

The Policing of Sex Work in South Africa



Introducing the Positive Policing Partnership Approach

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Sex Work in South Africa

Who do we mean by “sex worker”?

- ▶ In this presentation we are referring to adults (people over 18 years old) who are consensually engaging in sexual commerce. It does NOT refer to individuals under the age of 18, the non-voluntary selling of sex, or human trafficking for sexual exploitation.
- ▶ Estimated between 132,000 and 182,000 people sell sex in South Africa. (South African Health Review, 2016).
- ▶ The majority of sex workers in South Africa are black and coloured women living in poverty, relying on sex work as a livelihood strategy, supporting multiple dependents. Demographics table from Gould & Fick (2008) Selling Sex in Cape Town publication (p.27).

Table 5: Demographics of sex workers¹

Race	Proportion of sex workers	Western Cape population*
Black	31%	26%
Coloured	54%	54%
White	14%	18%
Indian	1%	0.9%

Context of Sex Work in South Africa

- ▶ Sex work is 100% criminalized in South Africa. That includes the buying and selling of sex between consenting adults, and benefiting from the proceeds of sex work. (Sexual Offences Act, 1957 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.)
- ▶ Public by-laws and regulations criminalising “loitering” and “public nuisance” further expose sex workers to wide ranging policing powers which often creates a hostile environment (Gould & Fick, 2008; UNDP Global Commission, 2012).

Violence and Sex Work in South Africa

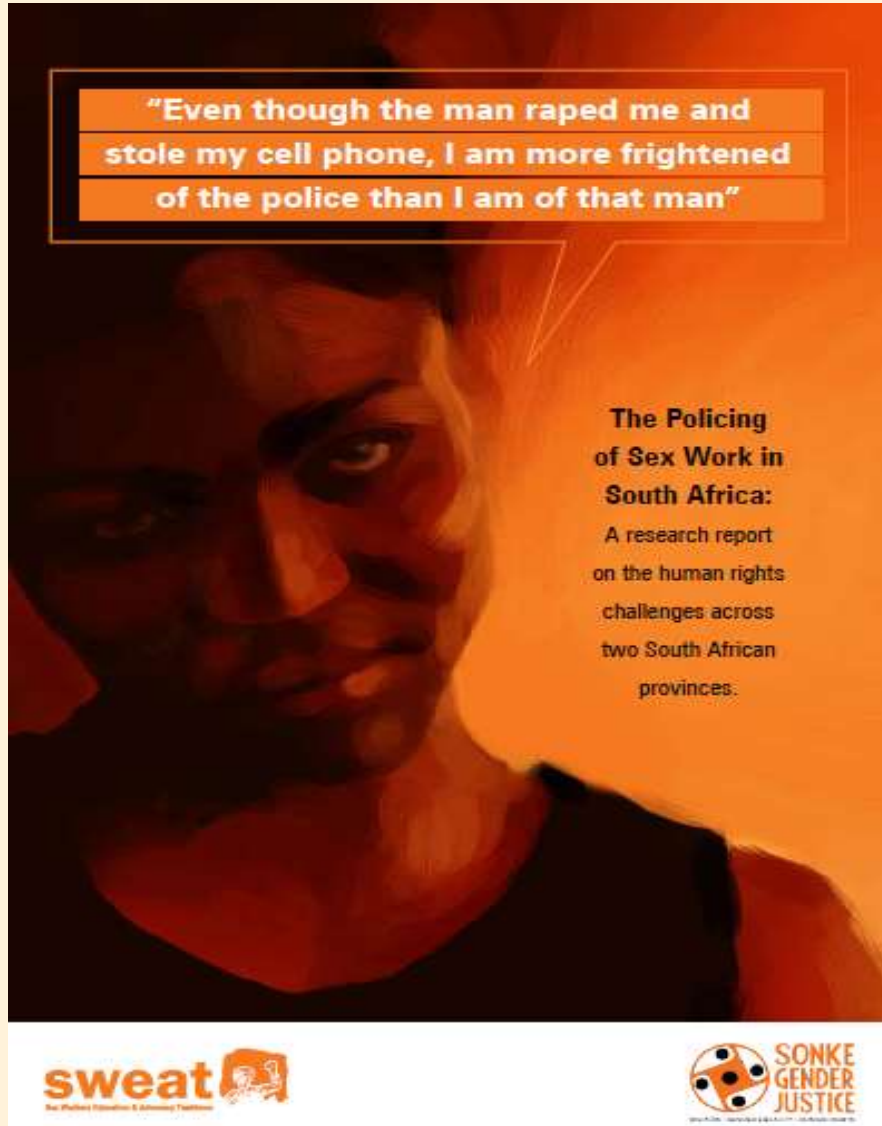
- ▶ Population of South Africa in 2017 estimated to be 56.72 million (StatsSA). UK population in 2017 was estimated to be 66.5 million (www.ons.gov.uk).
- ▶ Crime Statistics for South Africa (StatsSA)
 - 2018/19 21,022 murders and 19,930 attempted murders
 - 2018/19 170,079 assault with intent to cause grievous bodily harm
- ▶ Comparison of murder rates
 - 2017/18 UK = 1.2 per 100,000 (726) (<https://www.ons.gov.uk>)
 - 2018/19 South Africa = 36.4 per 100,000 (StatsSA)
- ▶ A 2004 American study (Potterat et. al., 2004) found the murder rate for outdoor sex workers is nearly 18 times higher than for non-sex workers.
- ▶ Femicide defined by StatsSA as “the intentional killing of females (women or girls) because they are females”. South African femicide rate – nearly 5 times the global average.
- ▶ In 2016 WHO ranked South Africa 4 in the world for female inter-personal violence.
- ▶ Reporting of sexual assault in South Africa – decrease attributed to loss of confidence in law enforcement. Not quoted as the statistics are too unreliable.

