

Sex workers and sexual assault in Australia Prevalence, risk and safety

DR ANTONIA QUADARA

Men often think that just because you work in the industry that you'll do anything ... because that's what we do ... we do anything ... at any time ... we have no morals or boundaries ... we're on men's beck-and-call all the time ... even when we're not working [pausing]. Why don't they get it, do you think? (Steph in Lantz 2003, p. 298)

Introduction

This paper provides a review of contemporary research on the sexual assault of sex workers in Australia. It focuses predominantly on the safety of sex workers in their work contexts. It aims to understand both what increases their vulnerability to sexual assault and what maximises their ability to negotiate safe encounters, disclose sexual assault and access support services. Although there is extensive literature on prostitution, there is little research on sex workers' experiences of sexual assault, especially in work contexts (Alexander, 1998; Farley & Kelly, 2000; Pyett & Warr, 1999), and it is only recently beginning to be addressed (Penfold, Hunter, Campbell & Barham, 2004; Sanders & Campbell, 2007). This may be partly due to the perception that violence perpetrated against sex workers is an "inevitable consequence of engaging in the sex trade" (Pivot Legal Society, 2004, p. 14), rather than, as sex workers themselves have said, partly a consequence of identifiable factors such as location, or the laws regulating sex work (see Pivot Legal Society, 2004; 2006). As sex worker organisation Resourcing Health and Education (RhED) stated, sexual assault is *not* "just a job that goes wrong" (RhED, 2002):

Sexual assault is a crime:

- whether any semen is ejaculated or not;
- even if you've had sex with the person some other time;
- even if you've agreed to another type of sexual service (for example, you may have agreed to vaginal penetration but this doesn't mean you agreed to anal penetration);
- whether you're female, male or transgender; and
- whether you're a sex worker, community worker or construction worker (2002, para. 03).

Although there is extensive literature on prostitution, there is little research on sex workers' experiences of sexual assault, especially in work contexts.



Australian Government

Australian Institute of Family Studies
Australian Centre for the Study of Sexual Assault

The Australian Centre for the Study of Sexual Assault aims to improve access to current information on sexual assault in order to assist policymakers and others interested in this area to develop evidence-based strategies to prevent, respond to, and ultimately reduce the incidence of sexual assault.

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The author

Dr Antonia Quadara is a Senior Research Officer with the Australian Centre for the Study of Sexual Assault at the Australian Institute of Family Studies.

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ACSSA Coordinator: *Dr Zoë Morrison*

Australian Institute of Family Studies
Level 20, 485 La Trobe Street, Melbourne VIC 3000 Australia

Phone: (03) 9214 7888 Fax: (03) 9214 7839

Internet: www.aifs.gov.au/acssa

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The aims of the paper are:

- to describe the extent and nature of sexual assault against sex workers in Australia;
- to identify the conditions that make sex workers vulnerable to sexual assault;
- to identify the barriers to disclosure and accessing support services faced by sex workers; and
- to identify strategies that may help to prevent sexual assault against sex workers.

Consultation with sex work organisations in Australia was undertaken to see how recent research 'fits' with the knowledge and expertise these organisations have. These consultations have been acknowledged where appropriate. This discussion is predominantly concerned with female sex workers. To work legally in the sex industry, individuals must be over the age of 18. However, ACSSA's concern is with the sexual assault of people over the age of 15. For this reason, ACSSA has taken underage workers into account. In light of the available literature, recommendations for future research directions will also be suggested. These recommendations include:

- the prioritisation of sex worker safety in sex industry policy;
- greater inclusion of sex workers' knowledge and experience in setting these safety agendas, and;
- a shift in the kind of research that is carried out on sex work in Australia.

The introductory section provides some background on sex work in Australia.

Sex work in Australia

The number of sex workers in Australia is difficult to determine. Identifying as a sex worker is risky (Banach, 1999): laws that criminalise aspects of sex work mean that workers will not disclose being a sex worker for fear of incriminating themselves and/or making themselves targets of verbal, physical or sexual abuse (Scutt, 1992); the pervasive social stigma associated with sex work—even where it is not criminalised—means that workers are unlikely to be open about working in the sex industry, even with their family and friends. Such 'outing' can have implications for family relationships, custody of their children, relations with police, 'straight' job applications, and credit card or loan applications (Perkins, 1991; Pheterson, 1990, 1996; Banach & Metzenrath, 2000, pp. 11–20). Involvement in sex work tends to be transient and opportunistic: according to the AIDS Council of New South Wales, the average period spent in the sex industry is about two and a half years. Statistical information provided by the Council suggests that in

any one year there are approximately 20,000 sex industry workers in Australia. This figure includes those who work in other aspects of the sex industry, and legal and illegal workers. It was estimated that New South Wales has the largest population of sex workers, with about 10,000 workers based in that state (Sex Services Premises Planning Advisory Council (SSPPAC), 2004).

Sex work can be broadly defined as the exchange of sexual services (including oral sex, vaginal and anal sex, sexual touching, masturbation and massage) for payment or reward. However, there is great variation in the forms these exchanges take (see Box 1). Street-based sex work, brothel work, private work, bondage and discipline services, escort work, and tabletop and exotic dancing all create very different experiences of sex work for those involved, and differences in the kinds of associated risks and dangers and the standard of living they provide (Bernstein, 1999; Perkins, Prestage, Sharp & Lovejoy, 1994; Sanders, 2004). There is also significant diversity across the states in their laws and regulations which impact on how sex work is carried out in each of these sectors. Finally, although economic necessity is regarded as the primary motivation for sex working (Perkins, 1991; Pivot Legal Society, 2006; Woodward, Fischer, Najman & Dunne, 2004), there is a diversity of life circumstances shaping this motivation. Many women enter sex work because of child-care responsibilities, or to supplement family income (for example, at the beginning of the school year or Christmas time), or following relationship breakdown and finding themselves a single income earner (Sanders & Campbell, 2007; SSPPAC, 2004). Young people (those under 18) may start sex working as a matter of survival after leaving home or state care (Child Wise, 2004). Increasingly, university students are engaged in sex work as a way of supporting themselves through university (Lantz, 2003). In New South

Box 1—Definitions

Street-based sex work

This economy operates from the street. Typically this means workers being present on particular streets (i.e. those known for their sex work trade). Street-based work is mostly illegal.

Brothel work

Sex workers operate from within a brothel with other workers. The brothel takes a percentage of every booking. Workers are considered sub-contractors or employees (although this isn't always honoured in workplace conditions; Murray, 2001). The types of services offered can depend on the brothel manager. The brothel is expected to provide condoms, lubrication, and dental dams.

Escort agency

Escort agencies arrange for sex workers to provide services at the client's location (hotel/home/office). Sex workers register with an agency and are contacted with the details of the booking. Various mechanisms are used to ensure escort workers' safety, such as contacting the agency when the booking has ended, or using a driver.

Private worker

Private sex work usually refers to those who work only for themselves. Services are generally provided from workers' premises, either a location that complies with business and planning requirements or from their own residence, again complying with business and planning requirements. In some states, private escort work is also an option, which means that workers are independent workers but must still provide outcall services to clients (i.e. at their location).

This is not intended to be an exhaustive or definitive list but to highlight the diversity of sex work sectors and to briefly indicate the nature of the work involved.

Wales, it is estimated that 16% of sex workers are students (SSPPAC, 2004). Substance use can also be a factor influencing entry into sex work, however the relationship between sex work and drug use is complex (Johnson, 2004; Maher, 2000; Perkins, 1991; Surratt, Inciardi, Kurtz & Kiley, 2004). Research suggests that male sex workers engage in sex work in quite different ways from female sex workers (Boyle et al., 1997). These different circumstances affect the extent to which people identify as a 'sex worker'.

Such diversity shows that there is no discrete group of 'sex workers' separate from the rest of the community. At the same time as engaging in sex work, women raise children, attend school or university, or try to maintain independence as a minor without family support. Sex workers are members of the community as residents, colleagues, peers, patients and citizens rather than some 'other' category of people. Yet their

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experiences of sexual assault in both their work and private lives are often questioned, derided, ignored or silenced. As victim/survivors of sexual assault, they are often disbelieved and seen as undeserving of support or legal justice *because* they are sex workers. The recent high-profile murders of sex workers in the UK and Canada (Miles, 1998), and the murder of sex workers in Australia (for example, in Queensland five sex workers have been murdered since 2001), show the lethal consequences of this perception. Indeed, sex workers are over-represented among female murder victims (Treleaven, 1995, p. 302). As this paper demonstrates, the idea that sex workers somehow bring sexual violence upon themselves, or should expect it given their occupation, deeply influences social and legal responses to them as victim/survivors of sexual assault.

Sex trafficking is not a specific focus in this paper. 'Trafficking' refers to individuals entering countries (destination countries) by illegally supported means in order to work, often in what would be regarded as exploitative conditions. Such exploitation can range from having to repay 'debts' incurred for migration, to being deceived about the nature of the work. This could mean that a woman thinking she will work as an exotic dancer in a Sydney club instead finds herself in a brothel, or could mean deception about working in the sex industry itself.

As an issue, trafficking is both complex and controversial (see Fergus, 2005). Some have argued that sexual trafficking is sexual assault and that trafficking is "nothing more or less than globalized prostitution" (Leidholdt, 2003, p. 177). Others argue that the language of sexual trafficking can obscure and collapse a range of complex issues involving immigration laws, globalisation, and labour (Murray, 1998; Scarlet Alliance, 2003). It is argued that the exploitation of illegal immigrants (often perceived as arriving from south east Asia) does not just happen in the sex industry but also in the hospitality, textiles and clothing manufacturing sectors (Scarlet Alliance, 2003). Some organisations we spoke with observed that debates about 'sexual servitude' can obscure the issues faced by migrant sex workers, which are not exactly the same issues around trafficking.

Nature and extent of sexual assault against sex workers

It is impossible to know the actual number of all the women who have experienced sexual assault (Lievore, 2003; Phillips & Park, 2006). Sexual violence is often unreported; some victim/survivors may never disclose to anyone their experiences of violence (Ahrens, 2006). Like other victim/survivors of sexual assault, sex workers may be similarly reluctant to speak out. As this paper discusses, where sex work is criminalised or stigmatised, workers are less likely to disclose incidents of sexual assault. An additional factor hampering adequate knowledge about sex workers' experiences relates to the limited nature of available research. As a consequence of the variously illegal and socially

marginalised position sex workers are forced to occupy, conducting high-quality, in-depth research with sex workers is full of challenges that keep samples rather small and localised (Shaver, 2005). There is also a tendency within the literature to collapse the contexts in which sexual assault occurs, with private and work contexts often blurred. The following section is largely concerned with the sexual assault of sex workers in work contexts, however sexual assault in non-work contexts is also examined.

Sexual assault of sex workers in their private lives

The available demographic information on sex workers shows that, as a population, they share many of the characteristics of the most likely victim/survivors of sexual assault: the majority are below the age of 44, with many between 18 and 34, and the majority are Australian born (Woodward, Fischer, Najam & Dunne, 2004). Finding from the Personal Safety Survey (Australian Bureau of Statistics [ABS], 2006) show:

- almost 1.3 million women (16.8%) have experienced sexual assault since the age of 15;
- in the 12 months prior to the survey, 101,600 or 1.3% of women over 15 years have been sexually assaulted;
- younger women between 18 and 34 are most likely to be victim/survivors of sexual assault (of the women sexually assaulted in the last year, 28.2% were between the ages 18 and 24, 29.2% were between 25 and 34, and just over a quarter (25.4%) were between 35 and 44);
- almost 1 million women (956,600) experienced sexual abuse *before* the age of 15 (40.7% were 5 to 8 years of age; almost half were between the ages of 9 and 14 (48.7%)); and
- 81.3% of victim/survivors of sexual assault were Australian born (see Morrison, 2006).

