse to use one. Even if I tell the police they are hurting me when they are having sex with me, the police do not care and do not stop. They can be very rough and it hurts".

(Ofentse, Female, 25, GP: #15)

Ofentse stated that this happened to her three times in 2015 and that she now prefers to be arrested than to get back into the police car. The same participant also describes being asked for her papers by a Police Officer, noting that he may have recognised her from her sex work at another location. When she was unable to produce any papers she was asked for R700 and the police searched her handbag for money.

Another participant Thuli, a 45 year old female sex worker, reported an incident where she was assaulted by two Police Officers,



"The Police Officer put his hand up my skirt and felt my genitals. He laughed and told his friend that he could feel heat there and told the other Police Officer he should feel me too. They told me to turn and model for them, lift up my skirt to entertain them. The passenger told me I must come around to his side of the car. When I walked around, he told me I must feel his penis. I did what the police told me to do because I was terrified of them and what they might do if I refused".

(Thuli, Female, 45, GP: #10)

The same participant describes being arrested during a raid on a compound where she was staying. After being kept in a cell with a friend and a group of men she was told that she would have a criminal record unless she had sex with the Police Officer,



"I was terrified in the cell and needed to get out. I agreed to have sex with the Police Officer. He did not use a condom when he had sex with me".

Thuli moved location because she was scared of staying where she was and seeing the Police Officer again. She reports that the same Police Officer located her in another area and again took her to his police barracks and forced her to have sex with him. He stated, *"There is no place that you can run"* and told her that she was his "girlfriend". Over a period of six months the participant was located by police at various taverns, and delivered back to this Police Officer at the police barracks where she was repeatedly sexually assaulted – until the officer was transferred away from the area.

One 24 year-old sex worker Nomsa from Site D, described how being young meant that she was often expected to have sex with the police for free,



“The police always wanted to have sex without a condom, and would tell me that they were clean. If I refused to have sex with the Police Officer for free or without a condom, they would arrest me and keep me in police custody. Once arrested the police would not let me go home until I agreed to have sex”.

(Nomsa, Female, 24, GP: #11)

She describes being arrested one Friday night in September 2012 after refusing to have sex with the police,



“I was only released on the Monday morning because I paid their demand for a bribe of R150. If I hadn't paid, I would have been kept in custody for longer. The police would not let me make a phone call or contact anyone... I was never taken to court or given a fine on any of the three times I was arrested. The choice was always to have unprotected sex for free or pay the bribe”.

This participant goes on to describe how she would be raped by police each time she was in police custody and then, when dropping her back at the brothel they would insist she spend her night's earnings on food and alcohol for them which they would come back to collect later that night. She states, *“I had to have sex with the police so often that they would call me their “girlfriend” as a joke”.* This young woman was forced to relocate away from family to escape the abuse of the police. Her experiences are documented in Case Study 1, which is found in Appendix 1.

In many of the interviews from Site B in particular, sex workers highlight multiple offences, including: physical and sexual assault by Police Officers; being forced to show their genitalia to the police; harassment and intimidation; and being forced to give sex to avoid arrest. A number of participants also identify a particular Police Officer that pretends to be a client and demands sex. He is known for making sex workers masturbate with a stick and also using a sjambok to attack them. The pattern of assaults in this hot spot site is highlighted at the end of the findings on page 41.

Cases were opened against this particular officer, (Sibongile, Female, 28, GP: #57; Thabang, Female, 41, GP: #58; Violet, Female, 37, GP: #59). Sex workers link this Police Officer to an incident in which two sex workers were found dead with injuries consistent with those who have also been beaten by this particular officer,



“The two dead ladies had sticks inside their vaginas, like this Police Officer likes to make the sex workers do. I am scared this Police Officer is the person killing sex workers”.

(Zandile, Female, 41, GP: #55)

It is stated that a group of sex workers tried to lay a complaint about this particular officer and highlighted for the police the links between the murders of sex workers and the abuse by this officer. They report that they were asked to give evidence at the disciplinary hearing relating to the assault on Zandile (Female, 41, GP: #55), but when they got to the station the matter was postponed.



“The next day, Saturday, that same Police Officer came to the ... [area of work in Site B], and chased us. He was chasing my friend, pulled up his t-shirt and I thought he was going to pull a gun”.

(Zandile, Female, 41, GP: #55)

In one particularly traumatic case a participant reports rape with a gun by a Police Officer and bestiality (sex with an animal) (Angie, Female, 28, GP: #26). The participant in question is 28 years old and a mother supporting six children (2 children being extended family members) through her sex work. When the participant went to report the attack she was told by a female Police Officer that she needed to bath before she could speak to the police. She was then refused any assistance.

This kind of response – the refusal to assist sex workers after they have been assaulted and raped, and humiliating and further traumatising those seeking help – is a common theme across many of the interviews. In one incident a sex worker who had been raped by the police along with her friend tried to lay a charge against the Police Officer at a police station in Johannesburg. She reported that the police laughed at her and only wrote her details on a piece of unofficial paper. She was told to come back two days later, where she was confronted by the officer she reported the rape to, and the actual Police Officer that had raped her,



“A lot of police came, they were all laughing at me and calling me a magosha and told me to stop telling lies. I felt very embarrassed and upset and left the police station”.

(Rosinah, Female, 38, GP: #12)

To prevent her lodging a complaint, Rosinah was threatened with being charged with stealing her rapist's phone. She also notes that the same Police Officer harassed her for three months: ***“He continued to tell my friends that he would shoot me, he would kill me and he would hurt me”.***

While across South Africa many report facing challenges when reporting crime and seeking the support of police (Khayelitsha Commission of Inquiry into Policing 2014), in this context such treatment reflects a common perception that due to the work they do, sex workers cannot be raped or are somehow deserving of rape (Pauw & Brener 2003; Sourgie et al. 2012). Police therefore seldom want to open a case, even when a sex worker wants to try and lay a complaint.

The criminalisation of sex work means that sex workers are not easily able to access the law and ensure that their human rights are upheld and protected through the reporting of crimes against them. In a series of events that took place in one of the hot spots (Site A) identified in this research, participants describe being raped by a man (with distinguishable features) who held them at knifepoint, and throttled them. One participant reports,



“He took down my trousers and raped me twice. He did not use a condom. I was too frightened to scream and he kept choking me anyway. He told me he would kill me if I screamed. I was terrified he would kill me. He told me he was a rapist and a killer, he had done it before”.

(Sipho, Female, 34, GP: #14)

The same participant stated that two other sex workers had been raped by the same offender in the same location. However, none of these sex workers felt able to report the crime due to fear of the police. The participant states,



“Even though the man raped me and stole my cell phone, I am more frightened of the police than I am of that man”.

(Sipho, Female, 34, GP: #14)

One of the other participants Buyiswa, who was raped by the same man also describes the following,



“I felt very scared and thought he would kill me, and there was nobody around to help me ... I stayed there for a while because I was very shocked and I hurt because he had hit me with his hand on my face. I then got up, and thought about going to the police to report it. I decided not to go to the police because they don't take us sex workers seriously”.

(Buyiswa, Female, 34, GP: #30)

Another participant Michelle, described the same man raping her and choking her eight years previously. She was able to scream for help and some men from a garage nearby chased the man and called the police. The participant describes how she went back to the police station with the culprit, however the police told her to leave because she was a sex worker – they called her a *“magosha”* – and would not allow her to make a statement or provide evidence of the condom the rapist had used.



"The police just let the man who raped me go".

(Michelle, Female, 29, GP: #31)

In this particular site, participants also report being threatened by an armed man who then set their shacks on fire, burning all of their belongings in September 2015. Although the man was arrested and the sex workers opened a case against him, they have not heard back from police. *"I don't think the police will help us sex workers. They call us names and make fun of us but don't help"* (Kate, Female, 31, GP: #32). In another report a participant describes a Police Officer as repeatedly setting the shacks of sex workers on fire,



"He came on a motorbike. He called us names like you magosha bitches, you fucking bitches".

(Tina, Female, 33, GP: #35)

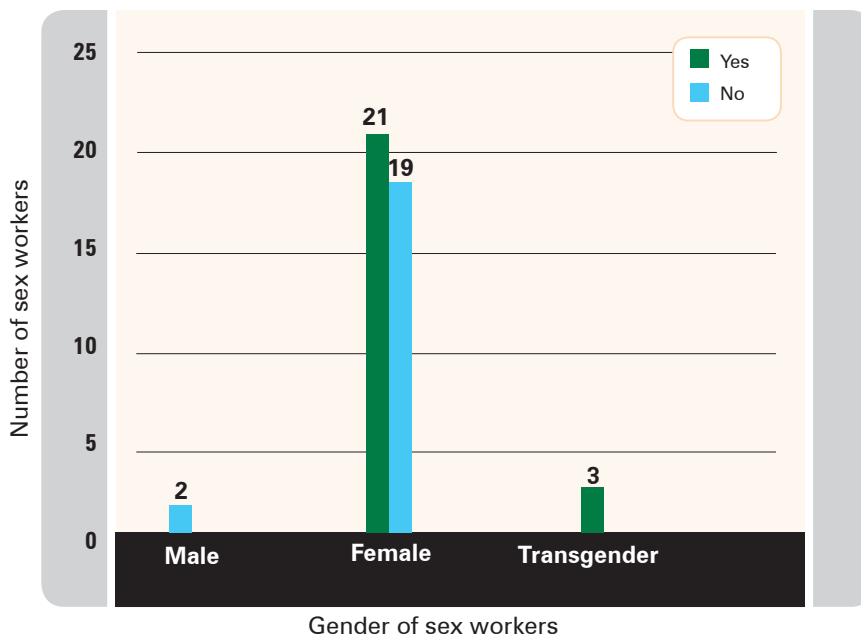
Tina reports Metropolitan police chasing sex workers on motorbikes and taking photographs of them. These events are also documented in the timeline for Site A in Appendix 3. The timeline demonstrates unsuccessful attempts by sex worker organisations to engage and set up opportunities for dialogue with the police in order to deal with the number of incidents occurring.

Harassment

The survey asked participants to identify if they had been harassed by police. The graph below shows high levels of harassment amongst the survey sample participants.



Figure 21: Number of surveyed participants who have experienced harassment from police, by gender of participant.



Interview participants also report high levels of harassment from Police Officers, including: chasing individuals in the street even when they are not working and shouting at them; raiding homes without a search warrant; and regularly threatening sex workers. Rarely does harassment happen in isolation – it is commonly accompanied with violence, intimidation and humiliation, demanding of bribes and unlawful arrests and detention.



"The police are always chasing us, swearing at us, asking to see our vaginas...I am very scared of the police. I just run when I see a police van. Even if I am waiting for a taxi at the shops, even when I'm inside the shop, the police come and tell me to get inside the police van. They tell me that even if I'm not with a client, I might be on my way to a client. It doesn't matter that I am just shopping".

(Nokuthula, Female, 29, GP: #56)

Interview participants also report that police commonly aim to humiliate and shame them. They describe being woken up in the middle of the night or burst in on while relaxing at home or showering and then being arrested and not allowed to dress,



"As I was naked, I asked the police to let me get dressed. They refused and made me walk outside with them naked...I felt very embarrassed to be naked".

