

THEMATIC DISCUSSION PAPER:

Eliminating Violence Against Sex Workers

This paper is the product of discussions of the *Thematic Task Team on Eliminating Violence against Sex Workers* in preparation for the 1st Asia and the Pacific Regional Consultation on HIV and Sex Work, 12 – 15 October 2010 in Pattaya, Thailand (contact: linde@unfpa.org).

1. INTRODUCTION

In their work and lives, sex workers experience disproportionate levels of violence including police abuse, sexual assault, rape, harassment, extortion, and abuse from clients, agents (pimps), sex establishment owners, intimate partners, local residents, and public authorities. Violence against sex workers is a violation of their human rights, and increases sex workers' vulnerability to HIV.

Violence against sex workers must be understood beyond the individual incidents and in a wider context of gender and stigma. Violence is often directed against women because they are female and have unequal power in relationships with men and low status in society in general. This lack of power and status make women, including female sex workers, vulnerable to acts of violence. This is also referred to as gender based violence (GBV). Also male and transgender sex workers lack power and status and are vulnerable to homophobic and gender based violence. Relevant in this context is the definition of violence against women from the *UN Declaration on the Elimination of Violence Against Women* (1993) as "any act of gender-based violence that results in... physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." This definition includes violence occurring in the family, in the general community, and violence perpetrated or condoned by the State.

Violence is an important factor affecting the vulnerability of sex workers to HIV and sexually transmitted infections. Studies around the world show that women living with HIV are more likely to have experienced violence, and women who have experienced violence are more likely to have HIV. Injury caused by physical violence during sexual activity or rape can increase risk to HIV infection. Violence associated with stigma and discrimination against sex workers and people living with HIV also increases their vulnerability to HIV. Being labelled vectors of HIV, blamed for the violence inflicted upon them, verbally abused, and living under the constant threat of violence damages one's self-esteem. This results in poor health-seeking behaviours and exposure to risky behaviours. Some sex workers resort to alcohol or drug use, which may result in increased violence and risky sexual behaviour. Avoiding HIV by using a condom becomes less important – or even practically impossible - when a person has the immediate need to protect themselves from violence.

2. PRIORITY ISSUES

2.1 Perceptions of Sex Work impacting Sex Workers' Vulnerability to Violence and HIV

Sex work is seen by some people as a form of violence and exploitation. The global sex workers' rights movement has consistently argued that while there is violence *within* the sex industry, the exchange of sexual services for money is not in and of itself violence. In other words, consensual adult sex work does not constitute violence per se. Because of this overall positioning of sex work as sexual exploitation and violence, the everyday violence that sex workers face is largely overlooked, ignored or even accepted.

A recurrent example of defining sex work as exploitation per se is the confusion of sex work with sex trafficking. Sex trafficking is a form of human trafficking, which is a crime that involves “threat or use of force or other forms of coercion, of abduction, of fraud, of deception... for the purpose of exploitation”¹. The United Nations differentiates persons who have been trafficked for the purpose of sexual exploitation with sex workers, who are considered to “enter into sex work as a result of conditions that, while deplorable [including poverty, gender inequality, family abuse, humanitarian emergencies], do not involve direct coercion and/or deceit by another”². The issue of human trafficking eclipses other situations of violence taking place in sex work contexts, many of which put sex workers at great risk of contracting HIV.

The root cause of rights violations - including violence - against sex workers is sometimes referred to as the ‘whore stigma’. This refers to the idea that (especially) women labelled as sex workers (‘whores’) are somehow ‘less human’ or at least not entitled to the same human rights as other women. Common attitudes that sex workers ‘deserve what they get’ when they face violence make it difficult for sex workers to obtain protection from violence and to access support when they have experienced violence. This stigma is also internalized by sex workers, who may consider violence ‘normal’ and ‘part of the job’. They may not take precautions to prevent violence and are less likely to report incidences of violence such as molestations and rape to the authorities.

Transgender sex workers face additional stigma and violence as a result of their gender identity. They are often expected to provide free sexual services and because their identity as transgender people is usually visible, they are susceptible to homophobic and gender violence.

2.2 Perpetrators of Violence against Sex Workers

Like many people, especially women, sex workers face violence perpetrated at intimate levels, from their intimate partners and other family members. But some sources of violence are quite different for sex workers than they are for other people. Not only do criminals often operate in red-light areas, but violence perpetrated by the State is a routine source of violence for sex workers in most countries in Asia and the Pacific. Sex workers also face violence specific to their work-place, for example by agents (pimps) and sex work establishment owners. Violence from clients is often triggered by the refusal of a sex worker to comply with a demand for unprotected sex³.

