



Voicing Consent

Sex Workers, Sexual Violation and Legal Consciousness in Cross-National Contexts

Publication date: January 2025

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This is a summary of the research findings of the project - Understanding Sexual Violence in Sex Working Populations: Law, Legal Consciousness and Legal Practice in Four Countries - funded by the Economic and Social Research Council (ESRC): ES/V002465/1. The project ran from 2019 to 2024 and sought to explore how social, legal, and judicial contexts shape the safety and wellbeing of people engaging in sex work. For a



more detailed account of the project findings, see our book 'Voicing Consent: Sex Workers, Sexual Violation and Legal Consciousness in Cross-National Contexts' (open access): link.springer.com/book/9783031777141

We would like to acknowledge the engagement of sex work organisations in each site, particularly The Cupcake Girls, SWOP Behind Bars, Las Vegas Red Umbrella Project, Savannah Sly, Aotearoa New Zealand Sex Workers Collective — NZPC, UglyMugs Ireland, Sex Workers Alliance Ireland, Manchester Action for Street Health, and Basis Yorkshire. Each site had an active advisory board, and we are thankful for their input throughout this long journey and equally thankful to all the organisations that supported this project.

We are very grateful for others who assisted greatly with the project: Rachel Howard, Harriet Smailes and Fanni Gyurkó, for their expertise, insightful perspectives and energy to get this over the line, and Nifty Fox for their artistry in helping us communicate our findings.

We will remember the late Dr. Susie Balderston for her passion and commitment to rights and assisting with the project during the three years that she was involved.



For more information, visit:
www.sexworkandsexualviolence.com

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Part 1 – The Research

This research explored how sex workers navigate different legal environments and how these settings shape their experiences with sexual violence and unwanted sexual contact.

Research Aims and Objectives:



1.

Understand how sex workers experience unwanted contact and sexual violence in their work.



2.

Compare how sex workers in different legal contexts respond to unwanted sexual contact.



3.

Investigate how legal systems impact sex workers' perceptions and actions to prevent and respond to sexual violence and unwanted sexual contact.

Legal Frameworks Governing Sex Work

We examined four distinct legal frameworks governing sex work:

- **Criminalisation (United States of America, USA):** In most States, engaging in sexual services for money is illegal.
- **Managed and Legalised Settings (Nevada, USA):** In Nevada, sex work is legal but strictly regulated within managed brothels.
- **Partial Criminalisation (United Kingdom, UK):** In England & Wales, and Scotland, offering sexual services is legal, but activities such as working in brothels are illegal. In Northern Ireland, since 2015, paying for sexual services is illegal, although offering them is not.¹
- **Decriminalisation (Aotearoa New Zealand):** Since the passing of the Prostitution Reform Act in 2003, sex work is decriminalised, allowing workers to offer services legally.

In addition to laws governing sex work, each country's sexual violence laws play a critical role in shaping sex workers' experiences. Together with informal rules and norms, these legal frameworks influence how sex workers set boundaries, negotiate consent, and seek justice when those boundaries are violated.

¹ While we hoped to collect data from Northern Ireland, the numbers were too small to protect anonymity and to make meaningful conclusions. Consequently, we included our Northern Ireland data as part of the United Kingdom.

How Sex Workers Think About the Law

In this project, researchers found that **'legal consciousness'** plays a key role in how sex workers engage with the law. Legal consciousness refers to how ordinary people perceive both official laws and informal norms that shape their actions. It includes not just knowledge of specific laws, but also broader experiences with formal and informal legal systems, how they define and navigate legal risks, and how they decide whether to seek legal recourse.

How We Did the Research

Researchers worked across the UK, the USA, and Aotearoa New Zealand, to gather insights into sex workers' experiences.

The study began in July 2021 and data collection took place between March 2022 to March 2023. Researchers with sex working experience were key partners in research design, data gathering, data analysis, interpretation, and dissemination. The project was built around trauma-informed practices to ensure the safety and comfort of participants.

The findings here are focused on interviews with 40 sex workers, and survey results from 693 sex worker respondents. The project also interviewed more than 70 law enforcement personnel, criminal justice professionals, and support workers from non-governmental organisations (NGOs), charities and healthcare organisations in each country.

Part 2 – How Sex Workers Negotiate Consent and Enforce Boundaries

Sex workers use a **negotiation model of consent**, which includes written rules in advertising where possible and verbal negotiations with clients before any service begins.

