



# Sex work and Law Enforcement- Collaborations that Work and Why

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- In much of the world buying and selling sex is illegal-control of the industry is therefore in the hands of police.
- Even where sex work is legal, street based sex work is often outside the law.
- In many of these settings, police are often perpetrators of violence against sex workers, using criminalisation to extract bribes or free sexual services.
- In settings where there is an ambiguous legal status sex workers can still be charged under vagrancy, loitering and public nuisance laws.



- People who sell sex often do not receive equal protection from the police and judiciary, and their complaints may not be taken seriously.<sup>1</sup>
- Providing essential services to sex workers can therefore be severely compromised in environments where criminalization exists



- There is a plethora of literature that describes the barriers that law enforcement creates for sex workers' health and wellbeing
- Research from Madagascar - vast majority of interactions between police and sex workers had no legal basis.
- Most interactions were police officers attempting to gain money or sex by virtue of their uniform and weapons or by threatening to use force.
- In this setting police officers represented an authority to be obeyed rather than one that has defined legal roles and responsibilities to protect them.<sup>2</sup>



- In a 2009 survey of sex workers in Central and Eastern Europe and Central Asia,
  - 42% reported physical abuse by police, and
  - 37% reported having been assaulted sexually by police,
  - with the highest rates in Macedonia, Ukraine, and Kyrgyzstan.<sup>3</sup>



- A recent report by Swaziland Action Group Against Abuse (SWAAGA) stated that sex workers were forced by police to comply with demands for free sex or sex in exchange for not being arrested.
- 27% of the sex workers have been arrested by state police for loitering.
- 60% of those arrested were sexually and physically abused by the police.<sup>4</sup>



- Women and girls involved in sex work face beatings, rape, sexual harassment, extortion, arbitrary arrest and detention, forced labour, and other cruel and degrading treatment at the hands of law enforcement including officers working in the “Rehabilitation” centres run by the Ministry of Social Affairs, Veterans, and Youth Rehabilitation <sup>5</sup>



- In Papua New Guinea, sex workers participating in an HIV prevention intervention reported gang-rape and harassment by the police as a serious barrier to their ability to practice safer sex.<sup>6</sup>
- In Kazakhstan, police routinely arrest and beat sex workers and often force them to bribe arresting officers with money or sexual services.<sup>7</sup>

<sup>6</sup> Jenkins C (2000). Female sex worker HIV prevention projects: Lessons learnt from Papua New Guinea, India and Bangladesh. UNAIDS Best Practice Collection. Geneva, Switzerland. UNAIDS.

<sup>7</sup> Human Rights Watch (2003). Fanning the flames. How human rights abuses are fuelling the AIDS epidemic in Kazakhstan. Vol.15, No. 4 (D). New York, USA, Human Rights Watch.



- A study in Serbia - police posed the greatest risk of physical violence to sex workers.
- Accounts include physical violence, either threatened or enacted, in order to obtain free sexual services, arbitrary arrests, enforced admissions, and beatings by police.
- There was a common perception that the police *had the right* to beat them.<sup>8</sup>



- Sex workers are arrested even when they were not working as their identity is known to the police.
- Police harassment was listed as the sex workers' primary concern.
- Physical abuse, demands of free and unprotected sex and manipulating the law to book sex workers was reported.
- Carrying condoms is taken as proof of their profession <sup>9</sup>



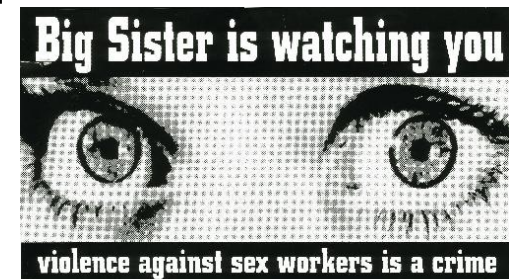
- Violence is associated with unprotected sex and heightened risk of HIV transmission.<sup>10</sup>
- Not carrying condoms for fear of arrest has obvious implications for STI and HIV transmission
- In many settings police rarely use condoms in coerced sex
- Having to pay bribes mean sex workers may have little money to pay for condoms or they have to accept more clients to make up for lost income



- A person who has been a victim of abuse or violence can be stigmatised, or can cause fear in others. This stigma can be a barrier to accessing health services, including treatment of injuries, and HIV/STI prevention services and treatment.<sup>11</sup>
- Marginalised or stigmatised people can be seen as being deserving of violence and this can be internalised as guilt or self-blame.
- Living in constant fear of violence can harm a person's self-esteem, and compromise their ability to protect themselves from HIV.<sup>11</sup>



- Despite the criminalised environment, some sex worker programs work with police to create greater understanding of the sex industry within police ranks, to ensure greater access to services and greater wellbeing for sex workers.
- Examples include:
  - RhED's Ugly Mugs project which liaises with local police to report and prosecute perpetrators of violence against sex workers



It's an offence for anyone to behave in an indecent, offensive, insulting, threatening or abusive manner towards a sex worker in a public place. It is a crime to physically or sexually assault another person. Sex without consent is a crime.  
Report Ugly Mugs to RhED 9534 8166.



- Thailand's SWING provides services for male sex workers in Bangkok and has an intern program for police recruits
- Aim to build relationships of mutual respect to enable sex workers to access STI and HIV prevention and treatment without fear of arrest.





- Police cadets' internship gives them first-hand knowledge of the working lives of sex workers. They study basic English and take part in other program activities together such as outreach.
- The program aims to sensitise future police officers to the needs of sex workers to foster supportive environments for sex workers.



- Save the Children's Poro Sapot program works with police liaison officers and conducts peer education amongst police
- The program operates in four cities in three provinces and are supported by a Police Liaison Officer in each city, Sensitisation of the gatekeepers and the police.
- The emphasis is on respect for and protection of the dignity of sex workers and peer educators as well as for gatekeepers and police.
- The aim is to create safe and HIV-protective environments within which social and commercial interactions can take place
- HIV information and supplies are now actively requested by gatekeepers rather than being grudgingly received.



## Vikas Jyot Trust, Baroda, - India

- Tired of police harassment, Vikas Jyot Trust decided to target local police stations to talk about HIV awareness with operational police
- Informal meetings with sex workers and constables were held which proved to be a beneficial way to communicate issues of concern for sex workers.
- The police constables were sensitized to the problems facing sex workers and devised steps to lessen the harassment.
- Peer educators were introduced to police so they recognize them as a part of the program.
- Police constables are now informing VJT as soon as any sex workers have been arrested.





- Keeping Alive Societies' Hope (KASH), Kenya
- Tais Plus, Kyrgyzstan
- Pathfinder International, India
- Others?



- The aim of this research is to identify sex worker programs that incorporate a positive role for police to:
  - Assess the acceptability and effectiveness of this collaboration
  - Examine the essential elements of this collaboration
  - To determine whether these ‘essential elements’ can be the basis for a framework for future police involvement in HIV/STI prevention programs for sex workers



- This part of broader research initiative to examine how police can support HIV prevention programs for sex workers, IDU and MSM
- Purposive selection of sex worker programs working with police in Asia- Pacific region
- Qualitative methods- sex workers, police, program workers, stakeholders
- Photo Voice or Most Significant Change (MSC)



- Australian Research Council (ARC) linkage grant
- Industry partner



- Document the elements of programs with a positive role for police/law enforcement that contribute to greater access to services for sex workers (especially HIV and STI prevention), better quality of life for sex workers and freedom from repeated incarceration and violence.
- Document best practice and or lessons learnt
- Provide basis for a framework for police involvement in HIV programming



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