Police and law enforcement authorities are often given a free rein in exercising their powers in illegitimate ways when dealing with sex workers, threatening violence if sex workers do not comply with their demands. In numerous countries, the police regularly rape and beat sex workers and demand bribes to avoid arrest. In Bangladesh, the National HIV Surveillance (1999-2000) found that between 52% and 60% of street-based sex workers reported being raped by men in uniform in the previous 12 months and between 41% and 51% reported being raped by local criminals. In India, 70% of sex workers in a survey reported being beaten by the police and more than 80% had been arrested without evidence⁴.

Violent actions of street ‘clean-up’ operations, police-led brothel closures or so-called ‘rescue operations’ are carried out en masse by law enforcers. This is often done in the name of upholding decency and sexual morality, and it is often combined with sex workers being beaten and raped. In China, public shaming programmes have been used on arrested sex workers.

¹ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations (2000) Convention against Transnational Organized Crime. (known as the Palermo Protocol).

² UNAIDS (2009). UNAIDS Guidance Note on HIV and Sex Work.

³ <http://www.whatworksforwomen.org/chapters/7/sections/9>

⁴ WHO (2005). *Violence against Women and HIV/AIDS: Critical Intersections: Violence Against Sex Workers and HIV Prevention*. WHO Information Bulletin Series, Number 3.

While anti-trafficking laws and policies are put in place to protect people from violence and exploitation, trafficking is often equated with sex work and anti-trafficking laws are used to arrest sex workers or demolish sex work establishments. In Cambodia, new legislation intended to tackle human trafficking, has led to arbitrary detention of anyone carrying a condom and other human rights abuses⁵. Arrested sex workers are sent to 'rehabilitation' centres that are like prisons where women are held in communal cells without bathrooms or running water. They lack access to sufficient food or clean water, may be exposed to beatings and rape, and are denied anti-retroviral drug treatment if they are HIV-positive⁶.

HIV-related policies and programmes have led to mandatory testing in some countries in the region. In Mongolia, sex workers have been picked up by police officers and taken to the police station for 'voluntary counselling and testing'. In many countries in the region, sex workers who have been beaten up report being turned away at government health centres.

2.3 Preventing and Addressing Violence against Sex Workers

Sex workers often find themselves in situations that put them at increased risk of violence. This situation is exacerbated because sex work in many countries in the region is an illegal activity or is perceived as illegal. As a result, the 'sex industry' often takes place in more or less hidden locations and is often associated with other forms of criminal activities. In countries with legislation that criminalizes sex work or specific sexual activities, such as homosexuality, there is a greater risk of targeted violence, by police, health service providers, and the general public, against people associated with those behaviours.

A sex worker's gender identity, physical and mental ability, location, age, drug and alcohol use, ethnicity and legal status all impact on her or his vulnerability to violence, which in turn influences the sex worker's vulnerability to HIV. Sex workers who are not part of any group and work in isolated or hidden areas, such as most street-based sex workers, are more vulnerable to violence. They are also less likely to be reached by HIV and violence prevention programmes and health services and less likely to report incidences of violence. Also migrant sex workers are more vulnerable to violence because they may not be well-informed about the local customs and services, may not speak the local language, and may not possess the necessary documentation. They are also more likely to lack a social support network.

The cost of violence upon the lives of sex workers and their families is significant. The most obvious is that physical injury and other forms of ill-health have considerable effect on the ability to work. The loss of income impacts the livelihood of entire families. The threat or experience of abuse, raids or bribery causes sex workers to move around. Mobility reduces time spent working, increasing the urgency to take on more clients, to work for less money or engage in better paid, higher risk, sexual activity. Mobility also increases sex workers' vulnerability to violence as they may not be aware of local risks and lack access to local support and services. Disruption caused by police activity or anti-trafficking raids may also lead to closing down sex work establishments or areas, affecting the income of entire communities and moving sex work more 'underground' and therefore more vulnerable to violence.

Only few HIV programmes targeting sex workers or their clients address violence and violence prevention. In most countries, sex worker organizations – if they exist - lack capacity to provide sufficient support to sex workers and to advocate for prevention of violence against sex workers and proper reporting and follow-up of cases of violence by law enforcement authorities. Health services are often not easily accessible to sex workers and may not properly address the needs of sex workers in relation to the violence they have faced. Police and other law enforcement authorities often harass and abuse sex workers, refuse to report cases of violence against sex

⁵http://www.sexworkurope.org/site/index.php?option=com_content&task=view&id=218&Itemid=1

⁶<http://www.groundreport.com/World/Cambodia-Sex-workers-100-Condom-Use-and-Human-Rights>

workers, or otherwise document but do not follow-up on the cases.

