

# Findings on sex workers' interactions with, and experiences of, the police

## The participants in this study

Thirty nine (39) sex workers participated in the workshop which was convened on 23 May 2016, and they also completed questionnaires. The participants came from different areas in Lusaka: Matero (1), Kaunda Square (3), Kabanana (4), Garden compound (10), and Chipata compound (21).

All participants were female. The participants' ages ranged from 20 to 40.<sup>61</sup> When they were asked how long they had been a sex worker, it was clear that some started engaging in sex work from a young age.<sup>62</sup> This is confirmed by a recent survey of sex workers in Zambia, that estimated that the median age at which female sex workers (FSW) first exchanged sex for money was 20 years – with a range of 16 to 25 years.<sup>63</sup> The participants' length of experience as a sex worker ranged from a few months to 20 years.<sup>64</sup>

Most participants were single (37), with one participant married and one participant widowed. Eighty nine percent (89%) of participants had children, with half of participants reporting two children.<sup>65</sup>

In Zambia, primary education is from grades 1 to 7 and secondary education from grades 8 to 12. Education from grades 1 to 9 is free but not compulsory.<sup>66</sup> In a recent survey of sex workers in Zambia, it was estimated that forty percent (40%) were below the age of 25 and the median age of education is 9<sup>th</sup> grade.<sup>67</sup> Participants' furthest level of education varied, with all participants having completed lower primary education (grades 1 to 4) and seventy percent (70%) having completed at least primary education.<sup>68</sup>

<sup>61</sup> 39 participants answered this question.

<sup>62</sup> 38 participants answered this question.

<sup>63</sup> *Integrated Biological and Behavioural Surveillance Survey among female sex workers in Zambia*, 2015, USAID, Corridors of Hope, at p 21, available at [http://www.nac.org.zm/sites/default/files/publications/IBBS%202015%20Final%20Report%204%20March%202016%20\(1\).pdf](http://www.nac.org.zm/sites/default/files/publications/IBBS%202015%20Final%20Report%204%20March%202016%20(1).pdf) (accessed 22 July 2016).

<sup>64</sup> 38 participants answered this question.

<sup>65</sup> 38 participants answered this question. In general, based on 2010 statistics, women in Zambia have a fertility rate of 5.9 births per woman, *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015, at p 3.

<sup>66</sup> The percentage of girls of primary school age who attend primary school is 85% in Lusaka, but this drops to 53% for girls of secondary school age who attend secondary school. *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015 at p 30.

<sup>67</sup> *Integrated Biological and Behavioural Surveillance Survey among female sex workers in Zambia*, 2015, USAID, Corridors of Hope, at p xv.

<sup>68</sup> 35 participants answered this question.

Most participants (78%) said they practised sex work indoors, with the remainder (22%) indicating they engaged in sex work both indoors and on the street.<sup>69</sup> This finding is not representative of the sex trade in Zambia, but it is important to take into account when assessing the participants' experience of violence. Most participants found their clients in bars and clubs.

Participants' number of clients per week varied – with seventy percent (70%) reporting 1 to 3 clients in the preceding week.<sup>70</sup> Participants often did not receive much money from these clients, with rates varying between K50 and K200.<sup>71</sup>

Two thirds of participants (66%) indicated that sex work was their only form of income.<sup>72</sup> One third of participants (33%) also had some other form of income, including a business, salon, selling rice or clothes, and cross-border trading.<sup>73</sup> Seventy seven percent (77%) of participants earned less than K1000 in the previous week.<sup>74</sup>

Despite their low income, participants have many dependents to support – with twenty nine percent (29%) reporting one to three dependents, thirty nine percent (39%) reporting four to five dependents, nineteen percent (19%) reporting six to ten dependents, and thirteen percent (13%) reporting more than 10 dependents.<sup>75</sup>

## Experiences of violence

Sex workers are vulnerable to stigma, discrimination and harassment in all areas of their lives – at work, among their family, at home, and when accessing basic services including health services. Many participants reported that their fear of police authorities has prevented them from reporting crimes committed against their person by others, and also by the police themselves. Their fear of the police creates a space in which they are vulnerable to violence and abuse with impunity.