Perkins' (1991) research with Sydney-based brothel workers compared the working and personal lives of sex workers with two other groups—health workers and students. Her study found that of the 128 sex workers interviewed, 80% of them had not experienced rape in a work context. In situations outside work however, sex workers had higher levels of sexual assault than the two non-sex worker groups, with 46.9% being victim/survivors of rape, compared to 21.9% of health workers and 12.7% of students. A study by Roxburgh, Degenhardt and Copeland (2006) found that of the 58 female sex workers who had experienced sexual assault, 44% had been raped outside work. Like other victim/survivors of sexual assault, Perkins found that sex workers were mostly assaulted by those they knew (see also NSW Rape Crisis Centre website). Only 22.1% of incidents were perpetrated by lone strangers (excluding clients), a finding consistent with other research on perpetrators of sexual assault (ABS, 1996, 2006; Australian Institute of Criminology [AIC], 2004b). Perkins suggests that sex workers were “very likely most often attacked by men who knew that they worked as prostitutes, and the men assumed they had sexual access to them at any time”, based on the perception that sex workers have forfeited their rights to sexual autonomy (1991, p. 224).

It has been a long-standing concern in the literature to examine the relationship between child sexual assault and entry into prostitution. Research carried out in the 1970s and 1980s in North America tried to establish a link between early victimisation and sex work (Bagley & Young, 1987; James & Meyerding, 1977; Silbert, 1982; Silbert & Pines, 1983). Studies of juvenile sex workers over this period indicate that rates of intrafamilial childhood sexual abuse varied between 31% and 73% (Vanwesenbeeck, 2001). Recent research has found that significant proportions of sex workers surveyed experienced sexual abuse in childhood (Dalla, 2000; El-Bassel et al., 2001; Farley, Baral, Kiremire & Sezgin, 1998; Farley & Barkan cited in Campbell, 2003; Widom & Kuhns, 1996).

Debates about sex work

'Sex worker' is used throughout to describe those who engage in sexual acts for payment. Sex work can be a complex issue for communities, governments, service providers, feminist researchers and sex workers. This is especially the case for feminist activism and women's policy, where the subject has become a crucible of the key issues for women's rights: gender, sexuality, power, choice, economics and violence (Bernstein, 1999; Outshoorn, 2004). At times, these debates have become polarised. The seemingly irreconcilable differences stem from the way in which prostitution has been a *symbolic* battleground, where the terms of the debate have less to do with prostitution per se and more to do with what it symbolises about women's social, civil, political and human status. There is not room in this paper to examine these in great depth (but see Duggan & Hunter, 1995; Valverde, 1989; Vance, 1992). However, this dialogue is important. Naming commercial sex as a form of work, rather than a form of victimisation, inevitably invokes these debates. Accordingly, it is important to at least gesture to the ideological, political and philosophical backdrop informing conceptions of sex work.

During the 1980s feminist politics was embroiled in debates—characterised as 'wars'—over the nature of women's oppression and the role sexuality had to play. For one 'side', sexuality in a patriarchal, capitalist world could not be anything but exploitative (Kathleen Barry, Andrea Dworkin and Catharine MacKinnon are exemplars of this perspective). Commercial sex was an extreme manifestation of women's endless sexual availability and masculine entitlement—the reduction of woman to absolute object. These ideas inform an 'abolitionist' stance on sex work. Some adherents to this view use 'prostituted woman' to name those involved in the sex industry as a way of designating the 'object' and victim status of those being 'prostituted'. It is argued that 'sex worker' neutralises the violence, abuse and coercion involved in the sex industry, assumes that women can make informed and free choices in a world characterised by male oppression, and legitimises men's right to 'buy' women (Jeffreys, 1996; Raymond, 1998; Sullivan, M., 2007). For the other 'side', sex and sexuality could be sites of contestation and resistance and offer women ways of experimenting with power, choice and desire. Accordingly, sex workers should be seen not as objects but as agents who have a degree of control that is usually denied to women (Califia, 1994; Rubin, 1984).

These positions have been characterised, perhaps simplistically, as 'anti-sex' and 'pro-sex'. This has meant highly polemical views about sex work/prostitution: either sex work is inherently exploitative and violent or it is a service like any other and possibly a form of subversion. Such debates have been at their most vehement in the North American context, and do not account for all perspectives on sex work. Most profoundly, these 'wars' failed to engage with sex work feminists in developing a conception of commercial sex. Feminists in the sex industry developed a sex work discourse in order to 'reclaim' their status as legitimate workers, and to dislodge the associations of disease, pathology and criminality that perpetuated women sex-workers' marginalised and stigmatised position in society (Delacoste & Alexander, 1987; Kempadoo, 1998; Nagle, 1997). This stigmatisation refers not only to a social ostracism but to the material injustices such exclusion causes. Many sex work feminists have argued that access to adequate health care, safe working environments (including freedom from sexual assault) and recourse to the legal system have been blocked by the social stigma attached to the woman who sells sex (Banach & Metzenrath, 2000; Pheterson, 1990, 1996). Project Respect points out that "media depictions of 'prostitutes' fail to provide the community with a realistic picture of women's complex lives, nor their hopes or aspirations" (2006, p. 2). More nuanced perspectives have examined: the relationship between sex work and labour opportunities (Fortunati, 1995; O'Connell-Davidson); the labour process under capitalism (Brewis & Linstead, 1998; West & Austrin, 2002); processes of consumption and globalisation (Augustin, 2002; Kempadoo, 2001; Kempadoo & Doezema, 1998); and sex work in specific cultural contexts (Allison, 1994; Bishop & Robinson, 1998; Pope, 2005).

The politics of sex work in Australia has tended to take a more 'pragmatic' approach as a result of its colonial history, strong labour movement and the rise of the 'femocrats' in the Australian political system just when prostitution regulation was being formulated in the late 1970s and 1980s (Frances, 1994; Quadara, 2005, 2006; Sullivan, B., 1997; Summers, 1975). It has been argued that the term 'sex worker' prioritises the civil and human rights of people involved in the sex industry (Alexander, 1998b; Murray 2001; Perkins, 1991; Sullivan, B., 2003). There has been some accommodation of these views at a policy level. A view put forward by various authorities for regulating sex work points out that public health and law enforcement aims are easier to achieve when the industry is "out in the open" (see Sullivan, B., 1997 on these views in public policy). Community attitudes to sex work also reflect this view. Queensland research found that 77.7% of people in surveyed communities did not think that sex work should be banned. Many did not believe that prostitution encouraged crime, threatened family life, exploited women, or that equal opportunity would stop women entering prostitution (Woodward, Fischer, Najam & Dunne, 2004). Over half (51.2%) agreed with the statement that prostitution should be treated as an occupation just like any other.

In Australia, Roxburgh et al. (2006) also found high rates of child sexual abuse among sex workers in Sydney's Kings Cross, with 75% reporting some form of child sexual abuse. Over one-fifth (23.3%) of Queensland workers reported unwanted vaginal sex before 16, and 23.7% reported unwanted oral sex before 16 (Woodward et al., 2004). Widom and Kuhn's prospective study found that both childhood sexual abuse and neglect were associated with increased risk of prostitution for females (but not males) (1996, p. 1611). A study with young people (aged 12 to 23) living on the streets in Adelaide showed that 80% of young women and 27% of young men who were involved in sex work had a history of child abuse (Child Wise, 2004, p. 18). All 30 participants in another Child Wise study spoke of experiencing sexual or physical abuse or neglect at the hands of family members and within the state care system (2004, p. 37).

It is important to contextualise these figures, given the tendency in some research to see sex work as the consequence of sexual victimisation as a child (for example, Farley et al., 1998); this can inadvertently cloud discussions about the safety of women while at work. The Personal Safety Survey (ABS, 2006) shows that there are one million women who are survivors of child sexual assault. Those women who are sex workers and survivors of abuse comprise only a small proportion of survivors overall. The analysis of Branningan & Van Brunschot found that it could not be established that child sexual assault "contributes uniquely to the onset of prostitution" (in Vanwesenbeeck, 2001, p. 260). Comparing the rates of child sexual assault in work populations other than sex workers (as Perkins did, for example) would offer a better understanding of any possible relationship between sex work and child sexual abuse. Because this contextualisation rarely occurs, the research findings tend to operate in something of a vacuum (Vanwesenbeeck, 2001). There are limitations in the studies that sample predominantly street-based sex workers. Although there may be a connection between child sexual assault, leaving or being removed from home and engaging in prostitution (or survival sex) in order to support oneself, this does not reveal a relationship between child sexual abuse and prostitution *per se*. It cannot explain why most victim/survivors of child sexual assault do not enter sex work; and this focused sampling cannot account for all women's entry into prostitution, which is made up of many sectors.

The tendency in some research to see sex work as the consequence of sexual victimisation as a child can inadvertently cloud discussions about the safety of women while at work.

Thus it sheds light only in the context of a narrow group of women in sex work for whom child sexual assault *or* neglect, removal from or leaving home, and the desire to avoid state care intersect (Child Wise 2004; Widom & Kuhns, 1996). Several factors associated with state care can make engaging in sex work more likely. These include: being placed in residential care with others also experiencing the same issues; exposure to drug use; being moved around the system and into different forms of care, which increased feelings of isolation; and being abused by care workers (Child Wise, 2004; Hancock, 1992; O'Neill, 2001; O'Neill, Goode & Hopkins, 1995). Leaving these situations for the streets was often seen as a safer option than remaining in abusive circumstances.

The role of state care in the connection between prior victimisation and sex work has tended to be overlooked. Further, the focus on child sexual assault explains little of the experiences of and factors for violence in brothels, escort agencies or private businesses. It can also potentially obscure the range of social factors that entrench psychological distress and poor mental and physical wellbeing among sex-working women who are survivors of sexual assault, and can short-circuit discussions about preventing the sexual assault of workers in their immediate environments. These factors can be forms of secondary victimisation, as examined later in the paper.

Sexual assault in work contexts

A consistent theme in the research literature indicates that the kinds of contexts and conditions sex workers operate in greatly influence their risks of sexual assault.

Those working in certain sectors of the sex industry can be at an increased risk of sexual assault at work. A consistent theme in the research literature indicates that the kinds of contexts and conditions sex workers operate in greatly influence their risk of sexual assault. Street-based sex workers experience the highest levels of sexual assault and other forms of interpersonal violence (Pyett & Warr, 1999; Rowe, 2003; Sullivan, B., 2003; Treleaven, 1996). The table below (table 1) summarises the key findings about the extent of sexual assault experienced by Australian sex workers according—where possible—to the sector. International research is also included.

In mapping the prevalence of sexual assault by sector, it is clear that very little is known about sectors other than the street-based trade. Few comparative studies exist, with the tendency to either collapse all industries together or to focus exclusively on street sex work. Available comparative research indicates that street-based workers are the most vulnerable to all forms of workplace violence, including sexual assault. They are more likely to experience:

- repeat victimisation;
- aggravated or particularly brutal sexual assaults (Lowman 2000);
- kidnapping and unlawful imprisonment (Church et al. 2001; Plumridge & Abel, 2001); and
- multiple forms of interpersonal violence while at work, including verbal abuse, physical assault, and other crimes such as robbery and non-payment.

