

"ONCE YOU MENTION YOUR JOB THEY NO LONGER CARE ABOUT WHAT'S HAPPENED TO YOU."

SYNOPSIS 2: SEX WORKERS' LACK OF ACCESS TO JUSTICE IN QLD

Sex workers in Queensland experience significant barriers to accessing justice. More than 80% of the industry is criminalised, including essential sex worker safety strategies and most workplaces. Police have extraordinary powers, including the use of entrapment. The current laws, combined with a problematic culture of policing sex work in Queensland, have resulted in sex workers targeted for fines and arrest and the majority of crimes against sex workers going unreported. When sex workers attempt to report crime it is often not taken seriously. This synopsis summarises the outcome of **consultation and a recent survey of 204 sex workers who work in Queensland** on experiences of policing when accused or charged, experiences as victims of crime, barriers to reporting crime and solutions. The findings demonstrate the failure of the current laws and practices in Queensland to provide access to justice for sex workers.

"I tried to report a crime and I was treated like I was the criminal because I do sex work. I would never do it again."



76.5% OF SEX WORKERS SAID THEY WOULD NOT MAKE A POLICE REPORT UNDER THE CURRENT LAWS

When asked why they would not make a police report, respondents highlighted:

- fears that they would be charged with a crime themselves, or that they would be subject to increased police surveillance and future entrapment.
- that some of their work practices were criminalised, or they were not sure whether they were working lawfully.
- police attitudes towards sex workers, including experiencing unfavourable treatment, stigma and discrimination, being dismissed, and crimes not being taken seriously because of sex worker status.
- that it was unlikely they would achieve a positive outcome through the criminal justice system, and they would be subject to poor treatment and potentially further violence and trauma through interacting with police.

BARRIERS TO REPORTING CRIME

Sex workers specifically spoke about the fear of becoming known to police by reporting crime and how the current practices of covert policing and entrapment prevented them from making a report, because they believed they would be targeted, or because they questioned whether the police would act in their best interest if they reported.

"Fear of being on their radar and would be constantly watched or under surveillance."

"It's not safe. Lets police know I'm a sex worker and sets me up for entrapment."

"...The police force is NOT trained nor sensitive to the needs of women, of victims, and most especially not of sex workers."

"I feel like I would not be taken seriously, I would be victim blamed and would even be charged myself."

"... I don't see the Queensland police as being on my side. They are not my protectors, they are actively hunting us down and trying to catch us. I don't want to get in legal trouble..."



#DecrimQLD

DecrimQLD@respectqld.org.au
M: 0491 228 509 Twitter & Instagram: @DecrimQLD
www.respectqld.org.au/decriminalise-sex-work

Page 1



Respect
Inc

CURRENT LAWS: BARRIER TO REPORTING CRIME

Sex workers explicitly stated that they would not report a crime to police because they knew that some of their working practices were illegal, as illustrated in the following quote:

"I know I'm breaking the laws as my check-in person is also a sex worker, and I wouldn't trust the cops to have any interest in why I'm making a report, they're just going to want to nab me instead".

Others were unsure about the law, which was a barrier to reporting. As one respondent explained:

"Because the laws are so convoluted, outdated and problematic, I wouldn't even know whether I was working 100% within the law. The risk of unwittingly incriminating myself feels too high..."

Some sex workers explained that their decision to report would depend on whether they were working legally. Several respondents wrote that they would report in other states where sex work is decriminalised, but not in Queensland:

"Working where parts of sex work are criminalised means I would be extremely unlikely, if ever, to go to the police. I would be worried that I have outed myself to them, that I wouldn't be taken seriously, that I would be blamed for the way I am working. I would be more likely to make a report in NSW or the NT."

ONLY 23.5% OF SEX WORKERS SAID THEY WOULD MAKE A POLICE REPORT UNDER THE CURRENT LAWS



#DecrimQLD

"There would be something they would find to get me on. They wouldn't take me seriously. I've heard the way cops talk about sex workers, even the ones who think they're friendly still hate the workers who aren't highly educated or use drugs. There's always some stigma."

Sex workers highlighted that the potential consequences of receiving a criminal charge outweighed the perceived benefits of reporting crimes they experienced to police, so much so that sex workers said they would only report if it were a life or death situation. Respondents spoke about the repercussions they feared if they made a police report, including compromising their privacy and confidentiality, potentially losing non-sex work employment, restrictions on their ability to travel, and for non-citizens, the risk of facing deportation. As one respondent told us:

"If I worked illegally I could end up with a criminal record, which as a non citizen could lead me to being deported".

