



know your rights



A SIMPLIFIED GUIDE TO SEX WORK AND YOUR RIGHTS



WOMEN'S LEGAL CENTRE

First published by the Women's Legal Centre in 2012
Copyright Women's Legal Centre

Funded by the Ford Foundation and Open Society Foundations



We thank the Education and Training Unit and Black Sash for allowing us to use information in their 2008 Paralegal Manual.

The Women's Legal Centre reserves all of its rights. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means, including but not limited to electronic, mechanical, recorded or photocopied means, without the written consent of the publisher. All information, advice and/or opinions in this publication is of a general nature which should be used as a guideline only. Readers are encouraged to obtain legal advice or assistance in addition to the information, advice or opinions contained in this publication. The Women's Legal Centre shall not be held legally liable in any way, for any incorrect and/or inaccurate information, advice or opinion contained in this publication by any reader, state department or official and/or interested party or stakeholder.

None of the information, advice or opinions held in this publication are an indication of the official moral or political views of the funder, who made the issue and distribution of this publication possible, or the trustees, director and/or any attorneys of the Women's Legal Centre.

Researched and written by Stacey-Leigh Manoek and Keziah Manoek

Edited by Jennifer Williams and Pam Sykes

Layout and Design by Daniele Michelini

Printing by Salty Print

Cover photograph © by Ntokozo Yingwana, featuring "Joyce"



WOMEN'S LEGAL CENTRE

7th Floor, Constitution House,
124 Adderley Street, Cape Town 8000
Tel: 021 424 5660 · Fax: 021 424 5206

CONTENTS

1. How to use this booklet	3
What is this booklet for?	3
What can I learn from this booklet?	3
Why is it important to know my rights?	3
2. The term "sex worker"	5
3. The Constitutional rights of sex workers	6
4. South Africa's current laws about sex work	9
5. Police Abuse and Your Rights	11
Your rights if you are arrested	11
Your rights while you are in detention	13
Your rights in court	15
6. How the law can help if the police violate your rights	18
How to lay a criminal charge against a police officer	18
What if you are scared of the police?	19
A story of successful action against the police	19
7. Labour and your Rights	21
The Basic Conditions of Employment Act of 1997 (BCEA)	21
The Employment Equity Act of 1998 (EEA)	21
The Occupational Health and Safety Act of 1993	21
The Labour Relations Act of 1995 (LRA)	22
Unfair labour practice	22
Dismissals	23
8. Legal remedies available for labour exploitation and dismissal	26
Conciliation	26
Arbitration by the CCMA or Bargaining Council	28
Adjudication by the Labour Court	30
Case study: Kylie v. Commission for Conciliation, Mediation and Arbitration and others	30
9. Contacts	32

1. HOW TO USE THIS BOOKLET

WHAT IS THIS BOOKLET FOR?

All people have the same fundamental human rights, regardless of their age, gender, sexual orientation or the work they do. But because sex work is illegal in South Africa, many sex workers are not aware of their human rights.

The Women’s Legal Centre has written this booklet for three reasons:

1. To show how the human rights of sex workers can be abused by government officials, police officers, clients, brothel owners and managers;
2. To show how the laws relating to sex work affect sex workers; and
3. To explain the human rights of sex workers, and how they can use the law to fight back against abuses and protect themselves.

WHAT CAN I LEARN FROM THIS BOOKLET?

As a sex worker, there are many ways in which your human rights may be violated. Use this booklet to:


- Learn about the constitutional and legal rights you have that can help protect you from having your human rights violated.
- Learn how the law can help you if your human rights have been violated.
- Help other sex workers learn about their constitutional and legal rights.


WHY IS IT IMPORTANT TO KNOW MY RIGHTS?

If you know your rights, then you can:

- Know how others are supposed to treat you.
- Know when the way others treat you is against the law.
- Know how the law can help you if your human rights are violated.
- Know where to go to enforce your rights and get legal help.
- Get justice when your human rights are violated.
- Raise community awareness about how the human rights of sex workers are violated.
- Educate your family, friends and members of your community about sex worker human rights.
- Help prevent other sex workers from being treated unfairly.

Use these pictures as your guides through this book

 **Comments:** You will see this picture of a pencil next to information that is very important or may seem hard to understand.

 **Definitions:** You will see this light bulb picture near legal terms and words that may be difficult to understand. If you see an underlined word, there will be a definition somewhere nearby. If the word is unfamiliar to you, please read the definition.

2. THE TERM “SEX WORKER”

We use the term “sex worker” rather than “prostitute” to focus attention on the fact that this is work, and that sex workers deserve the same rights and protection in their jobs as other workers. Changing the word doesn’t change the stigma that sex workers face, but it shows that we respect the dignity and human rights of people who exchange sexual services for money or other things of value. Sometimes we use the term “prostitution” because this is the word used in the laws we are discussing.

3. THE CONSTITUTIONAL RIGHTS OF SEX WORKERS

The Constitution became law in 1996 after South Africa became a **democratic state**. It is the supreme law in the country: This means that any other law that conflicts with the Constitution is **invalid**.

Chapter 2 of the Constitution contains a **Bill of Rights** that gives all South Africans certain **fundamental human rights** that must be **respected, protected, promoted** and **fulfilled**. Some of these rights that are especially important for sex workers are:



Democratic State: A free and independent state. South African became a democratic state after the apartheid system was taken away.

Bill of Rights: A section of the Constitution that contains a list of human rights.

Apartheid: System which separated people according to their race and treated people of different races unequally.

Fundamental human rights: Basic and important rights that you have or are entitled to as a human being.

Invalid: Not valid, null and void, unacceptable, not legitimate

Respected: Valued.

Protected: Defended, safeguarded, nothing should come in the way of upholding the Constitution.

Promoted: Upheld, supported and encouraged.

Fulfilled: Followed through and implemented.

Section in the Bill of Rights	Right	What does this mean for sex workers?
9	Equality Everyone is equal before the law and has equal benefit and protection of the law.	Sex workers should be treated equally. Laws that exist to protect all citizens should also protect sex workers.
10	Human dignity Everyone has inherent dignity and the right to have their dignity respected and protected.	No persons or institution may insult you or take away your self-respect by word or actions.
12	Freedom and security of the person Everyone has the right to be free and not to be tortured or treated in a cruel, inhuman or degrading way.	You may not be arrested without a good reason. You cannot be treated badly whilst in police custody.