Underage street workers are particularly vulnerable to sexual assault where inexperience can place them in dangerous situations, or where perpetrators specifically target younger workers, knowing their inexperience and their reluctance to go to police. At least 4,000 people engage in underage sex work in Australia (Child Wise, 1998, p. iii). Research with young people in sex work in Melbourne found that 16 out of 30 participants had been in the state care system, while 13 had left home because of physical or sexual abuse or neglect (Child Wise, 2004, p. 37). Nearly all of the participants in this study had experienced sexual assault or other violence “at least once” since they started working (Child Wise, 2004, p. 51). Underage sex workers are especially unlikely to speak out about sexual assault for fear of being sent back to their homes or to state care.

Table 1: Sexual assaults of sex workers in different work contexts

Percentage of workers experiencing sexual assault at work			
Study	Street	Brothel	Other
Australia			
(Qld) Boyle et al. 1997 230 participants			All sectors Ever: 29%
(Qld) Woodward et al. 2004 216 participants	Ever: 78.8% By client: 60.6% (27.3% once; 33.3% more than once)	Ever: 34.7% By client: 3 % (0% once; 3% more than once)	(Private) Ever: 37.8% (Private) By client: 13.4% (7.3% once; 6.1% more than once)
(NSW) Roxburgh et al. 2006 72 participants	33% rape 40% aggravated rape	NA	NA
(NSW) Perkins 1991 128 participants			All sectors: 19.5%
(NSW) Perkins & Lovejoy 2007 219 participants		6.5%	Private: 8.4%
(Vic.) RhED 'Ugly Mugs' 2001 101 reports	46% involved sexual assault 18% of these with a weapon	NA	NA
(NSW) SWOP NSW 266 reports between 2000 and 2006			All sectors: 13% of incidents
International			
New Zealand			
Plumridge & Abel 2001 303 participants	27%	8%	NA
UK			
Church et al. 2001 240 participants	'Outdoor' 22% raped (vaginal) 5% raped (anal)		'indoor' 2% raped (vaginal) 6% raped (anal)
US			
Kurtz et al. 2004 294 participants	13.9%		
Five-country study			
Farley et al. 1998 Total of 475 participants	NA	NA	South Africa 57% Thailand 57% Turkey 50% USA 68% Zambia 55%
Netherlands			
Vanwesenbeeck			40%

NA: Not applicable. The study did not ask about or did not specify sexual assault by sector.

Researchers have concluded that “there appears to be significantly different profiles of risk in the street and indoor sector” (Plumridge & Abel, 2001, p. 82). Plumridge and Abel were unable to say whether the differences between the two sectors related to differences in personal characteristics, personal behaviour or institutional and social arrangements. It may be that making a distinction between indoor and outdoor forms of sex work does not tell us enough about why women working in certain sex work contexts are at greater risk of sexual assault. That private workers are possibly between these two sectors suggests that the presence of others and/or control over one’s working environment can minimise the risk of sexual assault. For example, Church et al. (2001) found that women working outdoors experienced more violence overall from clients, while indoor workers cited attempted rape, suggesting that the elements of indoor work might prevent sexual assault or interrupt it.

More comparative research is required, including more national research that goes beyond the eastern states. Collapsing sectors obscures their differences; the exclusive focus on street-based work engages with the smallest sector in Australian sex work—it is estimated that street-based workers comprise about 10% of workers (although it must also be noted that many sex workers who may now work in a brothel began work in street-based industry). Little is known about wider aspects of the sex industry. What is the extent and nature of sexual assault among tabletop dancers? Or telephone sex workers? Or those working in regional areas as opposed to urban/central areas? How do these differences correlate with social and cultural attitudes towards different categories of worker (see Lowman, 2000)? The current research cannot answer these questions, yet given the available comparative research it would seem that differentiating the prevalence of sexual assault by sector would be crucial in sexual assault prevention (see Sanders & Campbell, 2007).

Perpetrators of sexual assault against sex workers

Little research is available specifically about perpetrators. Much of it is embedded within more general discussions about violence against sex workers. This lack can be partly attributed to low reporting rates, in that statistical information is simply not available. In light of studies such as Perkins (1991) and Perkins and Lovejoy (2007), it is probable

that sexual assault outside the work context is perpetrated—as it is for most women—by acquaintances, family members, partners and ex-partners. It can also be attributed to the legal issues associated with programs such as ‘Ugly Mugs’, which invites workers to report violent behaviour among clients and bosses to sex work organisations such as SWOP and RhED. The program reports can contain personal information about clients who have been named as violent or ‘dodgy’. For these reasons, the information is not for public circulation but is used to inform sex workers about what is going on in their local area and of whom to be wary.

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In addition, there is some disagreement among organisations and researchers about the likely perpetrators. The source of tension here is to what extent clients are the main perpetrators, or, given that many workers see regulars for years and have minimal trouble with other clients (Perkins & Lovejoy, 2007; Sanders, 2004), whether perpetrators (not necessarily clients) specifically target sex workers. O’Neill (2001) suggested that clients, pimps and domestic partners account for most of the violence. However, it is argued that ‘pimps’ are not really a feature of the Australian sex industry (Banach, 2000). Those living off the earnings of prostitution are frequently family members and partners. Other perpetrators include: police (Dowd, 2002; Woodward et al., 2003); taxi drivers (Lantz, 2003; RhED, 2006); and, as media coverage of the sexual assault and murder of sex

workers in Australia and overseas highlights, strangers who may specifically target sex workers (see Kinnell, 2001 in Penfold et al., 2004).

Incidents that receive a great deal of media coverage (such as the murders in Ipswich, UK, or those in Queensland) can foster the belief that violence is perpetrated by serial killers—psychologically unstable repeat offenders. Lowman (2000, p. 998) argued, however, that rather than dealing with single aberrant offenders, “we are dealing with a systematic pattern of violence against prostitutes perpetrated by many men”, some of whom may specifically and repeatedly target sex workers, especially street-based workers. The available research on clients suggests that few support violence against sex workers (Busch, Bell, Hotaling & Monto, 2002), or accept rape myths more than the general male population (Monto, 2004). The number of client contacts that a worker would have over a year arguably increases the likelihood of sexual assault occurring, especially where the risk of being caught is diminished. Lowman suggests a distinction between ‘situational’ (in the context of the transaction) and ‘predatory’ (premeditated) violence (of course always acknowledging that, no matter what the context, perpetrators are always fully responsible for their actions).

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Despite the inability to make any conclusive statements about perpetrators, there are some factors that can legitimise and foster opportunities for violence. These include:

- *Geographical and social isolation.* Physical isolation provides concealment for those that plan violence against sex workers. It can also provide situational opportunity for a client in that unplanned violence becomes less risky. The perception that sex workers are socially isolated and without family or other support networks (often erroneous) can also decrease the perception of the risk of being caught;
- *Misunderstanding about what payment for sex entitles clients to.* Whittaker and Hart (1996) note that male client violence seems to occur as a result of conflicting notions about the exchange. Because a payment has been made, some clients believe this entitles them to control over the sex worker’s body—to services they have not paid for or that a worker will not do as a matter of course, or to be as rough as they want (Monto, 2004; O’Neill, 2001; RhED, 2002); and
- *Anti-sex worker sentiment and initiatives promulgated throughout communities.* Various studies have noted a correlation between anti–sex work rhetoric that sees street-based workers as a nuisance or threat to public order and an increase in violence against workers (Lowman, 2000; Penfold et al., 2004). 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” (Lowman, 2000, p. 988).

Clearly, broader beliefs about gender, sex and masculine entitlement inform the perpetration of sexual violence against sex workers, just as they do the perpetration of sexual assault generally.

Identifying risk factors for sexual assault against sex workers

Workplace violence against women is a common experience. The Department for Victorian Communities (2005) found that 62.1% of women had experienced some form of workplace violence in the last five years. This included being sworn at, bullying, physical attacks, sexual harassment, stalking and rape. Chappell and Di Martino (2000) identified several ‘at risk’ workplace scenarios:

- working alone (in small business, from home, community care and domestic workers);
- providing care, advice or training (nurses and other health workers, social and community workers);

- handling money or valuables; and
- working with mentally disturbed, drunk or potentially violent people (mental health, hospitality) (as cited in Department of Victorian Communities, 2005, p. 16).

In sum, women who work alone, attend to the needs of others, or deal with difficult people are more likely to experience violence in the workplace. One of the core factors in workplace violence is having face-to-face contact with clients or customers (Mayhew & Chappell, 2005). The forms of violence experienced by women involved swearing or shouting (48.6%), hostile or aggressive behaviours (46.7%), bullying or mobbing (22.4%), and physical attacks including punching and kicking (11.6%); only a small percentage of women (0.2%) have been sexually assaulted at work (Department of Victorian Communities, 2005). It is possible that the sexual assault of sex workers is a part of a continuum for women fulfilling the expectations of others and who are in close physical proximity. Face-to-face contact, the expectation of a physical or emotional 'attentiveness' (Hoschschild, 1989; Wood, 2001), and organisational and environmental design (Irenyi, Bromfield, Beyer & Higgins, 2006) are relevant factors in sex workers' experiences of sexual assault.

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However, there is also a range of specific conditions that affect sex workers' vulnerability to sexual assault. These conditions include the nature and location of the work environment, the laws regulating sex work, the extent of police powers, homelessness or 'sleeping rough', heavy substance use, youth, and inexperience. These issues are examined below.

The nature and location of the work environment

Indoor vs outdoor sex work

Perhaps the most significant factor rendering workers vulnerable to sexual assault is working outdoors. As Table 1 showed, street-based sex workers experience the highest levels of sexual assault in comparison to indoor workers (for example, brothels, flats, or other private locations). Researchers conclude that this is because indoor environments are subject to a range of controls that inhibit the likelihood of violence. The environmental design of sex work premises (lighting, security doors, intercom and surveillance systems) can increase workers' ability to control the interaction (Sanders & Campbell, 2007; Whittaker & Hart, 1999) and increase awareness of encounters that are not going well. The simple fact of telephone bookings allows workers to screen clients. The presence and skill of other staff is another feature that increases safety. In brothels, the receptionist is a key 'gatekeeper' who can assess the potential danger a client might present (for example, if he is intoxicated), respond to violent encounters or monitor situations. British research examined the way women ('maids') employed by private flat-workers added to the safety of indoor work by making provisional assessments of clients before opening the door, being aware of the transaction details, the worker's sense of the client, and monitoring, as well as informing sex work outreach services of new flats they might like to visit (Whittaker & Hart, 1996).

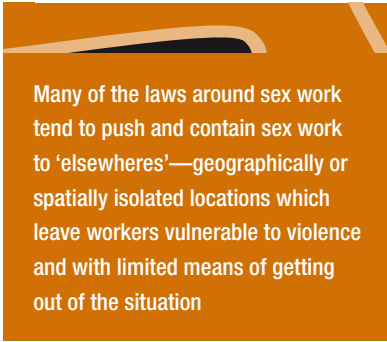
By contrast, outdoor work does not allow for this kind of control. Workers may have someone 'spotting' for them, but this is not always available, and is not present during the transaction. Depending on the laws, the actual location of the trade or whether a police crackdown is in effect, the place where services occur is frequently not in workers' control. Servicing clients in cars is a significant source of danger: "the problem of doing a car job is the guy can have a knife under his sock, or he can have a knife under the seat, he can slit your throat at any time. You can get bashed in the car, he can push

you out of the car ... “ (Cindy on Carrick, 2003). (It is important to note that Cindy is speaking of New South Wales where street-based work is legal, but where there were no safe houses for workers to take clients.) Abduction, kidnapping and forced detention are also common experiences among street-based sex workers who do car jobs (Bligh & Rasaiah, 2001; Church et al., 2001). As Kurtz et al. (2004) noted, getting into a client’s car “gives almost total control to the customer” (p. 375). The likelihood of sexual assault occurring in these circumstances is high.

