

FAILURES OF JUSTICE

**State and Non-State Violence
Against Sex Workers and
the Search for Safety and Redress**

*A Community-Based Research Project of
the Sex Workers' Rights Advocacy Network
in Central and Eastern Europe
and Central Asia*

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THE SEX WORKERS' RIGHTS ADVOCACY NETWORK (SWAN)

is a network of 28 civil society organizations in 18 countries in Central, Eastern and South-Eastern Europe and Central Asia advocating for the human rights of female, male and transgender sex workers. SWAN member organizations work with or are led-by sex workers and sex worker leadership is an organizing principle of the network. SWAN was founded in 2006 and was officially registered as the SWAN Foundation in January of 2012.

SWAN

SZEJ Alapítvány

Bertalan Lajos u. 22. fsz.6.

Budapest

H-1111

Hungary

Phone: +36 1 787 6267 +36 70 509 5015

Fax: +36 1 787 6267

www.swannet.org

swansecretariat@swannet.org

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Author and Principal Researcher: Anna-Louise Crago

Research Coordinator and Co-Researcher: Roxana Vasi

SWAN Director and Research Coordinator: Staša Plećaš

Sex Worker Co-Researchers and Advisory Team:

- Irina Maslova (Club Silver Rose, Russia)
- Natalia Zholnerova (Ameliya, Kazakhstan)
- Roxana Vasi (SWAN)
- Trajche Janushev (STAR-STAR, Macedonia)

Translation and Editing: Olga Zubkovskaya

Research teams:

- AKSION PLUS, Albania: Genci Mucollari (coordinator), Eglantina Lula
- PROI, Bosnia and Herzegovina: Belma Lepir-Cviko (coordinator), Sanela Vrabac, Marina Čaušević, Renata Dujmušić.
- HESED, Bulgaria: Rayna Dimitrova (coordinator), Polina Slavcheva, Dragomir Padezhki.
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- Odysseus, Slovakia: Olivia Strelkova (coordinator), Iveta Chovancova, Miroslava Zilinska, Alexandra Podova.
- Ameliya, Kazakhstan: Natalia (coordinator), Irina, Marina, Karlygash.
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INTRODUCTORY NOTE

I have experience working as a sex worker both “legally” and “illegally”. I have lived in a country in Eastern Europe where offering erotic and sexual services in exchange for money was punishable by prison. Later on, they have changed the law, so that now us sex workers are committing “only” a misdemeanor. Then I migrated to another country where sex work is legal, yet since sex workers were never consulted in the process of drafting the law, the regulations are so tight and faulty, that basic human rights and labour rights can become easily ignored. I have all this time considered myself “lucky” for working indoors – wherever I lived, outdoor sex workers were the most exposed to perpetrators and police using the law arbitrarily to harass and abuse, and/or turn a blind eye to violence committed by others. It’s not like there wouldn’t be police raids in indoor locations either, but I guess I am just really very “lucky”...

Recently, I got to know more about the experiences of other sex workers in countries from our region where sex work is decriminalized, yet the state and authorities invent other pretexts and use other laws to punish sex workers. You have the opportunity to find out more from this study: when it’s not anti-sex work laws, third party laws, anti-trafficking laws, it’s public order and “decency” laws, or laws against the spreading of STIs and HIV. Repression from the state and written legal systems go hand in hand with the unwritten law of “public” morality, and the ever-present stigma which, as you will see from this study and our stories, in so many cases prohibits sex workers from seeking justice from the same very unjust system which oppresses us. Woman, Roma/of colour, drug user, part of another oppressed ethnic minority, queer, trans, HIV positive, poor... – if you happen to be one of those or more (and most of us are), they would know how to take advantage of all our vulnerabilities and criminalize us.

In spite of all of this, sex workers resist and fight back. All sex workers are strong. And when we start to organize, it’s perceived as such a threat

that again we are pushed down, accused of being pimps or traffickers or what not. At "best", sex workers' organizations are simply shunned, and always have to struggle with backlash, ridicule, stigma and lack of funds. Sex workers' rights movement is among the least supported, and the least funded movements, and it's been so rare I have witnessed support and solidarity from others.

I stand behind all the recommendations written at the end of this publication. And I hope for better days. Knowing sex workers and activists from the region, I am sure these days will arrive sometime soon.

R.

FOREWORD

This report is about sex work, violence and HIV in Eastern Europe and Central Asia.

The report provides the results of an extensive community-led research in sixteen countries of the region. It shows the daily violence that sex workers experience from police and clients and documents how violence is associated with lower capacity for HIV risk reduction. It further examines whether and how sex workers may try to halt impunity of law enforcement and access to justice.

The figures speak for themselves. Forty percent of respondents in the survey have been arrested in the last twelve months, one in five experienced physical violence and one in seven experienced sexual violence by police. Twenty percent of respondents reported extortion.

The report tells us also how condoms are routinely used by police as “evidence of crime”, how syringes are confiscated or destroyed on a daily basis, and how street-based workers are displaced from their work location as a consequence of arrests, extortion and fines. It contributes with evidence from the region to the published literature documenting how poor policing practices are causally associated with a lower capacity for risk reduction, poor access to services and increased exposure to HIV. It describes how the fear that someone’s drug use or sex work may be reported to police or to child welfare authorities, would discourage sex workers from seeking services, HIV testing and entering the care system.

Eastern Europe and Central Asia is the region of the world that has witnessed the largest increase in HIV prevalence over the last ten years and where the epidemic continues to expand. The number of people living with HIV now exceeds 1.4 million. The epidemic is concentrated in that it primarily affects vulnerable groups of the population. Access

to HIV treatment remains particularly low in the region. Less than 50 % of people estimated to be infected with HIV know their serologic status and less than a third of the people who have been diagnosed with HIV access antiretroviral treatment. Epidemiological data on sex workers and on other vulnerable groups are scarce because of criminalization of these groups and lack of sentinel surveillance.

Throughout the region, sex workers, people who inject drugs and other vulnerable groups are either 'illegal' or face discriminatory legislation and policies. There are high levels of stigma and discrimination, poor access to prevention and care services and an understandable distrust of affected groups towards the public system.

Most support services directed to sex workers and people who inject drugs are provided by civil society and community groups who are doing remarkable work – often without adequate resources and in hostile environments. These services have been funded for years by the Global Fund. The Fund however, is now leaving the region, and no mechanisms are in place to allow for the NGO and community-based peer outreach to be funded from governmental budgets. The risk that many of the services will be discontinued and that discontinuation will result in further epidemic outbreaks of HIV, is real.

Discriminatory laws, regulations and policies, including those that give a sense of impunity to perpetrators of violence against sex workers – need to be traded for supportive and stigma-free environments that allow sex workers to access crucial health care services, including sexual and reproductive health services and HIV prevention, treatment and care. In other words, we need above all to ensure that human rights are at the forefront of everything we do.

Since 1948 the Universal Declaration of Human Rights and other charters have enshrined some fundamental rights: The right to health and decent care. The right to freedom from discrimination. The rights to equality before the law, to privacy, to work and education. The right to share in the advances of science. These are universal rights. They are also

sex workers' rights. We cannot win the fight against AIDS without also winning the fight for these rights.

This report is a call for change.

Professor Michel Kazatchkine
United Nations' Secretary General's Special Envoy on HIV AIDS in Eastern
Europe and Central Asia

INTRODUCTION

Background and Methodology

In 2007, SWAN undertook a sex worker-led community based research project on police raids, detention and physical and sexual violence by police. Sex workers and allies interviewed 238 female, trans and male sex workers for what became as known as the “Arrest the Violence” report. At the time, in all countries except Poland and the Czech Republic, sex workers interviewed reported alarmingly high levels of physical or sexual violence from police officers. Forty one point seven percent (41.7%) (86/206) of sex workers reported having experienced physical violence by police in the past year and 36.5% (77/211) of sex workers reported having experienced sexual violence from police in the past year.¹ In “Arrest the Violence,” sex workers spoke of how police violence and repression fuelled a climate of impunity for violence against them, by other police or by the population in general.²

In 2015, we decided to follow up on that research and to look more in-depth at what lay behind some of its findings. What are the specific ways in which police practices alter working conditions with regards to health and safety? What happens when sex workers get displaced by policing? Do sex workers ever attempt to halt the cycle of impunity by reporting violence? What happens when they do? What blocks redress and access to justice and what facilitates it? What dynamics can exist between violence by state and non-state actors?

We extended the research to 16 countries and a total of 320 semi-structured interviews with women (trans and cis), transgender and male

1 Crago, Anna-Louise. Arrest the Violence: Human Rights Abuses against Sex Workers in Central and Eastern Europe and Central Asia. Sex Workers’ Rights Advocacy Network, 2009. p. 20

2 Ibid., p. 41

sex workers. We also did more in-depth qualitative interviews with 9 sex workers who had reported violence or abuse in Kyrgyzstan, Russia and Serbia to learn from their experiences.

This research has been made possible through the combined efforts of a very large team working across thousands of kilometers. That team includes a sex worker advisory group who reviewed and gave input into the research questions, the results, the analysis and the conclusions. It also includes country team leaders who coordinated in-person interviewing on a local level and often, translation of both the questionnaire and interviews from local languages. Country research teams were trained in advance by the SWAN Secretariat on research ethics and safety considerations.

This research project is a qualitative one. While overall, the numbers of sex workers interviewed are large, each country sample is generally of no more than 20 sex workers. Our samples may be biased towards sex workers in more difficult situations due to the fact they were generally being reached through individuals associated with organizations that provide services and assistance. Furthermore, there is a wide variation in our samples. Some include a majority of trans women and male sex workers (Turkey, Serbia), others include only cis women sex workers (Hungary, Kazakhstan, Ukraine). Some include only indoor workers (Russia, Kazakhstan) while others include predominantly street workers (Serbia, Slovakia, Montenegro, Ukraine, Romania). Some include a sizable sample of sex workers who use injecting drugs (Albania, Kazakhstan, Montenegro, Romania, Slovakia) while others include none at all (Hungary, Kyrgyzstan, Poland, Serbia, Turkey). This variation makes it impossible to use our country samples to generalize phenomena to all sex workers in a given city or country or to compare countries statistically. We nonetheless include the quantitative data as a point of information to be read along with the large body of qualitative data we have collected.

In this text we use the term “transgender” to mean someone whose gender does not match the gender they were assigned at birth and “cisgender” to mean someone whose gender does match the gender

they were assigned at birth. So for example women sex workers can be separated into transgender women and cisgender women. Or for short, trans women and cis women.

When using the term “third party”, we refer to individuals (other than the sex worker and the client) involved as intermediaries in an agreement or transaction. They can assume the role of managers, middle-persons, agents, promoters, brothel keepers, sauna owners, drivers, landlords, security persons, and others. In Central and Eastern Europe and Central Asia, third parties are most of the time referred to as “pimps” (a derogatory and often racialized term), and criminalized – which in turn affects the working conditions of sex workers. Throughout the text, we will use the terms: “third party” and “manager”, while “controller” will indicate a violent or exploitative person³.

Research was undertaken in the following locations:

Tirana, Albania
Sarajevo, Bosnia and Herzegovina,
Sofia, Bulgaria
Budapest, Hungary
Taldykorgan and Ushtobe, Kazakhstan
Bishkek, Kyrgyzstan
Podgorica and Bar, Montenegro
Skopje, Macedonia
Poland
Bucharest, Romania
Barnaul, Moscow and Saint-Petersburg, Russia
Belgrade, Serbia
Bratislava, Slovakia
Ankara, İstanbul and Diyarbakır, Turkey
Kirovograd, Ukraine

3 Terminology used in accordance with the UNAIDS. 2012 Guidance Note on HIV and Sex Work. Accessed online at http://www.nswp.org/sites/nswp.org/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en%5B1%5D_0.pdf on July 28, 2015.

Country	Cis Women	Trans + Trans Women	Male	IDU	Migrant	Indoor	Street	Both
Albania	11	6	3	6		3	14	3
Bosnia	17	2	1	5	1	8	12	
Bulgaria	17	3		1		11	5	4
Hungary	20					3	17	
Kazakhstan	20			8	7	20		
Kyrgyzstan	19	1				6	13	1
Macedonia	13	2	5	1	2	11	4	4
Montenegro	20			8	11	6	5	9
Poland	18		2			13	7	
Romania	17	1	2	8		4	15	1
Russia (21)	20		1		3	21		
Serbia	9	11	0			3	10	7
Slovakia	20		15			1	17	2
Turkey	3	7	10			16	2	2
Ukraine	20					2	18	

International Law

In the countries, where this research took place, physical and sexual assault are crimes under domestic laws. When physical or sexual violence is perpetrated by state-actors such as police, these acts also become violations of international law.

Regardless of the legal, policy or ideological framework for sex work in a given context, violence against sex workers, whether by state or non-state actors, violates sex workers' human rights under international law. Sex workers' violated human rights include the rights to security of person and respect for the inherent dignity of the human person, guaranteed under articles 9 and 10 of the International Covenant on Civil and Political Rights (ICCPR)⁴.

Many acts of physical abuse, sexual violence, and psychological abuse committed by police and documented in this report amount to cruel and inhuman or degrading treatment or punishment. These acts are prohibited by international law, including the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (the Convention against Torture) and article 7 of the ICCPR⁵.

Furthermore many acts of violence documented in this report rise to the level of torture, as defined in article 1 of the Convention against Torture. This is the case for acts committed by police acting in their official capacity, with the aim of coercing, intimidating or punishing sex workers or as part of a pattern of discrimination against sex workers, because of their status as sex workers⁶. Police threats of violence also amount

4 Article 9 (1) of the ICCPR states: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." Article 10 (1) of the ICCPR states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

5 Article 7 of the ICCPR states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

6 Article 1 (1) of the Convention against Torture states: "For the purposes of this

to psychological torture, likewise prohibited under the ICCPR and the Convention against Torture⁷.

Police's failure to investigate violence against sex workers contravene sex workers' human rights to equality and non-discrimination, liberty and security of person and freedom from unlawful interference. Many other acts documented in this report also constitute violations of sex workers' human rights. Below, we list these and the human rights that they violate citing the legal analysis of Sandra Ka Hon Chu of the Canadian HIV/AIDS Legal Network in Decker, M. et al "Human rights violations against sex workers: burden and effect on HIV". The Lancet London, 2014.

The treaties cited below are: the International Covenant on Civil and Political Rights (**ICCPR**), the International Covenant on Economic, Social, and Cultural Rights (**ICESCR**), the Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**), the Convention against Torture (**CAT**) and the European Charter of Human Rights (**ECHR**).

Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

- 7 Paragraph 5 of the Human Rights Committee's General Comment 20 regarding article 7 of the ICCPR points out that: "The prohibition in article 7 relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim." Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, HRI\GEN\1\Rev.1 at 30 (1994). This interpretation of the law was echoed by then-Special Rapporteur on Torture Sir Nigel Rodley in his report to the General Assembly in 2001. This report states: "the Special Rapporteur would like to remind Governments that the prohibition of torture relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim, such as intimidation and other forms of threats." www.un.org/documents/ga/docs/56/a56156.pdf

Documented Human Rights Violations under International Law

VIOLATIONS BY POLICE

Physical or sexual violence by police (including sex coerced by force or by threat of arrest or violence)

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14)
- Right to security of person (ICCPR, Article 9; ECHR, Article 5)
- Right to freedom from torture and cruel, inhumane and degrading treatment (ICCPR, Article 7; CAT; ECHR, Art. 3)
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12)
- Right to life (ICCPR, Article 6; ECHR, Article 2)
- Right to Privacy (ICCPR, Article 17; ECHR, Article 8)

Arbitrary arrest and Detention

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14)
- Right to liberty and security of person (ICCPR, Article 9; ECHR, Art. 5)
- Right to freedom from torture and cruel, inhuman, and degrading treatment (ICCPR, Article 7; CAT; ECHR, Article 3)
- Right to a fair trial (ECHR, Article 6)
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12)

Police seizure of condoms or syringes

- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11)
- Right to freedom from unlawful interference (ICCPR, Article 17)
- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14)
- Right to work (ICESCR, Article 6) and to enjoy just and favourable conditions of work (ICESCR, Article 7; CEDAW, Article 11)

<p>Police extortion</p>	<ul style="list-style-type: none"> • Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14) • Right to freedom from unlawful interference (ICCPR, Article 17) • Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12)
<p>Failure to investigate when sex workers report violence</p>	<ul style="list-style-type: none"> • Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14) • Right to liberty and security of person (ICCPR, Article 9; ECHR, Art. 5) • Right to freedom from unlawful interference (ICCPR, Article 17)
<p>Forced rehabilitation and detention</p>	<ul style="list-style-type: none"> • Right to liberty and security of person (ICCPR, Article 9; ECHR, Art. 5) • Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12) • Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14) • Right to freedom from torture and cruel, inhuman, and degrading treatment (ICCPR, Article 7; CAT; ECHR, Article 3) • Right to privacy (ICCPR, Article 17; ECHR, Article 8)
<p>Police Threats To Take Away Children</p>	<ul style="list-style-type: none"> • Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14) • Right to Freedom from Unlawful Interference with Privacy and Family Life (ICCPR, Article 17; ECHR, Article 8) • Right to Family (ICCPR, Article 23; CEDAW, Article 16)
<p>Forced HIV or STI Testing</p>	<ul style="list-style-type: none"> • Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14) • Right to security of person (ICCPR, Article 9; ECHR, Article 5) • Right to freedom from torture and cruel, inhuman, and degrading treatment

- (ICCPR, Article 7; CAT; ECHR, Article 3)
- Right to privacy (ICCPR, Article 17; ECHR, Article 8)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12)

VIOLATIONS BY GENERAL POPULATION

Physical and sexual violence by non-state actors

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14)
- Right to security of person (ICCPR, Article 9; ECHR, Article 5)
- Right to freedom from torture and cruel, inhumane and degrading treatment (ICCPR, Article 7; ECHR, Art. 3)
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12)
- Right to life (ICCPR, Article 6; ECHR, Article 2)
- Right to work (ICESCR, Article 6) and to enjoy just and favourable conditions of work (ICESCR, Article 7; CEDAW, Article 11)

VIOLATIONS OF SOCIAL RIGHTS

Discrimination in access to housing or shelter

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24)
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12)
- Right to life (ICCPR, Article 6; ECHR, Article 2)
- Right to adequate standard of living, including adequate food, clothing and housing (ICESCR, Article 11)

State Laws and Policies Condoning Abuse

Laws and by-laws that criminalize or penalize sex work enable the commission of human rights violations against sex workers on a very large scale by providing cover and license for police to control and punish sex workers. This is not only the case with laws or by-laws criminalizing or penalizing the selling of sex, but as this research shows, also applies to third-party laws that criminalize brothel owners, managers and individuals who earn money from others' sex work. Even when lawfully enacted, laws that criminalize or penalize sex work have the effect of creating an antagonistic relationship to authorities that limits sex workers' ability to report abuse without compromising their safety and their economic security.

In countries where the laws do not explicitly criminalize or penalize the selling of sex, the systematic targeting of sex workers, and sometimes their clients, for repression using other laws, such as public order laws, are not simply issues of police practice. Rather, they are reflective of state policies that allow, or more frequently, order or reward the repression of sex workers such as when a campaign to "clean" sex workers out of public space takes place such as the "Operation Clean Highways" in Poland.

Regardless of whether it is lawfully or unlawfully enacted, this research finds that police repression of sex workers and their clients displaces sex workers to more dangerous working environments and impedes their ability to safeguard their safety and health.

The acts of violence against sex workers by police documented in this research cannot be dismissed as the acts of rogue officers. They are in fact manifestations of state policies that tolerate, and in some cases even encourage, violence against sex workers. Indeed, a consistent pattern of state failure to punish or otherwise hold accountable either police or non-state actors who perpetrate violence against sex workers constitutes a policy—whether explicit or implicit—of tolerance for such abuses.

LAWFUL AND UNLAWFUL REPRESSION

Seizure of Condoms and Safe Injecting Equipment

In 12 countries, sex workers reported having experienced police seizing or destroying their condoms. This was a particularly pronounced phenomenon for sex workers surveyed in Albania, Kazakhstan, Romania and Serbia. In all of the same countries (see chart below), sex workers also recounted having experienced police using or threatening to use their condoms as “evidence of a crime”. Though less frequent than the seizure or destruction of condoms, the phenomenon of “condoms as evidence” was nonetheless reported at a high rate in Albania (50%) and Serbia (70%).

Of note, though frequently associated with street based sex workers, both condom seizure and destruction by police and “condoms as evidence” were reported among the samples that were entirely composed of indoor or brothel-based workers (Kazakhstan, Russia). The use of condoms of evidence within indoor locations presents a complex legal dynamic because it can specifically incriminate many people: including a sex worker who has her name on the lease or on the bills, a manager or a support worker such as a receptionist, cleaning staff or security staff under, often draconian, third-party laws (such as laws against owning, managing or being found in a brothel or laws against earning money from sex work or “pimping”). In other words, if there is the risk that the presence of condoms at an indoor venue might incriminate management or other workers, there may be large pressure placed on sex workers not to have condoms on their person or at the location. This reduces sex workers’ ability to negotiate safer sex, to ensure the quality and reliability of the condoms being used, and to enforce their use. To be clear, however, the use of condoms as evidence

is simply a manifestation of the root problem of the criminalization of sex work. The latter presents the risk that all manner of workplace safety tools, including brochures with safer sex information, lists of attackers against sex workers and other materials from health, social and harm reduction services could be marshalled as “evidence”.

Percentage of Reported Experience of Condom Seizure or Destruction by Police¹

Country	Condom Seizure or Destruction
Albania	50
Bosnia	5
Bulgaria	0
Hungary	0
Kazakhstan	30
Kyrgyzstan	20
Macedonia	15
Montenegro	10
Poland	0
Romania	45
Russia	19
Serbia	90
Slovakia	10
Turkey	15
Ukraine	5
Average Overall:	20.9 %

1 All percentages are out of 20 interviewees, except for Russia which is out of 21.

In all of the countries that included at least two injecting drug-users amongst the sex workers who were interviewed, some injecting drug users have reported to experience seizure or destruction of their syringes by police and some have experienced police threatening to use or using syringes as “evidence of a crime”. These countries include: Albania, Bosnia and Herzegovina, Kazakhstan, Montenegro, Romania and Slovakia. Seizure or destruction of injecting equipment is generally presumed to take place primarily on the street or in public settings. However, in some cases, sex workers who inject drugs and who happen to work only in indoor locations have reported experiencing it.

Extortion, Arrest and Detention

Sex work-related arrest was a very common occurrence for sex worker respondents in most, though not all, countries. Of note, 95% and 90% of sex workers interviewed in Kazakhstan and Kyrgyzstan respectively were arrested in the previous year although neither of these countries have either criminal or administrative laws against sex work. Rather, sex workers in these countries, as well as in Bosnia and Herzegovina, and Bulgaria where high arrest rates were also reported, are frequently arrested and detained under public order or misdemeanor laws or under the pretext of residency checks². Such charges can result in a fine or imprisonment depending on the context. In Kazakhstan, for instance, such charges can result in up to 10 days in prison.³

In contrast, in Serbia and Ukraine, where a significant majority of sex worker respondents had also been arrested in the past year, selling sex is an administrative offense. In Serbia, charges can result in a fine or imprisonment of up to 30 days.

2 Communication by Roxana Vasi with Natalia, NGO Ameliya, Kazakhstan, June 3, 2015 and with Shahnaz Islamova, NGO Tais Plus, Kyrgyzstan June 5, 2015.

3 Communication with Natalia, NGO Ameliya, Kazakhstan, April 14, 2015.

In Albania, Bosnia and Herzegovina, Bulgaria, Kyrgyzstan, Romania, Russia, Serbia, and Ukraine sex workers reported not only high levels of arrest but high levels of extortion. Indeed, as was found in our previous research in 2007, arrest and detention were frequently used tools by police to enforce extortion, to exert violent control over sex workers or to retaliate against sex workers who resisted their abuse.

Sex worker respondents in Hungary, Macedonia, Montenegro, Poland and Slovakia reported very low rates of arrest, extortion and sex work-related fines. However, even when not targeted with arrest or fines explicitly for sex work, in Montenegro, Poland and Slovakia, street-based sex workers described being discriminatorily targeted with charges for minor offenses such as littering, disturbing the peace, lack of ID documents, not wearing reflectors on the side of the road, or more serious offenses such as drug possession.

Echoing our findings in 2007, being in police detention placed sex workers at high risk of experiencing further human rights violations including physical and sexual violence and forced HIV and STI testing.

Even when lawful, arrest and detention placed sex workers at higher risk of violence by other perpetrators through displacement to more dangerous areas and lack of access to police protection, which we discuss at length below. Furthermore, police repression impeded sex workers' ability to take basic health and safety precautions, such as to work in groups for better protection (since this could draw police attention) or to take the necessary time to assess a client to see if he was dangerous or agreed to condom use. Lastly, police repression created not only significant psychological stress but a constant distraction. A woman indoor and outdoor worker from Serbia explains:

"I'm constantly watching out for police I'm not concentrated on work at all."

Such distractions present additional safety risks because they can impede sex workers' ability to focus on the careful and crucial assessment of safety risks before getting into a car or opening the door.

Forced HIV and STI Testing

In Kazakhstan, 85% (17) of sex workers, all of whom worked indoors, had been forcibly tested for HIV or STIs while in police detention in the last 12 months. In Kyrgyzstan, 15% (3) of sex workers, both street and indoors had, and in Romania 20% (4) sex workers had.

In Kazakhstan and Kyrgyzstan, even though forced testing for HIV and STIs is illegal and selling sex is ostensibly decriminalized, police can require sex workers to present a medical certificate with their HIV status from a state-operated clinic or hospital. During the raids, the police ask sex workers for these certificates. According to Natalia, of the NGO Ameliya in Kazakhstan:

“The police usually have their own database with photos and names and sex workers, and each one’s medical certificate. Usually, when they find out during these raids that a sex worker doesn’t have the medical certificate, they require her to return back to the police station after one day with a completed medical certificate. If a sex worker refuses to comply, the police finds ways to force her to get this medical certificate by giving fines. (Obviously this all is illegal and a violation of rights, since in Kazakhstan too, HIV/AIDS testing can be done only voluntarily).

The medical certificate that the sex worker gets has to be issued by a state hospital (the police don’t accept certificates issued by private clinics). If it’s discovered that a sex worker is HIV-positive, the police will inform the brothel/sauna owners. Sauna owners will fire sex workers [outed as HIV-positive by police]; and police together with the AIDS-center can instigate a court case against the HIV-positive sex workers for spreading HIV.”⁴

Similarly in Kyrgyzstan, according to Shahnaz Islamova of NGO Tais Plus:

4 Communication by Roxana Vasi with Natalia, NGO Ameliya, Kazakhstan, June 3, 2015

“The police can require a sex worker to obtain a medical certificate from a state-owned dermato-venerological clinic. They usually threaten sex workers that if they don’t comply, they will be accused of misdemeanor. Sex workers have to pay themselves for the test, and have afterwards to present it to policemen, who are constantly trying to collect data on them.

Fortunately, for some time now the situation has changed in Bishkek, after sex workers have gotten to know better their rights and confront the police. However, in other parts of Kyrgyzstan, sex workers are still confronting this same abusive practice from the police.”⁵

In Romania, prostitution was an offense under the criminal code until February 2014. Forced testing of sex workers in the course of police raids has previously taken place, although it has never been a common event. Only two previous incidents were documented by the NGO ARAS since 2010. In 2011, ARAS filed an official complaint regarding the issue. Police responded that such measures were in the public interest and permissible when they had the suspicion that individuals might be breaking either the law against prostitution or the law against spreading STIs⁶.

5 Communication by Roxana Vasi with with Shahnaz Islamova, NGO Tais Plus, Kyrgyzstan June 5, 2015

6 Communication with Roxana Vasi, SWAN and Monica Dan, NGO ARAS, Romania, May 28, 2015.

Percentage of Sex Workers' Who Reported Arrest for Sex Work, Extortion, Fine for Sex Work or Other Arrest in the Past 12 Months⁷

Country	Arrest for SW	Extortion	Fines	Other Arrest
Albania	5	20	0	10
Bosnia	55	20	50	35
Bulgaria	65	70	35	45
Hungary	10	0	10	0
Kazakhstan	95	35	0	25
Kyrgyzstan	90	80	0	0
Macedonia	5	0	5	5
Montenegro	5	5	0	35
Poland	5	0	0	30
Romania	40	35	65	65
Russia	33	33	19	0
Serbia	85	30	25	10
Slovakia	0	0	0	55
Turkey	35	15	25	0
Ukraine	65	25	45	5
TOTAL Average	39.5	24.5	18.6	21.3

⁷ All percentages are out of 20 interviewees, except for Russia which is out 21.

Extortion, Arrest and Detention of Clients (percentage)

It is not a criminal or administrative offense to purchase sex in any of the countries included in this research. Nonetheless some sex workers reported their clients being arrested or detained for seeking their sexual services. Almost all of these reports were from street-based sex workers. In a number of countries, clients are discriminatorily targeted with broad public order infractions or other offenses as part of efforts to move sex work out of one part of the city. The vagueness of public order laws or by-laws are frequently used to threaten clients into making extortion payments to police in Kyrgyzstan and Kazakhstan.