South African Sex Workers' Experiences of Non-Human Rights Compliant Policing

Multiple South African Reports outline the policing experiences of sex workers:

- ▶ **Unlawful arrest and detention** (Fick, 2006a; Fick, 2006b; Scorgie, 2013; Rangasami et. al., 2016; Human Rights Watch & SWEAT, 2019)
- ▶ **Corruption through the taking of bribes and/or demanding sex to avoid arrest** (Fick, 2006a; Fick, 2006b; Newham & Faull, 2011; Manoek, 2012; Human Rights Watch & SWEAT, 2019)
- ▶ **Torture** (Evans & Walker, 2018)
- ▶ **Sexual assault and rape** (Fick, 2006b; Gould & Fick, 2008; Scorgie et. al., 2013)
- ▶ **Assaults** (Gould & Fick, 2008; Manoek, 2012; Rangasami, Konstant & Manoek, 2016; Evans & Walker, 2018)
- ▶ **Police officers refusing to believe sex workers when they attempt to report crimes including rape and assault** (Pauw & Brener, 2003; Fick, 2006a; Scorgie et. al., 2013; Evans & Walker, 2018; Human Rights Watch & SWEAT, 2019).

Research Report – The Policing of Sex Work in South Africa: Human Rights Challenges Across Two South African Provinces



- ▶ Research conducted in partnership by Sonke Gender Justice and SWEAT in 2016/17.
- ▶ 120 sex workers participated.
- ▶ Interim Report published for consultation and expert input into the advocacy strategies and solutions to address the violations described in the report.
- ▶ Final report was published in March 2018.
- ▶ Records harrowing accounts of sex worker experiences during operational policing activities including torture, extreme violence, physical and sexual assault including rape, corruption, unlawful arrest and detention.
- ▶ Concludes that violence against sex workers by police is widespread, pervasive and entrenched.