(Jade, Female, 33, MP: #47)



"They made the lady in the shower get out of the shower naked and would not let her get dressed. She stayed naked until she could get dressed in the back of the police van...The police were beating us and pushing us violently into the van".

(Thendo, Female, 25, MP: #43)

In another incident a participant describes how she started her period while in a cell, however the police refused to give her sanitary pads. When she used her clothes she says that *"The police made fun of me. They called me dirty, said I couldn't even buy a pad"* (Joyce, Female, 31, MP: #46). One participant reports the police raiding a house where a number of sex workers were living and asleep at the time, without a search warrant. The sex workers were forced to get up and vacate the property after the police claimed to have found a small piece of "rock" (drugs) in one of the bedrooms. The participant states that all six of the sex workers were made to walk up to the taxi rank in various states of undress and some of them naked. *"The police made us stand at the taxi rank and told all the public that we were prostitutes. Members of the public were laughing at us and calling us names"* (Nthabi, Female, 22, MP: #38). After the women were held for a number of hours without food, four of them were released without charge (two were kept at the police station), put back into a police van and dropped out in the bush away from town,



"The police made us get out of the van in the bush with no way to get back except walking. None of us had any money. Some of the women had no shoes on. I was still naked".

(Nthabi, Female, 22, MP: #38)

This statement is supported by another participant (Nolo, Female, 25, MP: #41).

The survey looked at one particular form of harassment termed "pick and drop", where sex workers are taken some distance away and dropped on the side of the road, and left to find their own way home, often without any resources such as cell phones or money. A number of surveyed sex workers had experienced this form of harassment as shown in Figure 17. This was also commonly mentioned in the interviews:



"I've been beaten up, pepper sprayed, driven far away and dumped at the side of the road or in bushes and have to make my own way back".

(Karabo, Transgender, 39, GP: #24)



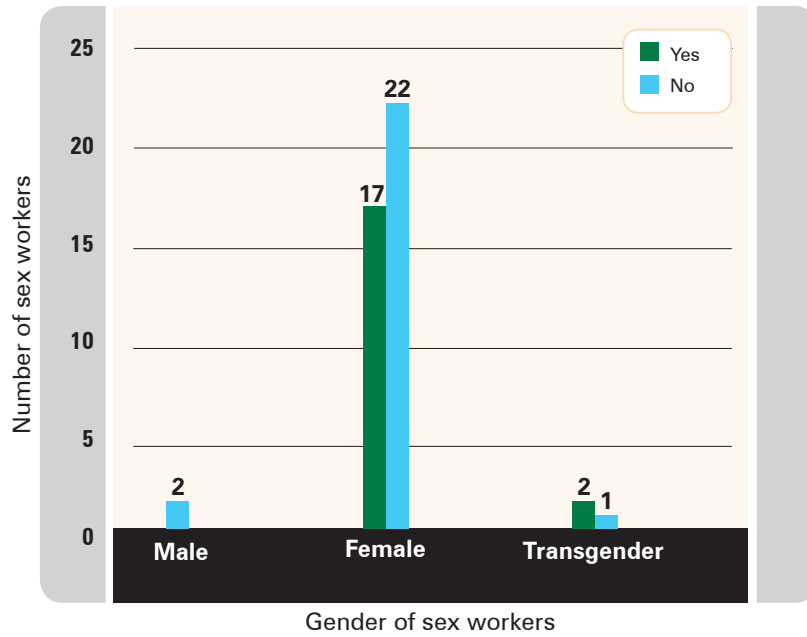
"They did not take us back to where we were arrested and, we had to walk back a long way".

(Tshego, Female, 34, MP: #52)

Dropping individuals and especially women in remote areas, often without a phone or money and sometimes without adequate clothing, renders them extremely vulnerable and increases the risks of them facing further forms of violence including rape.



Figure 22: Number of **survey** participants who have experienced “pick and drop” by police, by gender of the participant.

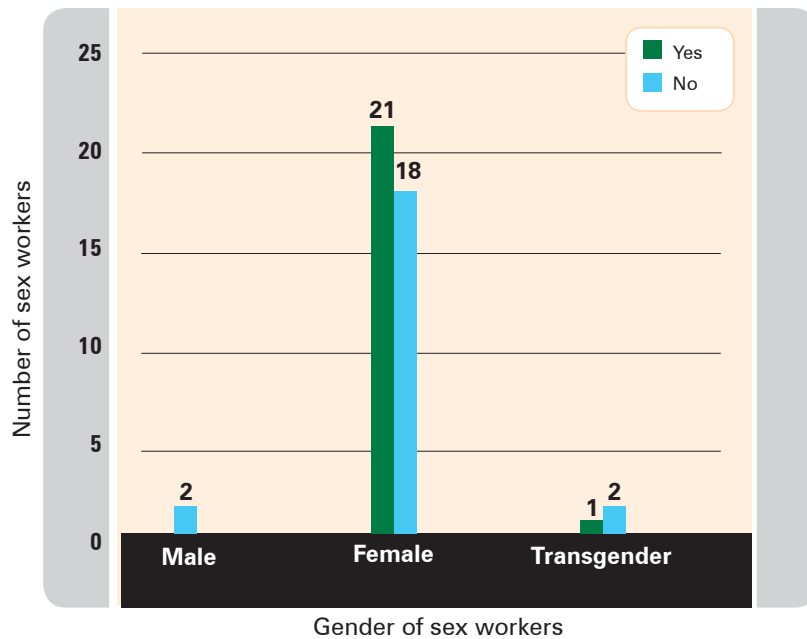


Corruption and bribes

The survey also asked if sex workers had ever paid a bribe. Figure 23 below shows that a large number of them had done so.



Figure 23: Number of **survey** participants who have paid a bribe to the police, by gender of participant.



Corruption committed by Police Officers is recognised as one of the most common forms of abuse of power in policing in general in South Africa (Newham 2005), and this can be seen most clearly through the bribing of sex workers. Almost all of the 63 interview participants describe situations in which sex workers are forced to hand over money to avoid arrest, to be released from detention, or to prevent further threatened action. Often this is routine and occurs over extended periods of time. The extent to which bribe-taking occurs suggests that it has become an entrenched form of harassment and abuse of sex workers in South Africa. These bribes can also be described as a form of blackmail and extortion, given that sex workers are threatened and face negative consequences if they do not pay.



"The police come to the brothels along my street a lot. They approach the sex workers and say, "we want a cold drink", which means they want money from us. We have to pay the police when they do this or they arrest us and demand bigger bribes to let us go".

(Mpho, Female, 35, GP: #02)



"If you don't pay the police when they demand money, they will arrest you".

(Busi, Female, 33, GP: #08)



"When the police ask for "money for a cold drink" I pay them around R20 each time. I pay the money because I don't want to be arrested again or locked up over the weekend. I never received any paperwork from the police or a receipt for the money I pay them".

(Mpho, Female, 35, GP: #02)

Many interview participants can identify the Police Officers known for regularly demanding bribes and the findings link sites where corruption and bribes are commonplace with particular police stations and officers,



"This policeman has come and demanded money maybe ten times already this year. Everyone just gives him money as we are frightened of being arrested".

(Anna, Female, 25, GP: #05)

Site A – mentioned earlier as a site of frequent sexual assault – was also identified by participants as a site where Police Officers take bribes,



"Police came to ...[Site A] in two or three police cars... They said if we didn't pay the bribe, then they would take us to the police station".

(Keri, Female, 63, GP: #33)

In another incident a participant describes SAPS officers arresting a group of sex workers and clients at Site D. They were all taken to a police station and told to pay a R150 "fine" before they were released (Tina, Female, 33, GP: #35).

Sex workers are forced to meet police demands because they need to avoid arrest in order to continue working and because they cannot afford to lose their earnings. When bribes are taken and when sex workers are locked up, the loss of earnings not only impacts them but also their families. Many find they need to work even more and often take greater risks in order to make up for the lost earnings, upon which a number of dependents rely.



"I have less money to send to my family because this Police Officer is always demanding money from us. I don't want to pay his bribes but I feel I have to or he will cause me trouble".

(Anna, Female, 25, GP: #5)



"I do not want to pay bribes to the police but I do not want to be arrested and kept in police cells as I cannot earn money when I am locked up by the police for not paying their bribes".

(Cindi, Female, 38, GP: #03)



"I pay the police bribes because otherwise they arrest the sex workers. If they arrest you, you have to pay them more money and spend time in the cells. You cannot earn money when locked in the police cells. I am very afraid of being arrested. I am afraid of the police".

(Cindi, Female, 38, GP: #03)

Bribes are also demanded from sex work clients. This again heightens the vulnerabilities that sex workers face, as clients may then feel the need to be more clandestine and sex workers may have to take greater risks to find clients:



"When the police found a male client with a sex worker, they were demanding a bribe from the customer before the police would let them go".

(Thuli, Female, 45, GP: #10)



"The police wanted my client's wife's telephone number. My client refused to give it to them; both of the police then asked my client for a bribe. They said if he doesn't give them something, they would arrest him, or take him and me to show his wife what he is doing picking up prostitutes at night".

(Karabo, Male, 40, GP: #24)

After the client handed over between R500-R600 the sex worker had then challenged the police for losing him a client. In response they pepper-sprayed him in the face.

In another incident the police from a station in Site D beat a group of sex workers and their clients. They put them inside a police vehicle and drove them to an isolated spot, *"[T]hey told the male customers that they had to pay money before the police would release them. If they didn't pay money, the police would go and tell the customer's wives what the men had been doing"* (Jane, Female, 32, GP: #13). In an illustration of how multiple crimes are committed against sex workers in the same incident, the participant also described how the police forced all the women to "open their vaginas" and when two refused,



"The police held these two ladies down and sprayed pepper into their vaginas. The rest of us paid the police money to stop hurting them".

(Jane, Female, 32, GP: #13)

Unlawful arrest and detention

One of the most common forms of abuse perpetrated by police is unlawful arrest and detention. Interviewed sex workers report being arrested when out shopping, visiting friends or even sitting on the side of the road:



"The police arrest me when I am at the shops, in people's properties, standing in people's yards etc. I am not doing sex work when they arrest me. Because they know me, they just arrest me".

(Zandile, Female, 41, GP: #55)

In one statement a participant who rents out part of his property to a group of sex workers describes the constant harassment and unlawful breaking and entering – leading to arrests of sex workers. He describes this happening at night and about four times – *"Each time they beat the girls again and arrest them"*. In December 2015 the participant notes that 20-30 police, including the Station Commander, arrived at his property and before he had time to let them in they broke down the back door and began searching the house, breaking doors and wardrobes as they went. They did not produce a search warrant and ignored questions as to what they were doing. The participant states that the women in the back house were sleeping at the time and not doing sex work.



"I saw police starting to beat the girls in the back house, telling them to wake up. They were hitting the girls with fist and guns and some of the police were holding knives. They were very aggressive and frightening. The girls were screaming".