In Serbia, sex workers' clients are not actually charged with any offenses but are detained in order to provide testimony that a sex worker was committing the offense of selling sexual services for which the sex worker is subsequently charged or extorted under threat of being charged⁸. In Bosnia and Herzegovina, according to Belma Lepir-Cviko of the NGO PROI:

*"Some sex workers' clients were detained by the police for interrogation in order to discover existence of organized sex work. They were detained under Law on Offences against Public Order, Sarajevo Canton, 2007."*⁹

In some cases, sex workers who use drugs trade sex with drug dealers or other drug users in exchange for drugs. In these cases, clients can be targeted with drug laws for arrest or extortion.

In Albania, Bosnia and Herzegovina, Kazakhstan, Kyrgyzstan and Turkey,

8 Communication by Roxana Vasi and Staša Plečaš with Mario Knežević, Sloboda Prava, Serbia, June 3, 2015.

9 Communication by Roxana Vasi with Belma Lepir-Cviko, PROI, June 2, 2015.

police extort clients under the threat of disclosing to their families, colleagues or the public at large, that they sought to purchase sexual services¹⁰. In some contexts, this was particularly the case for clients frequenting male or transgender women sex workers. In Macedonia, officers of the Ministry of Interior extorted clients under threat of sending a court letter to their homes disclosing that they had been purchasing sexual services¹¹.

The arrest and extortion of sex workers' clients affected sex workers in a number of ways. Firstly, it often diminished their earnings. This could be as a result of police sabotaging potential transactions, reducing a client's disposable income or by dissuading clients from purchasing sex. Secondly, as we will see below it led to sex workers being displaced to frequently more dangerous working environments, in order to follow clients who wish to evade police attention. Thirdly, by dissuading or displacing clients, it diminished the pool of clients sex workers could access and sometimes led to sex workers losing contact with "regular" or habitual clients who they knew and trusted. In Poland, both sex workers and their clients were discriminatorily targeted with misdemeanor charges as part of a campaign to remove them from the area. As a woman street sex worker from Poland explained:

"Police want to remove sex workers from highways and they stop their cars next to our site under pretext of traffic control. We have fewer and fewer clients."

A diminished pool of available or desirable customers can lead sex workers to accept clients they may otherwise have refused due to safety concerns and can thus augment health and violence risks for workers.

10 Communication by Roxana Vasi with Shahnaz Islamova, TAIS Plus, Kyrgyzstan, June 5, 2015; Natalia, NGO Ameliya, Kazakhstan, June 3, 2015; Eglantina Lula, AKSION Plus, Albania, June 2, 2015; Belma Lepir-Cviko, NGO PROI, Bosnia and Herzegovina, June 2, 2015; Kemalita Ördek, Red Umbrella, Turkey, June 2, 2015.

11 Communication by Roxana Vasi with Voskre Naumoska-Ilieva, HOPS, Macedonia, June 2, 2015.

Percentage of Sex Workers' Who Reported That Their Clients Had Been Arrested, Detained or Extorted By Police¹²

Country	Client Arrest/Detention	Client Extortion
Albania	5	35
Bosnia	35	5
Bulgaria	10	0
Hungary	5	20
Kazakhstan	55	15
Kyrgyzstan	5	15
Macedonia	5	25
Montenegro	5	5
Poland	0	25
Romania	5	30
Russia	23.8	14.3
Serbia	75	45
Slovakia	0	25
Turkey	40	15
Ukraine	0	25
TOTAL Average	17.9%	20%

12 All percentages are out of 20 interviewees, except for Russia which is out 21.

DISPLACEMENT AND ITS IMPACTS

Across all sex workers surveyed, over a third of street based workers (34.6%) had been displaced from their work location in the past year due to arrest, police extortion or fines. Although less frequent, a quarter (25%) of all indoor sex workers across the region nonetheless reported being displaced to a new location in the past 12 months due to police repression. What is more, 18.6% of sex workers surveyed across the region reported having been displaced due to police arrest, extortion or fines targeted at their clients.

Percentage of Sex Workers Displaced in the Past 12 Months Due to Police Arrest, Extortion or Fines.

Country	Street Workers	Indoor Workers
Albania	62.5	0
Bosnia	88.9	6.7
Bulgaria	41.7	62.5
Hungary	5.8	0
Kazakhstan	n/a	65
Kyrgyzstan	14.3	14.3
Macedonia	37.5	6.7
Montenegro	35.7	9
Poland	42.9	7.7
Romania	25	20
Russia	n/a	33

Serbia	60	30
Slovakia	15.8	0
Turkey	50	20
Ukraine	30	0
TOTAL* Average	64/185 34.6%	39/156 25%

* The total of street and outdoor workers is 341 rather than 301 (the total being used in the quantitative sections) because 40 people worked both on the street and indoors.

Percentage of Sex Workers Displaced in the Past 12 Months Due to Police Arrest, Extortion or Fines of **Their Clients**

Country	Displaced due to Repression of Clients
Albania	15
Bosnia	30
Bulgaria	0
Hungary	5
Kazakhstan	55
Kyrgyzstan	0
Macedonia	20
Montenegro	5
Poland	15
Romania	15
Russia	19

Serbia	30
Slovakia	40
Turkey	25
Ukraine	5
TOTAL Average	18.6%

Displacement was sometimes a result of sex workers fleeing violent persecution by the police, as in Bulgaria, where sex workers sometimes move to areas under the jurisdiction of a less violent police precinct. Many sex workers from different countries reported making the trade off of moving to an environment that has many more risks of attack by a perpetrator from the general population in exchange for diminishing the, often violent, control police had over their work. In some instances, displacement was the explicitly stated objective of government officials and police authorities. A cis woman street worker from Poland explains:

“There is the “Clean Highway Action”. The commander orders subordinates to “clean” the streets of sex workers by persecuting us and our clients under the pretext of other violations. The vast majority of these operations are conducted by Traffic police.”

In Belgrade, Serbia, sex workers reported a massive and concerted police campaign to move them from the city centre to the highway:

*“I moved to the highway Bubanj Potok from the park in city centre.”
(Roma cis woman street sex worker)*

In other instances, police’s repeated actions to preemptively sabotage sex workers’ work may have had more to do with harassment and domination of sex workers than with strategic displacement efforts. Such actions nonetheless created substantial pressures on sex workers to move to other locations in order to be able to earn a living. The following quotes are all from women street sex workers in Slovakia, some of whom

are Roma and/or injecting drug users.

"The [police] stand next to me, then I earn nothing because they scare away my clients."

"Police fine my clients."

"Police keep standing there and I have to wait for them to go away because no clients will come."

"The [police] are standing at the place where I work".

"When I go to work, they keep following me and asking me to leave the client's car".

The data from this research show that displacement principally affected sex workers in five ways: a more dangerous working environment; reduced access to services; reduced ability to screen clients; the psychological impacts of hiding and constant fear; and economic losses.

Dangerous Environment

Of sex workers who had been displaced because of police repression against them, more than a quarter identified the new location as harder to get help if they were in danger (25.7%). For sex workers who were displaced due to repression targeted at their clients, the proportion for whom it was harder to get help rose to almost a third (32.1%). Indeed for almost all other indicators (darkness of location, isolation, difficulty accessing condoms), displacement due to repression targeted at clients placed sex workers in even more dangerous working environments than repression targeted at them alone. This may be because displacement of clients can result in sex workers following clients to their chosen locations. Clients may be more likely to select even darker and more isolated areas

than sex workers since they do not have to balance the concern for police detection with the threat of attack by other perpetrators, to the same extent as sex workers do.

Sex Workers Displaced by Police Arrest, Extortion or Fines Who Identified The New Location As:

More Isolated	Darker	Harder to Get Help	Harder to Get Condoms	Harder to Get Clean Syringes
24.8 % (25/101)	19.8% (20/101)	25.7% (26/101)	13.9% (14/101)	11.9% 5/42)

Sex Workers Displaced by Police Arrest, Extortion or Fines of Their Clients Who Identified the New Location As:

More Isolated	Darker	Harder to Get Help	Harder to Get Condoms	Harder to Get Clean Syringes
30.4 % (17/56)	32.1% (18/56)	32.1% (18/56)	14.2% (8/56)	7.1% (4/56)

Displacement, particularly when a continuous dynamic, often isolated sex workers, making it harder for them to assist each other or get assistance from the general public, but also making them easier targets for predatory perpetrators. As a trans woman street sex worker from Serbia explains:

“I am not allowed to stay in one place. I am always going from one

to another to avoid being arrested. I'm always in danger of being abused by hooligans for standing and working all alone."

Another Serbian street sex worker recounted that she was: "picking darker places to hide from the police." Darker environments, though ideal hiding places, also make it easier for perpetrators posing as clients to conceal weapons or to mask their features, making it harder to identify them based on descriptions of aggressors shared among sex workers.

The displacement to areas from which it was hard to get help was not limited to street sex workers. As a male indoor sex worker from Turkey explains:

"I had to move to a building which is very dark, away from people or crowds. My psychology was negatively affected. I cannot work in the previous house because [it was shut down by police] and if the police raid the house [again] when we are working, they convict us."

New environments were often simply more dangerous because they were unknown to sex workers – and sex workers were unknown to others near-by. Thus, even if police displace sex workers to a location that is objectively similar in terms of safety features, at least in the short term, the newness of the location presents its own risks.

Reduced Access to Services

Displacement can also result in a reduced access to social, health, violence and harm-reduction services. NGOs may have set up around previous sex work or drug use areas and sex workers being displaced to new areas or spread out all over a city may both increase their distance from a resource and increase the difficulty of peer or outreach workers contacting them (See table above). As one sex worker recounts:

"I have to hide in small, dark and empty streets to avoid police. So it's harder for me to find clients or meet people giving out condoms or other material." (Woman street sex worker, Bulgaria)

Many of the substantial gains made in service access become compromised when sex workers' contact is limited. This is particularly true of services and interventions that require longer-term support and the creation of a trusting relationship, such as for leaving a violent relationship or situation, leaving homelessness, reducing one's risk-taking, or to seeking treatment, either for addiction, mental illness or for HIV or Hepatitis C. Interrupting service access through displacement in all likelihood has a much greater effect on such processes- which are not measured in this study- than on condom and syringe availability.

Reduced Ability to Screen and Refuse Clients

Displacement compromised sex workers' ability to evade perpetrators posing as clients or abusive clients in three critical ways: reduced ability to use screening techniques; a reduced and in some cases more dangerous pool of clients and lastly, the loss of regular or trusted clients.

Firstly, some environments, such as highways to which sex workers in Serbia were being displaced make it dangerous for cars to stop for very long along the side of the road. This cuts short the amount of time a sex worker has to see whether a client is aggressive or drunk; has other people with him; or weapons hidden in the back of the car; matches the description of a known aggressor or agrees to the terms of services (including condom use). As one street sex worker from Serbia explains:

"I'm scared to work on the highway. It was easier in the park in the centre of the city. It is harder to assess [a client's safety] in the car."

A very large number of sex workers reported that there were less clients

and less income once they had been displaced. As this sex worker from Turkey recounts:

“The number of my clients has decreased radically because of the change of the place.”

In some cases, the lag in clients may subside after a campaign of police sweeps is over, in other cases, subsequent displacement or scattered sex work areas may reproduce or maintain the problem. The economic pressures of fewer clients made it harder for sex workers to refuse clients they might otherwise have because of perceived risks or concerns. In some cases, law enforcement pressure on clients reduces the pool of clients who fear law enforcement, leaving behind a greater proportion of clients who don't, and are potentially more likely to have abusive behaviors for this reason. A female street sex worker from Montenegro explains:

“I have less work [here]. Although it is well-lit, it is more risky, clients are odder and more violent”

One form of minimizing risks for sex workers is to rely on “regular” or habitual clients who are known and trusted- essentially “pre-screened”. However, displacement led many sex workers to lose such contacts. As a Serbian street sex worker explains:

“I’ve lost many regular clients for changing locations.”

These combined pressures created important health and safety risks. They predominantly affected street workers. However, indoor sex workers who were forced to shift locations often faced similar safety risks associated with a reduced client pool and the loss of contact with regular clients.

Psychological Impacts: Hiding and Constant Fear

The persistent fear of police arrest or violence, coupled with frequent displacement exact a heavy psychological toll on sex workers. Two sex workers describe it as so:

"I feel more and more scared of police arrest. I'm changing places to work all the time." (Self-identified male Roma street sex worker working as trans, Serbia)

"It's always the same, I move further into darkness and isolation... You suffer psychologically because you are forced to work on streets you don't know, fear and anxiety is leveling up. You are nervous and scared." (Trans woman and street sex worker, Serbia)

Another sex worker from Turkey described similar feelings:

"I was really affected psychologically [by moving to the new place]." (Indoor sex worker, Turkey)

Another sex worker in Serbia described the following:

"Police work affects me a lot. I'm always under stress(...) and we sex workers are treated as criminals by police. They are chasing us as if we are murderers." (Woman street and indoor sex worker, Serbia)

Her experience points to not only the anxiety but the stigma produced by being publicly targeted for punishment by the police.

Economic Losses

Displacement created economic losses for sex workers in a few ways. Firstly, because new locations made it harder for both known and new clients to locate them, as these sex workers report:

"My clients didn't find me [where I was displaced to]." (Roma street sex worker who injects drugs, Serbia)

"I was forced to move from the highway to a gas station and now I have fewer clients." (Cis woman and street sex worker, Poland)

Secondly, because being in a more hidden location, often meant they were more hidden from clients as well:

"I cannot earn money because I have to hide to avoid arrest or violence from the police." (Roma woman and street sex worker, Bulgaria)

"Hiding from police is making us poor." (Cis woman street sex worker, Bulgaria)

Thirdly, because some sex workers were not displaced geographically but temporally. That is to say, that rather than move to a new location, they tried to avoid working the hours when police were most likely to be around, thus cutting into their potential income-earning time:

"I am scared, less work, less hours, less money." (Street sex worker, Serbia)

For indoor sex workers, having to move one's work and/or home space to a new location requires significant amounts of money. This is particularly true, if police raids are frequent as in the following experience:

"After every police intervention in our work, we have to move to another address. This is the third address for the last year (in indoor

raids)” (Cis woman indoor sex worker, Bulgaria).

One indoor worker explained the costs of such moves as follows:

“Moving expenses, loss of clients, and fear clients may be police.” (Cis woman indoor sex worker, Russia).

Along with moving, some indoor workers also cited the cost of investing in new advertising.