3 ACTIONS

Immediate actions:

- Governments should publicly speak out against violence against sex workers, including from state actors, and include the elimination of violence against sex workers in all HIV prevention programmes and include sex workers' vulnerability to violence and HIV in all violence prevention programmes. In all cases, such programmes need to be strengthened and scaled up.
- Train and sensitize police and other law enforcement officers on human rights of sex workers, violence prevention, rights of transgender people and men having sex with men, and proper documenting and processing of cases of violence. They need to be transformed into 'agents of change' who protect sex workers from violence.
- Support sex worker organizations in their capacity building and organizational development in order to ensure mutual support and solidarity between sex workers and sharing of information and effective strategies.
- Set up drop-in centres for female, male and transgender sex workers that provide trainings on human rights and violence prevention, including practical self defence methods and tips (such as carrying whistles) and that provide support to address violence. Preventing violence at the personal level requires, first and foremost, that sex workers believe they do not deserve violence and that they can help prevent it.
- Support sex workers who have faced violence, to move from 'victim' to 'survivor' through harm and trauma-reduction strategies including sexual assault counselling, first aid, emotional support, practical support (such as shelter, child care), and support to document, report or take legal action.
- Sex work organizations and other non-governmental organizations including feminist and women's organizations should document cases of violence against sex workers and use them for awareness raising with other civil society organizations, liaison with law enforcement officers, and advocacy.
 - Good practice: An *Ugly Mugs List* or *bad-date* warning system is an effective information-sharing strategy that sex worker-led projects have used since the mid 1980s to prevent and document violence⁷. Sex workers routinely draw up descriptions of violent clients that are posted at prominent places so that other sex workers can avoid such clients. The list is shared with the police for further action.
- Train outreach workers on how to prevent and deal with violence.
- Sensitize and mobilize agents (pimps) in violence prevention.
- Implement complementary programmes that target clients of sex workers, through mass media campaigns and targeted behaviour change communication activities to address violence prevention. These programmes should be designed to include men and boys in advocacy to end violence against sex workers. They should be funded through allocations for general programmes addressing gender based violence.

Long term actions:

- Advocate for governments to ensure a structural response is put in place to prevent violence. Rule of law should be firmly observed in relation to ensuring that citizenship rights, including the right to violence-free lives, are available to sex workers.
- Advocate for the decriminalization sex work and adoption of a human rights and public health framework.
 - Good practice: Decriminalization of sex work in New Zealand has resulted in sex

⁷ UKNSWP (2008). *Good Practice Guidance. Ugly Mugs and Dodgy Punters*. <http://www.uknswp.org/resources%5CGPG1.pdf>

- workers being able to negotiate safer sex and report abuse to the police⁸.
- Develop partnerships with a variety of sex worker groups, women's groups, and other civil society organizations, media, and others to implement mass campaigns around violence against sex workers.

4 ADDITIONAL ISSUES (discussed but not prioritized in this paper)

- Violence faced specifically by migrant and undocumented sex workers; by transgender sex workers; by (peer) outreach workers; and by children of sex workers (including enforced measures of 'protecting sex workers' children by government child protection services).
- Drug and alcohol use-related violence
- Robbery
- Additional sexual and reproductive health concerns for female sex workers who are sexually assaulted, such as unwanted pregnancies and unsafe abortion (which are included in the Thematic Discussion Paper on Sexual and Reproductive Health and Rights).

5 MORE INFORMATION & EVIDENCE

Relevant reading, in addition to documents already cited in the footnotes of this paper:

- WHO, UNAIDS (2010). *Addressing Violence against Women and HIV/AIDS: What Works?*
- International HIV/AIDS Alliance (2007). *Sex Work, Violence, and HIV: A Guide for Programmes with Sex Workers*.
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- Commission on AIDS in Asia (2008). *Redefining aids in Asia: Crafting an Effective Response, Report of the Commission on AIDS in Asia*. Oxford University Press, 2008.
- CREA and CASAM (2009). *Ain't I A Woman? A Global Dialogue between the Sex Workers' Rights movement and the Stop Violence Against Women movement*. Bangkok, Thailand.
- Human Rights Watch (2010). *Off the Streets. Arbitrary Detention and Other Abuses against Sex Workers in Cambodia*. <http://www.hrw.org/en/node/91626/section/1>

⁸ Grover A. (2010). *Report of the Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health* (2010), Human Rights Council.