**Ninety percent (90%) of participants reported they have experienced violence from police or other men during their work as sex workers.**<sup>76</sup> This is much higher than for the general population. In the ZDHS, forty one percent (41.6%) of women in Lusaka reported having ever experienced physical violence.<sup>77</sup>

<sup>69</sup> 36 participants answered this question.

<sup>70</sup> 37 participants answered this question. The information obtained from this research differed from that of a recent survey in which 50% of FSW indicated more than 5 clients in the past 7 days. *Integrated Biological and Behavioural Surveillance Survey among female sex workers in Zambia*, 2015, USAID, Corridors of Hope, at p 23.

<sup>71</sup> 37 participants answered this question.

<sup>72</sup> 36 participants answered this question.

<sup>73</sup> 36 participants answered this question.

<sup>74</sup> 36 participants answered this question. It is unclear whether this income was from sex work alone – or also from other work.

<sup>75</sup> 32 participants answered this question.

<sup>76</sup> 37 participants answered this question.

<sup>77</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015 at p 276.

## Physical assault

*"The police beat us up in our spots when they find us and afterward they make us give them money."<sup>78</sup>*

Sex workers in Zambia are extremely vulnerable to repeated physical assault from the police and clients. Three participants respectively reported having been beaten by police on 6, 11, and 23 separate occasions in the past year. Assault from clients was also often experienced by participants.

When assessing the perpetrators of physical violence, the ZDHS noted that less than one percent (0.3%) of women reported having experienced physical violence from a police officer.<sup>79</sup> In this context, it is possible that sex workers are at much higher risk of violence from police, because of their marginalised position in society.

## Sexual assault

*"The police harass us, sleep with us and even put us in cells if they want us to pay them. If you have worked well they will release you, if not, you end up working for them."<sup>80</sup>*

*"They make us their sex workers while we are doing our work. They rape us and they insult us a lot. If they want, they put you in the cells and beat you."<sup>81</sup>*

Sex workers in Zambia are vulnerable to sexual assault and rape by their clients and the police. Often, police officials request sex from sex workers in exchange for them not being unlawfully arrested, detained, or fined.

Sex workers reported frequent rapes from clients – but indicated it was difficult for them to report such cases to the police. Notably, in the ZDHS, six percent (6.2%) of women in Lusaka reported having experienced sexual violence in the past 12 months.<sup>82</sup>

## Loss of property

Many sex workers are vulnerable to theft and extortion at the hands of their clients and the police authorities. Ninety percent (90%) of participants indicated that police had demanded money from them, in exchange for not being arrested or detained.<sup>83</sup>

The participants reported that the police claimed that sex workers earned a lot of money, and that the police needed the money from the bribes to pay for airtime, food and transport. Of those

<sup>78</sup> Anonymous participant, Lusaka, Zambia.

<sup>79</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015 at p 277.

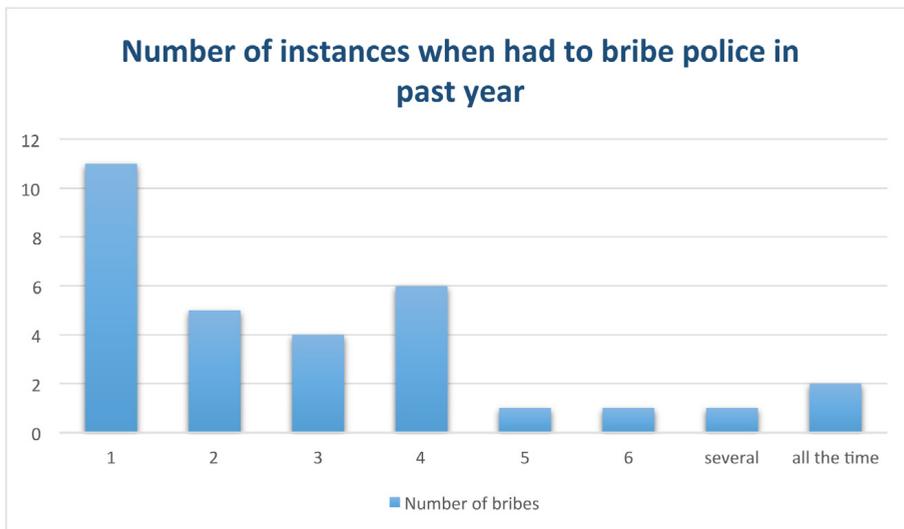
<sup>80</sup> Anonymous participant, Lusaka, Zambia.