(Reabetswe, Male, 42, MP: #36)

The participant lodged a complaint against the police and has photographic evidence of the damage caused. At the time the statement was taken in March 2016, the witnesses' complaints had not been investigated. He concludes,



"I believe the police will continue to arrest and hurt these girls. The police have said they will keep doing this until the ladies leave town".

The findings also show that sex workers are detained for extended periods of time in cells which are often overcrowded, dirty and fail to meet basic standards including having a working toilet. There are rarely enough blankets or mattresses and police prevent friends and family from bringing warm clothing and food:



"The police put us in cells... There was only one blanket and one foam/sponge mattress but there was 14 of us in the cell".

(Zinzi, Female, 37, MP: #49)



"The cell was filthy, the toilet was not working and was leaking some water because it was blocked. There were two blankets and two mattresses. There were 10 or 12 people in the cell, we were very crowded".

(Lucia, Female, 40, MP: #40)



"The police took us to the Police Station and just kept us in the cells overnight without charging us. The cells were cold and wet, there was water lying on the ground. We had no blankets, the rain leaking into the cell".

(Thendo, Female, 25, MP: #43)

Participants describe the common practice of police arresting them on a Friday meaning that they have to spend the entire weekend in detention.

One participant from Site E describes how the police would come to the same brothel every weekend on the Friday afternoon, *"It didn't matter if you were just having a drink or doing sex work, they would collect all of us and put us in the back of a police riot vehicle"* (Paballo, Female, 32, GP: #17). They would be taken to the police station and kept there all weekend, unless they were able to pay a "fine" of R300. While described as a "fine" this was clearly a bribe as those who couldn't pay were only released on Monday morning but without charge:



"They keep us in cells over the weekend, and do not feed us from Friday until Monday. We are all hungry and feeling sick from not eating. The police will not let us have our ARVs or other medicine when we are in police custody".

(Thabang, Female, 41, GP: #58)



"The cells were dirty, the toilet does not work, there was no water, the blankets were wet. The cell was very smelly. The police gave us one plate of food. The police did not give me my ARV medicine".

(Gugu, Female, 39, GP: #54)

The withholding of medication, including ARVs, is mentioned in the interviews on a number of occasions.

In one incident at Site F a participant described being arrested alongside another sex worker who was in need of her ARV medication, ***“The other lady was on ARV medication, she had stomach cramps, started to foam at the mouth, and then she was vomiting blood inside the cells after the police refused to let her have any medication”*** (Claudia, Female, 36 MP: #60). Denying access to ARVs has very serious health implications for those on treatment. Moreover, this is a violation of the South African constitutional guarantee of the right to healthcare for all.

The findings show that sex workers rarely face a formal charge, normally being required to pay a bribe and being released instead. In some cases, participants stated that they have been made to sign false statements or have not had the legal process explained to them,



“We were made to sign some form of papers after we asked for Legal Aid. I don’t understand what the papers were and I don’t know how to apply for Legal Aid. I still don’t understand what I was charged with. I don’t understand why I was arrested”.

(Nerima, Female, 34, GP: #42)

In another incident the police in Site B drove around and arrested a number of sex workers. ***“Inside the police station, they wrote statements. The police told us we must sign the statements they typed up. I wasn’t allowed to read the statement before I signed it”*** (Nokuthula, Female, 29, GP#: 56). One participant describes Police Officers arresting her after finding a small amount of ecstasy on her but then providing her with a statement they had written which stated that she was found in possession of a bag of heroin – ***“I don’t know what heroin is and I did not have any of whatever it was”***. The participant was held in police custody for three months before being released with a warning by the Court (Nolo, Female, 26, MP: #41). On another occasion the Women’s Legal Centre attended a police station where a number of sex workers were being held but they were not allowed to talk to the sex workers (Thendo, Female, 25, MP: #43).

In one instance where participants describe their cases going to court, they note that Magistrates threw the cases out and expressed annoyance with the police for wasting their time. It is likely that the Magistrates’ annoyance related to lack of evidence and a clear crime committed. This appears to occur in relation to one particular site where participants note that the police regularly drop them off in the yard at the Court House,



“The Court staff told the police to stop dropping us sex workers in the yard at the Court House. They told the police that we shouldn’t be arrested, and the Magistrate does not want us in Court”.

(Zandile, Female, 41, GP: #55)



“The Magistrate said he was tired of ...police (from Site B) for arresting the ladies and taking us to court for nothing”.

(Thabang, Female, 41, GP: #58)



“When we got to court, the Magistrate told us we must go home. He said this thing is not a crime and he wouldn’t deal with it”.

(Gugu, Female, 39, GP: #54)

Others describe tensions or confusion between Police Officers – for example where one officer intends to release arrested sex workers and another prevents this from happening. At Site F a number of participants describe a particular incident in which they were almost released by one officer after spending a night in a crowded and dirty cell only to be told by the Station Commander that they should not be released because they had not been charged (Interview participants MP: #42 - #49). In another incident, three sex workers who were arrested and charged were taken to court on a Monday morning only to then be released by different officers without appearing in Court (Tshego, Female, 34, GP: #52).



3.3 “Hot Spots” and site-related patterns of police offences against sex workers

The findings above show that the number of different offences and human rights violations against sex workers are not isolated and represent systematic violations across provinces and sites. However, there is also evidence that there are locations where a Police Officer and/or police station is involved in multiple events over extended periods of time, and also sites where there is a high concentration of incidents involving a limited number of specific Police Officers or single policing location.

Site A: Gauteng Province (GP) – Pretoria Urban Area 1

This is a site that has been used for many years by sex workers and can be characterised by on-going violations by the police against sex workers and a very poor relationship between sex workers and local policing authorities. The 12-month timeline for Site A (May 2015-May 2016) provided in Appendix 3 provides a clear outline of events and failed efforts by sex workers and service providers to engage with the police. It details attempts by service providers to facilitate communication of crimes and transmission of information relating directly to crimes, which have been unsuccessful to date. Common violations by police include:

- Physical assault
- Unlawful detention
- Unlawful arrest
- Harassment and intimidation
- Corruption – Bribing of sex workers
- Malicious damage to property
- Matters dismissed *Noll Prosequi*
- Police neglect – refusal to investigate the death of a sex worker, refusal to investigate reports of rape and theft

In one instance involving a crime causing physical injury, the suspect was physically in police custody (see page 32). However, this suspect was allegedly released on the basis that the complainant was a sex worker (Michelle, Female, 29, GP: #31).

In the case of the sex worker found dead in November 2015 at this site, proactive attempts by sex workers and health clinic staff to engage with police resulted in threats to arrest the sex workers. It is unclear whether any investigation of this murder has occurred.

Site B: Gauteng Province (GP) – JHB Peri-urban Area 1

Findings show that there are high levels of systematic violence used by police against sex workers including striking them with sticks, sjamboks and bare hands. A total of eight participants at this site report consistently violent behaviour from police.

These assaults have resulted in medically documented injuries and attempts to lodge complaints against the offenders. The intervention of sex worker advocacy organisations has been required to ensure police accept complaints when participants attempt to lodge them. The same Police Officers (identified in the statements) are regularly involved in similar physical assaults on sex workers. Other frequent offences by Police Officers against sex workers include:

- **Unlawful arrests** by police
- **Unlawful detention** for extended time periods (after which sex workers are dropped at court but do not appear in court)
- **Denial of access to ARVs** whilst in police custody

Allegations of serious crimes by Police Officers have not been investigated. The participants from the location report particularly problematic behaviour – sexually perverse and violent – by one identified Police Officer, which have not been pursued. One complaint is currently in progress, but the Police Officer who is the subject of that complaint continues to harass and intimidate sex workers at this location.

Sex workers at this locality report two sex workers being murdered in 2017. Attempts by sex workers to provide witness statements and information have been refused by police. It is unclear what stage of investigation or whether any investigation is occurring concerning these murders.

Site C: Gauteng Province (GP) – Pretoria Urban Area 2

The priority issue reported at this site relates to corruption. Multiple participants report SAPS officers attending the informal brothel premises where they work (up to twice daily) to request and receive bribes. These bribes range from R20 to R200 per individual in order not to be arrested, and police would often phrase this as “money for a cold drink”. All police seeking bribes are identified as working from a single police station in Site C. If bribes are not paid, the participants report being “arrested” and kept in the police van until they have paid the bribe. The site is also associated with on-going harassment and intimidation of sex workers.

The level of everyday harassment and abuse is also illustrated by an incident described on page 43 in which a woman who is not a sex worker (but her husband is a security guard at an informal brothel) was arrested by police on the way to buy her young child a drink from the spaza shop nearby. Together with her young child and an infant, they were all placed in the police van and driven away by the police, forcing her to leave her other infant child alone inside the house. Such an incident of mistaken identity highlights the indiscriminate nature with which police in this site treat women assumed to be sex workers and the callous attitude towards them and their children.

Site D: Gauteng Province (GP) – JHB Urban Area (includes 11 sub-sites across JHB suburbs and CBD)

This site covers the greater Johannesburg area and includes a number of police stations that are identified in the specific statements. Some 11 sites in total have been identified. Human rights violations in this area have been going on for a long time across multiple sites and different police stations within this location (labelled as site D1, D2, D3, etc.). The statements are all from street-based sex workers and the types of violations they face are illustrative of the heightened risks when working on the street. The most prevalent violations by Police Officers include:

- Sexual assault
- Harassment and intimidation
- Corruption – demanding of bribes as cash or free sex (often without a condom)
- Physical assault/grievous bodily harm

At this site there are also reported cases of sexual slavery and torture (detailed on pages 30-31) in which a specific Police Officer repeatedly held a sex worker against her will and raped her – often keeping her over the weekend. When she moved location the officer tracked her down and repeated the offences. A participant also reports a severe physical attack by a different Police Officer from the same site (documented on page 28), which left her with lasting injuries.

At this site there is also an incident of assault and grievous bodily harm (Site D1) and an incident of rape (using a gun) and bestiality (forced sex with an animal) by a Police Officer (Site D4). The participant’s experiences are described on page 31 and highlight the extent of violence used against this participant.

Site E: Gauteng Province (GP) – Pretoria Urban Area 3

The main issue at this site is bribery and corruption by Police Officers. This is an area of residential townhouses. Sex workers rent one townhouse and offer sexual services via the Internet. Three participant statements support one another around a single event of bribery and corruption.

Site F: Mpumalanga Province (MP) - Large Rural Town 1

All policing incidents at this site involve the same police station. It is an area where sex workers mostly work in informal brothels in residential streets. The issues documented are systematic and recurring, affecting multiple sex workers and with the same sex workers being targeted again and again. This is detailed in the timeline for the site in Appendix 3. The most common police offences at this site are:

- Unlawful arrest
- Unlawful imprisonment
- Violence against sex workers by police
- Harassment and Intimidation

Participants describe police returning to the same brothels generally on a Friday, arresting groups of sex workers and holding them over the weekend. They are usually allowed to leave, without being charged, on the Monday morning but with a fine of R300.

There is also an instance of neglect/corruption where the participant suffered a life threatening injury but the police investigation was stopped against her wishes (Mapula, Female, 37, MP: #37).