14	Right to privacy Everyone has the right to privacy.	You have the right to keep your HIV or AIDS status to yourself. No person or institution may force you to tell them your status or take an HIV test.
16	Freedom of expression Everyone has the right to freedom of expression which includes the right to give or receive information or ideas.	You have the right to express your views on issues as long as they do not hurt another person.
18	Freedom of association Everyone has the right to freedom of association.	You have the right to join clubs, groups or organisation, and may not be forcefully separated from people.
21	Freedom of movement and residence Everyone has the right to move about freely, to live in or leave the country and to live anywhere within the country.	You may move around the country as you wish, and may not be forced to move to a separate place away from society.
22	Freedom of trade, occupation and profession Everyone has the right to choose their work freely.	You may choose what kind of work you wish to do.
23	Labour Relations Everyone has the right to fair labour practices.	You may not be unfairly discriminated against at work.
24	Environment Everyone has the right to an environment that is not harmful to their health or well-being.	You have the right to live in a clean environment and everyone including the government has a responsibility to protect and preserve the environment for future generations.
26	Right to housing Everyone has the right to access adequate housing. No one may be evicted from their home or have their home demolished without a court order.	You may not be refused a subsidy or loan to buy a house because you are a sex worker. It is unlawful to be evicted from your home without a court order because of the kind of work you do.

27	Right to healthcare, food, water and social security No one may be refused emergency medical treatment. Everyone has the right to access health care services such as reproductive care as well as social security benefits which include appropriate social assistance if they are incapable of supporting themselves and their dependents.	Hospitals or medical people may not refuse to treat you.
29	Right to education Everyone has the right to basic education, which includes adult basic education.	A school may not refuse to educate you or your child because you are a sex worker.
32	Access to information Everyone has the right to see information held by someone which would be needed to enable such a person to exercise or protect their rights.	If you feel your rights are being violated in any way, for example in terms of an employment policy, you may ask to see the policy and may then challenge it in court. This is the same for other places or institutions.
33	Just administrative action Everyone whose right has been negatively affected by administrative action has the right to be given written reasons, such as reasons for the delay in the action.	If you feel you are being refused a social service for unfair or unjust reasons, you may demand to see the reasons and decide whether you wish to challenge the decisions.
35	Arrested, detained or accused people Everyone who is detained including convicted prisoners have the right to conditions of detention which are not inconsistent with his/her right to dignity	Prisoners may not be treated in an unfair or undignified manner because they are sex workers.



Unlawful carnal intercourse:

Sex other than between husband and wife.

Act of indecency: an act that is considered immoral or offensive to others

Sexual act: an act between two adults where their genital organs are excited until orgasm occurs

Sexual penetration: Any act which causes penetration of the genital organs or any other body part, including penetration with an object.

Brothel: Any house or place kept or used for the purposes of sex work.

Solicit: Ask someone to commit an illegal act

Indecent exposure: the crime of displaying one's genitalia to one or more other people in a public place.

Municipal by-laws: Laws passed by a town or city council that apply only to that municipality.

4. SOUTH AFRICA'S CURRENT LAWS ABOUT SEX WORK

Our current law makes it a crime to have sex for reward AND to give a reward for sex. So in sex work, both the sex worker and the client are committing crimes according to the law.

These are the specific laws that are relevant:

Section 20(1)(aA) of the Sexual Offences Act of 1957 says: “*Any person who has **unlawful carnal intercourse**, or commits an **act of indecency**, with any other person for reward commits an offence.*”

Section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, says: “*A person (A) who unlawfully and intentionally engages the services of a person 18 years or older (B), for financial or other reward, favour or compensation to B or to a third person (C)—*

*(a) for the purpose of engaging in a **sexual act** with B, irrespective of whether the sexual act is committed or not; or*

(b) by committing a sexual act with B, is guilty of engaging the sexual services of a person 18 years or older.”

The Sexual Offences Act of 1957 also prohibits the following:-

Brothel-keeping;

Procurement – in other words, recruiting a person to work as a sex worker or in a brothel;

Facilitating sex work, for example where escort agencies supply escorts knowing that they will supply sex for reward to their customers

Knowingly living off the earnings of sex work (this section is targeted at pimps).

Soliciting – in other words, inviting someone through words, gestures or in any other way to pay you for sexual services.

Indecent exposure and **public indecency**.

Sex work is also a crime in terms of several **municipal by-laws**.

In Cape Town, the By-Law relating to Streets, Public Places and the Prevention of Nuisances No. PG6469 criminalises sex work. Regulation 2 of this by-law says:

“No person, excluding a peace officer or any other official or person acting in terms of the law, shall –

(a) when in a public place –

(i) intentionally block or interfere with the safe passage or free passage of a pedestrian or motor vehicle; or

(ii) intentionally touch or cause physical contact with another person, or his property, without that person's consent.”

Other parts of the regulation say that:

“no person shall in a public place, perform any sexual act.”

“no person shall in a public place, solicit or importune any person for the purpose of prostitution or immorality”.

In Johannesburg, Section 12 of the Road and Miscellaneous By-Laws says:

“No person may –

(a) lie, sit stand, congregate, loiter or walk, or otherwise act, on any public road in any manner that may obstruct traffic;

(b) jostle or loiter at or within twenty metres of the entrance of any place of public worship during the time of divine service or during an assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any person going to, attending at, or leaving such place of worship.”

5. POLICE ABUSE AND YOUR RIGHTS

Many sex workers have reported that they get harassed by police officers. Some of the human rights violations that can happen as part of this harassment include:

Your rights as an arrested person might be violated.

Your rights can be violated by the conditions and treatment you experience in police cells.

Your right to appear in court may be violated.

In the next few sections we explain what your rights are when you are arrested, while you are in police custody and when you appear in court.



Search warrant: A document issued by a legal or government official that allows the police or another body to make an arrest, search premises, or carry out some other action relating to the administration of justice.



COMMENT
It is important that the police cannot search you unless they have a reasonable suspicion that you have committed a crime. This means they must believe they have enough evidence to convince the Public Prosecutor that the case should go to court.

For example, imagine that a police officer gets a call on her radio to say that a shop has been burgled. When she gets to the shop, she sees a man running away with a cash register. In this case, she has a reasonable suspicion that the man is the burglar and can lawfully arrest him.

YOUR RIGHTS IF YOU ARE ARRESTED

If a police officer approaches you, they are allowed to ask you questions. Ask the police officer to show you an identity card. What happens next depends on them:

If they refuse to show you their ID card, you do not need to give your details.