It is important to note that while outdoor work has emerged as the most risky for sex workers, this does not mean that women should simply stop working in that sector. As Sanders and Campbell state: “the growing recognition that indoor work (if well managed) is safer than street work often leads to calls for legalisation of indoor sex work with an assumption that women on the street will be directed to working indoors. This assumption misunderstands the dynamics of street sex work including the advantages it has for some people (e.g., the lack of time and routine restrictions)” (2007, p. 14).

Location and isolation

Many of the laws around sex work tend to push and contain sex work to ‘elsewheres’—geographically or spatially isolated locations which leave workers vulnerable to violence and with limited means of getting out of the situation (Godden, 2001; Rowe, 2003; Sanchez, 2001). Discourses of nuisance, public disorder, and disease control have influenced the official relegation of sex workers to hidden, industrial or isolated spaces since at least the nineteenth century (Frances, 1994; Walkowitz, 1989). When tolerance zones have been proposed in the context of street-based work (as they were in St Kilda, Melbourne) the nominated areas are often removed from central spaces (Rowe, 2003), leaving workers perhaps even more isolated.



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The danger of car jobs has already been mentioned. Escort workers are also isolated in that they must attend a booking on the client’s terms—either their home or a hotel. Treleavan (1995) noted that the escort industry did have a “very high rate of sexual assault and rape, even murder. Sex workers’ rights groups receive much anecdotal evidence of workers being assaulted and abused by clients and having to run naked through public places, such as hotel lobbies, across roof tops and over balconies, in order to escape with their lives” (1995, p. 300).

Organisations spoke of instances when an escort worker may step into a booking to discover there are four clients, not just the one who made the call. A scenario such as this has the potential to become extremely violent. Victoria’s laws for private (or exempt) workers means that they may be working in areas that have a low level of pedestrian traffic. It also means that if workers are working from home and do not have a permit, they are operating in an illegal sector and are therefore unlikely to go to police following an assault.

Legal contexts of sex work and the incidence of sexual assault

Both the research on sex work and lobbying by many sex work organisations (in Australia and internationally) suggests that another relevant factor is the kind of legal framework they are working within (Alexander, 2001, 1998; Banach & Metzenrath, 2000; Bindman, 1997; Neave, 1994; Pyett & Warr, 1999; Rowe, 2003; Scarlet Alliance, 1999, 2000). As Table 2 shows, laws, restrictions and penalties that apply to sex work do not apply to any other form of work. Sex workers face obstacles that accountants, teachers, beauty therapists and so on do not. Although sex workers and others see their activities as work, it has yet to be treated in this way by various authorities (Banach & Metzenrath, 2000).

This creates problems for maximising women’s safety in sex work and in responding to them adequately in the aftermath of sexual assault, regardless of who the perpetrator may be.

Legal frameworks impact on sex worker safety in several ways. Most obvious is the classification of sex work as a legal or illegal activity. However, even where sex work is legalised, laws still determine where individuals can work, who they can work with, and how accountable brothels and other sex industry operators are in upholding the human and civil rights of sex workers.

Criminalised sex work

It is argued by some that criminalising sex work does not eradicate the industry, or free sex workers from the threat of violence (Brents & Hausbeck, 2005). Instead, it can mean that an individual has a diminished capacity to exert control over sex work activities (Alexander, 2001).

Arguably, the exposure of street-based sex workers to high levels of sexual assault and other violence is a product of both the outdoor element and the various laws which exacerbate it.

Arguably, the exposure of street-based sex workers to high levels of sexual assault and other violence is a product of both the outdoor element and the various laws which exacerbate it. The illegality of this work affects the safety of workers in several ways. In order to avoid police detection, street-based sex workers operating illegally often work in isolated or poorly lit areas (Alexander, 1998a, p. 78) that disinhibit men from perpetrating violence against workers. When there are police crackdowns, sex workers might migrate to another area, losing their familiarity with an area and possibly their regular customers (Alexander, 1998a), or they may select even more secluded areas in which to work. The trend towards gentrification

in St Kilda, a suburb of Melbourne where street-based sex work has long been a local feature, has resulted in many sex workers “now resort[ing] to servicing clients in cars or nearby lanes and deserted parks” (Rowe, 2003, p. 26). Previously, privately run half-hour hotels had offered a safer space for street-based sex workers to take clients, but these have gradually closed.

Law enforcement also impacts on street-based workers’ ability to effectively ‘suss out’ a client and negotiate the encounter before it happens (Treleaven, 1995, p. 299): “I had to get into the car quicker and I had to be less noticeable” (‘Joellen Feinberg’ in Alexander, 1998, p. 78). Police are also able to issue fines, restraining orders and move-on notices (as in Western Australia) that shift sex workers from familiar areas, other workers’ support, and the support of social services.

Those businesses—whether brothels or private workers—that do not operate within the legislative framework are therefore also often illegal. There is very little empirical data about the prevalence of sexual assault in this sector: who the perpetrators are, or where victim/survivors might go for support. Anecdotally, however, sexual assault against workers in illegal brothels is of considerable concern. This is not only because it remains so hidden and the barriers to disclosing assault are so overwhelming, but also because operators do not need to comply with any regulations for sex workers’ safety.

Legalised sex work

Several states/territories in Australia have made the decision to legalise some forms of sex work. This means that people can engage in sex work legally, provided that they operate within the parameters of the laws and business licensing mechanisms. Often, complying with these laws and requirements increases sex workers’ vulnerability to sexual assault (Hatty, 1989; Miles, 1998; Sullivan, B., 2003; Scarlet Alliance, 2000, website). As Table 2

Table 2: Laws and restrictions that apply to sex work

State	Principal Act	Legal sex work	Restrictions/offences	Authorities
ACT	<i>Prostitution Control Act 1992</i>	<ul style="list-style-type: none"> Brothels, escort agencies and sole operators registered with Registrar of Brothels and Escort Agencies Sole operators can work from home 	<ul style="list-style-type: none"> Brothels can only operate in Fyshwick and Mitchell Sole operators must work alone Street-based sex work and solicitation Knowingly working while having an STI 	<ul style="list-style-type: none"> Police can enter premises only if they reasonably believe that offences relating to child prostitution are occurring or likely to occur
NSW	<i>Summary Offences Act 1988</i>	<ul style="list-style-type: none"> Private workers working from home Massage parlours Small and large brothels Escort services Street sex work in designated areas 	<ul style="list-style-type: none"> Living off the earnings unless a brothel owner or manager Street-based work outside of designated areas 	<ul style="list-style-type: none"> Police require a search warrant to enter a brothel without consent Local councils are the prime authority in approving business applications
NT	<i>Prostitution Regulation Act 2004</i>	<ul style="list-style-type: none"> Private workers (don't need to register with police or get a license) Escort agencies must apply for an operator's licence and renew it every 12 months. Escorts must have a certificate from police 	<ul style="list-style-type: none"> Private workers can only arrange jobs for themselves, cannot provide sexual services from the same place they are organised, and cannot work with anyone else such as other workers, receptionists or drivers Escort workers must have a certificate from police. This will not be given if worker has been convicted of a violent or drug related offence Brothels Street sex work and soliciting 	<ul style="list-style-type: none"> Police can enter at any time a premises they suspect is a brothel or escort agency by applying to police member above the rank of Sergeant Escort Agency Licensing Commission

State	Principal Act	Legal sex work	Restrictions/offences	Authorities
Qld	<i>Prostitution Act 1999</i>	<ul style="list-style-type: none"> Private workers. But cannot work in pairs or with the support of another person Licensed brothel 	<ul style="list-style-type: none"> Street sex work Two sex workers sharing one premises Private workers offering 'doubles' Private workers contacting or texting any other person with details of books (location, time) Private workers having a non-licensed security guard, receptionist, a driver or having an accountant, lawyer or cleaner Escort services provided by licensed brothels Brothel license only valid for 12 months 	<ul style="list-style-type: none"> Police are exempt from solicitation offences and can entrap then penalise workers for operating illegally in any way Police above rank of Inspector do not require a warrant to enter a licensed brothel With written authorisation from the licensing body police can search and seize items Prostitution Licensing Authority
SA	<i>Summary Offences Act 1953</i>	<ul style="list-style-type: none"> The act of prostitution is not itself illegal; technically private operators are legal 	<ul style="list-style-type: none"> Keeping or managing a brothel Being on premises frequented by sex workers without reasonable excuse Receive money paid in a brothel in respect of prostitution Live off the earnings of another person's sex work Solicit or loiter in a public place for purposes of prostitution 	<ul style="list-style-type: none"> The commissioner, a senior police officer or any other police officer authorised in writing by the commissioner or senior police officer may at any time enter and search premises suspected to be a brothel
Tas.	<i>Sex Industry Offences Act 2005</i>	<ul style="list-style-type: none"> 1–2 self-employed workers (not in the employ of the other worker) to work privately Assisting another person with answering the phone, paying bills, tax advice or accounts could mean it is considered a brothel (i.e. illegal) 	<ul style="list-style-type: none"> Keeping or managing a brothel or escort service Police will have new and excessive powers, including access to bank account information on those suspected of operating a brothel or organising the workplace where two people work; there is no right to remain silent All street-based sex work is criminalised 	<ul style="list-style-type: none"> Local Councils have a say about where workers can operate Police powers have been extended

State	Principal Act	Legal sex work	Restrictions/offences	Authorities
Vic.	<i>Prostitution Control Act 1994</i>	<ul style="list-style-type: none"> ■ Licensed brothels ■ Small owner operators (exempt brothels). Do not need a licence for brothels where up to 2 sex workers operate ■ Escort agencies ■ Private escorts 	<ul style="list-style-type: none"> ■ Brothels cannot be located in residential areas or near schools, places of worship, hospitals or kindergartens ■ Owner operators cannot work from home and must comply with planning laws ■ Street-based sex work ■ All brothels or workers must have a BLA licence or have an exemption otherwise they are illegal ■ It is an offence to allow a worker infected with an STI to work in a brothel ■ A worker must not knowingly work with an STI ■ Regular health checks are a defence 	<ul style="list-style-type: none"> ■ Police above rank of Inspector can at any time enter premises ■ Power is granted in certain circumstances to enter unlicensed premises without a warrant ■ Business Licensing Authority
WA	<i>Police Act 1892</i> <i>Criminal Code 1902</i> <i>Prostitution Act 2000</i>	<ul style="list-style-type: none"> ■ The act of prostitution is not itself illegal. Sex industries in Kalgoorlie and Perth have been tolerated according to police discretion ('containment'). The Vice Squad kept a voluntary register of workers in Perth. With the introduction of the Prostitution Act, which only targets street-based work, the Police Commissioner stated that the containment policy would no longer operate 	<ul style="list-style-type: none"> ■ Street-based work ■ To keep, manage or assist in the management of premises for the purpose of prostitution ■ Seeking client in or in view or within hearing of public place 	<ul style="list-style-type: none"> ■ Police may participate in an unlawful act with complete immunity, in order to secure a conviction. Entrapment is lawful ■ Police have the power to enter premises without a warrant. They can enter any premises 'suspected' of being used for prostitution. This includes private homes ■ Police have the power to search, seize and detain without a warrant OR charge. This includes the power to strip search or order a cavity search, and you do not have to have actually been charged with a crime for this to occur (suspicion of intent). Sex workers can be detained for 'as long as is reasonably necessary' and police can use 'whatever force that is necessary' in order to carry out the search ■ Sex workers do not have the right to remain silent. Refusal to answer questions or produce documents could result in two years imprisonment ■ Police can also issue them with Move-on Notices and Restraining Orders. A Move-on Notice (accompanied by a map of three or four inner city suburbs) bans a suspected sex worker from entering the area for up to 24 hours, effectively immediately

This information has been adapted from the Scarlet Alliance website, which details the sex work laws in Australian jurisdictions.