Assaults by police within the police station, in the charging area, are reported to have occurred to at least one sex worker client. Photos were taken by witnesses to the event to document this person's injuries sustained within the police station. Reports of brutality and cruelty are consistently reported by the various interview participants. A number of statements corroborate the same events. The Women's Legal Centre has appeared at Site F court on a number of occasions for sex workers. These police charges were all dismissed. There is also anecdotal evidence of harassment of legal representatives, including intimidation and harassment whilst inside the police station.

Site G: Mpumalanga Province (MP) - Large Rural Town 2

This site involves a number of residential houses used as informal brothels and one police station. A timeline of events for Site G is also included in Appendix 3. The priority issues and offences reported at this location include:

- Unlawful arrest
- Unlawful imprisonment
- Torture (electric shocks, forced into cold baths) and violence by police
- Harassment and intimidation

Attempts by the Women's Legal Centre to progress complaints against police in this location have not been successful to date.

Police regularly use forms of public humiliation at this site – forcing sex workers to leave their homes and parade in public in a state of undress or naked. Participant statements also document the fabricating of evidence to press charges. There is also a case of a female Police Officer forcing multiple female sex workers to strip and bath in cold water in front of male Police Officers. Those who resisted were beaten – as documented on page 29.



3.4 Heightened vulnerabilities

This final section of the findings highlights the fact that in addition to the human rights violations committed by police against sex workers, various factors such as being responsible for dependents and also being a non-national sex worker can heighten the risks that sex workers face.

3.4.1 Dependents

The findings of the survey suggest that the majority of sex workers support a number of dependents through their earnings. This reflects findings from elsewhere in Sub-Saharan Africa where most female participants had children (Scorgie et al. 2011). The interviews show that having dependents increases the risks that sex workers face both in the selling of sex and also in their encounters with police. When sex workers are forced to pay bribes, money that is needed for school fees, food and rent is taken away. When sex workers are physically and sexually assaulted and raped, they are left injured, traumatised and sometimes unable to care for their dependents or continue to work. When sex workers are arrested and locked up, especially over entire weekends, they risk leaving their children alone and being unable to support them. In one incident a sex worker reports that she was arrested and locked in a cell but without being charged; she was kept overnight which meant her child was left home alone (Taylor, 35, GP: #29).

In another incident a participant who is not a sex worker but whose husband is a security guard at a brothel (at Site C) was ordered to get into a police van when she stepped outside of her room to buy a drink for her young daughter. She was with her young child and holding one of her infant twins. The other twin was asleep in the room. Although she told the police that her child was alone in the room and the child could be heard crying, she was driven away with two sex workers who were also arrested, leaving one of her infant twins on his own in the room – *“The police told me they didn’t care, they would call child services and get all my babies taken away from me”*. The participant was eventually able to call her friend to go and get her child who was alone and a bribe was negotiated for the release of all three women. The two young children were detained in the back of the police van until the bribe was paid.



“I paid R150 to the Police Officer who arrested me. The police drove myself and my children back to the brothel...I did not receive any paperwork or receipt...”

(Keletso, Female, 39, GP: #01).

This incident is backed up by the friend’s interview, which testifies to her finding the baby “hysterical, crying and screaming” and taking the baby to the police station along with the R150 bribe money (Rose, Female, 38, GP: #07).

3.4.2 Migration

Research shows that there is a strong link between sex work and migration and that sex workers are a highly mobile population (Richter & Vearey 2016). A research project conducted at four sites in South Africa during the 2010 Soccer World Cup (‘the World Cup study’) showed that more than 85% of FSWs had migrated from their place of birth, with 39% being internal migrants and 46% cross-border migrants (Richter et al. 2012). This study also showed that cross-border migrants had higher education levels, predominantly worked indoors and on a part-time basis, and earned more per client than internal or non-migrants. However, their access to healthcare was low. They were also responsible for more dependents: non-migrants had a median of two dependents, internal migrants had three dependents, and cross-border migrants had on average four dependents. A quarter of female, cross-border migrants reported that they worked as sex workers before they had left their place of birth, in comparison to only 10% of internal migrants. This is significant because, along with other recent studies, it challenges common assumptions that foreign-born sex workers in South Africa are victims of human trafficking and sexual exploitation (Richer et al. 2012; Flak 2011; Gould 2011; Oliviera 2011).

The findings in this study show that being a cross-border migrant, and particularly not having the correct papers, can heighten the risks that sex workers face – resulting in them being arrested more frequently, having to pay higher bribes, threatened with deportation, and also being less able to exercise their rights. This reflects an intersection of vulnerabilities: a sex worker may not have been arrested if they were not undocumented, or an undocumented non-national may not have been arrested if not selling sex.



"I did not have papers so I was kept in custody for 3 days...I have been arrested around 6 or 7 times because I didn't have the right papers".

(Sibongile, Female, 28, GP: #57)



"I do not want to pay bribes to the police but I do not want to be arrested and kept in the police cells as I cannot earn money when I am locked up by the police for not paying their bribes".

(Mpho, Female, 35, GP: #02)



"The short Police Officer asked me for my identification. I gave him my passport, which had expired. He wanted something else, as my passport was not up to date. I did not have anything else to give him. The short Police Officer said he was taking us to the cells, and that I would be deported".

(Nomvula, Female, 28, GP: #21)

One participant describes an incident where a number of sex workers were arrested in a group, *"Two of the sex workers arrested were from Zimbabwe. They did not have their identity papers on them at the time of arrest. The police demanded R300 each from these ladies"* (Thembi, Female, 38, GP: #03).

Another participant, who supports 15 members of her extended family through her sex work, describes being arrested with another sex worker by Police Officers in their rooms at the hotel where they worked. She was asked to get into the police van and told that it was because she and her friend were selling "dagga" because they were from outside South Africa. *"They would not let us explain we did not smoke it and did not sell it"* (Thokozile, Female, 30, MP: #53).

In one incident where a sex worker was shot and critically injured by her landlord, she had her case closed against her wishes by the investigating officer and was told, *"there was no case for a sex worker like me"* and that because she was from Swaziland she could not continue with the case. Of the Police Officer with whom she opened the case the participant states



"He threatened me, said I was a Swazi and that I was not allowed to be in South Africa. But my passport was valid. I told him I was legally in South Africa. He refused to accept this and said I must go home to Swaziland. If I wanted to continue with the case, I would be in trouble".

(Mapula, Female, 37, MP: #37)

The participant describes the repercussions of this incident. She cannot work properly because of the injuries sustained by the violence of the landlord, and she was unable to access free medical treatment at the hospital because she did not have an open case with the police. Without the open case, she has to pay R200 for each hospital visit. She states,



"I feel very upset that the police would not help me, because I was not South African and a sex worker, the police were discriminating against me".

(Mapula, Female, 37, MP: #37)

3.4.3 HIV/STIs

Globally, sex workers are approximately eight times more likely to be infected with HIV than other adults. Across sub-Saharan Africa, female sex workers carry a disproportionate burden of HIV, with prevalence commonly 10–20-fold higher than among the general population (Scorgie et al. 2011). While various elements in the sex work setting and beyond can increase or mitigate sex worker vulnerability to HIV and other STIs and illness, the criminalisation of sex work is central to increasing risk and reducing negotiating powers to insist on condom use. Violence has a direct and indirect bearing on sex workers' ability to protect themselves from HIV and maintain good sexual health. Rape can directly increase the risk of becoming infected with HIV through vaginal/anal trauma and lacerations. Sex workers also can face challenges accessing HIV prevention and health services and/or can face discrimination and stigma within the health services. In a study with FSWs in Soweto, Coetzee *et al.* (2017) reported that FSWs are disproportionately affected by intimate and non-intimate partner violence, which increases their vulnerability to HIV. They also noted that such high levels of normalised violence against sex workers are likely to hamper HIV prevention and treatment interventions targeting FSWs.

As previously noted, this report has shown that many sex workers have been raped by Police Officers and condoms are not always used. As one participant stated,



"I was terrified in the cell and needed to get out. I agreed to have sex with the Police Officer. He did not use a condom when he had sex with me".

(Thuli, Female, 45, GP: #10)

Sex workers' vulnerability to STIs and HIV is also increased when police confiscate condoms and use them as "evidence" in order to arrest sex workers (Pauw & Brener 2003). The findings of the study show that police in a number of sites are confiscating condoms and, in Site A in particular, burning them. This can be seen in the timeline in Appendix 3 in which it is reported that after the arrest of six sex workers in July 2015 their belongings and condoms given to them by the Department of Health (DOH) were burnt. Again in August 2015 more condoms were confiscated at the same site. These condoms are distributed through public health services, as part of the national strategy to combat HIV/AIDS and new infections as overseen by the DOH. Therefore, when police confiscate and destroy condoms they not only make sex workers who already face a high risk even more vulnerable, but also demonstrate one government department acting in contradiction of the initiatives and policies of another department.

▶ CHAPTER 4: CONCLUSIONS AND RECOMMENDATIONS FOR ADVOCACY

4.1 Conclusions

The findings in this report highlight the nature and extent of the human rights violations against sex workers by police occurring on a daily basis. The findings from the survey and interviews confirm other research from South African and international literature, that violence and abuse by police against sex workers is pervasive and entrenched. What is noticeable are the levels of violence, which range from everyday forms of harassment and corruption to systematic attacks against sex workers, where sex workers experience extreme forms of violence, which have involved rape and torture. Overall, the findings show that violence and human rights abuses committed by the police against sex workers remains a significant problem and serious cause for concern in South Africa.

Where crimes were reported and sex workers sought the protection and support of police, they faced many challenges. These involve: refusing to process complaints, obstructing the course of justice, denying sex workers their rights, and in many situations perpetuating violence against sex workers. The report highlights the fact that there is widespread sex worker mistrust of the police and that sex workers have lost confidence in the policing authorities and complaints processes, particularly when met with ridicule and humiliation by the police. Furthermore, where the police themselves have committed crimes, individuals often do not want to proceed with formal complaints for fear of being further threatened or targeted.

The comments made by police towards sex workers when they attempt to report crimes are revealing. Sex workers were referred to as "*magosha*", they are told to take a bath or change, they are told sex workers cannot open cases or that they cannot be raped. This clearly demonstrates that sex workers are not treated with respect and that there is a belief that their human rights do not matter. Where such a failure is taking place sex workers are left vulnerable and with no way forward in order to try and protect themselves and all of those who are involved in the industry.

This report highlights the urgent need to find a way forward that can ensure that laws in South Africa are upheld or amended, where necessary, so that sex workers are not targeted and at the receiving end of police violence.

The overall suggestion, based on the findings of the report, is that in order to consider constructive and effective working relationships between sex workers and police, there is a need to address the vulnerability created by the criminal law.

4.2 Recommendations

4.2.1 Recommendation for the decriminalisation of sex work

To ensure the safety and protection of sex workers in line with respecting their human rights, this report recommends that South Africa should decriminalise sex work. This includes repealing laws that prohibit consenting adults to buy or sell sex, as well as laws that otherwise prohibit commercial sex, such as laws against "living off the earnings" of prostitution or brothel-keeping. This also includes ensuring the civil and administrative offences such as "loitering" and "public nuisance" are not used to penalise sex workers.