If the officer gives you his/her details, then you must give your full name and address. If you don't, the officer can charge you with a criminal offence.

But you do not have to give any more information than that. It is your right to say that you will only answer the questions with an attorney present. The police can ask you at that point to go to the police station. You do not need to go unless they arrest you.

Often the police will want to search you. They do not need a **search warrant** if:

You agree to let them search you.

They have *reasonable grounds* to believe that if they wait for a magistrate to give them a search warrant, then the evidence that you have committed a crime will disappear.

They arrest you.

They suspect that you have drugs.

They suspect that you have information to help them with an investigation.

WHAT THE CONSTITUTION SAYS

Section 35 of the Constitution says:

“Everyone who is arrested for allegedly committing an offence has the rights: -

To remain silent;

To be informed promptly –

(i) of the right to remain silent; and

(ii) of the consequences of not remaining silent;

Not to be compelled to make any confession or admission that could be used in evidence against that person;

To be brought before a court as soon as reasonably possible but not later than –

(i) 48 hours after the arrest; or

(ii) the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside court hours or on a day which is not an ordinary court day;

At the first court appearance after being arrested, to be charged or to be informed of the reason for the detention to continue, or to be released; and

To be released from detention if the interests of justice permit, subject to reasonable conditions.”

This means that when you are arrested, the police officer must tell you of your **right to remain silent**. They cannot keep you in **detention** for more than 48 hours without taking you to court. The police can release you on **bail** if justice permits, although there might be conditions to the release.

Under some very special circumstances the police are allowed to violate your constitutional rights when they are making an arrest. These circumstances are laid out in the Criminal Procedure Act of 1977.

Section 40(1) of this act allows a police officer to arrest someone without a warrant if that person:

Commits an offence in the officer's presence, or tries to;

Has escaped from lawful custody or is trying to;

Has a housebreaking or car-breaking instrument and can't give a good explanation for it;

Has property that is suspected to be stolen;

Is found at night in circumstances that give the officer reasonable grounds to suspect that the person has committed or is about to commit an offence;

Is suspected of having committed a drug or arms related offence; Wilfully obstructs the officer in the execution of their duty;

Is reasonably suspected of having broken a condition imposed by a court when it postponed or suspended a sentence;

Is reasonably suspected of having failed to pay a court-imposed fine on time;

Is reasonably suspected of having committed an act of domestic violence.

If the police do arrest someone without a warrant under this section, the person must be charged for one of these offences.

Section 49 of the Criminal Procedure Act deals with the use of force when making an arrest. Police may only use as much force as is reasonably necessary and proportional in the circumstances to overcome resistance or to prevent the suspect from running away.



The right to remain silent: Most of the world's legal systems recognise this right. It means you do not have to answer police questions, especially if your answers would give them evidence that you have committed a crime. If you have any doubt at all, you have the right to consult a lawyer before answering any questions. **Detention:** When you are kept locked up in police custody. **Bail:** If you have been arrested and are going to be tried for a crime, you do not have to wait in jail until the end of the court case. A magistrate can decide to allow you to go free temporarily after you or a friend have paid some money – the magistrate will decide how much. If you do appear in court, the money will be paid back at the end of the case. If you don't show up, the state will keep the money.



COMMENT
You do not have an automatic right to be released on bail. This can happen “if justice permits”. In other words, the police and the magistrate will consider a number of different factors when they are deciding whether to grant bail or not. These factors include:
Was this a first offence?
Are you the breadwinner for your family?
Do you have young children?
Could you lose your job if you stay in detention?
The courts will often also impose certain conditions when they grant bail. For example, there might be a condition that you may not go near a witness, or must report to a police station at certain times.

YOUR RIGHTS WHILE YOU ARE IN DETENTION

1. The Constitution

When you are detained at a police station, your rights are protected by Section 35 (2) of the Constitution. This section says:

Everyone who is detained, including every sentenced prisoner has the right –

To be informed promptly of the reason for the detention;

To choose, and to consult with, a legal practitioner, and to be informed of this right promptly;

To have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;

To challenge the lawfulness of the detention in person before a court and, if the detention is unlawful, to be released;

To conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment; and

To communicate with, and be visited by, that person's –

(i) spouse or partner;

(ii) next of kin

(iii) chosen religious counsellor; and

(iv) chosen medical practitioner.

What does this mean for you as a sex worker?

When the police arrest you, they have to take you to the police station quickly. They cannot drive around with you in the van for long periods of time.

When you get to the police station, the police officer must tell you the reason for your arrest.

The police must allow you to speak to a lawyer or your family.

The police cell should be clean.

You must get proper food.

You must be given medical treatment if you need it.

You can ask the police to release you on a warning (free bail). This means that the police officer will give you a notice to appear in court the following day.

2. Police policy and standing orders

The SAPS has a Policy on the Prevention of Torture and the Treatment of Persons in Custody of the South African Police. This policy sets out a guiding framework that Station Commissioners and

other commanders have to follow to prevent torture or mistreatment of people in detention. The guidelines cover the following aspects:

Physical conditions in custody;

Legal rights to visitations;

Care of special groups of people; and

Provision of bedding, food and clothing.

The police also have “standing orders” which are instructions they must follow about how to treat people in detention. The ones that are relevant to you as a sex worker are:

Standing Order (G) 341

Section 8(3) says that if you are arrested, police officers have a duty to make sure you are safe while you are detention. They must write down any injuries that you suffer in their official notebooks, called pocket books.

Standing Order (G) 349.2

Section 2 of this order says that if you are injured, the police officer who arrested you has a legal duty to take care of you and to ensure that you receive medical treatment. Section 4 says that the officer must write down in their notebook all the things they did to get you medical care.

Standing Order (G) 361

This order is about the conditions in police cells.

The cell must have enough light and fresh air.

The cell must be clean.

You must be given a clean mattress and blanket.

