

Reconceptualising Risk, Safety and Prevention in Sex Work

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Background

- *ACSSA Issues 8* aimed to:
 - identify conditions that increase sex workers' vulnerability to sexual assault; and
 - identify prevention strategies relevant to the sex industry
- **Rationale behind the paper:**
 - Bring together disparate fields of research; and
 - Identify key gaps in research and new directions for future inquiry.



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Key Findings



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Key Findings

Sex workers experience high levels of sexual assault

Study	Percentage of workers experiencing sexual assault at work		
	Street	Brothel	Other
(NSW) Perkins & Lovejoy 2007; 219 participants		6.5%	Private: 8.4%
(NSW) SWOP NSW 266 reports between 2000-2006			All sectors 13% of incidents
(NSW) Perkins 1991 128 participants			All sectors 19.5%
(QLD) Boyle et al. 1997 230 participants			All sectors Ever: 29%
(QLD) Woodward et al. 2004; 216 participants	Ever : 78.8% By client: 61.6% (27.3% once) (33.3% > once)	Ever: 34.7% By client: 3 % (0% once) (3% > once)	(Private) Ever: 37.8% (Private) by client: 13.4% (7.3% once) (6.1% > once)
(NSW) Roxburgh et al. 2006; 72 participants	33% rape 40% aggravated rape	NA	NA
(VIC) RhED 'Ugly Mugs' 2001; 101 reports	46% sexual assault 18% of these with a weapon	NA	NA



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INTERNATIONAL	Percentage of workers experiencing violence at work		
Study	Street	Brothel	Other
US Kurtz et al. 2004 294 participants	13.9%		
UK Church et al. 2001 240 participants	'outdoor' 22% raped (vaginal) 5% raped (anal)		'indoor' 2% raped (vaginal) 6% raped (anal)
NEW ZEALAND Plumridge & Abel 2001 303 participants	27%	8%	NA
NETHERLANDS Vanwesenbeeck			40%
5 COUNTRY STUDY Farley et al. 1998 Total of 475 participants	NA	NA	South Africa 57% Thailand 57% Turkey 50% USA 68% Zambia 55%



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What the data tell us

- There is significant variation in levels of violence among those working in different sectors
- Knowledge about the difference between sectors is limited
- It does not put sexual assault against sex workers into context. E.g.
 - No comparative data on sexual assault of women in other employment sectors
 - No data that compares experiences of sexual assault among other marginalised, disadvantaged or ‘at-risk’ groups.
 - Focus on street-based work can skew “the relationships between violence, safety and working environments” (Sanders & Campbell, 2007, 2);



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Identifying conditions for risk



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ACSSA's review of the literature identified the following factors as relevant to sex workers' safety:

- Location
- Criminalisation
- Legalisation requirements
- Stigmatisation of, and social attitudes to, sex work



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Location

Outdoor work

- Depending on the laws, the actual location of the trade or whether a police crackdown is in effect, the place where services occur is frequently not in workers' control. For example:
 - Car work: Getting into a client's car "gives almost total control to the customer" (Kurtz et al. 2004).
 - Abduction, kidnapping & forced detention are common experiences.
 - Isolation: SQWISI (QLD) argued that street-based workers were more vulnerable because of the lack of natural surveillance and the kinds of clients/perpetrators this attracts.

Isolation

- Brothels
 - Planning laws require set distances from important amenities;
 - Zoning laws can mean working in isolated areas even for legal workers.
- Street-based workers
 - Potential of police prosecution can result in working in more isolated areas
- Escort workers



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Criminalisation

Diminishes capacity to exert control over sex work activities:

- Street-based sex workers operating illegally often work in isolated or poorly lit areas that disinhibit men from perpetrating violence against workers. (Alexander, 1998a, p. 78)

Police crackdowns:

- Reduced negotiation time: “I had to get into the car quicker and I had to be less noticeable” (‘Joellen Feinberg’ in Alexander, 1998, p. 78);
- Reduced client base/reduced choice;
- Removal from familiar areas (‘territory’).