Decriminalisation – a process involving the removal of all laws criminalising the sex industry – could be the most effective policy option for minimising the harms experienced by those engaged in the sex industry. Evidence from New Zealand, one of the leading countries on decriminalisation, indicates that the decriminalisation model

improves the welfare, health and safety of sex workers (Mossman 2010) – with sex workers better able to avoid or respond to violence. It also helps reduce the social exclusion experienced by sex workers, which makes them more vulnerable to exploitation and devoid of choice to move in and out of the industry. The call for decriminalisation and to approach sex work from within a human rights framework is also supported by various international bodies, such as: UNAIDS (2002), the World Health Organisation (WHO), the United Nations Special Rapporteur on Health, the Global Commission on HIV and the Law, and Amnesty International.

This law reform would prevent consenting adults involved in sex work from being punished, would help ensure safe working conditions and enable sex workers and their clients access to effective HIV and health services and commodities. Importantly, decriminalisation would also help prevent police harassment and violence against sex workers.

4.2.2 Recommendations for police

Engagement with police and sex workers

There is an urgent need to challenge stigma and the perception that sex workers are undeserving of human rights.

SAPS should be more willing to address the high levels of systemic and direct violence and abuse that is directed towards sex workers by Police Officers – as highlighted in the findings of this report.

SAPS should be more willing to engage with sex worker organisations supporting sex workers and organisations that target sex workers with health interventions to find a way forward around the issue of police violations of the human rights of sex workers.

This report provides a valuable opportunity for the beginning of dialogue and further engagement with the police and related authorities. Topical examples of discussion points could include:

- A review of the SAPS complaint procedures and access points for vulnerable populations, including sex workers, to design a more practical and operationally friendly process where complaints are tracked at the provincial and national levels, and follow clear guidelines on timelines and reporting of progress and outcomes.
- An annual stakeholder meeting at provincial and national levels which includes policing and vulnerable population group representatives.
- Design and implementation of a national Policing of Sex Work framework which includes National Instructions and Standard Operating Procedures (SOP) to guide the operational policing of vulnerable groups, including sex workers. A dedicated SOP for SAPS members on engaging with sex workers would be a useful entry-point. The sex work sector recently provided feedback and a draft format for the police SOP after identifying an entry point to engage with police.
- The disaggregation of case statistics to enable identification of cases relating to sex work, to ascertain the criminal justice outcomes for sex workers coming into contact with police.
- The national health impacts of current police practices, including the seizure of condoms and refusal of access to ARV medications in custody.

There is also a need for continued collective engagement with police and related authorities.

This should include on-going reinforcement of existing police instructions and SOP, which are relevant to arrests generally, together with detailed training on interactions with vulnerable populations, including sex workers. This would assist to increase the police understanding of:

- Sex workers and their lives, including the centrality of their work in supporting a high number of dependents and the very limited options they have to meet their economic needs.
- Levels of abuse and violence that sex workers face from police and the community generally.
- The legal instruments and policing framework designed to protect the rights of all citizens, which are particularly relevant to vulnerable populations.

Holding police perpetrators accountable

SAPS should set up a system that will allow sex workers and sex worker organisations to report the human rights violations being experienced, recognise their vulnerability to retaliation, and to be able to follow up on any legal processes that result. In doing so they should be able to hold police offenders accountable while maintaining the safety of the sex workers.

Research with Police Officers

There is a need for a better understanding of the police experience of engaging with sex workers and the challenges they face. This requires research that will provide a broader understanding of police/sex worker relationships and how they can be improved.

Such research to identify and investigate the drivers of non-rights compliant policing practices within SAPS itself, could also enhance the knowledge base and understanding required to achieve a more rights compliant policing approach across all vulnerable population groups, not just for sex workers. This research could examine how the current legislation, policing policies, practices, historical and current policing culture contribute to the existing environment. It could provide guidance to assist the sex work sector, government and policing authorities to identify outcome orientated solutions to improve rights compliant operational policing generally in South Africa.

4.2.3 Recommendations for sex worker organisations and other service providers working with sex workers

Capacitation of sex workers

The sex work sector should identify opportunities to capacitate sex worker support services across advocacy domains to improve their ability to engage with and influence government and policing agencies. Effective relationships and engagement across government is essential for the advancement of human rights compliant practices. To date, the sex work sector has not specifically focused on strategic relationships with police and government on the structural challenges experienced by sex workers during frontline operational policing activities.

The sex work sector should also identify opportunities to train and educate both sex workers and service providers, such as health services, on how to record, lodge and monitor complaints involving the policing of sex workers.

Systematic collection of evidence of police violations including human rights abuses

Sex worker organisations and service providers to sex workers, should be encouraged to capacitate themselves to systematically collect statements around police violations.

Access to legal rights and support

Sex worker organisations and service providers to sex workers should ensure that they help sex workers who have experienced police violations to access their legal rights and to receive support through this process. This requires a level of capacitation and education, which is dependent on funding resources.

4.2.4 Recommendations for public awareness and community engagement

It would be important to raise public awareness around sex worker rights and acknowledge that even if legislation changes, discrimination and stigma may remain. Therefore public education is an important process.

Public awareness within the sex worker community itself also needs to be improved/raised. This could be achieved by the sector actively seeking out opportunities (and funding) to partner and resource local service providers across the country. Through this they could help sex workers understand the law, their rights, expectations during police interactions, and behaviours likely to improve their relationships with local policing authorities (ie. locations of work which are compliant with by-laws, etc.).

It is also important to make the public aware of the levels of police violation of rights captured in this report. We recognise that there is a growing body of research and related advocacy tools around this issue – their impact could be increased by engagement with journalists and social media to raise public awareness and create a platform for informed public debate.

4.2.5 Recommendations for researchers

There is a need for more research with male and transgender sex workers to better understand the specific challenges they face in interactions with the police. A more randomly sampled survey to assess the level of police violations against sex workers across South Africa would add weight to this research, which focuses on a specific population of sex workers across two provinces.

Furthermore, more research needs to be done on the impact of police violence on families, especially children – the findings show not only violence against sex workers but also violence that resonates through families and into the wider community. For example, when a sex worker's earnings are taken in a bribe by a Police Officer, or when a child has witnessed arrest, or is left alone after their parent has been arrested. This leaves families traumatised and at an economic loss.

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▶ APPENDIX 1: CASE STUDY 1

Site D Johannesburg

The following case study is drawn from a single witness statement (Nomsa, Female, 24, GP: #11). The participant Nomsa, is a female sex worker, 24 years old and supporting two others through her work. In her statement she describes serious offences by police against her. These include: sexual assault and rape; physical assault; demanding of bribes; refusal to access medication while in custody, and harassment and intimidation. These occur at a number of sites and police stations (all of which are identified by the participant) within the larger Site D.

Ongoing events at Site D2 throughout 2012

- In 2012 the participant Nomsa, was working in (named) town in Johannesburg. She had many problems with police because she was young and they wanted free sex.
- The brothel Nomsa worked at was opposite Site D2 Police Station. The police who demanded free sex came from there.
- Nomsa states the police always wanted sex with no condom. If she refused to have sex for free without a condom, they would arrest her and keep her in police custody. Once arrested, police would not let her go until she had sex with them.
- The police would come to the brothel in groups of two or three to demand free sex or bribes.

September 2012 event (Site D2)

- Nomsa refused to have sex with the police on a Friday night. The police arrested her and kept her in custody until Monday morning. She was only released if she paid the R150 bribe. If she hadn't agreed to pay the police would keep her longer. She was not allowed to contact anyone.
- Three times she had to either have free unprotected sex or pay these police a bribe.
- Police would usually arrest her on the Friday night, have sex overnight with her until Saturday morning. That morning, they would put her back in a cell with other women. When the night shift came on, the police would move her back to a cell alone and rape her again. When all the police had finished with her, she would be taken from the cells back to the brothel late Saturday night.
- On the way back to the brothel, the police would often demand that Nomsa buy them food or alcohol. They would ask how many clients she would have that night, how much money she was likely to earn. They would call back at the brothel later that night to collect the food and alcohol.
- Nomsa was forced to have sex with the police so many times they used to joke she was their "girlfriend".
- Sometimes a different police car with different police would come back the same night. They would tell the brothel manager that the police wanted their "girlfriend". They were referring to Nomsa. The brothel owner would tell her she had to have sex with the police or they would interfere with the brothel more.
- Nomsa suffers from asthma. Whenever she asked for her medicine in police custody, they never gave her access. The police would threaten if she kept asking for the medicine they would tell her aunt that she had been arrested for sex work.
- To stop the police rape and abuse, Nomsa moved away. She could not remain living with her aunt because of the continual police abuse.

October 2015 event (Site D1)

- Nomsa moved to (named place) in Johannesburg. She has had some contact with Metro Police at Site D1.
- Nomsa was chased by Metro Police near (named) area in the urban centre. The police had a sjambok, and were calling the sex workers "magoshas". She did not get hit as she ran very fast.
- Another Friday night the Metro Police came again with the sjambok. Nomsa told the police she would report them to Sisonke and SWEAT. The police left and have not come back with the sjambok.
- Ongoing incidents of daily harassment by Metro Police.

Case study created from the signed statement dated 14 April 2016 held on file by Sonke Gender Justice.

▶ APPENDIX 2: CASE STUDY 2

Site F Mpumalanga

Case Study 2 documents the experiences of two participants at Site F in Mpumalanga. These statements reflect many of the key issues and offences by police reported by sex workers in this site (and also Police Officers from Site G) which include: unlawful arrest; unlawful detention; assault; harassment and intimidation; unlawful use of pepper spray; torture (electric shocks); and poor cell conditions (failing to meet even basic standards).

The participants provide dates for the various events described and have named one of the Police Officers in one of the statements.

1) Witness 1:

Lucia is a female sex worker, 39 years old and supports seven dependants through the earnings.

March 2016 event

- The participant Lucia, was at home around midnight in the bedroom she shares with another lady. She was fully dressed with her flatmate sitting on her bed, Lucia was about to change into her pyjamas. The bedroom door was pushed open, two Police Officers entered the bedroom. They were asked what they were doing. Lucia told the police they were about to go to sleep. The police left the room and she could hear them inside other rooms in the house. Approximately 3 minutes later the police came back and told her they were being arrested. She asked why and was told to ask her colleagues as this place was a brothel.
- The police made them go outside and get into the police vans. Another lady and her boyfriend came outside. The lady told Lucia she and her boyfriend had been beaten up by the police when they were asleep in bed. Her boyfriend was also arrested.
- The ladies in the van started to sing. One Police Officer sprayed them with pepper spray through the bars. Lucia felt pain.
- *“It was very painful, my eyes were itching and my nose was burning inside. We were all coughing so much it was like we were all going to vomit. I felt very sick and very, very scared”* (MP: #40).
- The police drove them to Site F Police Station. When they were in the charge room area, one of the (named) Police Officers beat up one of the clients very badly, he was bleeding from the mouth.
- The police locked them in the cells. The cell was filthy, the toilet was not working and was leaking some water because it was blocked. There were two blankets and two mattresses but 10 or 12 people in the cell, they were very crowded.
- They were kept in the cell overnight, and released around 10.00pm the next day. Lucia thinks the police gave her some paperwork but this was her first time arrested and she felt so shocked and upset she can't remember.