YOUR RIGHTS IN COURT

If the police officer has charged you and you have to appear in court, you have the following rights under section 35 (3) of the Constitution:

“ Every accused person has a right to fair trial, which includes the right –

To be informed of the charge with sufficient details to answer it;

To have adequate time and facilities to prepare a defence;

To a public trial before an ordinary court;

To have their trial begin and conclude with unreasonable delay;
To be present when being tried;
To choose, and be represented by, a legal practitioner, and to be informed of this right promptly;
To have a legal practitioner assigned to the accused person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
To be presumed innocent, to remain silent, and not to testify during the proceedings;
To adduce and challenge evidence;
Not to be compelled to give self-incriminating evidence;
To be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language;
Not to be convicted for an act or omission that was not an offence under either national or international law at the time it was committed or omitted;
Not to be tried for an offence in respect of an act or omission for which that person has previously been either acquitted or convicted;
To the benefit of the least severe of the prescribed punishments if the prescribed punishment for the offence has been changed between the time that the offence was committed and the time of sentencing; and
Of appeal to, or review by, a higher court”

THE FIRST TIME YOU APPEAR IN COURT ON A CHARGE

This is how the court process works the first time you appear on a charge:

There is a Legal Aid officer in every court, who is there to take on your case immediately.

The Legal Aid officer or attorney should take a statement from you. They will tell you what the charge against you is. They will ask you how you plead; in other words, are you going to say you are guilty or not guilty?

Do not plead ‘guilty’ UNLESS:
You did commit the crime you are accused of;
AND
You don’t have a valid defence for your actions. For example, if you stabbed someone in self-defence, that is a valid defence.

You should plead ‘not guilty’ if:
You did not commit the crime;
OR
You did commit the crime, BUT you had a good reason for doing it. This reason will be used in your defence.

The Legal Aid Officer will tell the court what your plea is and then the case may be either finished or postponed for a later date.

If you plead guilty, the court may impose a sentence there and then, and the case won’t be postponed.
If you plead guilty and the court doesn’t want to impose a sentence immediately, the case may be postponed.
If you plead not guilty, the case will be postponed so the State (the prosecutors and police) can do further investigations.
If you have appeared before, if the police have completed their investigations and your lawyer has a copy of the police docket, then the case will be postponed for trial.

If the case is postponed, you can be released with a warning to appear in court on the next date, or you can be released on bail.

If you want to be released on bail, you will have to convince the magistrate that:
You will not run away.
You have a valid address.
You are not a danger to other people.
You will not commit any other crimes.
You will not intimidate witnesses.

If the court decides to grant bail, you can go home once the money has been paid. The court will keep this money until the end of the trial. If you do miss a hearing, the court will not give you the money back, and will issue a warrant for your arrest to secure your attendance at court.



COMMENT

If you are not happy with the Legal Aid Officer, you can contact the Legal Aid Board. There are contact numbers at the back of this book.



Cross examine: This is when the prosecutor or defending lawyer questions the witnesses brought by the other side. The aim is to challenge what the witness has said or get more information.

IF YOU PLEADED NOT GUILTY AND THE TRIAL GOES AHEAD

Once the State (the police and prosecutors) have finished their investigation, and your lawyer has had a chance to prepare, the trial will go ahead. This is what will happen:

The State will present their case

The prosecutor presents the case to the magistrate to show that you are guilty. They will usually call witnesses, such as the police officer who arrested you, to give evidence against you.

Then your lawyer will have a chance to **cross examine** the witnesses. After that, the prosecutor can re-examine the witnesses. Then the State will close their case.

At this point, if there is not enough evidence against you, your lawyer can ask the court for a discharge – in other words, to dismiss the case. If the court agrees, you can go free. If the court does not agree, the case continues.

The case in your defence

Now it your lawyer's turn to present your case to the court. They can call witnesses, including you.

Then the prosecutor will cross-examine your witnesses.

Just as before, your lawyer then gets a second chance to re-examine the witnesses.

3. Arguments

Now the prosecutor and your lawyer both have a chance to sum up their cases and give reasons why the magistrate should find you guilty or not guilty.

4. Judgment

At this stage the magistrate will say whether the court finds you guilty or not guilty. If you are not guilty, you can go free.

5. Sentencing

If you are found guilty, the court will have to impose a sentence.

First the prosecutor will give aggravating reasons to the court to justify a certain sentence (to aggravate is to make something worse).

Then your lawyer gets a change to give mitigating reasons why you should not get a harsh sentence (to mitigate something is to make it less harmful or severe). These can include:

You are sorry.

You have done something to correct the wrong.

You are under 18.

It is your first offence.

Many people depend on you.

You have other responsibilities.

Imprisonment will be bad for you: For example, for your health.

6. Appeal or Review

You will have an opportunity to appeal or review the sentence. This means you will ask a higher court to change the decision of the magistrate.

6. HOW THE LAW CAN HELP IF THE POLICE VIOLATE YOUR RIGHTS

If you have been arrested, and the police did not follow the right procedures we explained in Chapter 5, there are a number of things you can do.

If a police officer has treated you badly or you have been put in a dirty, cold or unsafe cell, you can lodge a complaint with the Station Commander of that particular police station.

If the Station Commander does not help you, you can lodge a complaint to the Independent Complaints Directorate (ICD) or the Human Rights Commission.

If a police officer committed a crime against you, you have the right to lay a criminal charge against that police officer. Examples of crimes police officers might commit include:

Physical assault: For example if they hit you or pepper sprayed you.

Verbal assault: For example if they call you terrible names.

Bribery: If they ask you for money or sexual favours to let you go free.

Theft: If they steal your property.

You can also sue the Minister of Police for civil damages if your constitutional rights have been violated.

HOW TO LAY A CRIMINAL CHARGE AGAINST A POLICE OFFICER

1. If a police officer has assaulted you or sexually assaulted you, first go to a doctor. This is to protect your own health, and to collect evidence. You should go as soon as possible before the marks and bruises disappear.

You can choose to go to your own doctor or to a government doctor (called a district surgeon).

If the police officer sexually assaulted you, e.g. rape, do not wash or change your clothes. This could destroy evidence that can be used against the officer.

2. Go to the charge office at the nearest police station to make a complaint. You take a friend or someone like a priest, teacher or social worker to help you if you want.

The police will take a statement from you: in other words, they will write down what you say about the crime that has

been committed against you. Be very careful what you say because you have to swear under oath that you are speaking the truth.

Do not sign your statement if you are not happy with the way the police wrote it down. Ask to change it before you sign.

It is not up to the police in the charge office to decide whether your complaint is serious enough to be investigated. They **MUST** take a statement from anyone who comes into the police station to make a complaint.

After you have made your statement, ask for a copy before you leave the charge office. You have the right to get a copy.

Get the police case reference number. This is the number of your case in the register where the police are supposed to keep a record of all complaints made at the charge office. This is your proof that you reported the crime. The reference number is also called an OB number (Occurrence Book number) or VB-nummer (Voorvalleboeknummer).