Disenfranchisement from being a ‘worthy victim’ & legal protection:

- “The legal regime constitutes women who occupy the spaces of the sex trade as illegitimate and creates interaction spaces that are conducive to violence while excluding them from legal protection” (Sanchez, 1997, 546)



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Policing powers and practices

Police powers to entrap and move on sex workers. For example:

- QLD police are exempt from solicitation offences and can entrap then penalise workers for operating illegally in any way
- WA police may participate in an unlawful act with immunity, in order to secure a conviction. Entrapment is lawful. Also have the power to search, seize and detain without a warrant OR charge.

Police attitudes

- Harassment by police was reported by or half of participating street-based sex workers in Queensland research (54.5%) (Woodward et al. 2004, p 47); over a quarter had been sexually or physically assaulted by a police officer in the last five years (27.3%); over a third had been sexually propositioned (39.4%) (Woodward et al. 2004, p. 47).

Police as perpetrators

- in WA research by the Sexual Assault Referral Centre (SARC) into women's reporting of sexual assault indicates that half of all sex workers interviewed were sexually assaulted by police officers (Dowd, 2002)



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Legalisation and licensing models

Aspects of the regulatory system can inhibit workers' safety.

For example:

- In NT:
 - Private workers can only arrange jobs for themselves, cannot provide sexual services from the same place they are organised or work with anyone else such (eg. workers, receptionists or drivers);
 - Brothels are illegal.
- In QLD:
 - Two sex workers sharing one premises;
 - Private workers offering 'doubles';
 - Private workers contacting or texting any other person with details of bookings;
 - Private workers having a non-licensed security guard, receptionist, a driver
- In WA:
 - To keep, manage or assist in the management of premises for the purpose of prostitution;
 - Seeking clients in or in view or within hearing of public place.



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"It's very upsetting because that rage just comes out of nowhere," Arabella said. "He smashed my cheekbone and was beating the s--- out me. I screamed so loudly that I flayed my vocal cords and couldn't speak properly for a month." Luckily a group of young guys in an apartment called out, 'are you alright?'. This guy yelled back, 'she's a prostitute', as if that made it OK. They called 000 and the police came really fast, but this guy seemed to think the young guys wouldn't give a f--- if he murdered me in front of them."

– 'Streetwalkers lose in the blame game', *The Age*, July 24, 2004



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What is the relationship between social stigma & risk?

Misunderstanding about what payment for sex entitles clients to:

- "... so I got in, and as we drove off I was hit by an overwhelming smell of alcohol. That was the first indicator that I didn't want to be there . . . I asked what he wanted and told him the standard prices - \$50 for oral, \$80 for sex, \$100 for both. He just kept saying, 'I want sex, I want sex' ... "When I told him I'd only do oral in the car, he started to raise his voice, so I got out of the car. He tried to grab me as I got out, but I slammed the door on him . . ."

Anti-sex worker sentiment and initiatives promulgated throughout communities:

- This has been described as a “discourse of disposal” in that women who visibly engage in sex work are seen as something to “get rid of”.

Geographical & social isolation:

- perception that sex workers are socially isolated and without family or other support networks (often erroneous) – can decrease the perception of risk of being caught



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Summary

The important factors that lead to the sexual assault of sex workers are:

- the nature and location of the working environment;
- the laws that control and regulate sex work.
- these two factors are mutually reinforcing:
 - “It is not a simple dichotomy of legal and illegal or indoor and outdoor but a question of how the illegality of outdoor work increases its danger and how legalisation approaches increase or decrease both the ability of sex workers to control the encounter and to disclose their experiences.
- social stigmatisation creates opportunities for sexual offending:
 - Most significantly, it is the stigmatisation of sex workers, the misinformation and stereotypes about who they are, why they are sex workers and what a paid sexual transaction is about that really fuels and tacitly legitimises sexual violence against them. (ACSSA Issue 8, 2008)



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Sexual assault prevention and sex workers



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Current practices promoting sex workers' safety

- **Best Practice Occupational Health & Safety (compiled by Edler 2000)**
 - Employers are expected to take all steps to protect the health, safety & welfare of their employees
- **Organised programs and initiatives**
 - Ugly Mugs programs
 - Interagency partnerships involving outreach agencies, local health authorities, and police
 - Publications such as *Nine Lives: Surviving Sexual Assault* (SWOP NSW); *POWER* (RhED, Vic); *Risky business: Hot safety tips for sex workers* (RhED)
- **Sex workers' strategies**
 - Information-sharing
 - Personal or individual strategies