VIOLENCE

Violence by State Actors: Police

In most of the countries where this research was conducted, sex workers reported high rates of physical and sexual violence by police. In Bulgaria and Serbia, the majority of sex worker respondents had experienced physical violence by police in the past year while in Albania, Bosnia and Herzegovina, Slovakia and Russia more than one in five respondents had. In Kazakhstan, sex workers reported an alarmingly high rate of sexual violence, with 90% (18/20) having experienced sexual violence by police in the past year.

Percentage of Sex Workers Who Report an Experience of Physical and Sexual Violence by Police in the Past 12 Months

Country	Physical Violence	Sexual Violence
Albania	30	10
Bosnia	20	15
Bulgaria	60	10
Hungary	5	0
Kazakhstan	15	90
Kyrgyzstan	10	5
Macedonia	5	0
Montenegro	15	5
Poland	15	10
Romania	10	15

Russia	28.6	4.8
Serbia	60	20
Slovakia	20	0
Turkey	15	5
Ukraine	5	10
TOTAL Average	20.9% (63/301)	13% (39/301)

Sex workers reported that physical and sexual violence by police is largely occurring in the course of arrest and detention, or under the threat of arrest and detention. This echoes the findings of our research in 2007. Furthermore, in large parts of the region, anti-sex work laws, and the use of public order laws as anti-sex work laws, are still providing cover for physical and sexual violence and enabling the use of arrest and detention as means of enforcing extortion and violent control over sex workers.

In some instances, police beatings were reported to take place in public. Public police violence not only contributes to sex workers' feelings of helplessness but presents the added danger of communicating to the broader public that sex workers are acceptable targets for violence and that such violence is necessary for "public order".

Social, Racial and Gender Profiling for Repression and Violence

Sometimes, police control over sex workers extends far outside of when sex workers are actually working and becomes a form of social profiling for repression of those identified or presumed to be sex workers. Such social profiling was highly gendered and directed almost exclusively

towards women, both cisgender and transgender, who were either “known” to police as sex workers or presumed to be such based on trans status or drug use. A number of cis and trans women sex workers reported being targeted for arrest, detention, extortion or violence whenever they occupied public space, even if it was doing everyday things like walking to visit friends and family or buying bread. In Serbia, one cis woman street and indoor sex worker explained that:

“Police stop me and check me for my docs even when I’m not working. I feel like I have ‘hooker’ stamped on me”.

In Central Europe, the police control and targeting of sex workers is not only frequently gendered, but frequently racialized. In our survey, it was most often Roma cis women who reported living under the constant threat of police violence. Indeed numerous Roma women sex worker respondents from Bulgaria spoke of their attempts to become “invisible” any time they were out in public: of hiding, wearing no make- up and plain clothes, in the desperate attempt to avoid police beatings, often with a bat, that occurred every time they were seen by certain officers.

Being “known” to police as a sex worker presented additional risks of violence to women who encountered the police in the course of drug arrests. One sex worker from Kazakhstan recounted being arrested by police outside of a place where people dealt drugs. She felt that it was their recognition of her as a sauna sex worker that contributed to them forcing her to have sex under threat of being sent to forced drug rehabilitation.

Police violence and control could not only extend wide into public space, but deep into sex workers’ private and intimate lives. Sex workers of all genders recounted instances of police targeting and surveillance in their homes or children’s homes – even if these were not locations from which they worked:

“Now I feel everywhere is insecure for sex work. I had to change working hours. Now I cannot even take friends to my house because of the fear that police will think they are clients”. (Male indoor sex

worker, Turkey)

“I have changed my behaviour: I withdraw myself. I only contact other trans people and live with them together. Police used to stop me because I was dressed as woman. They mistreated me.” (Trans woman and sex worker, Macedonia)

The all-pervasive threat of state repression and violence frayed at social safety networks, curtailed the development of meaningful intimate relationships and left many sex workers precariously isolated.

Violence by Non-State Actors

Sex workers were asked to explain their decisions to report or not to report to police in up to two incidents of physical violence, and up to two incidents of sexual violence by non-state actors that they experienced in the past twelve months. Here, we look at who sex workers identified as the perpetrators in these incidents. Many sex workers experienced more than two incidents of physical and sexual violence by non-state actors in the past year, and selected which incidents they wished to discuss. This most likely introduced some bias in the proportions of different perpetrators. For instance, spousal abuse was frequently reported to involve multiple violent incidents but sex workers who reported spousal violence frequently chose an incident involving a different type of perpetrator as their second incident to discuss. The numbers below may therefore overestimate perpetrators who only committed one incident (such as assailants posing as a client or clients who sex workers were able to later evade) and underestimate repeat perpetrators such as spouses or managers who were in longer-term relationships with sex workers (and possibly more difficult to evade).

The most common category of perpetrator was “assailants posing as

clients, or clients”¹. The very high rate of violent incidents occurring in the workplace highlight how crucial it is to address factors that diminish sex workers’ ability to get assistance at work and screen or refuse clients.

Almost a third of incidents of physical violence and a tenth of incidents of sexual violence were attributed to spouses. It is also only a partial picture of the domestic violence sex workers face because a large number of perpetrators reported as “other” were non-spousal family members. This is alarming for a number of reasons. Firstly, sex workers are often specifically excluded from domestic violence shelters and services. Secondly, although some harm-reduction, health and social service projects for sex workers have begun to address and integrate anti-violence work into their mandate, few have specifically developed programs tailored to sex workers in situations of spousal or familial violence.

Individuals in a management/brothel owner role accounted for a small proportion of incidents of physical violence but over 15% of incidents of sexual violence. Of note, however, is that almost half of the latter were attributed to police who were brothel owners.

Lastly, a number of incidents were attributed to “other” perpetrators. The latter included family members who were not spouses; friends; acquaintances; members of organized transphobic/homophobic/racist/misogynistic hate groups; “hooligans”; “passers-by”; and unidentified assailants.

1 As its name indicates, this category includes individuals who were not clients but who were predators targeting sex workers but used the pretext of being a client to gain proximity to sex workers in order to attack them. This was a frequently reported dynamic. Many sex workers argue that a client is by definition involved in a consensual and contractual exchange therefore any perpetrator, by violating a sex worker’s consent, is by definition not a client. This may be a more useful framing for explicitly underscoring how violence is not intrinsic to sex work itself. Here however, we also included the term “client” because it is how sex workers in the region frequently refer to incidents with individuals they encountered in the context of being approached for their sexual services. This may in part be a reflection of the fact that an assailant’s status as a “client” in the eyes of the police has repercussions in terms of sex workers’ ability to report without self-incriminating or exposing themselves to police abuse. It is worth noting that even though the term “client” is used here, it in no way implies that violence is intrinsic to sex work nor generalized to all those who purchase sexual services.

Reported Non-State* Perpetrators According To Incident

	Spouse	Assailant Posing as Client or Client	Manager/ Brothel Owner	Other
Physical Violence	29.4% (55/187 incidents)	50.8% (95/187 incidents)	3.2% (6/187 incidents)	16.6% (31/187 incidents)
Sexual Violence	10.8% (10/93 incidents)	64.5% (60/93 incidents)	15.1% (14/93 incidents)*	9.7% (9/93 incidents)

* In 6 instances, or close to half of the incidents of reported sexual violence by management/ brothel owners (42.9%), the perpetrators were police officers who happened to also be brothel owners

OBSTACLES TO REPORTING VIOLENCE BY STATE ACTORS

Previous Experience: Police Violence, Extortion, Arrest and Detention

In this context, it is not surprising that one of the greatest deterrents for sex workers to report police violence is in fact their very experience of police violence, arrest and detention. Indeed, implicit in their assessment of the risk of interacting with police to report violence is the threat that violence could happen again.

The more police violence is routine, widespread, or systemic, in other words that it is an open secret and policing is explicitly or implicitly structured around it, the more reporting violence carries simultaneous risk of interacting with police who are involved in perpetrating it. In Kazakhstan, as mentioned above, 18/20 or 90% of sex workers report sexual violence by police in the past year (and 4 report it occurring between one and three times a month) under the cover of a system called “subbotnick” – a reference to the day of free labour citizens needed to do for the state in Soviet times. There, one of the risks of reporting sexual violence is sexual violence:

“If you seek police assistance and have no IDs, you risk being detained or sent to ‘subbotnick.’” (Indoor migrant sex worker, Kazakhstan)

In some cases sex workers experienced abuse from an individual officer, or in an isolated incident. In these situations, reporting police violence carried the risk of exposing them to more police, furthering potential risks of raids or abuse. In one case of reported sexual violence, a police officer in Bosnia and Herzegovina forced a sex worker to have sex under threat of “outing” her to “the police”. Implicit in the police officer’s threat

is the knowledge that being known to the broader police force as a sex worker is frequently a threat to a sex worker's well-being, not a form of protection. He is implicitly disavowing the theory that he himself is "just a bad apple".

This is a key issue, because in "Arrest the Violence" we saw that many people attributed the impunity for violence against sex workers to sex workers' reluctance to report, based on the "mistrust" of police. This framing tends to locate the problem with sex workers' actions or inaction. What is clear from our data is that when sex workers are not reporting, they are making a very calculated and informed decision about the risks, for them, their colleagues and their families. Previous experiences of arrest, detention and violence are often decisive factors in those calculations, which in some cases can include the risk of being killed:

"I am scared [to report police violence] because [the police] beat me. Worse, they can kill me." (Roma trans woman, sex worker and drug user, Albania)

Furthermore, previous experiences of discrimination by police made many sex workers consider that if reporting was not harmful, it was certainly futile.

In contrast to stereotypes of sex workers' passivity, what is striking from the data is firstly, the extent to which a number of sex workers have attempted to report violence and secondly, the degree to which police, and in some cases other perpetrators, actively attempt to prevent sex workers from reporting, force them to drop their cases or retaliate against them when attempt to access justice.

Deterrence: Threats by Other Perpetrators

In some cases, abusive non-state perpetrators dissuade sex workers' from reporting police violence in an attempt to protect themselves from similar charges. This was the case of one woman who explained:

"My partner didn't let me report the case because of the fear I could report him for abuse as well." (Cis woman street and indoor sex worker, Bosnia and Herzegovina).

In a few situations, sex workers reported that managers or spouses acting in a managerial role retain a monopoly on negotiations with the police (i.e. proactively arrange payments to the police in order to allow a given sex worker to work without being arrested, detained or routinely extorted). This role often gives those in a managerial role added leverage or control over a sex worker's work, earnings and autonomy. In such dynamics, those in a managerial role may dissuade or threaten a sex worker not to report, in order to reinforce their role as the sole intermediaries with the police, or to reinforce themselves as the sole providers of "safety" and "protection".

Collusion between Police and Other Perpetrators

In some instances brothel owners and managers collude with police to facilitate violence against sex workers. This collusion means that reporting violence can compromise one's ability to work and economic security. An indoor female sex worker from Poland who experienced 3 incidents of physical violence by police and multiple incidents of sexual violence in the past year explains this dynamic:

"I work in the night club and the owner cares for good relations with police. We have to have sex with local police officer and police turn a blind eye to the club in exchange [i.e. they don't raid it]. They don't treat me and my colleagues with respect, they demand anal sex even if we usually do not agree. They often refuse to use condoms. The owner says we have to do it if we want to work there. We have good salaries and I could afford to pay my family's debts by working there. (...)."

You will note above how the laws against brothel-owning can be used by police to foster a dynamic of routine abuse in collusion with managers and owners. In a number of countries, the strict laws against owning or managing a brothel mean that those brothels that are able to operate are generally under the control of someone more powerful than police, close to police- or by police themselves. An indoor woman sex worker from Kazakhstan recounts:

"Our owner is himself from police, it is not possible to report [that we are forced to have sexual services with police]. How can I complain if all of them are connected? It is very easy for them to get rid of me."

As the above quote illustrates, in contexts of such collusion, reporting police violence requires sex workers to confront severe risks to their safety from both management and police, both in the workplace and outside of it.

Deterrence: Police Actions

Most common was deterrence from police which we have separated here into threats and police collusion, and the cover of lawfulness.

1. Police Threats

Sex workers reported receiving the following threats from police to deter them from reporting police violence:

- Reporting a sex worker to “the” (other) police
- Arrest and Detention
- Violence
- “Outing” to Family as a sex worker, or as trans
- “Outing” to Police
- Loss of child custody and institutionalization of children
- Expulsion from a Neighborhood (work and home)
- Preventing a sex worker from being able to work
- Harm to their child

As one sex worker recounts:

“I did not report because the police] were threatening that they would harm my son.” (Male Roma street sex worker, Slovakia)

Police Collusion and the Cover of the law

Another major deterrent to reporting was police collusion. This could take the shape of multiple police facilitating the commission of violence or facilitating a cover-up:

“When police officers want sex, you have to give them. Otherwise, the

first shift, tells the next shift to arrest you.” (Roma cis woman street sex worker, Bulgaria).

“One police kicked me in the leg. How am I to report that, if I know three other police officers will testify it never happened” (Roma trans woman, street and indoor sex worker, Serbia).

Or both, as in the case of a Roma street sex worker from Bulgaria who reported being beaten in detention until she lost consciousness, hemorrhaged and miscarried. She woke up in the hospital to the news that police officers had ensured the medical records indicated she had been found beaten by a stranger and rescued by them.

Another deterrent was the perception that violence was part of a collective mandate that either emanated from superiors, or was known and accepted by them, such as when sex workers were beaten as part of efforts, sometimes highly publicized, to “clear” streets or neighborhoods. This also allowed police to benefit from a perceived cover of lawfulness for their abuse.

“The police beat me to move off a street as they warned me they would.” (Roma self-identified male working as trans street sex worker, Serbia)

WHEN SEX WORKERS REPORT POLICE VIOLENCE TO POLICE

Despite all odds, some sex workers do take steps to report police violence to the police. In the past 12 months, sex workers surveyed had reported 15 incidents of police violence to the police in Albania, Bosnia and Herzegovina, Macedonia, Romania, Russia, Serbia, Turkey and Ukraine. Only one incident of sexual violence by police was reported to police in the same time frame. None of the cases resulted in a court trial, conviction or public inquiry. However, in Ukraine, a sex worker's formal complaint against a police officer for physical and sexual violence resulted in the offending officer being fired although criminal charges were not laid.

Sex Workers' Experiences of Reporting Violence by Police in the Past 12 Months

	Physical Violence	Sexual Violence
SW Taken Seriously	2/9	0/1
SW Treated Respectfully	5/14	0/1
Perpetrator Caught	4/14	1/1
Perpetrator Charged	1/14*	1/1*
Perpetrator Convicted	0/14	0/1*

* Denotes the case from Ukraine.