It was felt that the law “favoured attackers because clients target private workers for the specific purpose of committing offences against them because they know they are alone and unlikely to report the assault”.

shows, many laws across Australia require workers to operate alone or in isolated areas. SQWISI (Self-health for Queensland Workers in the Sex Industry) estimated that violence against Queensland sex workers had increased 300% since the introduction of the *Prostitution Laws Amendment Act 1992* (Qld). The organisation had received reports of five murders, four attempted murders and 50 cases of rape (cited in Miles, 1998). It was felt that the law “favoured attackers because clients target private workers for the specific purpose of committing offences against them because they know they are alone and unlikely to report the assault” (“Sex industry seeks action”, 16 April 1998).

Poor occupational health and safety protocols for sex workers

The national peak body for sex workers, Scarlet Alliance, has lobbied governments for an improvement in the occupational health and safety (OHS) of sex workers. Guidelines for best practice in the sex industry have been developed by the organisation and are the basis for informing OHS in the sex industry (New Zealand has recently adopted these guidelines). Regarding workers’ safety, their purpose “should be to eliminate potentially abusive situations, violence or intimidation from the workplace, whatever the source”. Employers/operators have an obligation to ensure workers’ physical and emotional safety in the workplace by:

- identifying areas and tasks associated with risk;
- designing safe work spaces;
- empowering and training sex workers to recognise and respond to potentially dangerous situations;
- training employees taking bookings or staffing reception areas on procedures to avoid or to respond to violent encounters;
- enforcing a strict policy of ejecting and not readmitting clients who are behaving unacceptably or threateningly; and
- supporting workers following a violent/dangerous experience. (See Edler/Scarlet Alliance, no date; Department of Labour, 2004.)

Despite these best practice guidelines, OHS principles are not consistently applied throughout the industry. They can be undermined through laws controlling or criminalising sex work, poor monitoring of implementation, and an undue focus on disease transmission (to the extent that coercive practices are used to ensure sex workers’ sexual health) (Banach & Metzenrath, 2000).

The following issues have emerged in consultations with sex work organisations, but are rarely mentioned in ‘academic’ research literature (but see Sanders, 2004; see also Murray 2001 on the working conditions of Victorian sex workers):

- *Presence of intoxicated clients.* Anecdotes from sex workers suggest that inebriated clients are likely to be exceptionally violent, abusive or belligerent. If there are no clear guidelines by management about this, sex workers may be expected to go through with a booking where a sexual assault could occur.
- *Location of duress buttons.* These need to be properly located in rooms (i.e. near the bed, not on the other side of the room). Some workers mentioned things like well-kept floors—no bits of floorboard sticking up or fraying carpet that could hinder a worker escaping a violent encounter.
- *Overemphasis on OHS as having to do with disease not safety.* Importantly, the ability of workers to safely negotiate encounters they are comfortable with maximises safe sex practices (Pyett & Warr, 1998; Vanwesenbeeck, 1995, 2001).
- *Implementation and monitoring.* It is unclear how protocols are actually implemented and monitored. Research in Victoria showed that workers were entering into highly

problematic 'contracts' or agreements with management about the extent of their duties, to the point that they have little room to refuse a client. Sex worker safety ends up depending on the benevolence of the manager rather than any consistent framework (Murray, 2001).

Many states have not adopted OHS guidelines for the sex industry, believing that a general Act for all industries suffices. Although OHS requirements do not differ in principle from other industries, they have to be placed in the specific context of sex work and its sectors in order to make it meaningful and to provide effective prevention of violence and sexual assault. Workplace inspectors have found poor understanding of OHS in brothels (Jones, 2000), and most significantly a denial among operators and owners that they have any OHS obligations to their staff (no author, 2000).

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Drug use

Research has examined the relationship between drug use and vulnerability to violence. Research in the US shows that sex workers who are dependent on crack-cocaine and who trade sexual services for drugs rather than money experience much higher levels of violence (El Bassel et al., 2001; Kurtz et al., 2004). One interpretation might be that a drug's addictive properties lead to sex workers' diminished ability to negotiate. However, another interpretation offered by sex work organisations was related to the economic pressures associated with securing illicit substances. When the illicit drug market changes (for example, price increase, increased scarcity, or policing practices), individuals alter their purchasing practices (Fitzgerald, Broad & Dare, 1999). In the context of sex work, this could involve agreeing to practices to which the worker would not usually agree, such as sex without a condom, or taking on risky, 'dodgy' looking clients (Child Wise, 2004; Rowe, 2003).

Youth or inexperience

Young sex workers are often inexperienced in judging situations and in negotiating safe encounters. They are also uncertain of which services and organisations they can approach (Child Wise, 2004). Being new to sex work and unaware of the many 'micro-strategies' workers employ to minimise the risk of sexual assault is also a factor (Brewis & Linstead, 2000; Sanders, 2004).

Barriers to disclosure and accessing support

The adverse impacts of sexual assault on victim/survivors are profound. A large body of research shows that the experience of sexual assault is a source of significant trauma for anyone, and, for many, the most significant trauma, resulting in anxiety, depression, poor physical and reproductive health, and an inability to trust or engage with others (Ahrens, 2006; Astbury, 2006; Crome & McCabe, 1995; Petrak & Hedge, 2002; Wasco, 2003). This literature is reviewed in Fact Sheet 1 (ACSAA 2007, forthcoming), and remains relevant in considering how sexual assault impacts on sex workers. Sex workers who are survivors of sexual assault (including assaults in both work and private contexts) similarly experience many of these impacts. In contrast to the destructive stereotype that sex workers should for some reason expect sexual violence in the course of their work, or are less traumatised by sexual assault, research with sex workers makes clear that sexual assault is experienced as intensely traumatic (El Bassel et al., 1997; Roxburgh et al., 2006). Sexual assault impacts on sex workers in the same way it impacts on other victim/survivors, including issues relating to multiple traumatisation (Nixon et al., 2002; Plumridge & Abel, 2001), posttraumatic stress (Farley et al., 1998; Roxburgh et al., 2006) and substance

use (Kilpatrick, Resnick, Saunders & Best, 1998). Several individuals ACSSA spoke with also mentioned that returning to sex work, or not having any ‘time out’ from the nature of the work, can amplify the impacts of sexual assault. The barriers to disclosure and support experienced by many workers significantly amplifies these impacts. Sex workers’

Sexual assault impacts on sex workers in the same way it impacts on other victim/survivors, including issues relating to multiple traumatisation.

experiences of violence show that for some workers, sexual assault is more likely to happen than for the general population—yet they are least likely to report sexual assault to police. The stigmatisation of sex workers, the tendency to interpret the above effects as consequences of being a sex worker rather than a victim/survivor of sexual assault, and the very real risks of being penalised by police if they should report leave survivors with limited room for effective disclosure and support. This section examines the barriers sex workers experience in telling their stories of sexual violence.

Telling their story

Lievore’s (2005) research on sexual assault survivors’ help-seeking decisions found that “first disclosures often reflect the dynamics of and opportunities offered by women’s social contexts, their informal social networks, and their social location” (p. v). In other words, disclosing sexual assault is not simply an individual choice or decision made by survivors privately, but depends on how safe the societal contexts are for survivors to speak out about their experiences (Ahrens, 2002, 2006; Ullman, 1996). Neame and Heenan (2003) identified communities or contexts where barriers to disclosing sexual assault are intensified. Sex workers comprise one community for whom experiences of sexual assault are frequently met with derision, scepticism, or silence.

The naming of experiences as sexual assault or sexual abuse is significantly affected by the social support available (Harned in Lievore 2005, p. 11); it depends on how disclosure is received and responded to. The responses of others to the first disclosure (often friends, partners, or doctors) can affect whether survivors report to police. In Lievore’s study, being encouraged to report by a friend or counsellor was the most common reason given by survivors for reporting to police (2005). Key stakeholders consulted by ACSSA confirmed that in telling their stories of sexual assault to counsellors, primary health care workers and doctors, victim/survivors may not always identify themselves as sex workers at the outset—this is something that may only become apparent later in the process. Sex work organisations observed that when it does come up, it is often the case that the victim/survivor is confronted by the perceptions about sex work and sex workers the person holds and may have to go through a ‘re-education’ process before their experience of sexual assault is heard.

Sarah Lantz conducted research with 40 sex workers in Melbourne where she was also a sexual assault counsellor. Early one morning she was called to the hospital to support a young woman who had recently been sexually assaulted. Upon arrival, it turned out that the victim/survivor was also one of the research participants. Their exchange reveals how important the reactions of others are:

SARAH: You initially thought about reporting when you called the police, but you don’t want to now, is that right?

LING: Yeah, I don’t want to now, it was a mistake. I just want to go home and have a shower. Forget this happened. Can I borrow some money from you for a taxi?

SARAH: We can provide you with a taxi voucher, that’s no problem, but can I ask you what changed your mind?

LING: Well, everything you know. And no one's going to believe me anyway. They didn't. And then I'd have to tell everyone I was working on the street ... I just want to get out of these clothes—get this out of my head. (Lantz, 2003, p. 272)

For sex workers, a principal barrier to disclosure relates to the reactions and responses they may receive from others when it emerges that they are sex workers.

The laws controlling sex work

Where sex work is illegal, sex workers are reluctant to report experiences of violence to police for fear of incriminating themselves and receiving penalties for sex work, and/or outstanding fines (Treleaven, 1995). A Queensland study asked sex workers whether they would be likely to report rape by a client or by a non-paying partner (Boyle et al., 1997, p. 134). Just over half the women reported that they would be likely to report to police (58% in the case of a client, 59% in the case of a non-paying partner), just under a third reported that they would not report rape by a client to police (30%), 26% would not report where the perpetrator was a non-paying partner; 12% and 15% respectively were unsure. The major reasons for not reporting violence to the police were:

- not wanting to come to police attention (47%);
- thinking the police wouldn't take it seriously (35%); and
- fearing the police would charge them with a prostitution-related offence (29%) (Boyle et al., 1997, p. 135).

Research in Queensland also shows that street-based sex workers are least likely to report incidents of violence to the police, in particular rape by a partner. About 40% would report such an experience, compared with 73.3% of legal brothel workers and 71.3% of private workers (Woodward et al., 2004, p. 46). Non-reporting because police would not take it seriously is more of a concern with street-based sex workers: about two-thirds (63%) nominated this as a prime reason. Just under half (48.1%) stated that they would not go to police for fear of being charged with a prostitution-related offence. Not wanting to come to police attention was of greater concern for legal workers (43.3%) and private workers (39.3%) compared to street-based sex workers (33.3%) (Woodward et al., 2004, p. 46).

Social isolation

The careful maintenance and concealment of involvement in the sex industry, coupled with the general social stigmatisation sex workers experience, can result in a sense of social isolation for many workers. Pyett and War's research with sex workers in Victoria found that "for most of the street workers, and a small number of brothel workers, daily life was characterised by profound social isolation which was most evident in the absence of family, friends or any personal support network around them" (1999, p. 186). They found that brothels offered only limited support from other workers, while sex workers "reported an almost total absence of support from other workers, other than the outreach worker from the PCV [Prostitutes' Collective of Victoria]". What this meant was that primary health centres and welfare service providers were the key sites of support, especially for street-based workers. Illicit drug use can also exacerbate social isolation. The illegality and perceived deviancy of drug using, especially injecting drug use, can inhibit people from accessing support (Rowe, 2004) or maintaining drug treatment (Roxburgh et al., 2006).

