

Experiences of torture by refugee women almost always include sexual torture. Refugee women who have been victims of trauma and torture, particularly at the hands of police or other authorities in their home country, are extremely unlikely to report an incident of sexual assault to police in Australia (Gonzalez and Gilmore 1992; Dimopoulos 1998). For instance, it is often not recognised that the “interviewing” styles of service providers and counsellors may be intensely confronting to women who have experienced prolonged interrogation. Clearly, these women require access to specialist services that are situated within a framework that recognises the unique needs of victims of torture/trauma (Godinjak 1999).

## Violence and sexual assault against sex industry workers

Regulation of the sex work industry<sup>5</sup> has not been directed at protecting workers from violence, improving their working conditions, or challenging the social prejudices that marginalise them from mainstream services. Rather, the regulations that do exist take the form of punitive sanctions against workers (not their clients) and, at least implicitly, support the vulnerability of sex workers and the rage and hostility often directed toward them by the public (Hatty 1989; Treleaven 1995; O’Connell Davidson 1998). Nonetheless, there is growing community concern for the rights of sex industry workers to physical safety, personal dignity, legal recognition, and access to services. However, while community opinion remains divided and legislative reform is stalled, women working in the sex industry will continue to be at greater risk of sexual violence.

### Prevalence and characteristics

Few Australian studies have focused specifically on sex industry workers’ experiences of sexual assault. Over a decade ago, Perkins (1991) reported that 20 per cent (26 of 128) of respondents to a survey of New South Wales prostitutes had been raped in the course of their work, half of these more than once. However, the same study reported a much higher incidence of rape *outside* of work: almost half of the 128 women had been raped while not working, with 95 per cent of these assaults perpetrated by a husband, lover or acquaintance (Perkins 1991). The author suggests that the disproportionately high rate of sexual assault against prostitutes in their private lives results from “men who knew that they worked as prostitutes and . . . assumed they had access to them at any time” (Perkins 1991: 224).

Surveys from other countries indicate much higher levels of violence and sexual assault against sex industry workers. However, it should be noted that several of these studies focused exclusively on street work which is generally regarded as more dangerous than brothel, parlour or escort work (Kinnell 2001; Church et al. 2001; Hatty 1989). Moreover, given the focus on street workers, the survey populations also contained much higher proportions of workers who were young, homeless and experiencing drug addiction.

Youth, homelessness and substance abuse have all been identified, both by researchers and sex workers themselves, as factors which dramatically reduce the ability of sex industry workers to control their working conditions, and greatly increase their vulnerability to sexual violence. As is discussed in the next section, homelessness is often related to the experience of intra-familial child sexual assault. While it cannot be claimed that all sex workers are survivors of

child sex abuse, the potential for revictimisation, particularly in the context of homelessness and substance abuse, is an essential part of understanding the high level of violence experienced by street workers.

A number of authors have documented the high levels of violence directed at street involved sex workers. A 1972 study of Seattle prostitutes found two-thirds had been victims of assault (James 1972); a 1982 sample of 200 San Francisco prostitutes found 70 per cent had been raped by clients on average 31.3 times, and 78 per cent had been forced into “an act of perversion” on average 16.6 times (Silbert and Pines 1982); in a 1993 interview survey of sex workers in Vancouver, 77 per cent reported experiencing violence in the last six months (with an average of seven incidents per person) – sexual assault was the most frequently reported type of violence, comprising 62 per cent of all incidents (Currie et al. 1995); and in a 1996 British study involving 40 teenage prostitutes, 27 (67.5 per cent) reported being raped by clients or pimps in the preceding year (O’Connell Davidson 1998).

Surveys such as these, and anecdotal evidence from sex worker advocates and service providers (for example, Gilbert 1993; Treleaven 1995), indicate that sexual offences against prostitutes often have different characteristics from those committed against non-sex workers. In particular, sexual violence against sex industry workers is more likely to be accompanied by physical injury. These injuries are often severe enough to require hospitalisation, and the offences are more likely to involve a weapon (Silbert 1988). Several authors indicate that perpetrators with a prior history of sexual offences or violence may specifically target sex workers in the knowledge that they are less likely to be charged or to face prosecution for sexually assaulting a sex worker (Gilbert 1992; Kinnell 2001).