Case Study of “The Bush”, Pretoria Breakdown in Sex Worker and Policing Relationships

Condom & Medication Destruction/Seizure



Public Health Risk Caused by Policing Behaviours

- ▶ Public health services fund and supply condoms and medications including ARVs to sex workers as a risk management strategy to combat HIV/AIDs and STIs.
- ▶ Police at the Bush have seized clothing, condoms and medications from sex workers, and set them on fire.
- ▶ Destruction of medicines cause sex workers to default on their medical treatment regimes.
- ▶ This negatively impacts on government resources, and places the sex workers, their clients and the public at risk from STIs and HIV/AIDs.

Case Study of “The Bush”

1. Michelle’s Story

- In 2008 a sex worker Michelle, 29 years old, was violently raped by a man with distinctive surgical scarring who throttled and choked her during the attack.
- As the offender ran away, Michelle screamed for help and the man was apprehended by people nearby. Police attended, and they all went back to the station.
- Despite Michelle having obvious injury, multiple witnesses seeing the man fleeing from where Michelle screamed for help, and Michelle producing the used condom containing the offender’s DNA, the police let the offender go once Michelle identified herself as a sex worker.

“The police just let the man who raped me go”.

2. Siphos Story

- Siphos is a female sex worker, 34 years old. She supports five other people from her sex work – her mother, two younger siblings and her own two children.
- During the daytime in March 2016, Siphos went with a client at the Bush. Once they were alone, the client produced a knife, punched her in the face, threatened to kill her and proceeded to violently rape Siphos twice whilst he choked and throttled her.
- The man had the same distinctive surgical scarring described by Michelle who had been raped at the same location 8 years earlier.
- The offender did not use a condom during the attack. He told Siphos he was going to spread HIV.
“He took down my trousers and raped me twice. He did not use a condom. He told me he would kill me if he screamed. I was terrified he would kill me. He told me he was a rapist and a killer, he had done it before”.
- Subsequent to these rapes, Siphos tested positive for HIV.
- When asked why she did not report the crime to police, Siphos described years of harassment, intimidation, violence, threats, unlawful arrest and detention and refusal by police to take criminal complaints from sex workers at the Bush.
“Even though the man raped me and stole my cell phone, I am more frightened of the police than I am of that man”.

3. Buyiswa's Story

- Buyiswa is a female sex worker, 34 years old, who supports her grandmother and younger sister from her sex work.
- Less than two months after Siphos assault, Buyiswa was at the Bush when she accepted a client. Once they were alone he produced a knife, choked and throttled her and then anally raped her without a condom.
- The man had the same distinctive scarring as the person who assaulted Michelle and Siphos.
- After the assault, Buyiswa said she thought about reporting the attack, but did not feel she could report it because the police at that location do not take sex workers seriously when they try to report crimes.

4. Queen Keketso's Murder

- In 2016 a sex worker known as Queen Keketso's mutilated body was found at the Bush in an open grave.
- Sex worker and health clinic staff attempts to engage with police to provide information about the murder resulted in the local Police Station Commander threatening to arrest the sex workers and lock them up.
- This murder remains unsolved, and presumably uninvestigated.

The Positive Policing Partnership (PPP)

- ▶ The interim sex work and policing report was published for consultation purposes and various South African academics, policing and security experts were consulted on the framing of the final report to
 - establish that crucial initial tone of inclusion and solution-focused engagement.
 - help frame the report to encourage participation by stakeholders – sex work sector, civil society, government, law enforcement and oversight authorities.
 - encourage multi-faceted participation, partnerships and remedial approaches to the identified human rights issues.
- ▶ Sonke Gender Justice, SWEAT and Sisonke Sex Worker Movement stakeholders met in August 2017 for a strategic planning workshop. A priority was to identify what actions the sector could take to more effectively engage with and capacitate police and government authorities to reduce the level of human right violations that were occurring during operational policing.
- ▶ A collective decision was made by this group to move away from more traditional adversarial complaint-based advocacy through forming the **Positive Policing Partnership group as a sector vehicle to drive a more collaborative, inclusive and solution focused model of engagement.**