This process helps define the activities they are comfortable with and what services will be a part of a consensual exchange. Our research found that consent in sex work is dynamic, with sex workers engaging in ongoing negotiations to set clear boundaries. However, these boundaries sometimes need to shift during the service for a variety of reasons, and it is crucial that sex workers have the power to adjust them as they see fit.

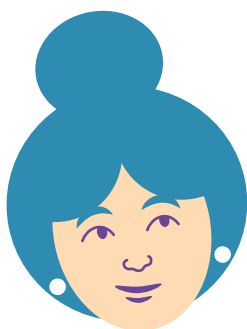


Our research found that both legal frameworks and workplace rules strongly influence how sex workers negotiate and voice consent during services. In places where sex work is decriminalised, like Aotearoa New Zealand, sex workers are more aware of their legal rights and feel empowered to assert their boundaries.

They, along with workers in legal brothels in Aotearoa New Zealand and Nevada, also benefit from working alongside other sex workers, allowing them to share advice and learn how to negotiate more effectively.

I think that's a really big thing for pretty much everyone, you know, to know that **they can quote that law** or just use it whenever they need to.

- Kat, ANZ, various



The information from our managers was so helpful that we all learned ways, and even off the other girls, sharing our techniques and stuff to manage that better.

- Jane, ANZ, brothel

However, in criminalised settings such as the USA, and partially criminalised settings like the UK, sex workers are often isolated. They cannot legally work together, which limits their ability to share knowledge and support each other. This forces many, especially new workers, to learn through trial and error, making them more vulnerable. As workers in the USA noted:

There's a saying, 'Chalk it up to the game,' which basically means, you win some, **you lose some in this unregulated industry due to the illicit nature of it.**

- Survey respondent, USA

It was a **very hard learning curve** of 'Wow, I have to learn how to not do this again'

- Cody, USA, independent



Our findings show that sex work laws play an important role in the ability of sex workers to set, negotiate, share skills and police their own boundaries in preventing unwanted contact and sexual violence.

Part 3 – What Boundaries Are Violated?

Sex workers identified a broad range of violations they experienced, with payment issues - being paid less or not at all - and non-consensual penetration during the course of their work emerging as the most frequent.

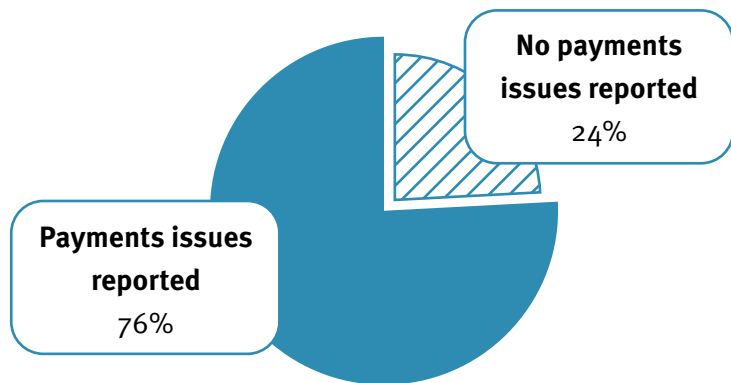
More than three quarters of sex workers who had experienced any incident reported that it was some sort of payment problem. For many workers, these breaches were considered just as harmful as physical acts of violence.



At the end, the client didn't pay me, and he absconded with my money. **Would I consider that an act of violence? Yes, I would.**

- Halley, UK, independent

Percent of sex workers reporting being paid less, being paid with fake money, or not being paid at all, in the past 12 months, all sites (N=483)

