**36/1/4/1/201500263**

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 2967**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 14 AUGUST 2015**

**(INTERNAL QUESTION PAPER NO 30-2015)**

**2967. Mr M H Redelinghuys (DA) to ask the Minister of Police:**

(1) Whether the SA Police Service(SAPS) has policies or guidelines for enforcing legislation on sex work and suspected sex workers; if not, why not; if so, what are the relevant details;

(2) whether SAPS members are trained about the specified policies or guidelines;

(3) whether the specified training includes (a) apprehending suspected sex workers, (b) searching their person and (c) identifying suspected sex workers;

(4) (a) how many complaints against SAPS members regarding (i) assault and/or (ii) abuse of suspected sex workers have been received in the (aa) 2012-13, (bb) 2013-14 and (cc) 2014-15 financial years and (b)(i) what were the outcomes of the specified investigations and (ii) what action has been taken against the specified SAPS members?

NW3471E

**REPLY:**

1. The South African Police Service does not have a specific policy or guidelines for enforcing legislation on sex work and suspected sex workers. There are however generic policies and guidelines utilized by members instead of policy and guidelines for specific offences.

Members of the South African Police Service carry out their functions and exercise their powers in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), including the lawful arrest of sex workers. The circumstances under which any arrest may be performed and the method of arrest is set out in Standing Order (General) 341 (Arrest and the treatment of an arrested person until such person is handed over to the community service centre commander).

The Criminal Law (Sexual Offences and related matters) Amendment Act of 2007 (Act No. 32 of 2007) created an offence relating to the client of the sex worker (i.e engaging the sexual services of persons 18 years or older). National Instruction 3 of 2008 on Sexual Offences provides for the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007).

1. SAPS members receive training in the following disciplines that also apply to law enforcement in respect of sex work:

* Human Rights in Policing
* Victim Empowerment
* Dealing with Vulnerable Groups
* Apprehension of Suspects

1. The SAPS does not have specific training programmes that deal with the apprehension and searching of sex workers. The training provided is based in SAPS directives mentioned in par (1) above and applies to all individuals apprehended by the SAPS, irrespective of the alleged crime.
2. SAPS is unfortunately not able to provide the details within the given time frame as the information is not readily available and must be obtained from the provinces. A request is hereby made for an extension in order for us to provide quality and correct information as soon as it is received.