Respondents told us that police attitudes towards sex workers were characterised by stigma and discrimination; that their experiences of violence were often dismissed and that police generally had an unfavourable attitude towards sex workers, resulting in unfair treatment and outcomes. In the words of sex workers:

"I have seen and heard of police laughing at reports of rape/stalking/abuse. It's clear to me that police don't think of sex workers as human. I also don't see any examples where the police were helpful toward a sex worker."

"I don't feel like I would be treated with respect and dignity by police. They seem to have something against us."



Respect
Inc

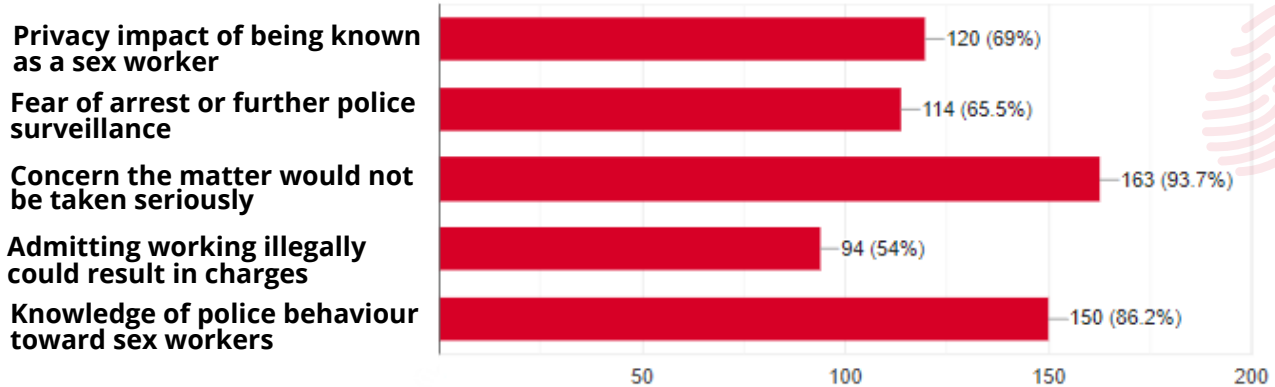
SEX WORKER VICTIMS OF CRIME

We asked the sex worker participants in our survey who had been a victim of crime what the barriers to accessing justice were. We also held a small group consultation with women sex workers who have been victims of sexual violence. The findings demonstrate major barriers to sex workers accessing justice in Queensland.

Sex workers were hyper-aware of many cases where co-workers had attempted to report crime and the report was not taken seriously. Some were told 'there is no crime' because of a failure by police to understand how consent applies to sex work. Others were treated so badly they decided not to continue with the report. This has led to a strong understanding that these matters will not be taken seriously, as is shown in the table below.

Participants identified the irony that they were being targeted by police for victimless crimes related to working as a sex worker and yet police did not act on reports of serious crime perpetrated against them. In the few cases where sex workers stated that after persistence, their report was taken and the case proceeded, the charge was reduced to a lesser charge.

If you have been a victim of crime, what are the barriers for you accessing justice or going to police? (participants were able to choose more than one option)



“When i was robbed and bashed...police turned up an hour later and spoke to me like i was a piece of shit and told me i should change jobs...”

“Fears over lack of confidentiality, not being believed, being disrespected, re-living trauma, male police officers, whorephobia.”

“Police work hard to target sex workers, they are very clearly not interested in our safety or wellbeing. In fact some people making reports have been laughed at or turned away.”

“I don't feel confident in police and their understanding of sex work law or ability for compassion.”

SAFETY CRIMINALISED

Many participants described how the current laws undermine safety and create risk by criminalising sex worker safety strategies, e.g.:

- working together, or from the same hotel,
- letting another sex worker know the booking address and checking-in at end of booking,
- hiring someone to take and screen your calls,
- sharing a driver or driving each other.

When asked about the impact, participants described how the laws undermine workplace health and safety protections, isolate and prevent sex workers from building community and socialising, as well as impact on mental health and community connectedness.



SEX WORKERS CHARGED

49% of survey respondents (100/204) said they had either personally been charged or fined by the police, or had a friend or (sex working) co-worker who had been charged or fined. Most indicated they had experienced multiple charges or fines.

The most common reasons these participants were charged or fined were:

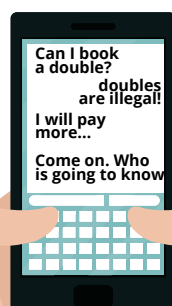
- advertising 43%
- working in pairs 40%
- working from the same hotel as another sex worker 29%
- providing illegal services 23%
- having a receptionist, driver or other support staff 21%
- providing sexual services at a massage parlour 18%
- tainted property 16% (phone and earnings are seized as the proceeds of an unlawful act)

A further 57 respondents experienced police entrapment but had not been charged. 17 respondents had been charged or fined for something else including helping another sex worker with their advertisement, working with a third party or working in a hotel/motel room booked by someone else.