Retaliation: Police Actions

A small number of sex workers reported frequent retaliation from police or witnessing retaliation against other sex workers.

Retaliation took the forms of:

- Targeted Arrest

A sex worker in Bulgaria gives one such example:

*“We had a colleague here who went to complain because she was beaten by a police man. [The policemen] came here and searched specifically for her. **They detained only her because they already knew that she was the one giving complaints**” (Trans woman street sex worker- bold added, Bulgaria).”*

- Violence

A sex worker in Bulgaria recounts one such situation:

*“There is one police officer. He beats all the girls. He has beaten me also – with a bat and kicks. He hits at bones and the face. He kicked me in the loins once, a month ago and I got a hemorrhage as a result. When he arrests you, he handcuffs and beats you every time he passes near you. He also spits and swears at you. **He beats us more if we get medical certificates for the injuries he has caused.**” (Roma woman street sex worker- bold added, Bulgaria)*

- Threats to the sex worker, to her children, to her family, to her colleagues. To anyone who would offer her shelter.
- Outing (including with megaphones in public.)

Police Collusion and the Cover of the Law

Police collusion was again a factor in collectively punishing sex workers who had reported police violence. Furthermore, police officers often used the cover of anti-sex work laws to punish sex workers for reporting their rights violations: arrest and detention were means to remove sex workers' freedom, harm their families, compromise their economic security and place them under constant control and threat of violence. Implicit in this, was a threat to other sex workers who would report or would support and assist sex workers who did. In some cases, police explicitly threatened sex workers who hid or otherwise assisted sex workers being persecuted by police for their reports.

Police Inaction or Mistreatment

Even in the few cases where sex workers managed to have their complaints taken seriously and respectfully, the case went no further.

- *I reported [the police violence] to a superior [in the police] but was told it was his word against mine and no one looks at a sex worker. (Woman street sex worker, Romania)*
- *"Three police officers beat me for being a 'faggot'. I reported that in the police station and nothing happened after. (Roma Trans street sex worker, Serbia).*
- *"[Police officers] threw rocks at me. I reported it in the police [station] but they laughed at me and told me to get out and not to cause trouble. I went back to the police with a representative from the NGO Helsinki Committee and then they were polite." (Trans street and indoor sex worker, Macedonia). (same person reported general violence many times)*

Of course, previous experiences of abuse, mistreatment or inaction often become the basis of sex workers' decision not to report subsequent events. In the case of the Ukrainian police officer who was fired, the sex worker recounted that she had not been treated respectfully. She cited both her previous experience of discrimination and insufficient evidence for why she did not report **4 subsequent experiences of sexual violence by police that year.**

Also, bad experiences trying to report violence from one kind of perpetrator often impacted sex workers' subsequent desire to report other kinds of perpetrators.

OBSTACLES TO REPORTING NON-STATE VIOLENCE

Sex workers reported 50 incidents of physical violence by non-state actors to police in all countries in the survey other than Russia and Kyrgyzstan. However, serious obstacles precluded or impeded reporting.

Sex Workers' Experiences of Reporting Violence by Non-State Actors in the Past 12 Months

	Physical Violence	Sexual Violence
SW Taken Seriously	36/50	8/10
SW Treated Respectfully	32/50	6/10
Perpetrator Caught	29/50	7/10
Perpetrator Charged	20/50	7/10
Perpetrator Convicted	14/50 *	4/10

* Four accused perpetrators are still on trial or in judicial process.

Previous Experience: Police Inaction or Mistreatment

Similar to police violence, previous experiences of police inaction or mistreatment weighed heavily in sex workers' decisions not to report violence.

“If I report [my husband], he will find out and I’ll have more problems with him. I have reported previously but the police didn’t take any actions.” (Roma woman street sex worker, Macedonia).

“I didn’t report [the attack] because of previous discriminatory experience with police. I simply don’t feel comfortable and safe with police.” (Drug using woman street sex worker, Bosnia and Herzegovina)

Sex workers sometimes anticipated police mistreatment based on police’s regular shaming them for engaging in sex work.

“Police officers told me I shouldn’t work in the street, shouldn’t be there [meaning it is my fault], so I decided not to report the incident to the police.” (Roma woman, street sex worker and injecting drug user, Slovakia)

Indeed, preemptively blaming sex workers for abuse that might be directed at them not only dissuades reporting, but contributes to the normalization of violence against sex workers.

Previous Experience: Police Violence, Extortion, Arrest and Detention

Sex workers previous experiences of police violence and repression dissuaded many from reporting violence they experienced from non-state actors. It factored heavily into their assessment of the possible risks to their safety that reporting could cause. Three sex workers explained as follows:

“Well the police attacked me numerous times before, so I do not see how they could help me, they would only hinder.” (Migrant female indoor sex worker who injects drugs, Montenegro)

*"[I did not report because I] have previous experience when the police acted rough with me, they said things like I'm going to hang you on a lamp post, what the fuck are you looking for going on that street."
(Female street and indoor sex worker who injects drugs, Macedonia)*

*"In order to seek police assistance, I would need to have either money or acquaintances among police officers. Since I am a migrant without documents, I will either have to go to "subbotnick" [forced sex with all police officers] or pay. Normally such cases are not taken to court."
(Migrant woman, indoor sex worker who injects drugs, Kazakhstan- She had experienced sexual violence by police one to two times a month in the past year and 5 instances of sexual violence by someone posing as a client or a client in past year.)*

Even when sex workers had not experienced police violence, the police's role in compromising their ability to work, even if within the confines of the law, was a determining factor in many sex workers' ability to freely report violence. The possibility that reporting and exposure to police could further jeopardize their work and economic security proved too great a risk for many. Two sex workers explain this dynamic:

*"I do not count on police to defend me if they give me fines every week. I am more afraid of police [than the aggressor] because they are the ones who do not allow me to work, give me fines and bring me to the station."
(Cis woman and street sex worker who injects drugs, Montenegro)*

*"If I reported, I would have to explain to the police that I am a sex worker and that he was my client and that would jeopardize me and my job"
(Woman indoor sex worker, Bosnia and Herzegovina)*

Sex workers who had dependent children felt an even greater pressure not to report and risk compromising their economic security. As a Roma woman street sex worker from Montenegro explained:

"[I did not report the violence against me because] I have three

underage kids and I am sex worker."

Some sex workers who were not known to police as sex workers were able to report violence that took place outside of the workplace, such as often spousal violence, without "outing" themselves to police. However, being outed to police remained a risk. In fact, a number of sex workers reported that their violent spouses threatened to out them as sex workers to police if they ever dared file a police complaint.

In a further complicating dynamic, sex workers very frequently reported experiencing violence from spouses, family members or neighbours specifically as punishment FOR their engaging in sex work. In those cases, to report the violence would in all probability out them to police. Conversely, a number of sex workers who were attacked at the workplace feared not only that reporting the crime de facto outed them as sex workers to police, but that police would in turn out them to their families. As one sex worker explained her reluctance to report an attack:

"I don't want police to know about my sex work and to be punished for that and for them to tell my mother." (Cis woman indoor sex worker, Albania)

For sex workers in same-sex relationships, reporting spousal violence carried the implicit risk of outing oneself as gay, lesbian or bisexual to police. Lastly, for migrants, reporting their spouses or other attackers posed the risk of deportation.

Inadequate Protection/Threat of Perpetrator Retaliation

Numerous cis women sex workers in Bosnia and Herzegovina, Macedonia, Romania and Kazakhstan mentioned experiences of reporting spousal violence to police only to face inaction, or no more

than a verbal warning to their spouses. In a number of situations, women reported facing violent retaliation from their husbands following the reports. This speaks not only to police inaction but also to the police's inability to offer necessary protection to women who report violence. Potential retaliation and lack of protection were a factor for perpetrators encountered in the workplace as well:

"[I will not report because police will insult me] and clients can come next time and kill me." (Indoor woman sex worker, Albania)

Threats of Violence and/or Job Loss by Abusive Management or Abusive Spouses in a Managerial Role

Sex Workers working in brothels that operated illegally recounted management threatening to fire them if they reported violence from clients or attackers posing as clients. For sex workers wishing to report abuse by brothel management or owners, there was the further risk mentioned in a number of countries, that doing so would nullify their possibility of working at their current establishment and possibly elsewhere. Lastly, sex workers who had spouses working in a managerial role controlling their sex work reported being threatened not to report violence to police. These dynamics are explored in greater depth below in the section on third party laws and parallel justice.

Sexual Violence: Issues of Law, Evidence, Outing and Self-Incrimination

Reporting sexual violence presented many challenges that are not unique to sex workers, such as sex workers' perception that they had insufficient evidence or the fact that sexual violence sometimes took the shape of violent control and forced sexual acts, following other acts that had been agreed to:

On clients who commit sexual violence: "Usually, they take condom off, they insist on having sex longer than agreed, they take control over you by violence. How to report that?" (B, Serbia)

Furthermore, in the case above, acknowledging the prior consensual acts with a client would be to self-incriminate to police. Indeed reporting sexual violence in the workplace, for sex workers in contexts that penalize or criminalize sex work, poses the risk that if police do not believe you that it was non-consensual, you have potentially self-incriminated yourself.

Male or trans sex workers seeking to report sexual violence often faced ridicule, and discrimination or dismissiveness.

WHEN SEX WORKERS REPORT NON-STATE VIOLENCE TO THE POLICE

Despite all the obstacles, as mentioned above, sex workers surveyed reported a total of 60 violent incidents to police in the past 12 months. The most frequent explanation of why they decided to report in that instance was them reaching a kind of tipping point: often the seriousness of a beating by a spouse making them realize their life was in danger; or a spouse extending the abuse to children; or an attack in the workplace that felt particularly life-threatening. However, major obstacles remained after sex workers reported violence.

Victim Found Guilty

Reporting violence presents the risk that perpetrators will counter-accuse sex workers of fabricated charges and that they- not the perpetrators- will be found guilty. This was the experience of a sex worker from Turkey:

"In the past, I was a victim of violence and when I reported this to the police, they police turned me into the guilty one- meaning that I was found guilty instead of the perpetrator. So I don't trust the police, I don't report." (Woman street and indoor worker, Turkey)

The risk that sex workers will not only be disbelieved, but presumed guilty of something is significant enough that it is sometimes reportedly used by perpetrators. A migrant indoor sex worker in Romania recounted being called to a man's home to offer him services, only to be ambushed and gang raped by four men who threatened to accuse her of theft to police if she tried to report them. She was dissuaded:

"[The police] would have believed them and not me, a Moldovan."

Another theme that emerged in Romania and Kazakhstan was that justice could be "bought" as perpetrators often have more resources than sex workers. A Romanian sex worker reported one such incident:

"I did report a client who cut my legs but he had more money, gave a bribe [to police] and got away."

Many sex workers feared the fact that perpetrators could not only "buy" their innocence when accused by a sex worker, but sometimes could go so far as to "buy" a sex worker's guilt on fabricated charges.

Police Inaction or Mistreatment

As with police violence, many sex workers experienced police inaction or mistreatment when they reported violence:

"I had problems with my intimate partner because of my work. He did not approve of my occupation and was looking for all sorts of excuses to beat me while he was drunk. I complained to the local police but he said they cannot take legal action against my intimate partner because we are a family and we should sort it out ourselves. They can only hold a prevention talk and they did it." (Female indoor sex worker who injects drugs, Kazakhstan).

"I reported the case when four men caught me and raped me. They threw my bag into a near-by river and took my money. However, the police acted carelessly with my report because I am known as someone on the other side of the law and perhaps they think I deserve bad things to happen to me." (Female street sex worker who uses drugs, Bosnia and Herzegovina)

"They say we are trash and don't want to help us." (Roma woman street worker, Bulgaria – She has extensive experience of police violence and one experience of mistreatment while trying to report a perpetrator posing as client. She did not report a subsequent incident of violence).

"I was the victim of a hate-crime by hooligans. Police said: 'You are at fault. You are a faggot.'" (Self-identified male street sex worker working as trans, Serbia).

"I was beaten severely. Went to emergency and to police station after. Bus driver didn't help me. Nobody helped me: I'm a transgender." (Roma trans woman working indoors and on the street, Serbia)

"[I first reported violence] because I wanted them to help me. [I didn't report the next time because] when I reported [violence] for the first time, they treated me awful. I was beaten and bloody and they treated me like a jerk. They didn't want to solve it, it was like I was the bad one." (Woman street sex worker who injects drugs, Slovakia.)

Unsurprisingly, as with police violence, one experience of police inaction or mistreatment with police was frequently pivotal in dissuading sex workers from reporting further incidents of violence. This finding saturates the data.

Police Violence

One sex worker reported experiencing further violence from police as a consequence of reporting violence to police:

"I was assaulted by a client. My friend called police. When police came, they left our clients home and detained us. On the way they threatened us, we had to pay and also to have sex with them so that

we would not be placed into a detention center since neither me nor my friend had any IDs” (Woman indoor sex worker who injects drugs, Kazakhstan).

Against All Odds: Ending Impunity

It is worth noting, that despite the significant obstacles, some sex workers were successful in reporting violence, and in 14 instances of physical violence and 4 instances of sexual violence in the past year, perpetrators were convicted. In some cases, despite prior experiences of police repression or violence, sex workers were able to find other supportive officers who took their complaints. A street sex worker from Bulgaria, who had experienced no violence from police in the past year but routinely fled them, and an indoor sex worker from Bosnia and Herzegovina who had experienced violence from police in the past year successfully had two such experiences:

“I was with a client who seemed to be normal and didn’t expect any problems. But suddenly, he asked for anal sex and I said I don’t offer this service. Then he raped and robbed me. I went to the police, they were very polite. They listened to me very carefully and made me undergo a medical exam also. It’s true I have to hide from them while working on the street, but in this case, they did their job on the best way.”

“I reported my partner because I could no longer put up with the abuse and harassment and occasional sexual sadism and abuse. He beat me so I couldn’t walk and he even raped me. Everything ended up in court and now my ex-partner can’t approach me anymore.” (Woman indoor sex worker, Bosnia and Herzegovina. She had experienced one incident of sexual violence by police in the past year (forced sex under threat of arrest). She was taken seriously and treated respectfully when she reported both physical and sexual violence by spouse to police.)

Other positive experiences included the following:

"I was advised to take a lawyer. He got three years in prison for armed robbery."(Indoor woman sex worker, Poland)

"A client refused to pay and punched me in the eye. I went to the emergency center and got analysis of the injury and took that to the police station. They caught him and he was convicted and given 6 months in prison. After that I realized he had attacked a lot of my colleagues who work in the same area (Roma trans woman street sex worker, Serbia).

The experience above speaks to the powerful ripple effect in decreasing violence for others when impunity is ended.