<sup>81</sup> Anonymous participant, Lusaka, Zambia.

<sup>82</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015 at p 278.

<sup>83</sup> 38 participants answered this question.

participants who reported being bribed, most were also asked for bribes in the past year.<sup>84</sup>



There are reports of bribes – even when the sex workers were seeking help from others. One of the participants said that *“two months ago my child was raped and the police afterwards demanded that I give them money.”*<sup>85</sup>

The Human Rights Commission Chairperson, in her annual address in 2009 on the human rights situation in Zambia, also cautioned against the unnecessary detention of people – and noted that the Commission has *“received so many complaints about police violation of rights, illegal detentions, (and) collection of un-receipted penalties”*.<sup>86</sup> One participant noted that *“They tell us ‘pay us or you will go to court’ and we pay minus the receipt.”*<sup>87</sup>

### Health vulnerabilities

The partial criminalisation of sex work has a direct impact on the transmission of HIV, in two ways:

- It impacts on sex workers’ access to health services – including sexual and reproductive health and family planning services;<sup>88</sup> and
- It creates conditions for increased violence against sex workers and limits their ability to protect themselves from HIV infection.<sup>89</sup>

<sup>84</sup> 31 of 34 participants who indicated they had ever been bribed.

<sup>85</sup> Anonymous participant, Lusaka, Zambia.

<sup>86</sup> Pixie Kasonde Yangoulo, Review on the state of human rights in Zambia, 21 January 2010, 8.

<sup>87</sup> Anonymous participant, Lusaka, Zambia.

<sup>88</sup> F Scorgi et al. (2012) *“We are despised in the hospitals: Sex workers’ experiences of accessing health care in four African countries” Culture, Health and Sexuality*, 2012.

<sup>89</sup> D Kerrigan et al. (2013) *The Global Epidemic Among Sex Workers*, Report by the International Bank for Reconstruction and Development, World Bank; J Okal et al. (2011) *“Sexual and physical violence against female sex workers in Kenya: A qualitative*

NASTAD, Zambia, has emphasised that criminalisation (of sex work-related activities) drives sex workers underground where interventions cannot reach them, and then unsafe practices are perpetuated.<sup>90</sup>

Guideline 4 of the UNAIDS International Guidelines on HIV/AIDS and Human Rights, 2006, promotes the decriminalisation of voluntary adult prostitution:

*“With regard to adult sex work that involves no victimisation, criminal law should be reviewed with the aim of decriminalising, then legally regulating occupational health and safety conditions to protect sex workers and their clients, including support for safe sex during sex work. Criminal law should not impede provision of HIV prevention and care services to sex workers and their clients.”*

The National AIDS Strategic Framework 2014-2016 specifically targets sex workers as a key population for the promotion of HIV prevention.<sup>91</sup> The Gender Equity and Equality Act, 2015, further provides, in section 21, that every person has the right to self-protection from sexually transmitted infections.

Police often justify police operations to arrest sex workers, because it is necessary to prevent HIV transmission. Such operations ignore the fact that it is often clients, and not sex workers, who refuse to use a condom.