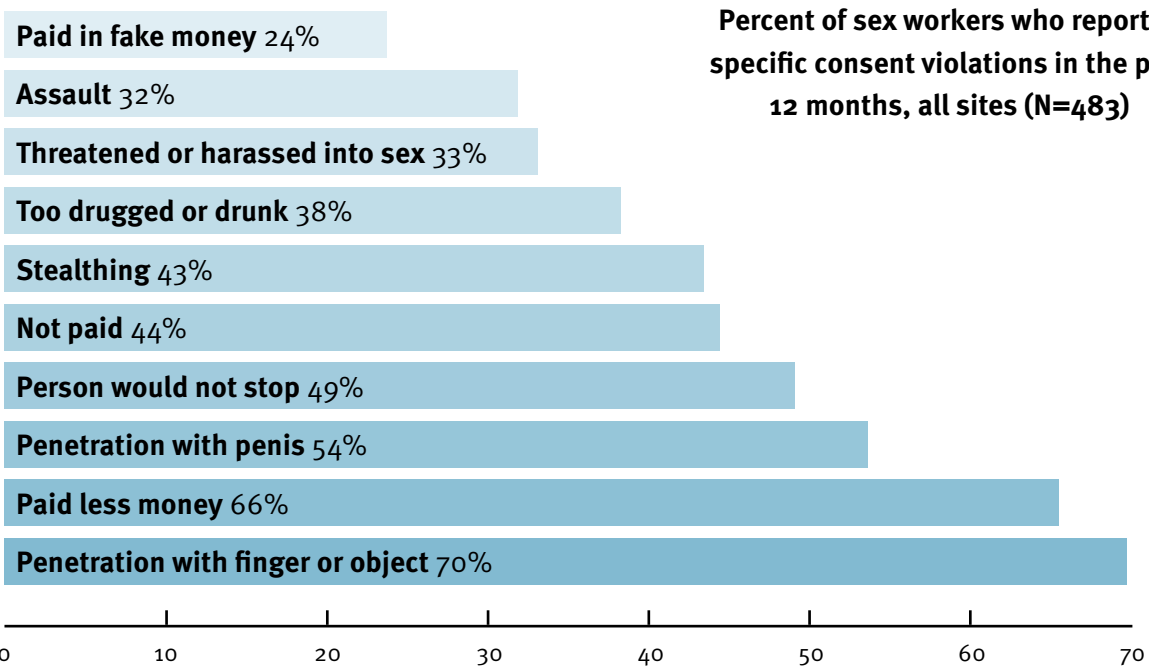


So, some people would describe it as stealthing. Some people would call it just rape and, you know, there are some people who wouldn't call it anything at all. For myself, **I think rape's the correct term.**

- Jane, ANZ, brothel



Though less common, stealthing (the non-consensual removal of a condom) was seen as particularly egregious, some considering it akin to rape. This is in line with legal developments in some, though not all, of the jurisdictions.



Half of the survey respondents agreed that non-payment should be classed as ‘rape’ or ‘sexual assault’. Yet, legal systems—especially in criminalised contexts—rarely address these breaches. Sex workers, however, see them as serious violations of their consent and autonomy.