2) Witness 2:

The second participant is Neo, a female sex worker, 27 years old who supports four others through her sex work. Her statement is based on events at Site F, however officers from a police station at Site G are also involved.

June 2015 event

- The participant Neo, was sitting outside her home and talking with some other sex workers. Two police vans came into the street and stopped at the house. There were three Police Officers in one van, the Station Commander of Site F Police Station and other police were in the other van.
- The Station Commander told the sex workers that by the end of the day they should take their things and leave Site F. He said they were not born there and were corrupting Site F. He told Neo to tell the landlady to take her stuff and go as well. They would be back at 7pm to check.

- The police returned to the property at 7.00pm, with perhaps 7 police vans. The Station Commander at Site F was with them.
- The police came inside and checked the rooms. Two ladies were with clients. The police took the clients and said they were arresting them for buying sex. The Station Commander told the Sex Workers he was giving them all 7 days to move out of Site F.

November 2015 event

- Neo had moved to another house at Site F. Late in November on a Friday night around 9pm, 8 police vans arrived with lots of police and a minibus. Neo was inside with a friend.
- A Police Officer came into the room, grabbed her hard around the stomach and used some kind of electric shock on her a number of times.
- All the ladies were pushed outside to the police vans. The police were trying to force them all into one van, but there was no room left. Neo was forced into the van, she couldn't breath properly. The other women were screaming and yelling.
- *"The police tried to force us into the police vans. But there was already around 15 girls in the van they tried to force me into. The police kept pushing and shoving us even though there was no room. They forced me to squeeze into the van. I couldn't breath properly, there was no room. The ladies were yelling and screaming"* (MP: #44).
- The police van drove them to Site F Police Station.
- In the charge room, Neo asked why she had been arrested and was told it was for some kind of sexual offence. The ladies were all fingerprinted and then put into the cells.
- The cells were dirty, wet and cold. Police refused to give Neo and other ladies any blankets. They stayed in the cell overnight.
- In the morning, the police told them to pay a fine of R500 each. Those who had money paid. The ones who could not pay had to stay until the following Sunday in police custody. Neo could pay so she was released.

March 2016 event

- At approximately 2am the participant Neo, was sleeping. Neo alleges the police came over the property fence, came inside the property and arrested everyone. This included three male clients who had been with sex workers, plus another five male friends who were not clients.
- The ladies were put in the back of a police van. They started singing. One Police Officer came and pepper sprayed all four of them. Neo could not breath, some of the other ladies' eyes were damaged.
- Neo told police she knew her legal rights when they arrived at Site F police station. She asked to use a telephone, it was very cold at the police station and the ladies needed coats and jackets to keep warm. Police refused to let her make a phone call.
- Another lady still had her cell phone so she texted back to the house to ask people to bring warm clothes. When the people arrived with their warm clothing, the police refused to let them have the jackets. The police did give them blankets instead.
- Neo was put into the cells around 4.30am. Before this, one of the clients had asked to use the toilet but they wouldn't let him so he eventually wet himself.
- They stayed in the cells overnight. In the morning the police made Neo and others clean the cells. They were taken one by one to make statements. Around 9pm that night they were released and given paperwork to attend Court on a specific date in March 2016. (Note – these matters were subsequently not billed at Court when the Women's Legal Centre represented the client and others.)

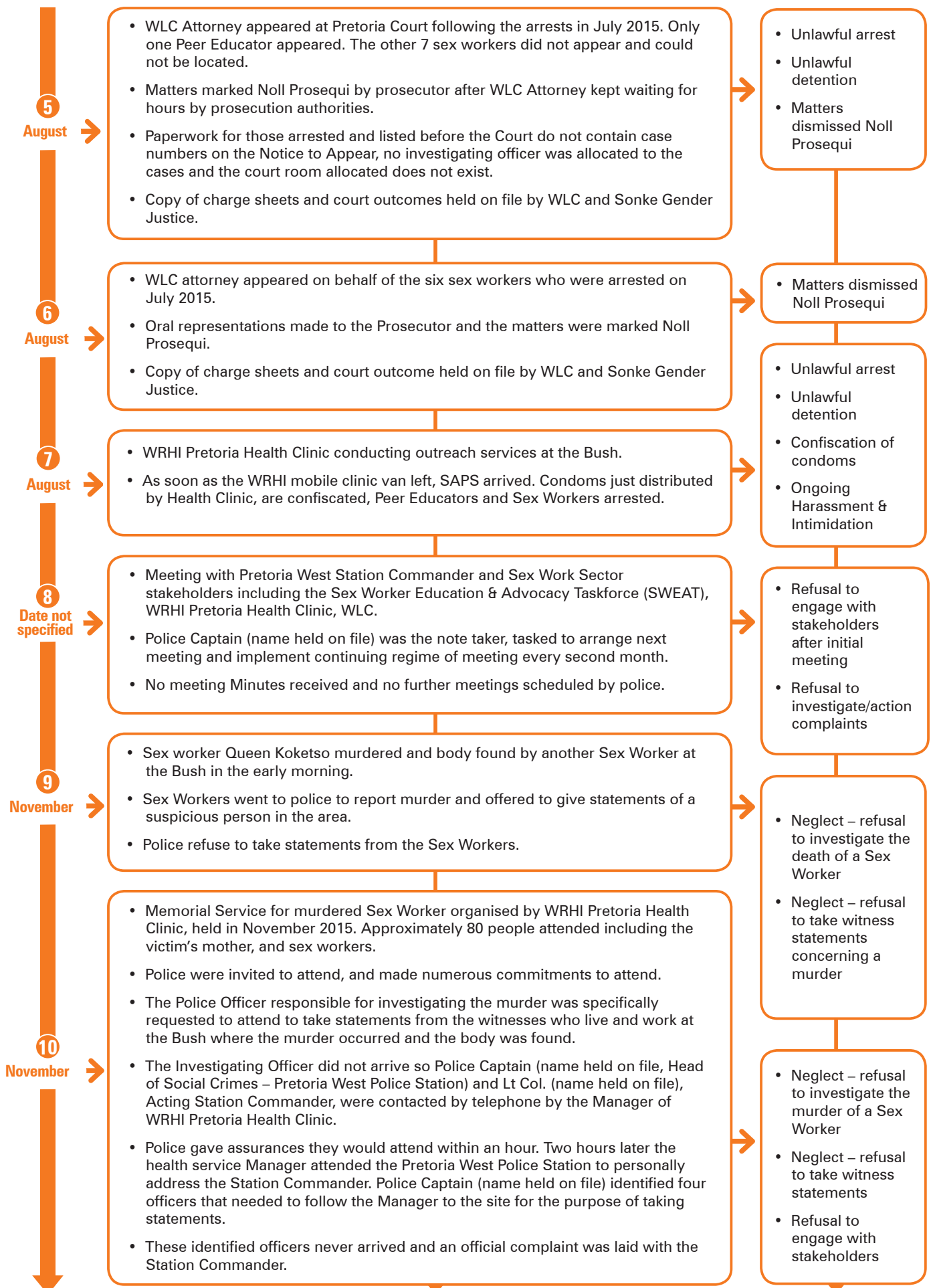
Statement held on file by Sonke Gender Justice dated 25 May 2016.