DYNAMICS BETWEEN STATE AND NON-STATE VIOLENCE

Mutual Reinforcement

As detailed above, both state and non-state perpetrators could create obstacles to reporting either state or non-state violence. As a result, violence by state and non-state perpetrators could mutually reinforce each other, leaving sex workers increasingly stranded and isolated through continuing cycles of violence. Sandra's response to our survey is one illustration of this phenomenon. Though some of Sandra's quotes appear earlier in this report, we reproduce them here because it is taken together, that the impact of state and non-state violence on one person's life becomes clear.

Sandra is 38. She works on the street and indoors in Bosnia and Herzegovina. Police have extorted her twice in the past year. She has also been arrested twice for marijuana possession. Due to fear of police, she was displaced to a darker area where she says it is harder to get help if someone attacked her.

"I am forced to change the location very often because I was blackmailed by the police. I am not happy with changing locations since my clients get used to find me on certain locations and places and I often lose some of my clients because of that. Sometimes I have to move to dark streets where I don't feel safe."

She experienced one instance of sexual violence by police this year:

"My partner didn't let me to report the case because of the fear I could report him for abuse as well."

After numerous beatings, Sandra decided to report her partner to police:

"I decided to report the case because my partner constantly abused me and I couldn't stand it anymore."

Although she was treated respectfully, her report was not taken seriously and her partner was never charged. After numerous attempts, Sandra gave up reporting him:

"I didn't report him this time, because I've done it several times in the past. My report is not taken seriously and I don't have any benefit from it. That is why I don't report incidents with my partner anymore."

The combination of police inaction and reprisals from her spouse dissuaded Sandra from reporting when her spouse committed an act of sexual violence against her this year.

"I often give up reporting him because of frivolous understanding of my reports against him, but also under his threat."

Sandra's experience of police targeting sex workers with repression and abuse coupled with lack of any meaningful protection against perpetrators for victims reporting violence informed her decision not to report a client who was sexually violent with her the same year:

"My client forced me to provide him services that I normally don't provide, I couldn't report the case to the police because I would endanger myself and my job."

Economic Security versus Physical Safety: An Impossible Trade-Off

A very common theme that saturated the data was that sex workers feared that reporting violence to police risked compromising their ability to work. This fear centered on two risks: firstly, that reporting would expose sex workers, their workplaces and their clients to police raids; secondly, that brothel owners or managers would fire sex workers who reported violence (and refuse to hire them elsewhere) out of fear that their reports would trigger problems with police.

Sex workers articulated having to make a choice between economic security and the chance to possibly increase (or possibly decrease) their physical security by reporting violence. This is all the more of an impossible trade-off given that economic security is a crucial means of reducing risks of violence and escaping violence.

If reporting a perpetrator compromises a sex worker's ability to earn sufficient money, it may make her or him more financially dependent on an abusive spouse, and unable to access a safe shelter. Given widespread discrimination against sex workers, drug users and trans women in anti-violence shelters, a sex worker's economic self-sufficiency is often her or his only route to safe shelter and out of a situation of spousal or familial violence.

Furthermore, economic savings are a necessary prerequisite for indoor sex workers who need to change work and/or home location in order to evade threats to their safety. In other words, if an indoor sex worker is no longer able to work because she or he reports a perpetrator to police, she or he may very well compromise his or her ability to move to a new location that is unknown to that perpetrator. Both on the street and indoors, financial pressure makes sex workers more likely to accept a client they would otherwise refuse due to perceived safety (or health) risks. Thus, if reporting a perpetrator compromises sex workers economic security, it places them at higher risk of another encounter

with a perpetrator.

This finding points to the need to analyze attacks on sex workers' work not only in terms of direct violence by police or of the risk for violence created by changes in labour conditions, but also in terms of the implications of lost income and economic insecurity on sex workers' ability to avoid or escape violence.

Child Custody Dynamics

When asked to describe their experiences of violence by state actors, two women spoke of the loss of their children to state custody and institutions on the grounds of sex work or sex work and drug use (as opposed to the valid grounds of abuse or neglect). One woman explains:

*"The Family Court wanted to deprive me of custody of my 6-year old daughter because the probation officer of my neighbor reported me and my profession to Court. My daughter was taken to the orphanage."
"(Indoor woman sex worker, Poland)*

The threat of losing custody of their children to police on discriminatory grounds prevented sex workers from reporting violence and thus contributed to impunity for violence against them. From Montenegro, one sex worker who injects drugs explained how police threats to take away her children prevented her from reporting violence at their hands:

"[All of the police] know I am a sex worker. Police took me in for drug possession. They found some [drugs] on me, not enough to arrest me, but enough to detain me. They held me for the whole night, naked, only in my underwear. They wanted me to snitch on someone, anyone, but I did not. Then, they slapped me. And continued [interrogating and slapping me]. At the end they threatened me that they will take my kids away. I could not report them (...) in case they took my kids

away.” (Woman street sex worker who injects drugs, Montenegro)

In the above woman’s case, it was also impossible to report violence by non-state actors later on, without compromising her access to her children:

“A client beat me up when he saw needle marks. He kicked me with his legs, shouting at me: ‘YOU person with AIDS!’. At that time my kids were already taken to the Institute [the state child welfare institution], and I was preparing to take them home for the New Year holidays. I could not report him, as police would immediately know that I am using drugs again, as well as selling sex.”

Fear of losing custody was reported by two other sex workers in Montenegro as the reason for not reporting spousal violence.

I have a child. When he was born his father refused to hear about him, so there is only my name on his Birth Certificate. As I am a sex worker, his father was saying that he is a bastard child and that even I don’t know who the father is as I have sex with everybody. But a year after his birth, this man appears and starts beating me up in order to take the child. (...) He was threatening me that he will tell police that I am sex worker and he told me that he will find witnesses for that. (Migrant woman sex worker, working indoors and on the street, Montenegro)

In the above case, the abusive ex-partner’s use of the threat of “outing” a sex worker to police is illustrative of the ways that systemic discrimination by state-actors can be coopted to enforce violence and threats by state and non-state perpetrators.

Third Party Laws and Parallel “Justice” and “Protection”

A recurrent theme in the data was that the threat of police repression and violence against sex workers, in combination with the threat from other assailants created by a lack of police protection, led sex workers to search out for alternative security arrangements. However, in doing so, particularly indoor sex workers were confronted with the effects of laws against third parties - such as brothel managers or individuals earning money from sex workers. These laws, rather than reinforce sex workers’ autonomy and safety, often created greater dependency for sex workers on third parties or the police, placing them at high risk of human rights violations.

On the Street

Some street sex workers sporadically hired or called on the assistance of friends or family to violently intervene with an assailant or would-be racketeer. Friends in some instances could sometimes have connections (true or fictional), that made them intimidating to perpetrators. However, they were rarely available with great immediacy in a crisis situation.

More commonly, a number of cisgender women street sex workers worked for someone who acted in a management capacity: who controlled their work and earnings; acted as a dissuasive presence for perpetrators posing as clients or bands of racketeers; provided a form of parallel justice for non-state perpetrators and in some countries, paid off the police. In some cases, these management roles were occupied by individuals who were also spouses or intimate partners of sex workers, though not necessarily. Such individuals rarely provided security in the sense of preemptively intervening in an attack on a sex worker, although this was reported once: *“A client tried to rape but he was beaten by my pimp instead.”*

Rather, men in management roles on the street were more commonly

known for beating up an assailant after violence had occurred. Or, according to four different sex workers, beatings served to enforce a client's obligation to pay, under the threat of violence, or violence. This form of parallel justice was nonetheless potentially dissuasive to perpetrators who identified a sex worker as having a "man" or a manager.

In Bulgaria, sex workers who worked on the street for men in a management role reported that they were shielded from police arrest, extortion and routine police violence. Independent sex workers in Bulgaria confirmed this when they reported that police would arrest all women sex workers on the street, except for those who had managers. (The systemic and routine arrest and extortion of independent sex workers was also confirmed by sex workers whose work is controlled by men. In answer to the question of whether they had been arrested in the past year, they all explained that they hadn't, but qualified that it was because they had a "man".) Indeed, police repression creates a strong incentive for a number of primarily cisgender women sex workers to enter into arrangements that offer them little control over their labour or personal lives, a high risk of violence and seizure of their earnings in order to evade police control over their labour and personal lives, police violence and police seizure of their earnings.

Working for a man in a managerial role who paid off police, could in some cases procure you a measure of police protection from other perpetrators. In one case, rather than dole out parallel justice, Raina in Bulgaria described how her manager assisted her in calling the police. She had gotten into a prospective client's car after agreeing on a price. He started to stab her in the head and legs, she managed to escape and run to other sex workers and her "man":

"I ran to them and they saw me bleeding. I was all in blood. [The other sex workers] called the ambulance and my man called the police. The police men came almost immediately to the place, they even came with me to the hospital. To be honest, they were very nice, of course they questioned me because they need to do their job but also they gave me some tips of what to do in such cases. They tried to find the person but could not because he disappeared very fast."

However, Raina made a trade-off for this protection in terms of decreased autonomy. Her “man” pays off the police, and she has no control over her money:

“I am not sure [how many times I have paid off police in past year] as my man is dealing with police issue! I know we pay something but I really don’t care about this, for me it is important that I can work and I have no problems with police!”

In contrast, sex workers in Poland working for individuals in management roles on the street, frequently reported that their managers or “men” prohibited them from reporting violence by perpetrators to police, under threat of violence. As mentioned earlier, this could have been out of fear of being reported themselves under third party laws if they were not known to police; or for violence or coercion if indeed that was the case; or out of fear of sex workers building a relationship with police that made their role (and job) redundant. In some cases, men in management roles on the street could undermine or violently punish sex workers for resisting violence from assailants posing as clients. This is the case reported by a woman street sex worker from Poland:

“The client demanded oral sex without a condom, I didn’t want to agree. He started to abuse me verbally and push me around, then he grabbed my head and forced the service I denied. I bit him, so he stopped and went away. But then my pimp was dissatisfied, and threatened me to not report it.”

In one case, a sex worker from Bosnia and Herzegovina reported a violent attack from her controller after which she avoided him. In retribution, he attacked her again and threatened her not to report it.

Indoors

Working indoors in most central European contexts, presented a lesser risk of being targeted by police violence and repression. However, in Eastern Europe and Central Asia, this was not always the case. In Kazakhstan, indoor sex workers faced routine police raids and violence.

For many sex workers, indoor locations had the safety benefits of being known locations, sometime with known safety features, and of working with other people near-by.

Third party laws, combined with police repression and violence, create a number of complicated safety, legal and labour trade-offs that sex workers must navigate.

A case recounted by three sex workers in Bulgaria, who were working together collectively without management, helps to illustrate the ways in which third party laws can make it more difficult for sex workers to remain autonomous. Three sex workers were working together from one apartment. The police raided and walked in, while one of the sex workers was performing sexual acts. They humiliated her and were rough with her. They detained the sex workers for a long time before releasing them. However, they charged only the sex worker whose name was on the lease, and to whom the other sex workers were paying rent in order to share the space, under third-party laws for earning money from another person's sex work. Charges under third-party laws are severe criminal charges that often carry prison sentences of many years. To avoid more police repression, they move to a new location. A group of racketeers posing as clients enter the premises of the new apartment and threaten the sex workers with knives that they must start paying them extortion money and that they will be harmed if they contact police. The sex worker who had been previously charged under third-party laws feared contacting the police and being charged again. She therefore called friends of hers to violently confront the racketeers when they came the next day. A fight in the streets ensued and the police came. One of the other sex workers who was present and who had previously escaped a situation of trafficking in Germany and had a very positive experience with German police, recounted what happened next:

"In the end, we were all brought in to the police station to give explanations. The good thing is that the racketeers were detained and sentenced but the attitude of police to us was awful. They did not beat us or something like this because we were not guilty, but they treated us like we were the scum of society. And this is not OK for me. I

*was in Germany to work and I had relations with the police there and I know that police should protect you. I have seen there how the girls are calling first the police if they have any problems and I have seen the attitude of the police to the girls. And here...here they treat us like non-humans. Yes, we are prostitutes, yes, we can be whatever we want, but still we are human beings, right?!"*¹

The Police detained all of the sex workers at the police station for a few hours before releasing them and threatening with new charges under third-party laws against the sex worker whose name was on the lease.

As a result of the risk of being charged under third party laws, police raids, and threats from violent racketeers, many sex workers opt to work for brothels owned and run by a third-party. In exchange, they pay a portion of their earnings to management (who may also provide other services such as marketing or security). When such establishments pay money to racketeers, the costs are generally passed down to the sex workers though, without necessarily having to manage the threat themselves. If such brothels are operating outside of the law and are unknown to police, then there is always the risk of a raid. Furthermore, if a violent incident occurs, sex workers may be unwilling to report the perpetrator to the police, out of fear of triggering a raid, or due to threats from management.

Alternately, sex workers frequently reported working for brothels where management operated illegally and in tight association with police. Indeed, laws criminalizing brothel ownership give rise to contexts where most or almost all the brothels or saunas operating have close ties to police. Though this may reduce police raids, in some cases, like Kazakhstan, sex workers are still repeatedly charged (though brothel owners may escape charges). While such situations generally shield sex workers from racketeers, they frequently result in both police and management colluding to perpetrate sexual and physical violence, such

1 This sex worker described her experience in Germany as follows: *"I was actually in a situation of traffic in human beings and it was a hard period for me (...). This happened in Germany. I was forcibly held in a place and a client helped me to escape. The police there helped me a lot, they even brought an interpreter although I speak and understand German. The situation and attitude in Germany is totally different from here [Bulgaria]!"*

as in the case of routine “subbotnick” in Kazakhstan. Widespread collusion renders it difficult for sex workers to report abuses by either police or management without high safety risks and loss of employment. In some instances, police use their ability to shut down brothels according to the law, in favour of the brothels that they themselves own. These present many of the same safety risks for sex workers as venues operating in close connection to police.

Ultimately, third party-laws that criminalize all third parties (as opposed to laws that only criminalized coercive or violent third parties) frequently place sex workers in greater contexts of dependency on armed third parties. This allows sex workers less control over their earnings, while these armed third parties do not shield from violence, nor foster protective environments. Indeed, the very laws that would seem at first glance to be meant to uphold sex workers’ autonomy and prevent exploitation, are in fact used to target sex workers who attempt to work autonomously. This, in turn, gives rise to dangerous and exploitative working conditions.

It is worth noting that contrary to a dominant narrative of sex workers as passive victims to third parties, sex workers reported how they actively negotiate their relationship with third parties. However, this did not happen in isolation, rather it was part of a complex balancing of relationships between third parties, police, racketeers and other potential perpetrators. Sex workers reported the risks and protections they weighed and their decisions at times to stay or to move on to options that seemed better. However, they often did so, and continue to do so, within severe constraints on their power to control their labour, safety and well-being.