3. Get a medical report. If you are injured and you need medical treatment, the police will ask you to get a medical report form filled in. This form is called a J88 medical report. Take the form to the doctor who first treated you, then return the filled-in form to the charge office. It is a good idea to make and keep a copy of the filled-in form.
4. Check on progress. After you make your statement, the police must open a case docket and investigate the case. Keep your case number and check up regularly on the progress of the case. If you are not happy with the progress they are making, you can complain to the Station Commander or the Independent Complaints Directorate.

WHAT IF YOU ARE SCARED OF THE POLICE?

Many sex workers are afraid that if they lay charges against police officers, the police will make more trouble for them. There are things you can do to protect yourself:

Once the police officer is arrested, you can ask the prosecutor to oppose his bail. This is because you fear the officer may intimidate you, or interfere with witnesses or tamper with the evidence.

If the magistrate does give the police officer bail, there can be conditions attached to it. For example, the magistrate can say that



National Prosecuting

Authority: Section 179 of The Constitution of the Republic of South Africa 108 of 1996, called for the formation of the National Prosecuting Authority (NPA). The NPA has the power to: Institute and conduct criminal proceedings on behalf of the State, carry out any necessary functions incidental to instituting and conducting such criminal proceedings (this includes investigation) as well as to discontinue criminal proceedings.

Restraining order: A temporary court order that is issued to stop a person from doing something.

Interdict: A court order that forbids an action.

the officer may not contact you, may not ask anyone else to contact you, and may not intimidate you or any other witnesses.

If the police officer who is out on bail does any of these things, then you should report it right away to the prosecutor handling your case. The officer will be arrested for breaching his bail conditions and will stay in custody until the end of the trial.

A STORY OF SUCCESSFUL ACTION AGAINST THE POLICE

In 2007 outdoor sex workers in Cape Town complained that police officers constantly arrested them, even though the police knew they would not be prosecuted. The Sex Worker Education and Advocacy Task Force (SWEAT) decided to act to end this harassment.

SWEAT asked the High Court in Cape Town for an **interdict** and a **restraining order** to stop the police from:

Arresting sex workers when they had no intention to prosecute them in court.

Arresting sex workers to harass, punish and intimidate them, or for any other ulterior purpose not sanctioned by law.

The Cape Town Police and the SA Cape Metropolitan Area Police argued that arresting sex workers was part of their crime prevention duties. They also said it was the **National Prosecuting Authority's** fault if people were not prosecuted after being arrested.

SWEAT won its case. On the 20th April 2009, the Court ordered the police to stop arresting sex workers for any purpose other than prosecution. The Court said that the only valid reason to arrest someone is to bring them before a court to face prosecution for a crime. If the police know there is hardly any chance that the person will actually be prosecuted, they may not legally arrest them.

This means that the police are not allowed to harass sex workers and arrest them to scare them. If the police arrest sex workers, they must have the intention to bring them to court.



FROM THE PRESS

'Cape sex workers win order against cops', SAPA, 2009 04 20 The Citizen: The application was brought by the Sex Workers Education and Advocacy Task Force, Sweat. It included affidavits from 13 current or former sex workers, detailing what Fourie described as "alleged ill-treatment or other inappropriate behaviour" by the SAPS and city police. Fourie said though the police denied those claim, they did not deny that sex workers were arrested "in circumstances where the arrestors know with a high degree of probability that the arrestees will not be prosecuted". One of the police affidavits was from the former station commissioner of Claremont, which showed that of the 106 sex worker arrests in his precinct in 2006, not one resulted in prosecution."The theme which clearly emerges from the affidavits of the sex workers, is that after their arrests, they are invariably detained overnight in the police cells after which they are usually taken to the Magistrate Court cells the next morning, where they are released after being detained for a few hours," the judge said."It has often been stressed by our courts that the purpose or object of an arrest must be to bring the suspect before a court of law, there to face due prosecution."

Sex workers Major victory for sex workers, By Karen Breytenbach, (Cape Time, 21 April 2009) In what has been hailed as a major victory in the fight for human rights for sex workers and other vulnerable groups, the Western Cape High Court yesterday interdicted and restrained the SAPS and city police in the Cape Metropole from arresting sex workers while knowing they would not be charged or prosecuted.

7. YOUR RIGHTS AS A WORKER

If you are a sex worker who works in a brothel, then the brothel owner is an employer and you are an employee. You have the same rights as any other employee to decent working conditions and fair treatment. The fact that sex work is against the law does not mean that brothel owners don't have to follow labour laws either.

The basic rights of workers are set out in Section 23 of the Constitution. It says that:

1. *Everyone has the right to fair labour practices.*
2. *Every worker has the right –*
 - (a) *to form and join a trade union;*
 - (b) *to participate in the activities and programmes of a trade union;*
 - and*
 - (c) *to strike.*

Here are some of the common ways that the labour rights of brothel workers are violated

Being forced to work long hours
Employers make workers pay illegal fines
Threats to expose the person as a sex worker
Not being able to choose clients
Forced HIV testing
Unfair dismissal.

WORKER RIGHTS AND THE LAW

Your rights as a worker are protected by four Acts

1. The Basic Conditions of Employment Act of 1997

The Basic Conditions of Employment Act sets the rules for working conditions. If you are a senior manager,

Hours

You may not be asked to work more than 45 hours a week unless you are offered overtime pay.

You may not work more than 3 hours overtime a day and 10 hours overtime a week.

You must get at least 12 hours off every day.

You must get 36 hours (two and a half days) off every week. Sunday is a rest day unless you and the employer agreed otherwise.

If you work at night, between the hours of 18:00 and 06:00, your employer must pay you an allowance OR provide safe transport to your home.

You must have a one hour meal break after five hours of work, unless you work less than six hours a day. You can agree with your **employer** to take only half an hour, but this agreement must be in writing.

These rules about working hours do not apply if:

You are a senior manager.

You work less than 24 hours in a month.

You earn more than R89455 a year.

Leave

You are entitled to annual leave, sick leave, maternity leave and family responsibility leave.

Other rules

Nobody may be forced to work against their will.

Nobody may employ a child under 15.

2. The Employment Equity Act of 1998

This Act aims to create an environment of equality and non-discrimination in the workplace. It says that no-one may be discriminated against because of their race, marital status, gender, sex or because they are pregnant.

The Employment Equity Act specifically says that sexual harassment is a form of unfair discrimination. It also regulates medical testing, HIV testing and psychological testing.