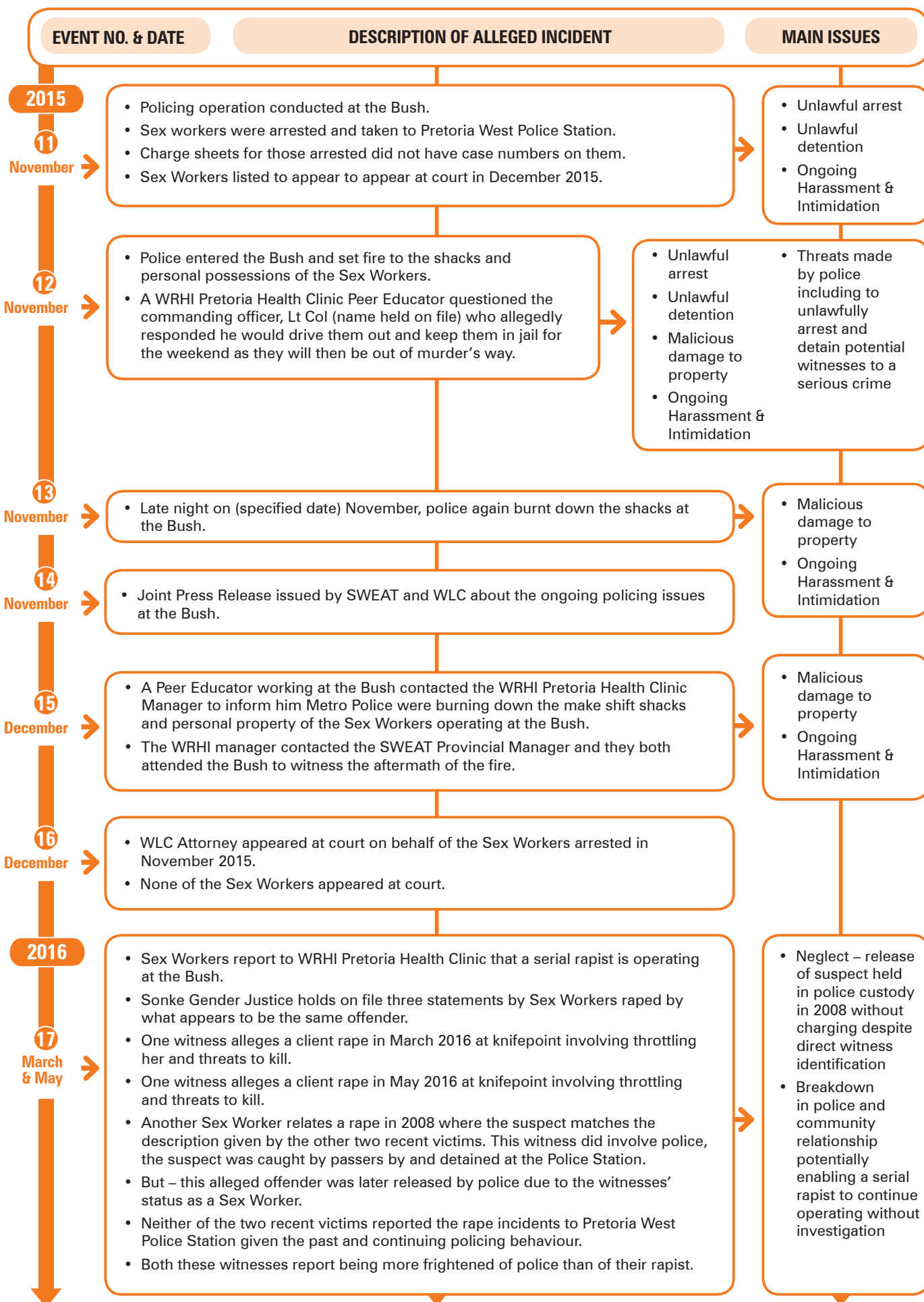
▶ APPENDIX 3: TIMELINES

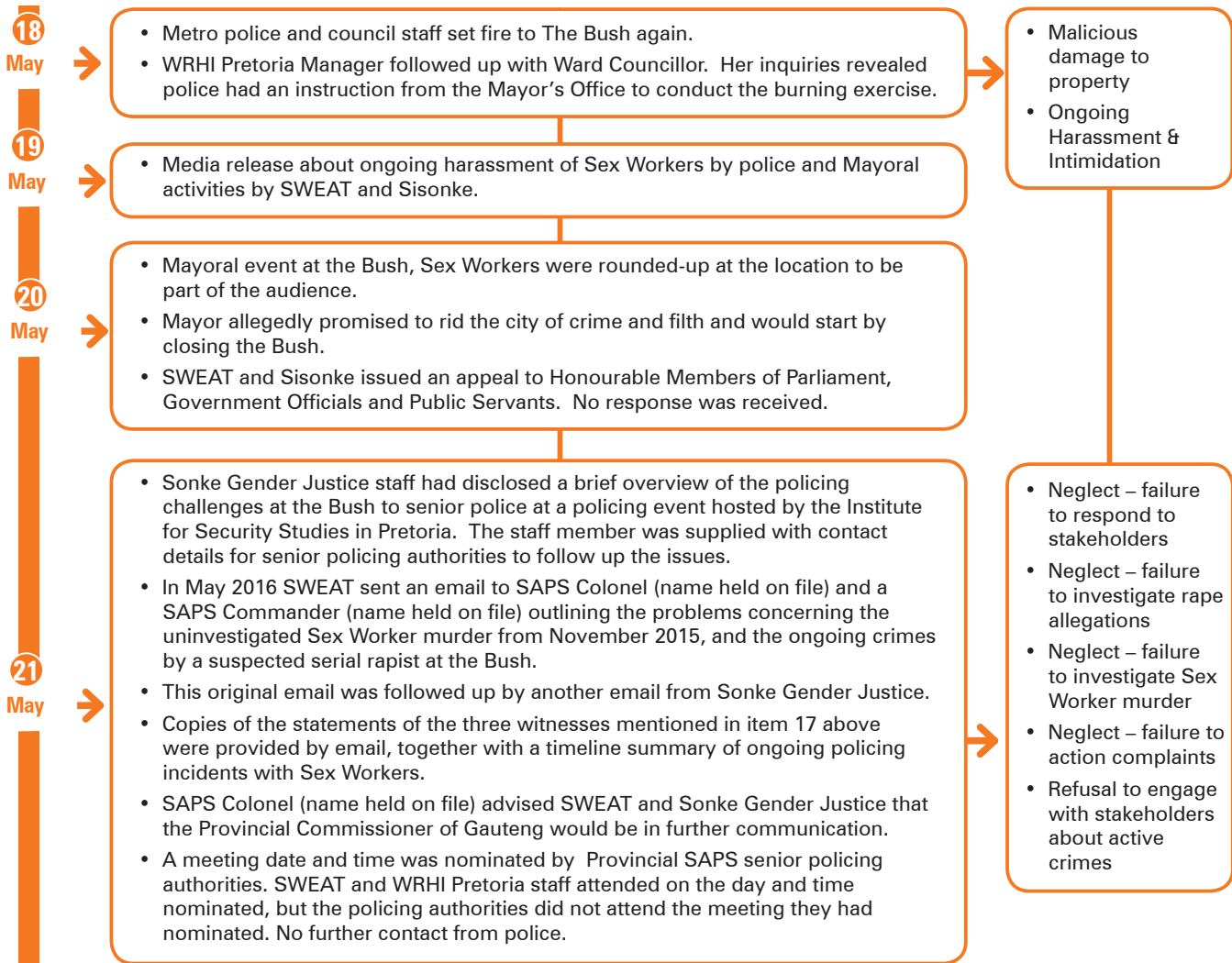


TIMELINE OF POLICING INCIDENTS INVOLVING SAPS & METRO POLICE | Location: Site A. Gauteng Province

| EVENT NO. & DATE | DESCRIPTION OF ALLEGED INCIDENT | MAIN ISSUES |
|---|--|---|
| 2015 1 May | <ul style="list-style-type: none"> Multiple sex workers arrested by SAPS at Site A. Peer Educators from WRHI Pretoria Health Clinic were arrested despite producing a letter explaining the peers were involved in a Department of Health supported health project in Tshwane. Police refused to read that letter, refused to contact the manager of WRHI Pretoria, refused to tell the Peer Educators the charges they were arrested for, refused to provide Police Officers names. Peer Educators were released from custody 2 hours later and left to make their own way back to the workplace, a considerable distance away. Manager of WRHI Pretoria Health Clinic attempted to speak to the arresting officer who refused to engage. This same Police Officer also would not read the letter that the Peer Educators had explaining that they were involved in a Department of Health supported health project in Tshwane. Manager of WRHI Pretoria Health Clinic attempted to confirm a suitable date to meet with police and explain the WRHI Pretoria Health Clinic project so the Health Clinic and police could work together in addressing the health needs of Sex Workers instead of driving them deeper into hiding making accessing of health services even more difficult. Police refused to engage despite the WRHI Pretoria manager's efforts. No meeting occurred. | <ul style="list-style-type: none"> Unlawful arrest Unlawful detention Refusal to engage with stakeholders |
| 2 July | <ul style="list-style-type: none"> 8 Sex Workers arrested for attempting prostitution by SAPS including a Peer Educator from WRHI Pretoria health clinic. Listed to appear at Pretoria Court in July 2015. | <ul style="list-style-type: none"> Unlawful arrest Unlawful detention Ongoing Harassment & Intimidation |
| 3 July | <ul style="list-style-type: none"> Paralegal from Womens Legal Centre (WLC) attended Pretoria Court. Matters adjourned to August 2015. | |
| 4 July | <ul style="list-style-type: none"> Six sex workers arrested by Metro Police. Rubber bullets used on Sex Workers during arrest. Women's Legal Centre holds a joint statement on file by three witnesses stating they were chased by police in vans and on motorcycles. The witnesses indicate rubber bullets were fired at them, one was hit with a stick and another kicked by police. Photographs were taken before the witnesses were put in a police van. Witnesses report being verbally abused by police including being called magoshas etc. Personal belongings of the witnesses were burnt by police, including condoms supplied through the Department of Health. Photographs of fire available. Matters listed at Court in August 2015. | <ul style="list-style-type: none"> Unlawful arrest Unlawful detention Level of police violence during arrest Physical assaults Verbal abuse Malicious damage to property by police burning the personal belongings Public health issue of burning condoms Ongoing Harassment & Intimidation |



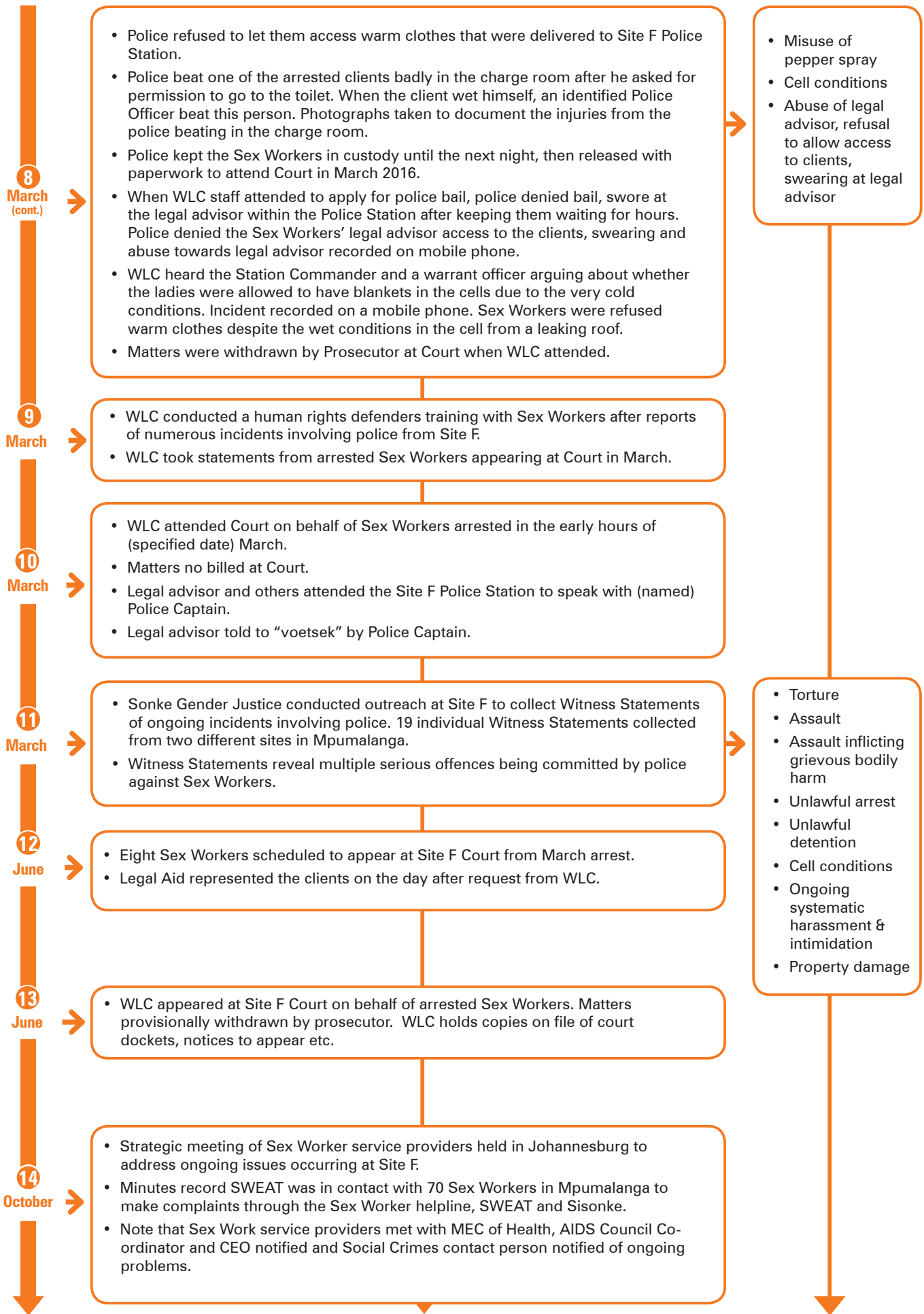




SITE F **TIMELINE OF POLICING INCIDENTS INVOLVING SAPS**
Location: Site F. Mpumalanga Province