"I had been touching and flirting with my new client and always kiss the client when they arrive. He was asking odd questions but I thought oh well he is new to this. I was rubbing my breasts on him and then he told me he was a cop there undercover. It felt dirty. I hadn't consented to being touched or touching or kissing a cop. I couldn't do sex work for four months afterwards..."

"I am always anxious at the start of a booking when I'm interacting with the client, which makes the environment feel edgy and unsafe."

"It is absolutely terrifying and violating."



ENTRAPMENT

The main policing strategy used against sex workers in Queensland is entrapment with police posing as the client of a sex worker and deceptively making a booking via text, phone or email. This usually includes a request for an illegal service like a 'double' where two sex workers provide a service to one client. Police have these extraordinary powers under the Police Powers & Responsibilities Act.

Two strong themes emerged from survey participants about how police posing as clients impacted on them. The first theme is **fear and mistrust of police** (and others) due to the covert nature of police interactions. The second theme is **disgust and outrage**, due to policing activities that are seen as a violation and an abuse of power.

This policing approach contributes to sex workers not feeling able to report crimes because of their distrust of police and concern that being known to police will result in heightened surveillance. Participants also raised fear of sexual assault by police. Respondents noted impacts on WHS because they could not be clear during screening of potential clients.

"It feels like rape. And leaves me terrified of the police."

"I have...been harassed and hounded by police in an attempt to get me to offer illegal services. This was to the point I thought the man was going to try and rape me as he was so aggressive and persistent. Until he told me he was a cop. I couldn't even report the verbal abuse and harassment as he was a police officer."

"...if police are tricking and pressuring to entrap us, how can i feel like i trust them? I dont..."



96.7% OF SEX WORKERS DID NOT SUPPORT POLICE BEING ALLOWED TO POSE AS CLIENTS

SOLUTIONS

There was near consensus among survey respondents of the changes necessary for sex workers to access justice.

The three key changes sex workers stated were:

- full decriminalisation of sex work,
- removal of police powers, changes to the policing culture and ending entrapment,
- decreased discrimination, prejudice and stigma experienced by sex workers - achieved through a combination of education and protection under anti-discrimination and vilification legislation.

Sex workers almost unanimously stated that the full decriminalisation of sex work was imperative for accessing justice.

Full decriminalisation included removing police powers to entrap and target sex workers, immunity from arrest for those who are reporting crimes and expunging previous sex work charges. As sex workers wrote:

“Full decriminalisation of sex work...”

“Full decrim...”

“To start with. Expunge current laws...”

“...no unreasonable laws that I must break in order to work.”

“Decriminalisation and law reform...”

“Remove all criminal penalties.”

“Need to have no laws at all that specifically mention sex work or sex workers for criminal offences...”

“Decriminalise sex work.”

“FULL Decriminalisation of sex work...”

“Full decriminalisation of sex work (including for street based workers).”

“Full decriminalisation. More specifically: the risk of charges being brought against a worker committing a crime would need to be removed...”

“Total decriminalisation of all sex work, including street based sex work, and migrant sex work...”

“... law reform to increase safety protection for SWs (non payment & stealthing are rape), better corruption measures to stop being further victimised when seeking help.”



#DecrimQLD

RECOMMENDATIONS:

FULL DECRIMINALISATION OF SEX WORK

**REMOVE POLICE POWERS
CHANGE THE POLICING
CULTURE AND
END ENTRAPMENT**

**DECREASE DISCRIMINATION
PREJUDICE AND STIGMA
EXPERIENCED BY SEX
WORKERS**

**RESOURCE A SEX WORKER
LEGAL CLINIC AT RESPECT
PROVIDING LEGAL ADVICE TO
SEX WORKERS WHO
EXPERIENCE CRIME. ARE
ACCUSED, CHARGED
OR EXPERIENCE
POLICE HARASSMENT**

A number of respondents also raised the need to end deportation and visa policing as a result of reporting crimes.

“...Immigration status not being legally allowed to be impacted when police report is made...”

In its Sex Workers' Lack of Access to Justice paper, Network of Sex Work Projects (NSWP) recommends full decriminalisation and:

- community-based provision of legal aid and training in legal literacy, (noting that sex workers and sex worker-led organisations are best positioned to promote and disseminate knowledge of their rights, legal systems and services, a key part in increasing sex workers access to justice) and
- the urgent need to increase funding for NGOs that offer legal services, education and information to sex workers.

<https://www.nswp.org/resource/nswp-briefing-papers/briefing-paper-sex-workers-lack-access-justice>

**Respect
Inc**