3. The Occupational Health and Safety Act of 1993

This Act aims to ensure that everyone's health and safety are protected while they are at work. There are guidelines that employers must follow, and inspectors can visit a workplace at any time to make sure the rules are being followed.

As an employee you are also responsible for your own health and safety: You must look after yourself and follow precautions, for example using condoms.

Every workplace should have a safety representative. You must report any unsafe conditions or accidents to this person as soon as possible.

4. The Labour Relations Act of 1995

This Act governs how employers and employees should deal with each other. It deals with the rights of employees and employers regarding fairness, bargaining and dispute resolution and rights and obligations.

The LRA covers things like:

The rights of employees to form and join a union;

The rights of employers to form and join an employers' organisation;

The rights of trade unions in the workplace;

Collective bargaining;

Bargaining Councils and Statutory Councils;

The establishment of workplace forums, which allow employees to participate in management decisions at work;

What are fair and unfair labour practices;



Employer: a person, organisation or company who is responsible for hiring people



Omission: When a person is supposed to do something, but doesn't do it.

Procedures that must be followed for dismissals to be fair; Dispute resolution structures and procedures, including the Commission for Conciliation, Mediation and Arbitration; Industrial action.

Unfair labour practices

The Labour Relations Act prohibits unfair labour practices. An unfair labour practice is any unfair act or **omission** at the workplace, which involves the following:

- If the employer unfairly promotes or demotes an employee or puts them on probation;
- Unfair conduct relating to the provision of training;
- If the employer deals with benefits such as pension, medical aid, etc unfairly;
- If the employer unfairly dismisses an employee; (This is discussed in more detail below);
- If the employer ignores an agreement or refuses to allow the employee to go back to work;
- If an employee reported the employer for doing something wrong or against the law, and then the employer takes revenge by refusing to give the employee a benefit they are entitled to.

If an employer has committed any of the acts mentioned above, you can refer it within 90 days to the Commission for Conciliation, Mediation and Arbitration (CCMA).

DISMISSALS AND THE LAW

WHAT IS A DISMISSAL?

A dismissal is when an employer ends a worker's employment – for example if a person is fired or made redundant. Dismissal can be with notice or without notice:

If you are dismissed with notice, you should be paid for all the time you have worked, as well as any leave pay that might be owing to you. When an employer tells a worker to stop work and leave the premises immediately, that is a summary dismissal. You must still be paid whatever money is owing to you. There are certain procedures the employer must follow for a summary dismissal, otherwise it is unfair.

If you are dismissed and you think it was unfair, you have to refer the matter to the Commission for Conciliation, Mediation and Arbitration within 30 days.

UNFAIR DISMISSALS

The Labour Relations Act has a Code of Good Practice for Dismissals that employers must follow. The fairness of any dismissal is decided by looking at two aspects: substantive fairness and procedural fairness.

Substantive fairness

A dismissal is substantively fair if it was done for a good and fair reason. There are three fair reasons for dismissing an employee:

Misconduct: The employee did something seriously wrong that they can be blamed for (i.e. it was not an accident or an honest mistake).

Incapacity: The employee doesn't do the job properly, or can't continue in the job because they are ill or disabled.

Retrenchment or redundancy: The employer is cutting down on staff, or the work has changed and the employee is not suitable for the new work.

Procedural fairness

A dismissal is procedurally fair if the employer went through a fair process before dismissing the worker. The worker must have a chance to tell their side of the story, or to be retrained or put in a different position.

Automatically unfair dismissals

Some kinds of dismissal are automatically unfair. Your employer may not dismiss you for any of these reasons:

You participated in or supported a legal strike or protest action.

You refused to do work that would normally be done by someone who is out on a legal strike (scabbing);

As a way of forcing you to comply with a demand;

Because you were trying to enforce your legal rights as a worker;

Because you are pregnant;

Because of your race, gender, sex, ethnic or social origin, age, disability, religion, belief, political opinion, culture, language, marital status or family responsibility.

You reported a crime or illegal action by your employer.

WHAT STEPS CAN BE TAKEN IF THERE IS AN UNFAIR DISMISSAL?

If you believe you have been unfairly dismissed, you can challenge your dismissal. The next chapter sets out all the steps you can take to do this.

If the dismissal is found to be unfair, you can be paid compensation money. People who are doing legal work can also ask to be reinstated in their jobs, but this not apply if you have been doing illegal work. The amount of compensation can be up to 12 months' wages if you were unfairly dismissed. If your dismissal was automatically unfair according to one of the reasons we listed above, you could get up to 24 months' wages.

8. HOW THE LAW CAN HELP IF YOUR LABOUR RIGHTS ARE VIOLATED

The Commission for Conciliation, Mediation and Arbitration (CCMA) is the body that deals with unfair dismissals, illegal working hours and other unfair labour practices. If you believe you have been unfairly treated, this is the place to take your complaint. You must act within 30 days.

The CCMA will first try a process of **conciliation** between you and your employer. If that fails, they will go to **arbitration** or **adjudication**.

CONCILIATION

How to refer a dispute to the CCMA

If you have been unfairly treated and want to take the dispute to the CCMA, these are the steps you need to take within 30 days:

1. Fill in a form called LRA 7.11. You can get copies of this form from your nearest legal advice office or on the Internet from the Department of Labour website or the CCMA website. There is a list of legal advice offices at the back of this book.
2. Send a copy of the form to the employer by fax, registered mail or personal delivery.
3. Send a copy to the CCMA by fax, registered mail or personal delivery. Attach proof that you have sent a copy to the employer, for example a fax transmission slip, registered mail slip, or affidavit confirming personal delivery.

“Con-arb” is where conciliation and arbitration happen on the same day, with the same commission. If you do not want this, say so on the form.

What if I am late in applying to the CCMA?

You have 30 days to apply to the CCMA if you have been unfairly dismissed, or 90 days if you have been the victim of an unfair labour practice. But if you miss the deadline, you might still have a chance: You can apply for a **condonation**, which means asking the CCMA to extend the deadline. You can do this on the same LRA 7.11 form you use for the application, or the CCMA might ask you to fill in special forms later.

The CCMA will not automatically let you have a condonation. You have to give good reasons why you applied late, and why it is still important to let you apply for conciliation. When you ask for a condonation, you should focus on these issues:

How late is your application: Weeks, months or just a few days?
This is the “degree of lateness” of the application.
How likely is your case to succeed?

The conciliation meeting

Once you have successfully applied for conciliation, a commissioner from the CCMA will arrange a venue and time, and will inform you and your employer.