Where sex work is illegal, sex workers are reluctant to report experiences of violence to police for fear of incriminating themselves and receiving penalties for sex work, and/or outstanding fines.

'Just part of the job': Poor systems response and the acceptance of violence against sex workers

A principal reason why sex workers do not disclose sexual assault to police and to others is because of a rhetoric that accepts violence as part of the job.

Both communication with organisations and the research literature point out that a principal reason why sex workers do not disclose sexual assault to police and to others is because of a rhetoric that accepts violence as part of the job. This rhetoric can be expressed by police and other agencies in the criminal justice system, and in some instances by sex workers themselves who have taken on this dominant discourse. In her research, Lantz (2003, p. 274) observes that police, medical practitioners, and welfare workers, "habitually (and often unconsciously) assess

or measure the 'worthiness' of women" according to shared social expectations and discourses about what behaviour is 'appropriate' for women. As research in the sexual assault field and survivors' experiences demonstrate, such appropriateness is largely judged on sexual behaviour and practices. Arguably, survivors of sexual assault generally are rendered less credible, less worthy and less deserving the closer they are made to resemble 'a prostitute'. Sex workers are thus seen as unworthy of respect, empathy and justice following an assault.

Police responses to sexual assault

A participant in Lantz's research with a group of sex workers recalls an incident that took place after she finished working at an inner-city strip club:

CHARLIE: I usually get a lift from one of the other girls, but that night I was just feeling stuffed so I decided to get a taxi home [pausing] ... what a mistake that was, [pausing] ... on the trip home the bloody taxi-driver exposed himself and started wanking.

[The group groaned and some participants shook their heads].

CHARLIE: At first I didn't notice what he was doing because I was kind of lounging in the backseat ... but then I gradually sensed that something weird was happening, because he kept looking in the rear-view mirror at me ... , [shaking her head], ... and humming.

[Another groan from the group].

CHARLIE: Wait, wait ... it gets worse! I tried to ignore him, but after about five minutes he slowed down and then turned around and asked me to give him a 'hand-job' for a free ride home ... Imagine that!

STEPH: The dirty prick ... What did you do?

CHARLIE: Well I tried not to panic at first ... I asked him to pull over and let me out ... but when he refused I got really agro and tried to smash the car window with my bag. Man, you should have seen me go for it ... Then he told me to relax ... and that he meant no harm. Yeah, right! But when I kept yelling and telling him I was going to charge him, he eventually pulled over and let me out ... Before he drove off though he yelled out his window that I was a slut and a whore ... and that I deserve everything I get. God, what an asshole ... At the time the police weren't real good. They insinuated that it was all part of the job and seemed surprised that it hadn't happened to me more often. They told me that I should be flattered by the attention—being a "nice" looking girl and everything. This kind of statement said to me that I was in some way asking for it ... that I provoked it or something ... But I reminded them that indecent assault was a criminal offence. I knew my rights you see. They looked embarrassed that 'someone like me' would have this much insight. They said they'd look into it, but I'm doubtful that they will ... (Charlie and Steph in Lantz, 2003, pp. 295–298)

Charlie's experience demonstrates how misperceptions about sex work and sex workers impact on systemic responses to victim/survivors of sexual assault who are also sex workers. Throughout the research literature, sex workers speak of the perceptions held by those within the criminal justice system and other support services which see sexual assault as being 'part of the job' (Gilbert, 1992, p. 191; see also Bligh & Rasaiah, 2001). Consequently, sex workers are suspected of fraud and making false reports because of the agencies' inability to conceptualise sexual assault as a form of harm for sex workers. Ling, a sex worker in Melbourne who was sexually assaulted while working, initially contacted the police. As noted earlier, she decided not to proceed any further with legal action. Her experience with the police and subsequently in the hospital was enough to dissuade her from this. Ling recalled:

When I called the police and told them I was raped they just wanted me to show them where it all happened [pausing]. But, I didn't want to go, you know. And I told them that, but they put me in the police car anyway and we drove around for a while with them trying to get me to tell them where it happened. But I didn't want to go back there. (in Lantz, 2003, p. 286)

When no 'evidence' was forthcoming, the police called the Centre Against Sexual Assault (CASA) and took Ling to the hospital. During these phone conversations, Ling overheard the police saying 'alleged rape'. Ling said to the counsellor/advocate: "But you see I was bleeding on my knees and they could see that, and they could see how upset I was, but they kept saying 'alleged rape, alleged rape' anyway" (in Lantz, 2003, p. 287). Ling explained why this distressed her and how being identified as a sex worker impacted on service provision:

SARAH: Yeah, the police say that ['alleged rape'] sometimes. It's largely for legal reasons ...

LING: But it means that they don't believe me, you see. Do you think it was because I was working tonight?

SARAH: What do you mean?

LING: Well, when they were talking on the phone they also said that I was a prostitute, no, no, I think they said 'working girl'—like that made a difference to what happened. Then when we got here to the hospital [name withheld] and I was examined by the doctor, he [the doctor] wrote that I was a prostitute. But I hadn't told them that I was working. The police must have told him.

SARAH: And the hospital doctor wrote that in your medical record—that you are a prostitute?

LING: Yeah, but I hadn't told them that I was working. The police did.

SARAH: A hospital folder with your name on it?

LING: Yeah, the doctor had it. And I didn't want him writing it in there. It's a big thing, you know. No one knows that I work in this industry. God if people found out ... and they treat you differently ...


SARAH: I'll go speak to the doctor in a while and get it removed.

LING: Yeah, that would be good, otherwise I won't ever come back here. (in Lantz, 2003, p. 289)

Ling's experiences are reflected in other research. A New South Wales Health Report found that "sex workers' attitudes towards reporting incidents to the police were ambivalent. Two women said they would definitely not report incidents because police were not responsive to sex workers. Two others said they had reported serious incidents but were not satisfied with the police response" (in Bligh & Rasaiah, 2001, p. 33). International

literature also echoes this diminishment of sex workers' experiences of sexual assault. In San Francisco, news media reported a large number of improperly investigated rape cases by police, many of which involved sex workers as victim/survivors (Bligh & Rasaiah, 2002, p. 34).

Relationship with police



Harassment by police was reported by over half of the participating street-based sex workers in Queensland.

Harassment by police was reported by over half of the participating street-based sex workers in Queensland (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). In this research, private workers were somewhat more at risk of propositioning by police and sexual or physical assault than legal brothel workers (Woodward et al., 2004, p. 47).

Where police have powers to entrap sex workers, the barriers against going to police following sexual assault are intensified. In Western Australia, for example, full immunity is given to police in the context of 'detecting an offence' (Dowd, 2002, p. 4). Dowd reported that "recent evidence from SWOPWA staff indicates that police officers pose as either clients or social workers in order to entrap sex workers". Scarlet Alliance also observes police have extensive powers over sex workers through legislation such as the *Prostitution Act 2000* (WA) (see Scarlet Alliance website). In such contexts sex workers cannot rely on police for assistance after they have been sexually assaulted; instead they are likely to receive penalties and fines for doing so. It also means that under such circumstances sex workers are less likely to seek support from other sectors such as social work, since it cannot be guaranteed that they are not police or do not have contact with them.

Where sex work is legalised, sex workers nevertheless experience discriminatory policing practices:

Most street sex workers can relate incidents of being stopped and searched by police officers while walking along the street or standing in a public place... One street sex worker ... told of a particular night where two police officers were approaching sex workers on William Street and asking them for details such as name and address. The worker refused to comply and informed other workers they did not have to disclose such information, as they were soliciting legally. The following day she was approached on the street and searched by the same police officer on suspicion of possession of drugs. (Bligh & Rasaiah, 2001, p. 21–22)

What this suggests is that even where sex work is either decriminalised or legalised through licensing mechanisms (as it is in Victoria), sex workers' social position remains one of illegality and deviance. In such contexts, women are unlikely to see police as a meaningful avenue of assistance following sexual assault.

Justice system responses

Seeking legal redress and support from the justice system also present difficulties for sex workers. Historically, there have been significant barriers to prosecuting cases where the victim/survivor is a sex worker. B. Sullivan (2007) examined 51 judgements between 1829 and 2004 where evidence of prostitution was presented. Until recently, evidence of being a sex worker, being rumoured to be a sex worker, or even 'sexually loose' behaviour was used by the defence to discredit victims. B. Sullivan observed that in older cases, while evidence of sexual relations with other men was not ordinarily considered admissible, in cases involving sex workers, the fact of their occupation had probative value: it signalled either that the victim was an untrustworthy witness or that she likely had had sex consensually with the defendant (2007, p. 130). More recently, there has

been greater success in prosecuting the sexual assault of sex workers who were assaulted at work. However, the fact of sex working has still been used as a relevant factor—if not in deciding guilt, then at least in determining the gravity of the offence. This was most notoriously demonstrated in *R v Hakopian* [1991], (unreported, Victorian County Court). These were the judicial comments at sentencing:

As a prostitute, [Miss X] would have been involved in sexual activities on many occasions with men she had not met before, in a wide range of situations. She had, for money, agreed to have oral and vaginal intercourse with [Mr Hakopian] and had very shortly before these offences occurred, had oral intercourse with [Mr Hakopian] on a consensual basis. On my assessment, the likely psychological effect on the victim of the forced oral intercourse and indecent assault, is much less a fact in this case and lessens the gravity of the offences. (See Scutt, 1992)

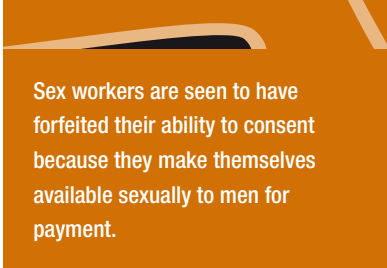
The judge's belief that sexual assault against sex workers is a less grave offence is based on the reasoning that, because sex workers are involved in sexual activities (although whether it is seen as 'sexual' for the sex worker was not considered), sexual assault is less traumatic. The reasoning used *R v Harris* (1981) as its precedent, where the appellate judges stated that it was not a case of applying one law for sex workers and another for 'chaste women'. However, being a prostitute did have relevance to the case and to the gravity of the offence. The victim/survivors had "been engaged in the trade of selling their bodies for gain". Therefore, the judge reasoned that sex workers would not experience that same degree of revulsion as a 'chaste woman' to a forcible act of rape:

It seems to me that the crime when committed against prostitutes, at all events in the circumstances of the case, is not as heinous as when committed, say, on a happily married woman living in a flat in the absence of her husband when the miscreant breaks in and commits rape on her. (*R v Harris*, in Scutt, 1992, p. 176)

This response suggests that women involved in sex work are of a less worthy class of victim than other women (as long as they are chaste, married women assaulted by a stranger in the marital home). Sex workers are seen to have forfeited their ability to consent because they make themselves available sexually to men for payment. Such reasoning resulted in a public outcry, a DPP appeal against the sentence and considerable academic and legal commentary (see Brown, 1992; Cass, 1992; 1993; Coss, 1992; Fisher & Ammett, 1992; Gilbert, 1992; McCarthy, 1994; Scutt, 1992; Sharpley, 1993). The Victorian Judicial College points out that neither *Harris* nor *Hakopian* have been overruled in Victoria:

It is the law in Victoria that where the victim of a rape is a prostitute, the victim's sexual experience may be relevant to sentence. In *AG v Harris 11/8/1981 CCA Vic* at 6 Starke J considered that the prostitute's experience may tend to reduce the weight commonly given in rape cases to the 'reaction of revulsion' of the 'chaste woman' to the 'forcible act of sexual intercourse'. Crockett J, at 12, explained that where the victim is a prostitute, the elements of 'shame' and 'defilement' may (on the facts) be missing or diminished, and the offence will thus lack a circumstance of aggravation. (Judicial College of Victoria, 2005, s 25.6.2.12)

Other jurisdictions have not followed this logic and it is unclear what authority *Hakopian* continues to have in Victoria. The College notes that "the true principle in *Harris* and *Hakopian* is uncontroversial, i.e. the consequences of the offence for a particular victim are relevant to sentence". The cause for controversy related to "the guidance these cases seek to communicate about a common factual issue, i.e. the emotional impact of sexual offending upon the 'unchaste' woman" (s 25.6.2.12). This guidance is not considered to be of binding authority since it relates only to a "factual issue" (i.e., the fact of being a sex



Sex workers are seen to have forfeited their ability to consent because they make themselves available sexually to men for payment.

worker). However, it is important that assessing the consequences of sexual assault for a particular victim be informed both by victim impact statements (as noted by the College) and empirical research about the effects of sexual assault upon victim/survivors.