Most participants reported using condoms all or most of the time.<sup>92</sup> In comparison, the ZDHS noted that of the men who reported having ever paid for sex, only sixty percent (60%) reported using a condom at the last paid sexual intercourse – with men in Lusaka reporting seventy three percent (73.5%) condom use at the last paid sexual encounter.<sup>93</sup> A recent Behavioural Surveillance Survey (BBS) in Zambia noted that seventy eight percent (78%) of sex workers reported using a condom with a client during the last sexual encounter.<sup>94</sup>

Participants reported often buying condoms at a chemist or shop.<sup>95</sup> Many reported receiving condoms from the clinic – but there were often difficulties associated with this, such as not being

enquiry” AIDS Care, May, 23(5): 612-618.

<sup>90</sup> M Mwondela et al. “Legal, policy, and socio-cultural barriers to HIV-related prevention, treatment, care and support for key populations in Zambia” *National Alliance of State and Territorial AIDS Directors* (2015), available at [https://www.nastad.org/sites/default/files/Zambia\\_Law\\_Review.pdf](https://www.nastad.org/sites/default/files/Zambia_Law_Review.pdf) (accessed 22 July 2016).

<sup>91</sup> National AIDS Strategic Framework 2014-2016, at p 33-35.

<sup>92</sup> Thirty seven (37) participants answered this question. The number of participants who reported using a condom all or most of the time, is higher than the results of a recent survey in Zambia – but the reason might be due to the difference in districts which the survey reported on. In that survey, 35% of FSW reported using it every time, 12% almost every time, 50% sometimes, and 2% never. *Integrated Biological and Behavioural Surveillance Survey among female sex workers in Zambia*, 2015, USAID, Corridors of Hope, at p 31.

<sup>93</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015, at p 215.

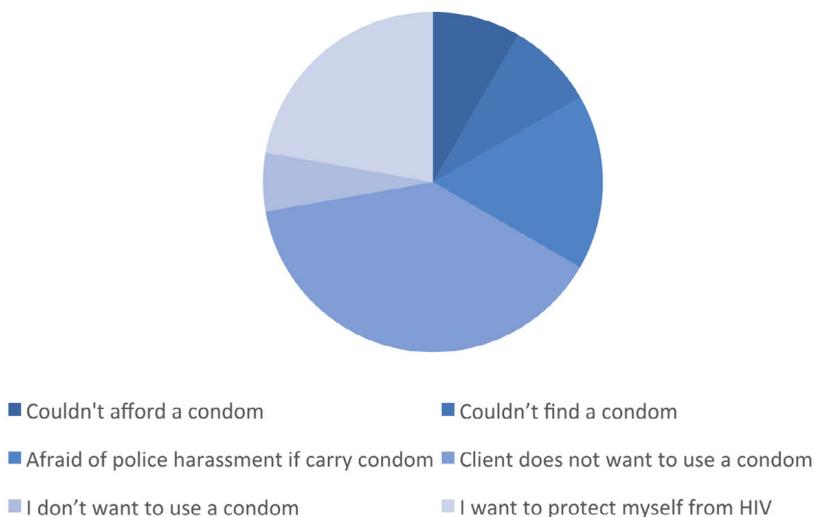
<sup>94</sup> *Integrated Biological and Behavioural Surveillance Survey among female sex workers in Zambia*, 2015, USAID, Corridors of Hope, at p xiii.

<sup>95</sup> This was also confirmed in a recent study that showed that 66% of FSW sourced their condoms from shops, *Integrated Biological and Behavioural Surveillance Survey among female sex workers in Zambia*, 2015, USAID, Corridors of Hope, at p 22.

able to access condoms without undergoing voluntary counselling and testing or other treatment. Participants also reported stigmatising attitudes from health workers. While a few participants reported accessing condoms in a bar or club, this was not a main source of obtaining condoms. This is a concern since bars and clubs are the main places where participants find clients. Condom usage could definitely be improved by increasing access to free condoms at different locations.