At the conciliation meeting, the commissioner meets with both sides to find ways to settle the dispute to everyone's satisfaction. The meeting is conducted in an informal way and the commissioner can meet the parties together or separately, as often as is needed. The commissioner has the power to subpoena any person to attend the meeting – that is, to ask anyone to come as a witness. The commissioner must try to resolve the dispute within 30 days. You and your employer are free to agree to any solution. At the end of the meeting, the commissioner will issue a certificate to say whether the dispute has been settled or not.

You do not have to go alone to the conciliation meeting

You can choose to be represented by a fellow worker, a trade union official or a lawyer – in other words, these people can speak for you during the meeting. You can also take a paralegal (a person who has some legal training but is not a lawyer). This person may not speak for you, but can give you advice during the meeting.



Conciliation: A process where the two sides in a dispute try to reach an agreement about what should be done. In conciliation the CCMA acts as a mediator to help the two sides negotiate.

Arbitration: If the two parties cannot agree, the CCMA will consider all the facts and the law and make a decision. The arbitrator's decision is legally binding – in other words, everyone has to accept it even if they do not agree.

Adjudication: Some more serious kinds of dispute can go to the Labour Court rather than the CCMA if conciliation does not work. The Labour Court will make a ruling that is legally binding.

Your employer is also allowed to be represented by an employee like the HR Manager, an official from an employers' organisation or a lawyer.

If the case is about dismissal for misconduct or incapacity, no lawyers are allowed unless the commissioner specifically allows this.

If lawyers are allowed to be present but you can't afford a lawyer, you can apply for legal aid. The CCMA should be able to guide you in how to do this.

Successful conciliation

If you and your employer can reach an agreement, then the conciliation is successful and the matter ends there.

What happens if the conciliation agreement is broken?

The agreement you reach during conciliation is legally binding on you and on your employer. If any one of you breaks the agreement, the other one can apply to the Labour Court for the agreement to be made a court order.

These are the steps to follow:

Get the application forms from the Registrar of the Court and fill them in.

Attach a copy of the agreement and an affidavit to the application. The affidavit must state:

- When the dispute was referred for conciliation.
- When the conciliation meeting was held.
- When the agreement was made.
- What happened after the agreement was made.
- Whether demands have been made.
- Whether you have kept your part of the agreement.

Serve the application on your employer. This means legally delivering the application so they can't pretend they don't know about it.

File the application, and proof that you have served notice on the employer, with the Registrar of the Court.

It is a good idea to get legal advice and help for these steps. There is a list of organisations that can help in the back of this booklet.

Unsuccessful conciliation

If the two parties cannot reach an agreement, or the employer refuses to attend the conciliation meeting, the commissioner will issue a certificate stating that the matter has not been resolved.

You can then choose to send the case for arbitration by the CCMA, or adjudication by the Labour Court. These kinds of cases are arbitrated by the CCMA:

Unfair labour practices that do not involve discrimination.

Dismissals for acts of misconduct.

Dismissals for incapacity.

Severance pay

Disputes about organisational rights for a trade union.

Alleged unfair retrenchment of a single employee.

Breach of a collective agreement.

These kinds of cases are sent to the Labour Court for adjudication:

Disputes that involve discrimination.

Retrenchments.

Automatically unfair dismissals.

If going to the Labour Court will be too expensive, you and your employer can agree to arbitration by the CCMA instead.

Arbitration

In arbitration the CCMA commission will make a ruling that is legally binding, after hearing both sides.

If you have chosen a "con-arb" process, the arbitration will happen immediately after an unsuccessful conciliation. If you have chosen to separate the conciliation and arbitration processes, this is what to do:

Refer the case for arbitration

1. Fill in form LRA 7.143 (available from the CCMA).
2. Send a copy of the form to the employer, by fax, registered mail or personal delivery.
3. Send a copy to the CCMA, by fax, registered mail or personal delivery. Attach proof that you have sent a copy to the employer, for example a fax transmission slip, registered mail slip, or affidavit confirming personal delivery.

The arbitration hearing

The CCMA will appoint a commissioner to arbitrate. The arbitration hearing is relatively informal: After hearing evidence from both sides under oath, the commissioner can make a ruling that is legally

binding and must be accepted by both parties. If the commissioner decides that the employer was wrong, the commissioner can order the employer to take certain steps or to pay compensation.

Who can represent employees and employers in an arbitration procedure?

You can choose to be represented by a fellow worker, a trade union official or a lawyer – in other words, these people can speak for you during the meeting.

Your employer is also allowed to be represented by an employee like the HR Manager, an official from an employers' organisation or a lawyer.

If the case is about dismissal for misconduct or incapacity, no lawyers are allowed unless the commissioner specifically allows this.

If lawyers are allowed to be present but you can't afford a lawyer, you can apply for legal aid. The CCMA should be able to guide you in how to do this.

Arbitration appeals

There is no appeal against an arbitration award. Either side can ask the Labour Court to review the arbitrator's decision, but only if they think:

The arbitrator exceeded her or his powers.

There was something legally wrong in the proceedings.

The arbitrator did not consider relevant issues in accordance with the law.

You must ask for a review within 6 weeks of receiving the arbitration decision.

ADJUDICATION BY THE LABOUR COURT

What is adjudication?

Adjudication is a formal court judgment that is legally binding on all parties.

The Labour Courts are set up under the Labour Relations Act and are based at the High Court in each province. High Court judges and lawyers with labour law experience staff the Labour Court. The Labour Court has the same status as the High Court.

How to refer a case for adjudication

If a case goes to the Labour Court for a court judgement (adjudication), phone the Registrar of the nearest Labour Court to get the necessary referral forms. The judge will hear evidence from both sides and make a judgment.

Who can represent workers and employers in a Labour Court case?

Employees and employers may be represented by a lawyer. If you can't afford a lawyer, you may apply for Legal Aid.

Adjudication appeals

If either party does not agree with the decisions of the Labour Court, they can appeal to the Labour Appeal Court.

A STORY OF SUCCESSFUL ACTION BY A SEX WORKER AGAINST HER EMPLOYER AND THE CCMA

Kylie was a sex worker in a massage parlour. She lived on the premises, where she worked up to 14 hours a day, 7 days a week. In 2006, the owner fired her without notice and ordered her to leave the premises. Kylie decided she had been unfairly dismissed and, with the support of the Women's Legal Centre, appealed to the CCMA for help.