The PPP Approach

- ▶ Active capacitation of the sex work sector, civil society, government and law enforcement to work together more effectively on improving policing outcomes for sex workers.
- ▶ Meaningful collaborative engagements and partnerships.
- ▶ Forward-focused advocacy - rather than complaints based and accountability for past actions.
- ▶ It involves three distinct strategies:
 - ❖ Catalysing improved understanding by government and the public on the human rights violations (and public health implications) being experienced by sex workers through the publication of evidence-based research.
 - ❖ Identifying both the challenges and potential solutions to improve human rights compliant policing behaviours.
 - ❖ Consistent messaging and advocacy accurately targeted at senior levels of government, law enforcement and oversight bodies where the capacity to bring about change resides.

Key PPP Activities

1. Ongoing Strategic Advocacy

From late 2016, Sonke and others on behalf of the PPP have strategically engaged with various sex work sector and external organisations on the research report, police oversight, policing and sex work including

- ▶ strategic meetings and presentations to the South African Police Service (SAPS) on a draft National Police Standing Operating Procedure on Sex Workers.
- ▶ the Gauteng provincial Department of Community Safety in relation to police oversight and operational challenges at specific hot spots.
- ▶ lodging a detailed submission in response to the Civilian Secretariat for Policing Consultation on the White Paper on Safety & Security in December 2017, which consolidated various strategic recommendations to support the safety of sex workers and effective oversight of law enforcement operations in the sex work context.
- ▶ Institute for Security Studies (ISS) and Corruption Watch events focused on different aspects of law enforcement to make new contacts and leads.
- ▶ the South African Human Rights Commission and African Policing Civilian Oversight Forum annual policing and human rights dialogue events.
- ▶ presentations to higher level executive groups including the South African Expert Panel on Policing, National Civilian Secretariat for Policing and Independent Police Investigative Directorate.
- ▶ roundtable Dialogue on Policing and Sex Work.

Key PPP Activities Continued

2. PPP & Research Launch Event

- ▶ Multi-partner approach leveraging a range of stakeholder policing and government contacts and those of non-traditional civil society partners like the Institute for Security Studies.
- ▶ Acknowledged the difficult role of police in enforcing laws in a country experiencing extreme structural violence challenges across families, communities, government and institutions.
- ▶ Framed as presenting a portfolio of contemporary service user experiences from a marginalised population group.
- ▶ Research presentation focused on identifying the challenges and signposting possible solutions for discussion and action.
- ▶ The report recommendations were left wide as a strategy to prompt conversation and problem-solving solutions.
- ▶ Diverse guest speakers from civil society, police and oversight sectors to reflect different aspects and roles in improving policing outcomes.
- ▶ Comprised individual presentations, a public panel discussion and a closed door dialogue event between key sex work sector, government and policing stakeholders.

Key PPP Lessons

1. Project Approach

- ▶ By working collaboratively, the sector is able to engage and contribute more widely to strategic activities supporting sex worker human rights.
- ▶ Partnering outside the traditional sex work sector partners. By enlisting more mainstream groups, the sector gains access to those who have established power and/or relationships relevant to the changes sought in behaviours, law and policy.
- ▶ A sector vehicle like the PPP enables better co-ordination, sharing of resources and strategic messaging. Advocacy products are utilised more widely across different forums.
- ▶ The PPP approach requires consistent and skilled resourcing to work effectively. Actions need to be timely and proactive, with a consistently visible sector presence, otherwise the efficacy of the group is diluted and reputational damage limits future partnerships.