When asked what influences whether they will use a condom with a client, some participants indicated that if a client does not want to use a condom this would influence whether a condom is used.<sup>96</sup> However, some participants strongly indicated that nothing would deter them from using a condom, since their main objective was to protect themselves from HIV.<sup>97</sup>

### Factors influencing condom use



While the State is actively seeking to increase access to condoms for end users, these measures are thwarted when police take away condoms from sex workers; seven women reported police confiscating their condoms. Some of the participants indicated that they are fearful of police harassment if the police find them in possession of condoms. While most participants (88%) have not had condoms confiscated from them, those who reported police confiscating condoms, indicated that this had happened to them on several occasions.<sup>98</sup> Three participants indicated

<sup>96</sup> 36 participants answered this question. This correlates with the finding of a recent survey, which indicated that 55% of FSW who did not use a condom with a client during the last sexual intercourse, indicated that the client objected, *Integrated Biological and Behavioural Surveillance Survey among female sex workers in Zambia*, 2015, USAID, Corridors of Hope, at p 29.

<sup>97</sup> 36 participants answered this question.

<sup>98</sup> 38 participants answered this question, and 6 responded they had experience of police confiscating condoms from them. This

that condoms were confiscated from them by police “many times”, one participant indicated that condoms had been confiscated from her on 10 occasions and one participant said that condoms had been confiscated from her on two occasions. Any practice of confiscating condoms has the effect of discouraging condom use and increasing vulnerability to HIV and other STIs; of increasing mistrust and the resentment of police officers; and of violating sex workers’ rights to health and self-protection from HIV.<sup>99</sup> The issue of condom confiscation by police appears to be less acute in Zambia than in other countries. A possible reason for this, is that in other countries condoms are confiscated for use as evidence in criminal prosecutions, while in Zambia sex workers reported arrests, but no prosecutions.

It is important to also reduce the violence experienced by sex workers – which would in turn have a significant impact on reducing HIV among sex workers.<sup>100</sup> Sex workers’ experiences of police and their willingness to open cases at the police station, often directly affect the extent to which they can access healthcare services post-rape, including post-exposure prophylaxis and emergency contraception.

Sex workers’ vulnerabilities to violence also extend far beyond the risk of HIV infection, and it is important that health programmes don’t just provide services to sex workers in relation to HIV.

## Reporting abuse and harassment

Sex workers in Zambia are vulnerable to harassment and abuse – but many feel they have no avenue for recourse as the perpetrators of the harassment and abuse are police officials. **Ninety one percent (91%) of the participants indicated they had a bad relationship with the police, with the remainder being more neutral about their interaction with the police.**<sup>101</sup> Two thirds of participants reported they had been stopped and searched by police.<sup>102</sup> Ninety five percent (95%) of participants reported having ever been arrested by police.<sup>103</sup> Of these, two thirds reported having been arrested on several occasions in the past year.

Participants reported being charged for a range of offences – the most frequent being “idle and happened at various police stations.