ENABLING FACTORS FOR REPORTING

Lastly, on a more hopeful note, there were some factors that sex workers reported to have proved helpful in reporting violence. For reporting police violence, having access to a sympathetic ombudsperson or to an independent body tasked with investigating police misconduct were key factors for sex workers in some successful cases.

For both state and non-state perpetrators, support from other sex workers, family or friends was key. This was true not only during the initial reporting, but over the long-haul, in situations where cases went to trial or were mediatized. In Turkey, sex workers reported that other sex worker friends would file a report of an attack in cases when the perpetrators threatened the victims with retaliation, if they themselves reported. Other sex workers and friends also sometimes served as witnesses.

A third factor was support from a sex worker organization and/or mainstream human rights NGO, and free legal representation. Sex workers reported that when they were accompanied by representatives from an organization to file reports with the police, they were treated more respectfully and taken more seriously than when they went alone or with other unaffiliated sex workers. This also diminished the risk of police arresting or otherwise abusing them as a result of the report.

Safe shelter was a crucial need noted by sex workers who faced threats and retaliation for reporting state or non-state violence. Sadly, most anti-violence or anti-trafficking shelters systematically discriminate against sex workers, drug users and trans women – particularly if they wish to continue working in sex work. Furthermore, these shelters are generally limited only to cisgender (non-transgender) women escaping either violent spouses or coercive third parties, and don't service women, who for instance, need protection while they report violence from police or from racist or transphobic hate gangs. Only one organization in the

region, TAIS Plus, an NGO by and for sex workers, formally offers safe shelter to sex workers who need to escape violence or report violence, regardless of perpetrator. (Furthermore, the TAIS PLUS shelter allows them to continue working).

Last, but certainly not least, policing priorities oriented towards sex workers' safety, health and well-being, rather than repression, is perhaps the most significant possible means of diminishing violence against sex workers. On a systemic level, this requires law, policy and police practice reform. However, even in imperfect legal frameworks, such as in Poland, where buying and selling sex are not criminalized, yet third party-laws remain, police proactively make efforts towards ensuring sex workers' safety and ability to report. This echoes our findings in 2007. Poland was the only country included in our survey where when asked to identify how policing affected them, some sex workers cited positive effects. Notably, these were from indoor sex workers who were not facing the same repression and displacement as their colleagues on the street. Nonetheless, as their quotes show, such policing priorities indicate possible ways forward:

"The [police] make me safe in case of any problems. I can call specific officers and I'm sure I'll be treated seriously and respectfully." (Indoor woman sex worker, Poland).

"If the client doesn't pay, I can threaten him with the police. It is effective." (Indoor woman sex worker, Poland)

"I feel safer, I know I can report abuse." (Indoor woman sex worker, Poland).

It is worth noting that there may be strategies that prove more decisive in diminishing violence, police violence in particular, more than solely improving the possibility of reporting it: such as public advocacy campaigns, or political will and engagement. This research is one way that SWAN is trying to ensure, under sex worker leadership, that sex workers are heard and supported in denouncing the severe and frequent human rights violations perpetrated by state actors against them.

HIV IMPLICATIONS

The results from this research carry many implications for country-level and regional responses to HIV. While HIV-prevalence rates among sex workers in Central Europe are low (2.2% for cisgender women sex workers in Serbia, 1% in Romania according to recent surveys¹), they are high among cisgender women sex workers in parts of Eastern Europe and Central Asia, and very high if they also inject drugs. In Ukraine, the HIV rate is 8.5% among cisgender women sex workers who do not inject drugs and 43% among those who do². In Kazakhstan, the HIV-rate is 15% among cisgender women sex workers who do not inject drugs and 44% among those who do³. Prevalence rates among cisgender women sex workers who inject drugs in Russia have been estimated at between 17% and 65% depending on the city⁴. There is scarce information on HIV-prevalence rates among transgender women or cisgender male sex workers.

Violence by state and non-state actors have been statistically in direct correlation with HIV infection for cisgender women sex workers in the region. In Russia, experiences of “client-perpetrated physical violence” and “client-perpetrated sexual violence” were statistically associated with a higher risk of being HIV-positive for cisgender women sex workers⁵. In Moscow, “recent *subbotnik*” (sexual violence by police); experi-

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- 1 IBBS (Serbia) 2008 and Behavioural Sero-Surveillance Survey (Romania) 2006.
 - 2 WHO/UNAIDS/UNICEF (2011) ,’ Global HIV/AIDS Response: Epidemic update and health sector progress towards Universal Access 2011’ - See more at: http://www.avert.org/hiv-aids-russia-eastern-europe-central-asia.htm#footnote19_ykea5fp
 - 3 WHO. Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections. Geneva: WHO; 2006b.
 - 4 Lowndes, Catherine M., Michel Alary, and Lucy Platt. “Injection drug use, commercial sex work, and the HIV/STI epidemic in the Russian Federation.” *Sexually transmitted diseases* 30, no. 1 (2003): 46-48.
 - 5 Decker, Michele R., Andrea L. Wirtz, Vladimir Moguilnyi, Alena Peryshkina, Maria Ostrovskaya, Marina Nikita, Julia Kuznetzova, and Chris Beyrer. “Female sex workers in three cities in Russia: HIV prevalence, risk factors and experience with targeted HIV prevention.” *AIDS and Behavior* 18, no. 3 (2014): 562-572.

ences of “physical violence from clients”; and threats of violence from third parties were each statistically associated with STI/HIV infection for cisgender women sex workers⁶.

This research has found that police repression of *both* sex workers *and* clients create further HIV risks for sex workers by displacing them to more dangerous environments, reducing their ability to screen clients and curtailing negotiations which impede sex workers’ ability to assess and enforce compliance with condom use. Police displacement was also found to further fracture the longer-term ties many sex workers need to social, health and harm-reduction services in order to be bridged to drug treatment, and HIV and hepatitis C treatment and care. This is consistent with our findings in 2007, from *Arrest the Violence*.

The economic toll of police fines and extortion create economic pressure to forego condom use and engage in riskier practices for higher monetary returns. Police use of condoms as “evidence of a crime”, confiscation or destruction of condoms impede sex workers’ ability to assert safer practices. Furthermore, they may result with indoor sex work venues such as brothels or saunas prohibiting condoms on the premises, out of fear of tipping off police, reducing sex workers’ ability to negotiate and enforce condom use. Police use of syringes as “evidence of a crime, confiscation or destruction of syringes similarly create major impediments to the ability of sex workers who inject drugs to reduce risks of HIV transmission via injecting equipment.

Violence by state and non-state actors can negatively affect sex workers’ overall psychological and physical health. In other contexts, violence against HIV-positive women has been found to be a barrier to treatment adherence - whether or not the perpetrator knew the victim was HIV-positive or on treatment⁷. More research is necessary to better

6 Decker, Michele R., Andrea L. Wirtz, Stefan D. Baral, Alena Peryshkina, Vladimir Mogilnyi, Rachel A. Weber, Julie Stachowiak, Vivian Go, and Chris Beyrer. “Injection drug use, sexual risk, violence and STI/HIV among Moscow female sex workers.” *Sexually transmitted infections* 88, no. 4 (2012): 278-283.

7 USAID. 2010. Addressing Gender Issues Related to HIV Treatment Adherence Programs; Human Rights Watch. 2007. Hidden in the Mealie Meal Gender-Based Abuses and Women’s HIV Treatment in Zambia. Vol. 19, No. 18(A). New York: Human

understand how violence may affect the ability of transgender and cisgender female and male sex workers living with HIV to access and adhere to treatment.

Police repression can further negatively impact access to treatment in a number of ways. Frequent arrest and detention can represent repeated treatment interruptions for sex workers on ART. Depleted earnings due to fines and extortion can make it difficult to have sufficient money for transportation in order to access care, or to provide oneself with adequate nutrition. Lastly, fears that one's drug use or sex work might be reported to police or child welfare authorities can discourage sex workers from seeking testing, treatment and care. A number of countries in the region have laws prohibiting the transmission of STIs and HIV, some of which have been used to specifically target and charge cisgender women sex workers in recent years (in Romania and Macedonia). Such laws and their use to punish, publicly shame, control and intimidate sex workers present important obstacles to sex workers protecting their health and reducing transmission.

Rights Watch. Accessed online at <http://www.hrw.org/en/reports/2007/12/18/hidden-mealie-meal>, May 22, 2015.

RECOMMENDATIONS

The Governments of Albania, Bosnia and Herzegovina, Bulgaria, Kazakhstan, Kyrgyzstan, Montenegro, Romania, Russia, Serbia, Slovakia, Ukraine and Turkey Should:

- Decriminalize sex work. Remove punitive laws for sex work, drug use and same-sex behaviour. Involve sex workers as partners in reforming sex work laws.
- End implicit or explicit policies of tolerance or encouragement for the police repression of sex workers and their clients.
- Implement policy directives to proactively work with sex workers to improve their safety and to ensure swift, thorough and respectful investigations of reported cases of violence against sex workers.
- Investigate and prosecute officers responsible for physical or sexual assault of sex workers.
- Investigate and prosecute officers responsible for extorting sex workers.
- Instruct Ministry of Internal Affairs officials to improve the quality of police work with specific regard to upholding the rights of sex workers, drug users, men who have sex with men, transgender people and the Roma community, including through specialized training, and allocate sufficient funds to realize this.
- Reverse any regulations establishing mandatory HIV or STI testing of sex workers and ensure that all health measures geared toward sex workers respect their human rights and support their control over working conditions.

Ministry of Internal Affairs Officials and Others with Responsibility for the Quality of Police Work Should:

- Signal to law enforcement officers throughout the system that police abuse of sex workers will not be tolerated.

- Conduct internal investigations of police violence and corruption and make public the findings as well as the consequences for officers found guilty of misconduct.
- Make it mandatory for police to undergo training on international human rights standards and domestic laws regulating the conduct of law enforcement officers, with an emphasis on the need for respectful rights-affirming treatment of sex workers and members of other vulnerable groups.
- Increase salaries for police officers.
- Cooperate with NGOs working with sex workers to organize education of police about the problem of police violence against sex workers. Where appropriate, such cooperation should include policy directives and financial support for a system of police partnership with sex worker communities in order to institutionalize their right to legal protection.
- Establish a system to ensure police are accountable to the communities they serve.

Ministry of Justice Officials and Others with Responsibility for Legal Reform Should:

- Re-examine laws and policies relating to the criminalization or penalization of sex work in light of evidence that such measures undermine both health and human rights. In particular, where laws, policies, or policing practices negatively affect sex workers' health and rights through criminalization or other means, support sex worker-led legal and policy reform initiatives premised on sex workers' human rights and workers' rights.
- Ensure that sex worker groups are included in a meaningful way in the design of laws, policies, and programs that affect their lives.

Where Relevant, Ombudsman Offices Should:

- Investigate police violence, including sexual violence, against sex workers.

- Conduct outreach among sex workers, through cooperation with sex worker advocacy groups, to identify human rights issues affecting sex workers and formulate ways to address these abuses.

UN Agencies and Member States Should:

- Express opposition to laws and policies that criminalize or penalize sex work as there is a strong and robust evidence base for how such laws and policies fuel human rights violations and poor health outcomes among sex workers.
- Express opposition to violence against sex workers by police.
- Express opposition to forcible testing of sex workers for HIV or other STIs, as well as any other discriminatory measures against sex workers.
- Call for investigation and prosecution of corrupt and abusive police.

Donor Organizations or Governments Should:

- Fund efforts to remove legal and policy barriers to ending violence: such as laws that criminalize sex work, drug use and same-sex behaviour.
- Fund sex worker organizations and organizations that promote sex workers' rights and health locally, nationally and regionally to support sex workers in advocating for their rights; documenting violations; providing rights-based services including safe shelter; and partnering with state actors and state bodies hoping to improve government responses to rights violations against sex workers.
- Fund initiatives to create additional violence services by and for sex workers, including safe shelter.
- Decrease police violence by fostering partnerships between sex workers and government ministries, including each country's Ministry of Internal Affairs.
- Support the efforts of human rights groups to collaborate with sex worker groups and undertake projects to document and confront violence against sex workers by state and non-state actors.

APPENDIXES

Appendix 1: Kyrgyzstan: R's Story

I have been assaulted twice by the same police officer. I submitted a lot of complaints to the public prosecutor's office, I also wrote to the Ombudsman, I don't recall how many time.

In both cases this was the same police officer. This police department was conducting a raid, and I tried to stand up for my friends whom the police were humiliating. Then one of the police officers approached me and slapped me in the face. I told him that he has no right to hit me, so he slapped me again and said that he has a right to do anything, and that I was way too smart and that's why I would come in for a lot of trouble. I flared and he started hitting me again; when he stopped I felt very sick and asked for medical assistance. They did not provide any, and at the end my friend bought me out.

In the morning, I went to the public prosecutor's office together with the Tais Plus staff to report the incident. That was how the torment started. In the evening of the same day I was detained by the officers of the same police department. They threatened to charge and imprison me if I didn't revoke my complaint. I managed to reach Shahnaz (from Tais Plus), she came and collected me from the police department. When she came they started behaving nicely and didn't say a word. She just took my hand and led me away from the department; they did not say anything; I think they did not even get why she is taking me away by car.

Next day, I went to the public prosecutor's office again and reported illegal detention and threats. Since then nobody was detaining me, but all police cars that were passing me when I was standing in the street were using loudspeakers to scream that I was a prostitute and that they would imprison me sooner or later. Then they somehow managed to

find my relatives in Issyk-Kul and informed them that I was a prostitute, and I had a lot of problems with my relatives.

The police officers were able to scream that I was a dirty prostitute wherever they saw me. They kept coming to my daughter's place and they were looking for me there. I had to hide and live in different places, but they were always able to track me down and were coming to threaten me. My girlfriends refused to see me at their homes. The process took incredibly long. I was receiving refusals to initiate criminal procedure, I was going first to the Metropolitan public prosecutor's office and then to the General Prosecutor's office, and to the Ombudsman's office and to the Human rights committee. Throughout the whole process they kept closing and reopening the case, and police kept coming and threatening me. Finally, after having faced yet another threat I could not stand it anymore and I left the country.

It impacted me very much. I now can't meet my family because they know how I earn my living; I had to leave the country and I rarely come home to meet my son and daughter. My life became more complicated. When I come home I have to be careful to make sure that these police officers won't see me. . .