Since the 1990s it can be said that “there is now at least the possibility that sex workers will be seen in a court as fully human beings with the capacity to say ‘no’ (or ‘yes’) to sexual intercourse” (Sullivan, B., 2007, p. 137). However, often the successful cases represent the most serious offences: they have involved very young women sex workers, significant visible injury and corroborating evidence (such as surveillance footage). Thus, sex workers’ fraught avenues for legal redress are part of a much wider problem in charging and prosecuting sexual assault. One such problem is the high attrition rate for sexual assault cases (Borzycki, 2007; Gregory & Lees, 1996; Heenan & Murray, 2006; Lievore, 2003; Victorian Law Reform Commission, 2004). At numerous points in the criminal justice system, decisions are made about whether to continue with a case. Victim characteristics (e.g., perceived credibility, mental stability, substance use) and incident characteristics (e.g., weapon, injury, relationship between victim and perpetrator, circumstances of their relationship) are used to make assessments about either the truthfulness of the victim’s account or the likelihood of a successful prosecution (Lievore, 2003). This likely means that, even where sex workers do bring charges, most cases will: not be proceeded with; not continue past committal; or not result in a guilty verdict. Existing sentencing judgements, in the end, are able to say very little about how sex workers as victim/survivors are treated by the legal system.

A second major problem relates to the substantive laws of sexual assault that can disadvantage all victim/survivors (as recognised by the recent law reform initiatives undertaken by many states). The rules and traditions associated with consent, honest but mistaken belief in consent, evidence, the rule of fresh complaint, and corroboration are significant hurdles for the victim to get through (Bargen & Fishwick, 1995; Heath & Naffine, 1994; Heenan & McElvie, 1997; Larcombe, 2005; Naffine, 1992; Young, 1998). Where the victim/survivor is a sex worker, it is clear that these legal traditions are going to work even more strongly against them (Hatty, 1989; Lantz, 2003; Scutt, 1992; Sullivan, B., 2003), particularly when, as Taylor (2007) argued, juries make decisions about guilt on the basis of pre-existing beliefs about rape, sex and violence rather than the evidence presented. Here, the social stigma against sex workers is likely to exacerbate negative legal responses.

Other system responses

How systems other than criminal justice agencies respond to sex workers who are victim/survivors of sexual assault is difficult to determine. In ACSSA’s consultations with sex work organisations and sexual assault counsellors, they felt that sexual assault counselling services are not equipped to deal with sex workers as victim/survivors in terms of the multiple difficulties sex workers face. These might include: the trauma of disclosure itself—to services, to police, to lawyers and through the legal system; dealing with the trauma of identification for sex workers; either the loss of income for sex workers who can no longer work following sexual assault (either because they cannot cope with it, or because they have been black-banned by brothel management for ‘making a fuss’ and bringing the authorities into it: Treleaven, 1995); continuing to sex work, following an experience of sexual assault at work; and, for some sex workers, substance dependency and the instability that might bring.

Consultation with sex workers and their organisations also revealed that prejudice and stigma against sex workers or sex work is sometimes experienced in accessing sexual assault counselling services. This could involve reduced access to counsellors. Some individuals spoke of being turned away because a counsellor who was comfortable with sex work as an issue was not available that particular day and they would need to come

back another time. It could also involve prejudice and stereotypes informing counsellors' perceptions of sex work; here the individuals we spoke with mentioned things like having to 're-educate' counsellors before they could actually begin dealing with the aftermath of sexual assault. Yet others mentioned reticence in referring sex workers to general sexual assault service providers because of the misconceptions about the work and the women themselves. Some sexual assault services have explicitly addressed these issues, providing, for instance, an information sheet especially for sex workers who have been sexually assaulted and emphasising that no judgement about their work will be made. Other services provide outreach counselling for street-based sex workers. One option for counselling services is to attend training or workshops by sex work organisations who show how the perspectives of sex workers can inform service provision and crisis care.

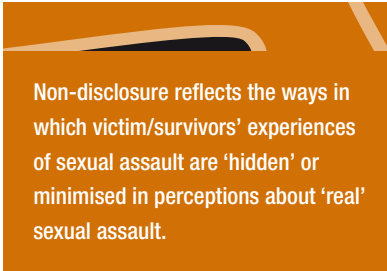
Further, like other victim/survivors of sexual assault, there are sex workers whose trauma history is complex (as Roxburgh et al. show). The complex trauma victim is not well served by current system responses. This is exacerbated where social stigmatisation and being 'outed' as a sex worker are often also sources of trauma.

Workplace environments

The attitudes of brothel or escort agency owners, managers and receptionists can also act as barriers to disclosing sexual assault. Gilbert noted that many workers who inform their managers and employers of sexual assault are warned "not to 'make a fuss'; that is, not to take legal action" (1992, p. 193). 'Black banning' (where 'word gets around' that the worker is a troublemaker and is shut out of the industry) and other punitive responses can be the reactions of management (Gilbert, 1992; Treleaven, 1995). There is no consistent protocol included in different states' laws about how brothel managers and owners should respond to sex workers' disclosures of sexual assault by clients. The nature of the response depends on the benevolence of the workplace—it is a matter of luck, rather than sex workers' right to support as *victim/survivors* of sexual assault. Treleaven (1995) noted not only can management accept, excuse or condone the sexual assault of their workers, but they are sometimes themselves perpetrators of sexual assault and sexual harassment.

'It goes nowhere'

Non-disclosure reflects the ways in which victim/survivors' experiences of sexual assault are 'hidden' or minimised in perceptions about 'real' sexual assault. This can be seen not only in the reasons for non-disclosure, but in the process of attrition from charge to trial to conviction that filters out many of these reported cases (Lievore, 2003). Victim/survivors' decisions to disclose and attitudes about who 'counts' as a victim/survivor of sexual assault are mutually reinforcing issues: survivors' decisions to disclose, to make a police report, to go to trial and the trial outcome are influenced by the available cultural and shared understandings of what constitutes sexual assault and who is a 'real' victim. Sex workers are frequently denied recognition as victim/survivors of sexual assault—something of which they are keenly aware. They opt, in some instances, not to seek legal redress or even support. Disclosure does not happen and women's experiences of sexual assault go nowhere, are told to no one. Denial of sex workers as genuine or deserving victim/survivors of sexual assault has two main consequences. One is material and immediate—the denial of sex workers' immediate post-assault health and other support needs, denial of their civil rights and a denial of their human rights by the many state agencies entrusted to uphold these. The other is symbolic, but equally immediate—for all survivors of sexual assault: the lack of credibility because of their



Non-disclosure reflects the ways in which victim/survivors' experiences of sexual assault are 'hidden' or minimised in perceptions about 'real' sexual assault.

perceived sexual behaviour or availability. The social stigma associated with prostitution is used to control, judge and segregate *all* women into worthy and unworthy victims.

Prevention strategies and support services

Preventing the sexual assault of sex workers involves strategies that, in order to be effective, need to operate at the legal, social, and community level rather than leave the responsibility for safety to individual sex workers or brothels. Sex workers in all sectors have developed strategies of prevention and resistance to sexual violence in their encounters with clients. However, as has been demonstrated, many of these practices are diminished as a result of external factors (laws, policing, public sentiment). Further, perpetrators are not only clients, but also taxi drivers, predatory offenders and even police. The strategies developed by workers are in the context of sex working and their interaction with clients. Good sexual assault prevention should not lay the responsibility for safety with potential victims (Stanko, 1990). Broader strategies support and strengthen existing practices that operate among workers; they also challenge the problematic notion that it is women alone who must take responsibility for their sexual safety.

Sex workers' strategies

A growing body of research explores the kinds of prevention strategies sex workers adopt to minimise the likelihood of sexual assault occurring (Pyett & Warr, 1999; Roche, Neaigus & Miller, 2005; Sanders, 2004). These can be divided into information sharing and sex workers' personal or 'micro' strategies.

Information sharing

Access to local knowledge about dangerous or violent clients and the prevalence of violence within the sex work community is an essential way that workers minimise the threat of sexual assaults from clients.

Access to local knowledge about dangerous or violent clients and the prevalence of violence within the sex work community is an essential way that workers minimise the threat of sexual assaults from clients (Sanders, 2004). This awareness has been formalised through the 'Ugly Mugs' program. Ugly Mugs was pioneered through the Prostitutes' Collective of Victoria (PCV). Workers contact the PCV with the details of a client who had been violent, abusive, or had sexually assaulted them, making them an 'Ugly Mug'. Details include car registration, car description and a description of the client. This information is then circulated through the sex worker community. It now also includes 'Ugly Bosses' (RhED/Victorian CASA Forum, 2002). This has been adopted in Britain, where sex workers can report, anonymously if they prefer, 'ugly mugs'. This information is passed on through flyers, word-of-mouth, and the internet (Sanders, 2004). Sanders (2004) suggested that this system of "collecting and broadcasting violent attacks, robberies, and rapes contributes to an increasing awareness amongst women ... and therefore reinforces the need to be proactive in preventing violence" (p. 564).

RhED (2002) have put together a handbook for street-based sex workers about minimising the risk of sexual assault within the work context as well as information about taking action following sexual assault. A link to an online version of the handbook is also provided. SWOP NSW also have a publication entitled *Nine Lives: Surviving Sexual Assault* (1999), including 'ten hot tips' for street-based sex workers, which is a wallet or pocket-sized list of tips for helping them to stay safe.

Personal strategies

Sex workers employ a number of strategies while working to minimise the risk of sexual assault and other assaults from occurring. These include:

- the use of a chaperone. This might involve a friend or trusted other to hang around, such as waiting outside a hotel room. It can act as a deterrence to potentially violent clients and as a form of assistance;
- employing a receptionist;
- the use of a driver. As one escort worker stated: “You never go on an escort unless you have an escort yourself” (Felicity in Sanders, 2004, p. 565);
- the use of a ‘spotter’. Street-based workers might use another worker to ‘spot’ for them, to note down registration details of a client, and description of the client;
- working in pairs. This could mean not working the brothel alone. Personal communication reveals that closing up time and being the only worker left can be extremely dangerous. It could also mean doing doubles, so that workers are not alone with clients;
- avoiding cars with more than one person in them;
- avoiding hire cars, or cars with interstate licence plates;
- checking car door handles to ensure the door can open from the inside; and
- always being aware of potential for violence.