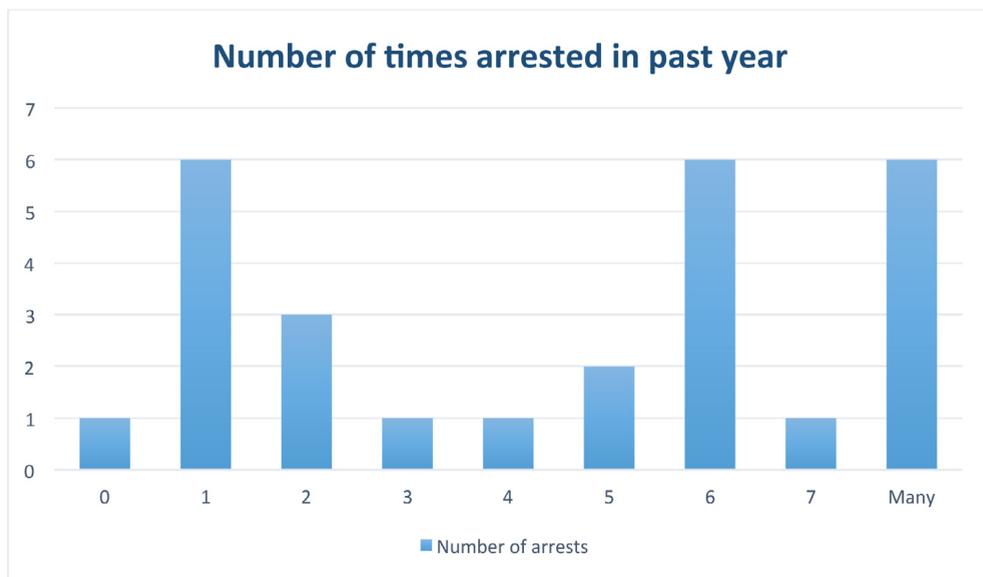
<sup>99</sup> *Public Health Crisis: The impact of using condoms as evidence of prostitution in New York City*, April 2012, The Pros Network, Sex Workers’ Project, at p 30.

<sup>100</sup> M Decker *et al.* “Estimating the impact of reducing violence against female sex workers on HIV epidemics of Kenya and Ukraine” *American Journal of Reproductive immunology* 2013, 69, 122-132, at p128.

<sup>101</sup> 37 participants answered this question.

<sup>102</sup> 36 participants answered this question. In *Floyd and others v the City of New York* [08 Civ. 1034 (SAS), 12 August 2013, Shira Scheindlin, challenged the ‘stop and frisk’ practice of the police, which targeted minority groups, the plaintiffs argued that the current ‘stop and frisk’ practice violated their constitutional rights in two ways: They were stopped without a legal basis in violation of their right to personal security, which includes the right to be protected from unreasonable searches; and they were targeted for stops based on their race in violation of their right to equal protection of the law.

<sup>103</sup> 37 participants answered this question.



disorderly” and “loitering”.

During arrest, participants complained they were often not treated well. Words used to describe their treatment during arrest included: “bad” (used 17 times) or “beaten” (used 13 times). Other words used to describe their treatment during arrest, included: “rough”, “terrible”, “degrading”, “insulting”, “discriminatory”, “harassing” and “very bad”.

Once detained, participants mostly noted their experiences in the police cells as: “bad” or “very bad”. Other words used to describe their experience in cells include: “tough”, “cold”, “dirty”, “smelly”, “terrible”, “not good”, “hard”, “rape”. These experiences are not unusual, and the conditions of detention in police cells are known to be below international standards.<sup>104</sup>

After arrest, participants explained they are usually either released the next day; pay a fine and are then released; or pay a bribe to police and are then released. No participant had the experience of being taken to court.

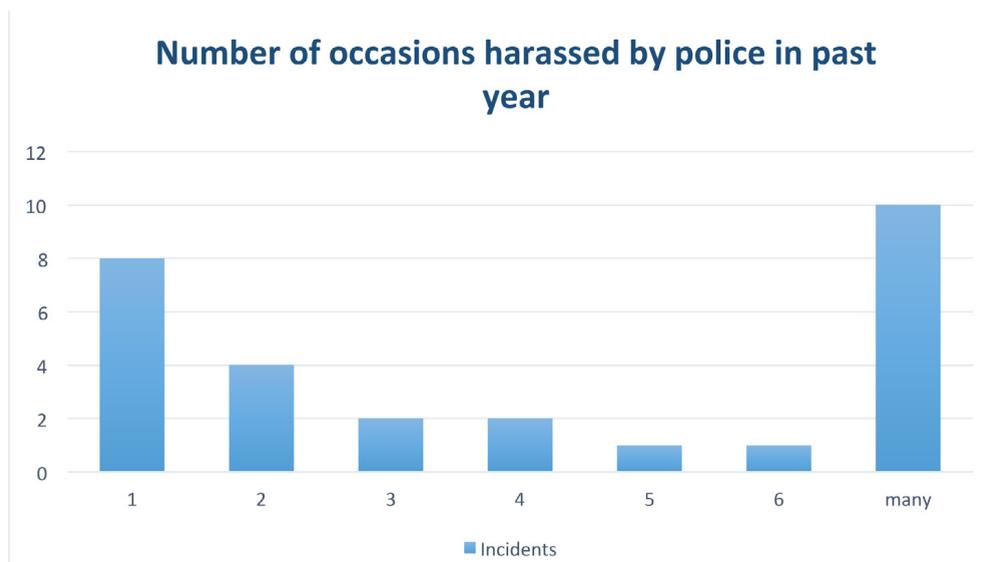
**Eighty seven percent (87%) of participants reported that the police have harassed or intimidated them because they engage in sex work.**<sup>105</sup>