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Obstacles to promoting safety

- Laws controlling sex work can often mean that to be safe workers break the law
- OHS implementation
- Lack of systemic strategies



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Situational crime prevention

1. Understanding criminal opportunity

- Classic situational crime prevention involves identifying 'ingredients' for offending:
 - A motivated offender
 - The presence of a suitable victim or target
 - An opportunity
 - The absence of a capable guardian
- Choice/motivation
 - Offending is the product of a deliberate choice by individuals; the greater the opportunity to engage in crime the greater will be the commission of such behaviours (Clarke, 1983).



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- E.g. The organisation of indoor work
 - Indoor environment fosters a sense of ‘territory’ and collective control (Sanders & Campbell, 2007, 10)
 - Indoor environments are subject to a range of controls that inhibit the likelihood of violence and encourage client compliance. For example:
 - Secure doors;
 - Security cameras;
 - telephone bookings; and
 - receptionist as a key ‘gatekeeper or monitor’:
 - “Sometimes I’ll say knock. If it’s a regular and I know that he’s alright I’ll say ‘Don’t bother knocking `cos he’s alright’, you know. Sometimes if they are a bit tipsy, I’ll say, ‘definitely knock’”, (in Whittaker & Hart, 1996, 407)



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- The organisation of street-based work?
 - Victorian Street Prostitution Advisory Group (2002):
 - Establishment of tolerance zones where penalties for soliciting and loitering would not be enforced in a defined geographical area;
 - Establishment of safe and secure venues for workers to service clients ('street worker centres')
 - The recommendations were rejected as a result of intense lobbying and media backlash (Rowe, 2003)
 - Other strategies?
 - Increasing perceived effort for potential offenders
 - Local accords between key representatives
 - Building situational crime prevention insights into legislative frameworks (e.g planning and zoning mechanisms)



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2. Understanding workplace violence & risky workplaces

- **Occupational violence:**
“incidents where staff are abused, threatened or assaulted in circumstances related to their work, including commuting to and from work, involving the explicit or implicit challenge to their safety, wellbeing or health” (AIC, 2003, no. 10)
- **Women’s experience of occupational violence:**
 - 62.1% of women had experienced some form of workplace violence in the last five years:
 - swearing or shouting (48.6%),
 - hostile or aggressive behaviours (46.7%),
 - bullying or mobbing (22.4%),
 - physical attacks including punching and kicking (11.6%);
 - sexual assault (0.2%)
 - (Department of Victorian Communities, 2005).



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- 'Risky' work places involve:
 - working alone;
 - providing care, advice or training;
 - handling money or valuables; and
 - working with mentally disturbed, drunk or potentially violent people;
- 'Face-to-face contact' as a core factor of workplace violence.
- Physical and emotional 'attentiveness' may also be factors.

Current recommendations to reduce workplace violence involve (Mayhew, 2003):

- Structural change to work environment
- Use of administrative controls such as adoption zero tolerance for workplace violence; safety audits; profiling of high-risk clients
- Communicating strategies to staff



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3. Sexual assault primary prevention strategies

- Through public health models (e.g. VicHealth)
- Through respectful relationships (e.g. Carmody & Willis)

4. Policy

- “the consequence for sex workers and/or their advocates is that they must operate within a framework driven by external impetus and which determines the eventual outcome and regulation of the sex industry”. (Banach, 1999:)
- “policy needs to address perceptions of prostitution and attitudes associated with the women who sell sex” (Sanders and Campbell, 2007, 15)



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Conclusion

Priority issues for sex worker safety

- **Research**
 - Richer understanding about ‘risk’ & ‘safety’ in sex work;
 - Research based on workers’ experience and knowledge
- **Policy**
 - Clarity about the aims and purposes of prostitution policy
- **Law**
 - The role of law needs to be about increasing workers’ choice over clients, the kind of services they provide and supporting their capacity to say ‘no’.



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