I was strongly supported by Tais Plus and their lawyer who were going with me through the whole torture of a process. That, and the support of people around me. But there were also the constant threats that had forced me to leave the country so that I was unable to go through the whole process till the very end. All my family members stopped communicating and keeping in touch with me. I can't meet anyone except for my children. My friends who at first gave their witness testimonies in this case later refused to do so and stopped meeting me.

I think there should be shelter for those who report police abuse, so that nobody would have to face something that I did, when I did not know where to go and where to hide.

Appendix 2: Kyrgyzstan: L's Story

Last year, I was beaten by police officers twice. On both occasions I complained to the office of the public prosecutor and both times I received an answer that the case is closed due to the lack of evidence; I wrote to the metropolitan office of the public prosecutor to no avail.

When I was there, working in the street, a police officer called R. (he works in the *** district) approached me and demanded to be paid 500 som. I had no money so he hustled me into the car and took me to the police station where he worked. I told him that I was not going to pay, and that there was not a single article in the Criminal or Administrative code under which I could be imprisoned. To this he replied with a blow to my head. I fell, and then he kicked me and said that I was a prostitute and I had no rights whatsoever. He was drunk. I told him that I would report his behavior. He replied that nobody was going to accept my complaint. He said "Nobody needs you, I will kill you and nobody is going to learn about it". He hit and kicked me several more times swearing all the way.

Next day I was taken to court and the judge ruled to detain me for three days. The very same day my friend came and bailed me out. I went to the public prosecutor office as advised by our lawyer. They registered my complaint, but they never summoned me for questioning. Two months later I received a letter saying that the case was closed due to the lack of evidence.

Not only I was not summoned for questioning, there was no forensic examination, even though I specifically asked for one. In the prosecutor's office they told me that they know what to do that I should not instruct them and that I should be grateful they had registered my complaint.

On the second occasion they collected me and another girl and took us to "subbotnik". We were servicing them the whole night. They were humiliating us and constantly repeating that we were prostitutes and worthless people, that we should be killed. I could not stand humiliation

so I started arguing with them. In response one of them started trashing me, saying that I was a beast and that he was not going to talk about me in any other fashion. My friend and I managed to escape. In the morning I went to the public prosecutor's office to submit a complaint. At first they laughed saying that I had probably invented everything, especially providing that was already the second time that I came to complain. After all they registered it, but later, the same way as with the first incident, I received a letter saying that the case was closed because they could not find a single alleged offender. I did not go or write to anybody anymore, because I came to a conclusion that nobody was going to help me and everything could be sold.

Since my experience of reporting those incidents, I became more cautious and now I always run away during the raid. I try to avoid police, and in case I fail and they manage to catch me and bring to the police station, I keep quiet and give them money. I do not want to be beaten, I need to work to provide for myself and my children.

I don't trust our police and our public prosecutor anymore, because apparently you can buy everything and everyone over there. Nothing can be solved without their involvement. You know, the second time when I went to complain, they asked me to pay the gas for the car so that they could go and look for my assailants. I gave them 1000 som, but they did not find anyone. I believe that police have bribed them.

The only person who was helping me was a lawyer, who gave me phone consultations and was explaining where I should go and what I should do. At that point I did not know that Tais Plus also had a lawyer, so I called someone I knew. This is probably the reason, why I could not achieve anything.

Appendix 3: Kyrgyzstan: S's Story

Once an alleged police officer collected me and my friend and took us away to a place where we were humiliated and beaten. We do not know who that person really was.

I wanted to complain and I went to Tais Plus where I submitted a written complaint to the director. However I was afraid to proceed since I have a criminal record. I was afraid that they will charge me and convict me, especially if those were really police officers. They could do about anything, for example plant drugs on me.

About two months ago we were soliciting in the street when the car came. The passengers of that car said that they were clients. We came to an agreement, they paid us, my friend and I got into the car. When the car started they told us that we would do everything they wanted. We responded that we had already negotiated the conditions and if they did not agree, we could return and we would give them the money back. But they would not let us go; they said they are police officers and flashed an ID, which we could not see clearly.

In five minutes we stopped, we had to get out of the car and to approach a jeep where a lot of young men from the Caucasus were sitting. Our clients told us that we should keep quiet unless we would like to be ambushed by those guys. They told us that we could either continue with them, or get into that jeep. While they were explaining all those people from the jeep were screaming obscenities and humiliating us. We did not feel like staying in the jeep so we went back to the car in which we came. But those who collected us from the street directed us to a different car, a van, where another three men were sitting. We had no choice but to get into there since they were holding us and hustling us into the car.

They took us through very scary streets we have never been to before; it was dark and we were travelling for a long time. The only thing I saw was

that we were passing over a canal, I think it must have been a Big Chu canal. Afterwards we travelled for another 15 minutes and then the car stopped. They ordered us out of the car. While we had been travelling they took our mobile phones and our bags. After we got out of the car all of them raped us in turn. Then they started beating and threatening us; they said that if we continued doing prostitution, they would catch and kill us. They were insulting us in all possible ways, called us “monkeys” and “useless people” who should be eliminated. They said that we are disseminating disease and that we should be isolated from society. They were beating and threatening us for about half an hour. Then they got into the car and told us that they would find us and kill us in case we were to complain to police. They also threatened to kill us in case they see us working in the street again. They did not return our bags and money, they did not even take us back to the road. It was very dark and cold, they took our overcoats and we had to walk to the road. We stopped a car, got home and paid the driver. Next day I went to Tais Plus to report, but my friend was afraid, and later I myself also got scared of submitting an official complaint.

After all I did not go to police to report. I am still working, but I do it rarely; I also work at a sewing company. After I started working at a sewing company I realized that I can earn my living in other ways as well. Still the salary is small, and I have to get out to the street to substitute my earnings...

Probably I could have had support because Tais Plus staff were very supportive and were ready to assist me till the very end, and it was me who got scared. But I have a criminal record. I was convicted and sentenced for imprisonment for beating and injuring a police officer previously. I did not serve the complete term since I was released on probation. If police officers wished to frame me they could have done it easily; I would have returned to prison. I have a small son, I was afraid to complain.

Appendix 4: Accessing Justice in Serbia: A's Story

I'm working for 17 years as a sex worker and I've lost my health on the streets... I've been beaten, been threatened, frozen, whatever you like... I don't know how to count that, it just happens.

Once, in *** street (in Belgrade), a client tried to struggle with me... I managed to press the button for speed dial and my colleagues heard me screaming... they searched for me and managed to find me. I didn't report that to the police. What could I tell? It would be as if I was putting myself in the jail. What I did was to inform all the girls working in the area of what the client looks like and to be aware of him.

I've been raped; two guys took me against my will to the car. They took me to the river bank. One of them hit me on the head with the revolver. That evening I had finished my shift and was going home, from *** on the highway to a shopping mall. Those two guys approached me and asked am I working. I said 'No, I'm going home'. They got out from a car and pushed me in by force... At the river bank they abused me and raped me. One of them took my phone, my purse everything. And he tried to persuade me to start working for him. Then he made the biggest mistake, he took me to his place. Afterwards, he put me in the taxi and sent me home.

For the rape: I went home, as one of the rapist put me in the taxi and send me home... My family cried when they saw me. They insisted that I go straight to the central Police station and to report the rape. So I went there. For real, police officers tried to help me and to give me some kind of support. I looked terrible, fainted twice and stumbled around, weak and crazy...

I was at the police station from 8AM to 3PM. Then we went to my apartment and then to the hotel where one of the rapists was at the

time... That main guy, rapist, called me on my mother's phone, he continued to frighten me and to threaten me, and police said "just reply yes, yes, to all that he's telling to you" and I was doing as they said... They arrested him and the other guy afterwards.

During the trial, the lawyers were the nightmare... they attacked me for prostitution and that I'm lying about the rape... there was evidence (police statements, hospital findings of injuries) but they continued to attack me...

The trial lasted for a year and a half. I just wanted for the offenders to get what they deserved.

While in custody their families came to my door to offer me money just to stop the trial. There was one brother from Italy who came to pressure me to give up. He was threatening me that he's going to kill my children. He went from offering me 10.000 EURO if I withdrew the charges to threatening the killing of my kids. Then, the mother of one the rapists came and begged me to withdraw the charges.

I stated at the court that different persons came to my doorstep and threatened me and my statement was recorded. Everything was considered and they were sentenced to 3,5 years in prison.

What helped and supported me was having my family and one of my friends... she came from another city just to be with me. We know each other from a striptease bar and she came and stayed up to the last moment of the trial. My ex husband was supportive at the time... He said: It's far better if you go for justice, because if I go for justice I'm going to kill them.

True.

My mother always escorted me to the court. Whenever she was allowed at the courtroom.

The biggest obstacle is that we are stigmatized and that is it... stigmatized

by working on the streets. I was thinking lately how I'm going to tell my children about my work. If they spit on me they will forgive me once... No?

You can feel it... police look at us differently... their attitude is different... For this rape that I've talked you about it was an important arrest to them, big case and all and that was a reason why they helped me, because it is their job that is important...

Usually they just threaten us with nightsticks, they steal from us, blackmail us... there are several layers of police protection. We had a good cooperation years ago... they took care of us and get 10 EURO per night. They really looked out for us then... That is a reason why I succeeded to work on a highway for 8 years in a row.

Appendix 5: Accessing Justice in Serbia: I's Story

This year, I called police once when I was attacked... the attackers took me off the bus by force, bus driver was witnessing the scene with no reaction at all... my bag, phone, money was left in the bus. I was severely beaten in the head... I don't know how I escaped them... I dragged myself to an acquaintance's place and we waited for police patrol together.

The attackers wanted to rape me... because I'm transgender. But you know me, I'm courageous, I defended myself. All of that happened fast; it lasted for half an hour top. Police took me to the police station first, then to the ER... I made a statement in the police station; give a description of the rapist... Police officers have been kind to me. They were Ok.

They achieved nothing. Didn't find the offenders.

In Serbia all is a disaster, even the police. They look at you and they say: "Who cares! Transgender..." but if they realize that you are educated then they put some effort into it.

I don't think that the police try hard enough to help us... in my case, they could call me to look at some photos, and you know that procedure – face recognition, but nobody called me.

I'm all alone and have no protection at all... what else could I do but to report the crime?

Justice is not the same for us. We are not protected at all. How many times have we been attacked? Numerous...

Appendix 6: Accessing Justice in Russia: Y's Story

I have never suffered violence from clients. However, I was in detention at a police station three times. The very first time they kept us in the police station for 14 hours. They gave us neither food nor water. They called us “prostitutes” and other names. I threatened to report their behavior and to instigate a court case against them, this way they calmed down. They tried to charge me with drinking in public. They said that they were not going to release us unless we gave them money, i.e. they were extorting bribes. I gave them nothing, while the other girls payed.

The second time they did not detain me. I as planning to leave and I was sitting in the apartment and holding my bag. It was just before the Militia day [professional holiday of Russian police]. So the cops were drunk and that started shooting at our door. The clients got scared. Our administrator pushed the panic button, and special police forces (OMON) came to the apartment. Or at least they had “OMON” written on their badges. They called police. Police came and started executing a process-verbal, but they were questioning not those who were shooting, but us, the girls. And those drunkards got angry that they had not received anything and went on the rampage. They were smashing everything, literally everything. And those others did not budge. They were turning our bags inside out and looking for money. And they were very happy when they managed to find something. They tried to take my bag, and I asked for a search warrant. They got angry and asked for my phone. My phone had a photo of an acquaintance from the Federal Security Service. They got scared and left me in peace. I told them that I had come to borrow some money.

The third time they came together with journalists to detain us. I had just arrived to work and started knitting. Then I looked at the window and noticed that there are people with cameras running towards our house. I immediately understood what the whole thing was about. They

entered together with police and while there were asking me, if I was a prostitute, they had their cameras switched on. I told them that I was not, that I came to borrow some money. In the end they detained me only. They took me to the police and tried to confiscate my bag and my glasses. And I was sick, I had a cystic disease. They put me into a cell, and I had an attack of the cystic disease. I felt pain, quite strong pain. I asked them to call an emergency, and they responded that I was lying. They asked me to write my diagnoses on a piece of paper. I wrote it down. Then one of their supervisors came and started screaming at me and threatening me. He said he will take me through all the circles of hell. But as a result they released me.

A lawyer helped me to submit a complaint to the public prosecutor's office. They gave an appointment, but the lawyer was busy that day. I called them and asked for a different appointment, but the man who talked to me was very rude, he insisted that I should come the very same day and screamed at me. I told him that I was recording the conversation and that I was not going to come without a lawyer. He promised to call back, but never did. So now we are waiting for what is to follow. We have submitted this complaint on February 28th, I don't know their deadlines.

Once, [I tried to seek justice] after I was detained for the third time. I appreciate my boss's, Irina Maslova's support. Well, we complained to the public prosecutor, and they started a court case against me. They changed the date of the hearings three times. The judge was rude and was constantly hinting that I lied. She was surprised when I refused to plead guilty. I was acquitted, but the judge said that she would wait and she would see me being brought back in a month. Their attitude towards you depends on whom they are friends with. They are in cahoots with each other. You can't prove anything, it's useless.

I have a normal life, but a lot of people told me: "It was useless to start the whole thing. They will screw you, and that will be it". And I have children. But it was just a friendly suggestion. [I am not afraid of that, though]. You know I am a true believer. I think that if God has given you something, you should accept it. I think that we should simply impress it on a society that sex worker are also human beings.

What supported me to access justice? It was my lawyer, of course. It is great to have next to you a person who understands what's going on. And in general it is great to have this organization that supports us. The girls generally do not know their rights. You have to educate each and every one of them.

Normally, the police detain you. They threaten to plant drugs on you or to charge you with resisting police. Many girls are not aware that there is a law that prohibits detaining a person for more than 3 hours. And when they hold you for 12-18 hours without food, you will certainly sign everything and agree to everything. Police are sure, that nobody will ever complain about their actions.

[One obstacle was that] there were the girls who were afraid. All of them were trying to dissuade me. I was planning to complain about the very first incident, but the girls refused to go together with me. Our managers forbade. They said we should not do it. Everyone understands that this is a machine, a horrible machine. If you start acting against them they can do about anything. They can plant drugs on you. So far they have done nothing.

[Another obstacle] is corrupt lawyers. The thing is that you can buy and you can sell everything. You cannot restore justice in Russia. Once I even tried complaining to the presidential web-site, but they would refuse to listen. I do not believe in our public justice either

I think that we are lacking the very idea of "protecting sex workers". Police do not protect them, but rather extorts money from them. And if something goes wrong they will start humiliating you. If you watch TV you might believe that they do certain meaningful things, but my experience testifies that in full truth this works for no one.

I think that all sex workers must know that police have their duties towards us. We have to educate sex workers who are scared and know nothing about their own rights. We should also work with police itself.

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