Of participants who reported having been harassed by police previously, some reported frequent abuse in the past year from police.<sup>106</sup> Since the participants came from a number of areas, it is clear that harassment is pervasive – with reports relating to Matero Police Station, Northmead Police Station, Kabanana Police Station, Chipata Compound Police Station, Emmasdale Police Station, Garden Police Station, Chelston Police Station, Central Police Station, and Morapedi Police Station.

<sup>104</sup> *Pre-trial detention in Zambia: Understanding caseload management and conditions of incarceration*, OSISA, 2011, Chapter 7.

<sup>105</sup> 33 participants answered this question.

<sup>106</sup> 28 participants answered this question.



One of the participants remarked that “*the police should stop treating us like animals*”,<sup>107</sup> and another participant stated that “*they should ... protect us because [that] is their job*”.<sup>108</sup>

Only thirty eight percent (38%) of participants filed formal complaints against the police.<sup>109</sup> Seventy percent of those who had filed complaints felt the outcome of the complaints was “bad” or “very bad”.

**Sixty one percent (61%) of those interviewed said they would not be willing to lay a complaint against the police.**<sup>110</sup> Their reasons included:

- Fear that they will be further abused.
- A belief that the complaint will not change anything.
- A belief that the police think of themselves as being above the law.
- No knowledge of how to lay a complaint.

One third of participants<sup>111</sup> said that they were unwilling to report any crimes or abuse committed against their person by clients or any other persons to the police, because:

- The police claim that sex workers brought this kind of treatment on themselves.
- They fear they will be discriminated against.
- There is a belief that the police will never help sex workers because of their profession.
- The police will inflict further abuse and harassment.

<sup>107</sup> Anonymous participant, Lusaka, Zambia.

<sup>108</sup> Anonymous participant, Lusaka, Zambia.

<sup>109</sup> 36 participants answered this question.

<sup>110</sup> 36 participants answered this question.

<sup>111</sup> 38 participants answered this question.

Interestingly, despite their experience of violence from police, participants continued to be more likely to engage the police compared to women in general, who have experienced violence. According to the ZDHS, forty one percent (41.5%) of women who ever experienced violence never sought help and never told anyone.<sup>112</sup> Women are, in general, less likely to seek help when they have experienced sexual violence (27.7%) compared to when they have experienced physical violence (39.3%).<sup>113</sup> The ZDHS noted that educational level generally had little impact on the likelihood of reporting violence.<sup>114</sup> The ZDHS, however noted that employment did have an impact on whether women sought help. This suggests that the money involved in reporting might affect the extent to which women without an income choose to report.<sup>115</sup> Few women who have ever experienced physical violence (6.7%) or sexual violence (2.4%) sought help from the police – as opposed to from family members and other sources.<sup>116</sup>

<sup>112</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015, at p 294.

<sup>113</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015, at p 294.

<sup>114</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015, at p 294.

<sup>115</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015, at p 294.

<sup>116</sup> *Zambia Demographic and Health Survey 2013-14*, Central Statistical Office, Lusaka, March 2015, at p 295.