Nevertheless, there is a great deal of literature documenting the strategies which sex workers have themselves put in place to decrease the risk of violence, such as refusing to provide services for more than one client at a time, not working from home alone, or in clients’ cars (Perkins 1991; Lowman and Fraser 1996). Some sex workers have also networked together to share safety information to avoid clients who are known to be violent. The former Prostitute’s Collective of Victoria developed the “Ugly Mugs” list, which compiles licence plate numbers and other information to identify offenders. The “Ugly Mugs” strategy is also used in the United Kingdom and Canada, where it is known as the “Ugly Punters” list or “Bad Date” sheet.

### **Police and the courts**

The exchange of sexual services for money is not illegal in any Australian state or territory. However, there are various penalties surrounding different actions associated with prostitution (for instance, loitering and soliciting). These sanctions generally target workers, rather than clients, and often mean that there is little choice about the circumstances under which sex workers provide services; this then reduces workers’ ability to screen for dangerous clients<sup>6</sup>. Hatty (1989: 242) argues that: “The law plays a critical role in determining the physical vulnerability of prostitute women . . . [and that] the dominant legal approaches to prostitution (prohibition and regulation) institutionalise physical and sexual violence against . . . prostitutes.”

In this context of social stigmatisation and legalised discrimination, sex workers face several unique barriers to reporting. Like other women, sex workers may blame themselves for the assault, especially if they have deviated from taking their usual safety precautions (Perkins 1991). Concern about their occupation

being exposed to friends or family is also cited as discouraging sex workers from reporting (Gilbert 1993; Treleaven 1995). However, the primary reason for non-reporting by sex workers, is a lack of faith in the police and the courts to hold the offender accountable through the criminal justice system.

Sex workers have in the past described some police as unsympathetic and/or unwilling to act on reports of sexual assault, dismissing their complaints on the grounds that “it’s part of the job”. Other sex workers have faced being charged with offences after disclosing that the assault(s) occurred in the context of sex work, while others have been arrested for outstanding fines related to their work (Treleaven 1995; Gilbert 1992).

The treatment of sex workers by the courts and the judiciary has also been the subject of strong criticism by women’s groups and sex worker advocates. Judges in particular have given voice to the conventional view that the harm suffered by sex workers is minimal or at least significantly different to that experienced by “chaste” women (Gilbert 1993; Scutt 1993; Hatty 1989; Treleaven 1995). Massive public outcry greeted the decision of *R. v. Hakopian*, in which it was ruled (sustaining the precedent established in *R. v. Harris*) that the sexual assault of a prostitute was less harmful, and therefore less of a crime, than the rape of other women.

The trial process is also likely to be particularly distressing and humiliating for sex workers. Rape trial studies have revealed that defence barristers are often allowed to cross-examine sex workers about their sexual pasts despite provisions aimed at restricting the use that the courts can make of women’s prior sexual history (Henning 1998; Heenan and McKelvie 1997; Treleaven 1995).

In considering the alarming prevalence of violence against sex workers, and the difficulties they face in both reporting and seeking redress through the criminal justice system, the argument made repeatedly by sex worker advocates is particularly salient: sex workers are not inherently more “rapeable” than other women; nor is sexual assault a necessary and inevitable facet of the sex work industry. Rather, according to Treleaven (1995: 300): “Prostitution laws are what make sex workers particularly easy targets for violence, not the existence of the sex industry itself and not their participation in it. Sex industry workers are forced by regulation and criminal sanctions into high-risk modes of work such as street and escort work.”

Given that most community lobbying has in the past actively promoted sanctions against sex workers, improving their safety will require a significant shift in community attitudes. The outcry over the decision in *R. v. Hakopian* raised some hope in this regard for a potential increase in the community understanding of, and sensitivity towards, sex workers. It appears that the conventional view of women in the sex industry as legitimate targets of sexual violence is gradually being eroded.

## Sexual assault and homelessness among young people

The literature on sexual assault often refers to the phenomenon of “revictimisation”, where a history of sexual abuse or assault is seen as a prime predictor of further abuse across the lifespan (Messman and Long 1996; Humphrey and White 2000). The experiences of homeless youth are a disturbing example of this cycle. Sexual assault is deeply implicated in the problem of youth homelessness, both as a primary or hidden cause of homelessness, and as an ongoing fact of life on the streets.