These strategies for managing the risks associated with working environments highlight two things. The first is this kind of management and checking out of their vehicle takes time. As discussed, police crackdowns stop this kind of assessment from happening. In many states (for example, Queensland) the first five points are illegal, effectively forcing women into an illegal sector or working without adequate safety. Beyond the strategies listed above, there are numerous ‘micro-strategies’ workers use to avoid sexual assault or violence in the actual encounter (for example, in the car or in the hotel room) which cannot be elaborated upon in this publication without compromising their effectiveness. However, it is important to note that there are many methods workers use. Policy makers, researchers and others in the field of sexual assault prevention can contact and engage with sex work organisations in order to find out how this knowledge and experience can be used to inform policy. A crucial point to make here is that in many cases prevention strategies are directly at odds with the laws controlling sex work. This severely limits the ability of sex workers to control the encounter. The second is that sex workers’ experience is invaluable knowledge that is quickly communicated to the rest of the street work community.

A crucial point to make here is that in many cases prevention strategies are directly at odds with the laws controlling sex work. This severely limits the ability of sex workers to control the encounter.

Collective strategies

Mayhew and Chappell (2005) argued that “designing out risk is the preferred action in all work place environments ... the least preferred action is sole reliance on staff training as the causes of workplace violence are multifactorial”. Designing out risk in sex work would involve strategies through:

- *Effective environmental design from the point of view of sex workers.* Solid security doors, peepholes or other means of viewing clients, intercom communication, and the use of CCTV can all create a generally safer working environment;
- *Planning and zoning mechanisms.* In some states, the legislation controlling sex work requires that brothels or other forms of indoor sex work are not concentrated in a particular area or are a certain distance (often 200 m) from ‘sensitive use’ such as schools, churches, hospitals or places frequented by children. In some cases (like New South Wales), local councils approve where sex work premises can go. However it is observed that there has been no consistent way of interpreting an appropriate distance and is not based on any empirical town planning research (Sex Services

Premises Planning Advisory Panel, 2004). Zoning mechanisms that prohibit operators from working in residential areas significantly increase isolation and unsafety.

As already stated, the impact of the law on sex worker safety is significant: the historical tendency to treat sex work as a problem of morality and vice frequently leaves sex workers operating alone or in non-compliance with the laws.

Designing risk out can occur through:

- Reconsidering laws that criminalise sex workers operating together and/or hiring other staff. The importance of safety in numbers has been well demonstrated throughout this paper.
- Reconsidering laws that grant power to police to entrap or move sex workers on. Aspects of sex work are more or less criminalised in all states. Entrapment powers and the like entrench and conceal already significant police discretion.

It is not simply an issue of removing or minimising the risks of sex workers' working environments, but one of simultaneously designing respect into these environments.

Sanders and Campbell (2007) wrote that it is not simply an issue of removing or minimising the risks of sex workers' working environments, but one of simultaneously designing respect into these environments. This speaks to a social strategy of acknowledging sex workers as members of communities who are engaged in a form of labour. For some, the rewards (financial and otherwise) are many, for others their social position is one of extreme marginalisation. Nevertheless, each of them are legitimate citizens regardless of occupation. It is important to shift the discourse of disposal and nuisance by drawing attention to the types of violence and discrimination sex workers face.

Services and support for victim/survivors

There is minimal discussion of the kinds of support workers need following sexual assault in the research literature. SWOP NSW's *Nine Lives* (1999) stresses that when supporting sex workers who have been sexually assaulted, it is important not to judge. When exercising legal and medical rights, the most important issue is to be believed and to have the sexual assault experience validated and taken seriously. More specific issues, including those that arose in consultation with organisations, are the use of primary health care services. These are services where workers can maintain anonymity and use a false name if they prefer. This means that street-based workers in particular are likely to favour these sorts of services in disclosing sexual assault. Service awareness of the instability associated with some sex workers' lives is also an issue (Roxburgh et al., 2006).

Anecdotal evidence suggests that effective prevention strategies and support services depend on local networks of liaising and support between different agencies and particular sex work communities. Indigenous and CALD communities might have an especially difficult time accessing services. Although a significant majority of the women in the Kings Cross study had experienced depression and suicidal ideation, and half of the participants had tried to commit suicide, only 40% had spoken to a mental health professional in the last six months (Roxburgh et al., 2006). Aboriginal and Torres Strait Islander sex workers experienced higher levels of depression but very few had spoken to a mental health professional in the last six months compared to non-Indigenous women (25% compared to 45%).

Implications for further research and policy development

The limited conceptions of 'risk', 'harm' and 'danger' in sex work research

In addition to social marginalisation, sex workers have also been marginalised in the very research literature that takes them as its primary focus. Research done around the

sexual assault of sex workers suggests that street-based workers are the most victimised. However, it represents the concentration of sexual assault amongst a particular group of sex workers, but not necessarily its extent. Several writers have commented on the way much research represents sex workers in limited and stereotypical ways. Perceptions of the sex worker as morally corrupted, a social deviant or victim have strongly influenced the kinds of questions that have been asked about sex workers throughout the twentieth century (Carpenter, 2000; Pheterson, 1996; Vanwesenbeeck, 2001).

This has had two consequences: the reduction of sex workers to a single image (Pheterson, 1996); and a lack of empirical research about the lived reality of being involved in sex work (in Australia, Perkins' 1991 study stands as a contrast to this). Issues around health and wellbeing, relationships, violence, housing, and children are reduced to, and explained by, being a sex worker. Pyett and Warr (1999) argued that health and safety risks mostly refer to the risks associated with non-use of condoms and the transmission of sexual diseases, including HIV: "Surprisingly few studies have examined other health and safety risks faced by women engaged in sex work" (p. 183).

This emphasis on risk, danger and harm as being associated with disease transmission (either through unsafe sex practices or injecting drug use) is also reflected in the regulatory frameworks which organise sex work in Australia, where minimising the risk of disease transmission remains paramount in the laws, rather than, say, maximising the safety and rights of sex workers to negotiate safe transactions. However, social stigma, violence, stress and discrimination are cited by sex workers themselves as the principal dangers of their jobs (Bindman, 1997; Scarlet Alliance, 1999; Vanwesenbeeck, 1994, 2001).

There are significant gaps in knowledge about experiences of violence in legal brothels, illegal brothels, escort work, and private work in comparison to street-based work. There is also very little research about the experiences of sexual violence experienced by those in 'hidden' or allied forms of sex work such as exotic and table top dancers. The research on street-based workers is important and has shifted some of the debates about sex work over the last two decades, however it tells only a narrow part of the story. This is especially pertinent in the Australian context, where street-based work comprises a small proportion of the industry and where licensing of sex work has been taken up by several states. How can responses to sex worker safety be adequately developed if a) only a narrow section of sex workers are involved, and b) there is little research done on what comprises the majority of the industry?

There needs to be a shift in research focus. Prevalence statistics reveal that Australian sex workers have lower STI rates, including HIV/AIDS, than the general population, and some of the lowest rates in the world. From their point of view, it is not safe sex practices that are the prime concern, but discrimination, stigmatisation and violence at work (Sanders, 2004). However, these concerns are not reflected in much of the research literature.

Related to this point is a need for a shift in the kind of research being done. In depth, participatory research involving sex workers in the production of knowledge about risk, safety, and discrimination would generate better understandings about the risk factors associated with sexual assault, the barriers to disclosure they face, who sex workers actually go to following sexual assault, and the kind of support that they most need in these contexts.

The development of prevention strategies by sex workers

Street-based sex workers develop a range of prevention strategies to minimise the risk of sexual assault. Such prevention strategies can be adopted more broadly in two ways. First, through sex worker organisations, relevant health services, and needle and syringe

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exchanges as sites for the dissemination of these strategies. Youth and inexperience of sex workers adds to the risk of sexual assault. Utilising the knowledge that sex workers have about what makes their day-to-day work lives safe and minimises the likelihood of sexual assault should be regarded as expert knowledge and fed back into new policy development. Clearly, greater consultation and involvement with sex work peer organisations is essential.

Policy and systems response

The prioritisation in legislation and industry protocol of sex workers' personal physical safety and sexual autonomy, not just their sexual health as occupational health, is required. This would signify a shift in policy in regulating sex work. To date, the safety and rights of individual sex workers has been neglected in favour of controlling an *industry* perceived as criminal, corrupt and morally questionable. As one organisation observed, sex workers who have experienced sexual assault in the work context are not seen as victim/survivors, but as parties to crime. Such a shift in policy is not just about creating material changes for sex workers, but could also enable symbolic change in terms of the stigmatisation that sex workers face. In addition, better development of exit strategies is required to ensure that they are tailored to the specific circumstances of those workers wanting to leave the industry. This is a process that can take several years to complete, so adequate resources and better opportunities for retraining are required to support workers making this transition.

Conclusion

This paper reviewed the available research on sex work, violence, and the risks of sexual assault in the Australian context with the purpose of bringing together quite disparate fields of research in order to gain a more complete understanding about the experiences of sexual assault by sex workers and what kind of avenues for support are available to them. In sum, the important factors that led to the sexual assault of sex workers are:

- the nature and location of the working environment, with outdoor sex work emerging as a key site of risk for sex workers; and
- the laws that control sex work.

Importantly, these two factors mutually reinforce each other. 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 the ability of sex workers to control the encounter and to disclose their experiences. 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. Effective prevention and service delivery cannot only take account of the 'particular circumstances' of sex workers but must also take into account the prejudices and assumptions that may affect therapeutic and criminal justice responses.

Responding comprehensively to the sexual assault of sex workers is a challenge. Arguably, sex work is a heavily gendered economy where the demand for commercial sex is almost exclusively from men. The way in which sex work is socially and legally organised is also heavily gendered, for it has long been the women working in the sex industry that have felt the full brunt of medical and legal regulations—in the form of arrests, fines, compulsory check ups, registration and exclusion from residential/city centres, while clients largely continue to exercise their entitlement to purchased sex with impunity.¹

1 It is not clear whether the criminalisation of purchasing sex—that is, fining or arresting clients—but *decriminalising* sale of sex alleviates the dangers of sex work, even though it does differ politically and morally about the problems and vices associated with sex work. This model

It is crucial that the sexual assault of sex workers is not seen just as a consequence of a culture of male sexual entitlement and violence, but equally as a consequence of the legal and regulatory environments in which women are engaging in sex work. The purpose of emphasising this, of asking, ‘what are the laws, mechanisms and protocols that enhance sex workers’ safety?’, is to maximise the capacities of sex workers to work safely. Research on violence against sex workers, including sexual violence, has pointed “to the power relationship between client and worker as being a crucial factor in the safety of commercial sex encounters” (Plumridge & Abel, 2001, p. 78). The institutional, legal and occupational organisation of sex work has a significant impact on shaping the safety or unsafety of commercial sex encounters. Sex workers’ knowledge about risk minimisation and prevention should be seen as expert knowledge and used to inform legislation, policies and strategies to prevent violence and sexual violence.

It is crucial that the sexual assault of sex workers is not seen just as a consequence of a culture of male sexual entitlement and violence, but equally as a consequence of the legal and regulatory environments in which women are engaging in sex work.

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has been recently implemented in Sweden. As yet, there is little conclusive evaluative evidence of whether this has lessened women’s involvement in sex work or made it easier to exit the industry. The research available is contradictory. Some suggest that prosecuting men as clients has made street-based sex work more dangerous rather than less. Clients are more anxious about being caught and so pressure sex workers to find more secluded and isolated areas to complete the exchange. From sex workers’ perspectives, they now have to make quick decisions about whether the client looks safe, and this leaves little time for workers to negotiate what will take place. Other research suggests this new framework has made it easier for women to leave the industry. See Östergren (2004).

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