At first the CCMA said that because Kylie's work was illegal, the CCMA did not have jurisdiction over her case. In other words, they said that they had no power to act in her case because her work was not legal.

Kylie and the Women's Legal Centre then asked the Labour Court to review the decision. The Labour Court agreed that because Kylie's work was illegal, she was not entitled to the protections of the Labour Relations Act.

The Labour Court used a legal principle called "ex turpi causa non oritur actio", which is Latin for "no action arises from an immoral cause". In other words, if you have entered into an illegal contract, you can't ask the law to help if the contract is broken. For example, imagine that a landlord hires a thug to beat up a tenant who has not paid their rent. This is illegal. If the landlord doesn't pay up after the beating, the thug can't take him to court.

The Labour Court argued that under the Labour Relations Act, when the CCMA finds that someone has been unfairly dismissed they can order the employer to give her job back. But no court can order a person to do something illegal – and sex work is illegal.

Kylie didn't give up, and took her case further to the Labour Appeal Court. She argued that under Section 23 of the Constitution, "everyone has the right to fair labour practices". It doesn't say "people who are doing legal work", it says "everyone". She also argued that the goals of the Labour Relations Act are to advance economic development and social justice for all. The prevention of injustice and abuse should be more important than the strict terms of the law.

The Labour Appeal Court agreed. It said:
Sex workers have the same constitutional rights as everyone else. People who employ sex workers must respect those rights. The courts can't encourage illegal activity, so they can't order that an employer should give a dismissed sex worker her job back. But they can order the employer to pay compensation. The CCMA has jurisdiction in these cases.



FROM THE PRESS

Sex worker wins Labour Appeal Court ruling in unfair dismissal case - Ernest Mabuza 31 May 2010, Business Day – "In the judgment in which Labour Court Judge President Raymond Zondo and Judge Achmat Jappie concurred, Judge Dennis Davis said section 23(1) of the constitution — which provided that everyone had the right to fair labour practices — was designed to ensure the dignity of all workers was respected and the workplace should be built on the principles of social justice, fairness and respect for all.

"If the purpose of the Labour Relations Act was to achieve these noble goals, then courts have to be at their most vigilant to safeguard those employees who are particularly vulnerable to exploitation in that they are inherently economically and socially weaker than their employers," Davis said."

9. CONTACT

EASTERN CAPE

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	Bisho 043 706 6500
Get legal help	Legal Resources Centre	116 High Street Grahamstown, 6139 046 622 9230
Speak to someone for counselling or support	Life Line SWEAT Helpline	East London 043 722 2000 Port Elizabeth 041 585 5581 0800 60 60 60
Get support after being raped, or if a friend or family member has been raped	Rape Crisis	Motherwell 041 462 2371
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Libode 047 568 6247 Mdantsane 043 761 2023

FREE STATE

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	051 406 6800
Get legal help	Legal Aid Board	Bloemfontein 051 447 2136 051 447 0902
Speak to someone for counselling or support	Life Line SWEAT Helpline	057 352 2212 Kopano Service Point Cnr Long and Tempest Road Welkom 057 357 2225 0800 60 60 60
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Tshepong 051 403 9639

GAUTENG

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	Johannesburg 011 220 1500
	Human Rights Commission	011 484 8300
Get legal help	Legal Resources Centre	Johannesburg 7th Floor, Bram Fischer 25 Rissik Street 011 836 9831
		Pretoria 5th Floor Centenary Building Bureau Lane 012 323 7673
	National Prosecuting Authority	VGM Building (Corner Westlake & Hartley) 123 Westlake Avenue Weavind Park, Silverton 012 845 6000
	Tshwaranang Legal Advocacy Centre	011 403 4267
	Legal Aid Board	086 1053 425
Speak to someone for counselling or support	Life Line	Johannesburg 011 728 1347
		Pretoria 012 342 2222
	SWEAT Helpline	0800 60 60 60
Get support after being raped, or if a friend or family member has been raped	Rape Crisis	
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Kopanong 016 428 5959
		Mamelodi 011 801 4504
		Masakhane 011 933 1206
		Nthabiseng 011 933 1206
		Sinakekelwe 011 389 0675

KWAZULU NATAL

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	031 310 1300
Get legal help	Legal Resources Centre	N240 Diakonia Centre 20 Diakonia Avenue Durban 4000 031 301 7572 031 304 2823
Get support after being raped, or if a friend or family member has been raped	Life Line / Rape Crisis	Pietermaritzburg 033 394 4444
	SWEAT Helpline	Durban 031 312 2323 0800 60 60 60
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Phoenix 031 502 2338
		Umlazi 031 907 8496

LIMPOPO

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	015 291 9800
Get support after being raped, or if a friend or family member has been raped	Thohoyandou Victim Empowerment Programme	015 963 1222
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Mangkweng 015 286 1261
		Tshilidzini 015 964 3257
	SWEAT Helpline	0800 60 60 60

MPUMALANGA

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	015 291 9800 013 754 1000
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Kanyemazane 013 796 9412
		SWEAT Helpline 0800 60 60 60

NORTHERN CAPE

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	053 807 5100
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Galeshewe 053 830 8900 Kakamas 054 431 0057
	SWEAT Helpline	0800 60 60 60

NORTH-WEST PROVINCE

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	018 397 2500
Get support, medical care and legal help after being raped	Thuthuzela Care Centres	Mafikeng 018 383 7000
	SWEAT Helpline	0800 60 60 60
	Tigane Advice Office	082 477 7182

WESTERN CAPE

What do you need to do?	Organisation	Contact details
Make a complaint against the police	Independent Complaints Directorate	021 941 4800
Get legal help	Legal Resources Centre	54 Shortmarket Street Greenmarket Place 021 481 3000
	Women's Legal Centre	021 424 5660
Get support after being raped, or if a friend or family member has been raped	Rape Crisis	Athlone 021 684 1180
		Khayelitsha 021 361 9228
		George 044 874 5122
		Observatory 021 447 1467
		Somerset West 021 850 4761
		24 Hour Line 083 484 9409
	Mosaic	Wynberg 021 761 7585
Get support, medical care and legal help after being raped	SWEAT SWEAT Helpline	Observatory, Cape Town 021 448 7875 0800 60 60 60
	Simelela Centre	Khayelitsha 021 361 0543 24 Hour Toll Free line: 0800 33 01 01
	Thuthuzela Care Centres	Karl Bremer, Bellville 021 918 1321 Manenberg 021 691 6194



WOMEN'S LEGAL CENTRE