**NATIONAL ASSEMBLY**

**QUSTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 3135**

**DATE OF QUESTION: 26 OCTOBER 2018**

**DATE OF SUBMISSION: 9 NOVEMBER 2018**

**Ms N V Mente (EFF) to ask the Minister of Justice and Correctional Services:**

What has his department done to initiate engagements in respect of the SA Law Reform Commission’s report and recommendations in respect of Project 107: Sexual Offences Adult Prostitution?

**NW3500E**

**REPLY:**

The South African Law Reform Commission (SALRC) Report on Adult Prostitution (Project 107) (the Report) was published on 26 May 2017. Since its publication, the Report was discussed in various forums and engagements with interest groups, amongst others are:

1. A Conference on Sexual Exploitation of Children in Travel and Tourism;
2. Combined SANAC and Mail & Guardian Critical Thinking Forum on the decriminalization of “sex work”, in which the Deputy Minister of Justice and Constitutional Development participated;
3. Conference on Sexual Exploitation of Children in Travel and Tourism as invited by the acting National Executive Director of Child Welfare South Africa and ECPAT International;
4. The Human Rights Baseline Assessment Inception meeting jointly organised by SANAC and the Global Fund;
5. Engagements with the Global fund baseline assessment on human rights-related barriers to HIV and TB services for key populations in South Africa (including people who provide sexual services for reward);
6. The SANAC Government Task Team (GTT) meeting;
7. Roundtable Discussion on 'Prostitution/Sex Work: Is it work and is it a choice?: SACBC Parliamentary Organization, Embrace Dignity and the Hanns Seidel Foundation;
8. The Multi Party Women’s Caucus; and many more.

The Department closely followed the views expressed during these discussions. The Department also responded to various representations by interest groups, amongst others, representations by Cause for Justice, Stop Trafficking in Person Group and the Sex Worker’s Education and Advocacy Taskforce.

The report is currently being considered by the Department with a view to advising Cabinet on the proposals with regard to legislative reform on adult prostitution. In order to do this, the Department will draft legislation which will be published for public comments. During the drafting process, the Department may further consult with interested parties. Although the Report seems to be comprehensive, the recommendations that were made on legislative interventions to deal with adult prostitution as well as other non-legislative intervention proposed in the Report are not universally accepted by different interest groups. As a result of the divergent views, further research is necessary to explore, in detail, the recommendations made in the Report in order to make legislative proposals that are acceptable to the different interest groups. In particular, there must also be extensive consultation with government departments on the implementation of the non-legislative recommendations, which has financial and other implications, before Cabinet is approached to endorse the said recommendations.