| EVENT NO. & DATE | DESCRIPTION OF ALLEGED INCIDENT | MAIN ISSUES |
|------------------------------------|---|---|
| 2014 1 December → | <ul style="list-style-type: none"> • Three Sex Workers arrested for prostitution. A Police Officer unknown to these women drove them around 200 metres, pepper sprayed them, hit the clients and dropped them off in bushland. • WLC holds a copy of Witness Statement on file. Case of assault opened against this Police Officer. Client instructed WLC to close file, she no longer wanted to proceed against the Police Officer. | <ul style="list-style-type: none"> • Unlawful arrest • Assault • Intimidation |
| 2 December → | <ul style="list-style-type: none"> • Sex Worker arrived home, shortly after was shot three times by her landlord when she opened the door. Ambulance and police attended. Firearms seized. • Witness sustained serious life threatening injuries, and significant scarring. • Witness wanted the landlord charged with serious offences including attempted murder, inflicting grievous bodily harm etc. • Police Officer managing investigation threatened the witness that she would be deported if she proceeded. Case closed against her wishes and guns returned to the landlord who shot and nearly killed her. • Sonke holds signed statement on file. WLC attempting to relocate this client to lodge damages claim. | <ul style="list-style-type: none"> • Neglect and possible corruption – refusal to investigate serious crimes that caused life threatening injury • Harassment and Intimidation of witness by police |

| EVENT NO. & DATE | DESCRIPTION OF ALLEGED INCIDENT | MAIN ISSUES |
|---------------------------------|---|---|
| 2015 3 June | <ul style="list-style-type: none"> • Incident at informal brothel involving the Site F Station Commander. • Sex Workers threatened they had seven days to leave the location. • Two clients arrested when they entered the brothel premises. | <ul style="list-style-type: none"> • Harassment & Intimidation • Threats made by police |
| 4 September | <ul style="list-style-type: none"> • Sex Worker was walking along a street with two other ladies. Police chased and caught them around 8pm. • Witnesses detained by police until 3.00am, not charged or provided with any paperwork, simply locked in cells for 7 hours. | <ul style="list-style-type: none"> • Unlawful arrest • Unlawful detention • Harassment & Intimidation |
| 5 October | <ul style="list-style-type: none"> • SAPS conducted a raid at an informal brothel in (named) Street (different location to item 5 below). • When police entered the yard, one Sex Worker struck with a knobkerrie, kicked repeatedly and sustained a permanent neck injury. Police left. • Witness attended the Police Station the next day to lodge a complaint against police. She never received a case number. The witness followed up again with no result. | <ul style="list-style-type: none"> • Assault • Excessive violence used by police • Neglect – refusal to take a complaint of a serious crime |
| 6 November | <ul style="list-style-type: none"> • SAPS conducted a number of raids on an informal brothel in (named) Street during November. • During one incident, a Sex Worker was struck with the barrel of a police gun, another was threatened a knife, and another dragged by her hair. • Multiple Sex Workers arrested and forced into police van. Cell conditions filthy and refused access to clean sleeping pallets and blankets. • Property damage caused. Landlord lodged complaint with police. WLC advises landlord received compensation for damage. • WLC have lodged formal complaint with police on behalf of Sex Workers. • WLC represented Sex Workers. All matters dismissed at Court. One Sex Worker had paid R500 bail but police refused to refund it even though her matter was never listed at Court. • One Sex Worker refused sanitary pads and taunted by police when she got her period and was kept in custody for days. • WLC reports Sex Workers were arrested without any charge, and when they tried to open assault cases against the police, the police refused to open the cases. | <ul style="list-style-type: none"> • Assault • Assault using a weapon ie knife, gun barrel • Verbal abuse • Excessive violence used by police • Unlawful arrest • Unlawful detention • Malicious damage to property • Cell conditions |
| 7 December | <ul style="list-style-type: none"> • Public march by Sex Workers – Police and Metro Police denied Sex Workers permission to march. | <ul style="list-style-type: none"> • Breach of Freedom of Speech and Right to Assembly |
| 8 March | <ul style="list-style-type: none"> • (One witness reported the date of this event as February 2016, another reported it as March 2016. The balance of Sex Workers interviewed recorded it in March.) • Police raided an informal brothel in Site F at 2.00am. Nine Sex Workers all arrested whilst sleeping etc. • Excessive violence used during arrests, slapping and swearing at the Sex Workers. Sjamboks used to beat people. • Property damage caused by police to premises. • Multiple Sex Workers forced into one police van. Some were in light clothing, some with very limited clothing but not allowed to dress warmly before arrest. • Station Commander allegedly made threat to burn down the brothel houses with the Sex Workers inside. • When they started to sing in the police van, police discharged pepper spray in the tight confines and closed the window. People in the police van suffered breathing difficulties. | <ul style="list-style-type: none"> • Unlawful entry • Unlawful arrest • Unlawful detention • Excessive use of violence by police • Torture – discharging pepper spray within confined space |





TIMELINE OF POLICING INCIDENTS INVOLVING SAPS

Location: Site G. Mpumalanga Province

| EVENT NO. & DATE | DESCRIPTION OF ALLEGED INCIDENT | MAIN ISSUES |
|--------------------------------------|---|--|
| 2015 1 July | <ul style="list-style-type: none"> Sex Worker was sitting outside an informal brothel, a police car drove past so she ran inside. Police entered the brothel. Female Police Officer ran a cold bath in the middle of winter, made the ladies undress in front of male Police Officers, and then forced Sex Workers into the cold bath to wash off their "prostitution". Female officer beat those who refused. Same female Police Officer made the male officers hold the Sex Workers, and forced used condoms from the dustbin into their mouths. Police came back again on Saturday, threw the Sex Workers' belongings around whilst searching for "drugs". Nothing found. SWEAT lodged complaint with police. Outcome unknown. | <ul style="list-style-type: none"> Torture Assault Ongoing Harassment & Intimidation |
| 2013, 2015 and 2016 Incidents | <ul style="list-style-type: none"> One witness recounts multiple incidents involving a female Police Officer from Site G. Witness recounts police collecting ladies and dropping them outside of town with no way to get back except for walking, striking her with an electric shock multiple times. Witness reports being dropped out of town more than 10 times. | <ul style="list-style-type: none"> Kidnapping – making the Sex Workers get into a police vehicle, torturing them with electric shocks and dropping them in isolated places |
| 2016 3 March | <ul style="list-style-type: none"> Sex Worker was asleep at an informal brothel. Around 10-15 police arrived, searched her room including the female Station Commander. Multiple Sex Workers arrested, made to walk through public streets into town to a taxi rank. Some were nearly naked as they had been sleeping at time of arrest. Female Police Officer threatened to teach them a lesson if she found them at the brothel again. | <ul style="list-style-type: none"> Unlawful arrest Unlawful detention Harassment & Intimidation Kidnapped and dumped in bushland Threats made |
| 4 April | <ul style="list-style-type: none"> Police conducted a raid on an informal brothel. Police destroyed Sex Workers' medication, poured water over a Sex Worker's bed, vandalised furniture and chased clients out of the brothel. Joint press release issued by Sex Worker service providers. | <ul style="list-style-type: none"> Malicious damage Assault Harassment & Intimidation |
| 5 May | <ul style="list-style-type: none"> Site G SAPS conducted an operation against Sex Workers and raided a brothel. Sex Workers told by police to pack their bags because the police did not want prostitution in Site G. Station Commander (named) involved, told Sex Workers to go back to their own country. Constable shouted at service provider Peer Educators for giving Sex Workers condoms as part of the National health initiative to prevent transmission of HIV/AIDS. Registration numbers of police vehicles involved in raid recorded. Believe some of those present were part of the Community Policing Forum for Site G. | <ul style="list-style-type: none"> Harassment & Intimidation Xenophobia |
| 6 May | <ul style="list-style-type: none"> Station Commander and other police from Site G attended an informal brothel. One (identified) Police Officer threw the Sex Workers' mattresses and clothes on the floor and poured cold drinks over them. Sex Workers could not sleep on the wet bedding. One person paid the police a bribe of R500, and the two female Police Officers then left the brothel. | <ul style="list-style-type: none"> Malicious damage Harassment & Intimidation Bribery & Corruption |

| EVENT NO. & DATE | DESCRIPTION OF ALLEGED INCIDENT | MAIN ISSUES |
|------------------|---|--|
| 7 June | <ul style="list-style-type: none"> SWEAT held a human rights training workshop with 15 Sex Workers at Site G. | |
| 8 June | <ul style="list-style-type: none"> Sex Work Stakeholder meeting held with SWEAT, Sisonke Sex Worker movement, WLC, Re-Action and Section 27. SAPS requested training at this meeting. When the service providers attempted to arrange that training for police, SAPS did not respond. | |
| 9 August | <ul style="list-style-type: none"> 16 Sex Workers arrested during raids on four brothels, Station Commander present. Property vandalised by police, TV broken, laptops broken, money stolen, Identity Documents and Passports confiscated, medication thrown around and damaged, blankets on beds had water poured over them. Some Sex Workers released from police custody the same day. Others were kept in custody for longer periods then released on bail. Listed at Site G Court in September 2016. WLC appeared for the Sex Workers. Charges were withdrawn. | <ul style="list-style-type: none"> Malicious damage to property Unlawful arrest Unlawful detention Harassment & Intimidation Stealing |
| 10 September | <ul style="list-style-type: none"> Police attended a Sex Worker's home and arrested two Sex Workers. Police threw food on the floor, vandalised property, wet her blankets, threw her medication around and threatened to tell the Sex Workers' children that their mother was a Sex Worker. Private solicitor instructed by WLC to assist Sex Workers in police custody. Complaint made to WLC by Sex Worker. One of the witnesses no longer wishes to proceed with complaint. | <ul style="list-style-type: none"> Malicious damage to property Unlawful arrest |
| 11 September | <ul style="list-style-type: none"> SWEAT with support from the South African National Aids Council made a complaint to SAPS. SAPS acknowledged receipt of the complaint in September 2016. Outcome of complaint unknown. | |
| 12 September | <ul style="list-style-type: none"> WLC, NGO service provider staff and a reporter from Mail & Guardian travelled to Site G Police Station to consult with six clients in custody for illegal immigration. Police denied clients were at the Police Station or in custody. The Custody Book clearly showed the client names in the Occurrence Book. WLC hold statements on file relating to this event. Article published in Mail & Guardian. | <ul style="list-style-type: none"> Police – denial of clients being in police custody |
| 13 September | <ul style="list-style-type: none"> Service Provider staff and Sex Workers attended Site G Police Station to have a demonstration against police conduct. Police refused to accept copy of complaint letter. | |
| 14 September | <ul style="list-style-type: none"> Six Sex Workers were in police custody. WLC negotiated with Prosecutor to have matters struck from the Court roll and clients released. | |

Within a context where gender-based violence (GBV) is endemic, sex workers in South Africa experience particular vulnerabilities to systematic violence, abuse, extortion, rape, and even torture.

The criminalisation of sex work in South Africa means that sex workers are subject to numerous human rights violations, including discrimination, harassment, and abuse at the hands of Police Officers.

Police corruption and violence is recognised as a problem in many areas of South Africa, but sex workers are particularly vulnerable to the violation of their legal, labour, and human rights by police, with little access to redress.

The research presented in this report was conducted in response to the large volume of human rights violations involving sex workers and policing authorities that has been reported to civil society organisations in South Africa. The aim of the research was to gather data on the level and type of violations taking place in two provinces in South Africa – Gauteng and Mpumalanga - in order to identify patterns and themes. This information can be used to constructively engage with both the South African Police Service (SAPS) and sex worker advocacy organisations on ways in which these issues can be better understood and dealt with.



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