

seek emergency health services for violence by availing community paralegals to provide information on criminal procedure and offer support in reporting and follow up of cases.

- 2Facilitate dialogue between sex workers, investigators and prosecutors for institutional strengthening to improve investigation and prosecution of cases of violence against sex workers.

Enhance Safety and Security

- Media engagement to increase human interest reporting to address ignorance and expose inaction on violence against sex workers.
- Engage human rights institutions to improve accountability among law enforcement officers in investigating and prosecuting cases of violence against sex workers.
- Engage county structures to advocate for recognition of sex workers as a high-risk group, vulnerable to sexual violence, and inform their prioritization in County Policies on Sexual and Gender Based Violence.

Encourage community-led Research

- To identify challenges affecting investigation and prosecution of cases of violence against sex workers to inform effective victim-centered approaches.
- To assess and improve provision of service to sexually exploited adolescents who sell sex across relevant sectors.

CONCLUSION

The incidences and gravity of violence against sex workers in Kenya are increasing! It's time to reform sex-work-related laws and institutional practices that aggravate violence against sex workers in Kenya. In order to sustain the positive national outcomes relating to the supportive HIV policy environment, punishment for sex work in Kenya must end.

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**IMPACT OF THE LEGAL
ENVIRONMENT ON SEX
WORK-RELATED
VIOLENCE IN KENYA**
COMMUNITY BRIEF

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INTRODUCTION

This Brief is based on evidence generated through a community-led research process by the Kenya Sex Workers Alliance that sought to document the impact of the legal environment on sex work-related violence in Kenya.

Violence against sex workers poses a challenge to the efficiency of HIV prevention efforts and contravenes their fundamental human rights. Kenyan sex workers continue to suffer human rights violations, despite the broad human rights protections under the bill of rights in the Constitution of Kenya 2010. The existence of out-dated harsh laws prevents sex workers who experience violence from getting the help they need.

The study looked at the health, safety and protection of sex workers in five counties in Kenya; Nairobi, Mombasa, Kisumu, Nakuru, and Busia. KESWA ensured involvement of members before and during the study. Male, female and trans adults and sexually exploited adolescents who sell sex were interviewed. Additional information was provided by organizations providing services to sex workers, officials from law enforcement agencies, health service providers, legal

professionals and lawmakers.

This policy paper presents useful evidence; providing an opportunity for the community to push for changes in laws and institutional practices that fuel violence against sex workers.

WHAT DID THE RESEARCH FIND

The study provides better understanding of the local situation of sex work related violence in Kenya. Evidence shows that the safety of sex workers in Kenya has not been a priority. The scale up of HIV interventions and facilities specifically for sex workers has enabled easier access to health services for violence.

However, sex workers do not feel safe to report and follow-up on cases of incidences of violence. Most sex workers do not believe that reports made by sex workers are investigated. Most clients and intimate partners are never arrested or charged and most cases of violence against sex workers rarely presented in court.

Female sex workers experienced high demands for bribes and sexual favors from police and county officers. Incidences of forced unprotected sex, physical abuse and gang rape were frequent among sexually exploited adolescent girls who sell sex during night raids. Failure to investigate, arrest and prosecute perpetrators of violence against sex workers creates an environment where clients easily get away with violence.

Sexually exploited adolescents are forced by personal circumstances to engage in the selling sex. The study found that these adolescents operate independent of adult sex workers. In fact they expressed fear of adult sex workers who drive away their clients. Evidence shows that police often target and force these younger-looking sex workers into unprotected sex and gang rape. They are not as able to protect themselves from physical violence by police and clients, as the adults sometimes are.

The research reveals that most lawmakers are not aware that criminalization affects the overall wellbeing of sex workers and puts them at greater risk of violence. These lawmakers have been trying to introduce count laws to introduce additional penalties. However, they have not taken into consideration existing evidence, as well as the opinion of sex workers and experts; who know that you cannot protect sex workers from violence where there are laws criminalizing their activities.

WHAT DOES THIS EVIDENCE MEAN

Evidence from this study shows that laws penalizing activities by sex workers prevent them from accessing necessary prevention and response interventions. Criminalization has made sex workers less safe by discouraging reporting of incidences of violence, preventing them from securing police protection. This has enabled perpetrators to take advantage of their vulnerability and get away with acts of violence against sex workers. Criminalization has resulted in unfair penalization of sexually exploited adolescents who sell sex within the justice system, where they should be protected as vulnerable children.

Universal health coverage can only be achieved when all barriers affecting access to health services, particularly emergency services in responses to all forms of violence, are addressed. Removal of punishment for sex work will improve their safety at work, access to health services and justice. Removal of criminal sanctions for sex work will free up resources needed to strengthen the work of law enforcement in finding and punishing the real law-breakers; those who threaten and harm others.

WHAT NEEDS TO BE DONE

We must now challenge criminal laws that fuel violence against sex workers in order to make sex workers in Kenya safer.

Effect Legal Reform

- Engage the Council of Governors and Members of County assemblies on the risks presented by additional legislation and punitive approaches concerning sex work-related activities.
- Advocate for specific recognition of adolescents who sell sex as sexually exploited children and expressly exempting them from criminal prosecution for related offenses.
- Initiate a broad litigation strategy against punitive laws and unjust actions that perpetuate violence against sex workers, confront inactions in implementation of favorable laws and challenge and demand for recognition of Constitutional rights that advance the health and safety of sex workers in Kenya.

Expand access to justice

- Strengthen and scale up support to sex workers who

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