Key PPP Lessons Continued

2. Issue Framing

- ▶ Reframing challenges can effectively reset relationships and help move them from adversarial to more co-operative interactions. Instead of focusing on what government is not delivering, the challenge can be identifying what the sex work sector advocates can do to inform, assist and capacitate government and police to deliver a different form of policing that is more in line with human rights and legal mandates.
- ▶ Change the narrative from focusing on the illegality of sex work to focusing on human rights-compliant policing behaviours. By directly linking the issues to gender-based violence and human rights, advocates are able to cut through some of the stigma and cultural barriers on sex work.
- ▶ Evidence-based research is a very powerful tool to engage government when it can be directly linked to government responsibilities and deliverables across policing and more general national and provincial government service delivery domains.
- ▶ Presentations and key messages must be in a format that the audience can engage with. Utilise diverse formats such as videos, sharing stories, infographics etc.
- ▶ Package information for the particular target. Sonke produced a short documentary about sex worker and police interactions entitled “Don’t Beat Me About the Bush”, which was formatted specifically for national broadcast by the South African Broadcast Corporation Special Assignment programme to reach the national audience, and uploaded onto their web page which had 359,000 subscribers at the time of broadcast.

Key PPP Lessons Continued

3. Relationship Building

- ▶ Particularly with very protocol driven institutions such as law enforcement, considerable time and effort is required to build relationships with individuals and specialist units and to understand the language used in those environments.
- ▶ Advocates should engage with mid and senior level police, those who have an ability to make actions happen. Come to meetings with strategies that address the problem across shared policing zones and boundaries.
- ▶ Request police appoint a liaison officer. Share details of challenges and feedback good news stories to police. Acknowledge and support good behaviour at the coal face of police operations with individual stations, police commanders and investigating officers.
- ▶ Create opportunities for two-way communication – create the space to hear feedback from police about sex worker behaviour as well as articulate challenges with policing behaviours. Educate police about sex workers, and sex workers about policing.
- ▶ Do not limit interactions only to situations of conflict. Establish a personal connection, check in regularly, demonstrate an element of concern and interest in police welfare. By acknowledging police efforts are recognised and appreciated, it enables a human relationship which helps overcome the stigma attached to sex work.

Key PPP Lessons Continued

4. Sector Skills, Knowledge and Capacity

- ▶ Lack of knowledge of government processes and access points is a barrier to effective engagement. Invest time in studying and understanding the structures you need to engage with.
- ▶ Partnering with non-traditional sector partners enables reaching a wider audience, and targeting of potential new sector champions not usually leveraged on sex work issues.
- ▶ Being present in the space and linking with the police and oversight organisations is key. By attending general policing and security events not quite on topic, introductions and leads to other organisations in the policing and oversight space are sourced which facilitate access to the right meetings and people. This may take some time, and the route might not be that obvious at first.
- ▶ Proactively look for opportunities to engage. Unless you are proactive and in the right spaces, you are not going to meet the powerful people who can bring about the change you are seeking. Advocates need to enlist powerful allies – people who do have voice in that discussion space and are able to champion issues or perspectives.

Key PPP Lessons Continued

5. Media & Accessible Key Messaging

- ▶ Significant first hand quoting of witnesses in reports is a particularly effective strategy to provide vital platforms for sex worker voices and experiences. These statements clearly resonated with readers and audiences, helping to contextualise the sex worker's experience with their co-existing roles of family and community member. Use case studies to position sex workers in their diverse roles.
- ▶ The report and PPP launch event were livestreamed via internet and attracted extensive media coverage. This generated multiple opportunities for the PPP to participate in public and government discourse on sex work issues including sex work models, policy, law reform and police oversight.
- ▶ A short documentary called “Don't Beat Me About the Bush” was created for broadcast on the South African Broadcast Corporation's “Special Assignment” to reach the national audience. Tailor and target the advocacy products to reach diverse audiences and educate the public on the issues.
- ▶ The South African Civilian Secretariat for Policing hosts the PPP launch video, research report, submission and other documents on their website <https://saferspaces.org.za/be-inspired/entry/positive-policing-partnership> - making the materials accessible both locally and internationally.

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Positive Policing Partnership Members