Sex work is, you know, a job, and **not paying for that service is a crime.**

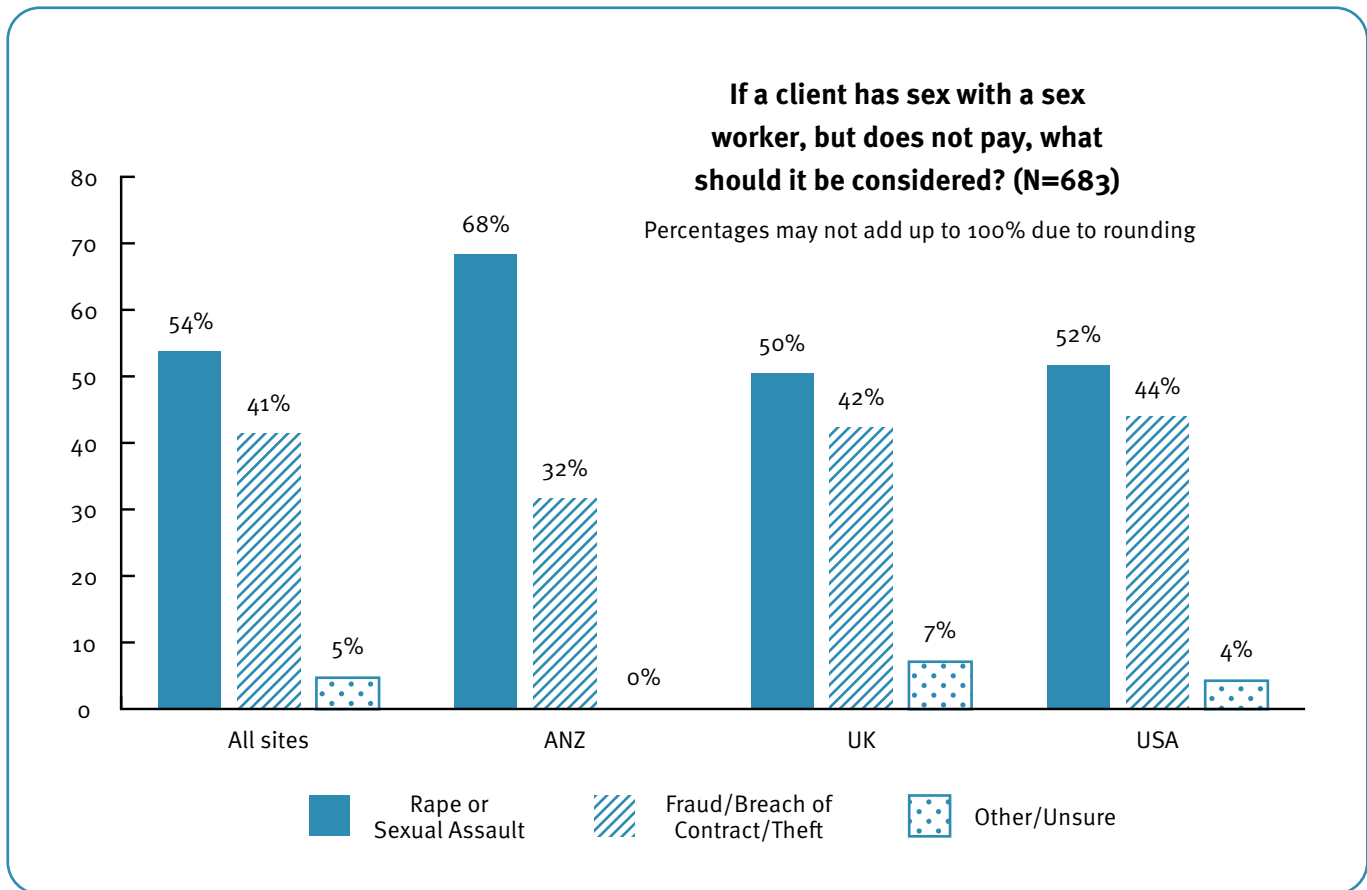
- Sheryl, ANZ, independent

In settings where the law prohibits stealthing, such as Nevada legal brothels and Aotearoa New Zealand, there was a greater sense of rights when it came to condom removal. For example, Carrie, a sex worker in Aotearoa New Zealand, pursued legal action against a client for violating her consent:

I wanted to set a precedent for the stealthing incident, 'cause I went, **'Well this directly breaches the PRA (Prostitution Reform Act), you know, Section 9, up to 1, 3 and 4'**. You know, it's not okay.

- Carrie, ANZ, independent

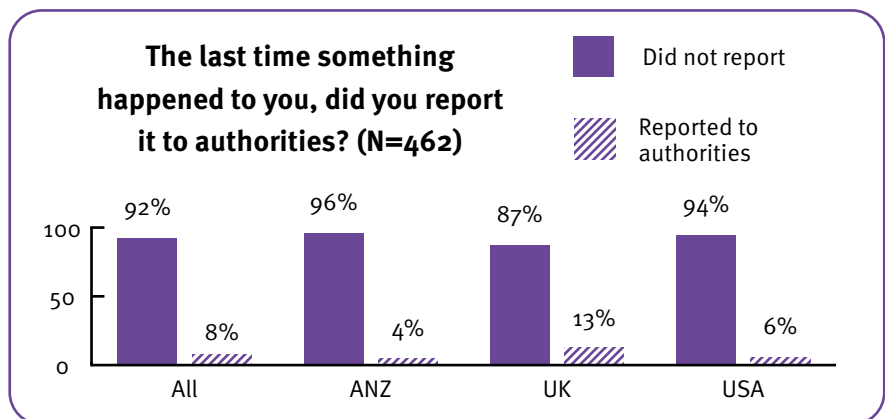
Our findings highlight a clear mismatch between how formal law defines sexual violence and how sex workers experience it. According to our data, sex workers view it as a violation when clients: (1) engage in acts explicitly prohibited before the booking, (2) engage in acts not formally discussed, or (3) fail to request consent for certain acts during services. These violations are both personal and transactional, affecting their bodies and their business. The way the law recognises their consent and protects their autonomy (or not) deeply influences how sex workers perceive and respond to these violations. This, in turn, determines whether they feel empowered to act or are left to cope in silence.



Part 4 – How Sex Workers Deal with Violations

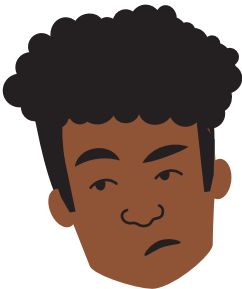
Similar to research on non-sex workers, we find that very few sex workers report unwanted contact or sexual violence to formal criminal justice systems, even in settings where sex work is decriminalised.

The law’s definition of sexual violence often doesn’t match sex workers’ experiences, as it fails to address their specific violations and creating the same systemic barriers that affect non-sex workers, leading to a sense of **legal alienation**.



Trust in the police is especially low in criminalised contexts like the USA, where workers expressed the least confidence. Many avoid reporting altogether, feeling that the police wouldn't care or would target them instead.

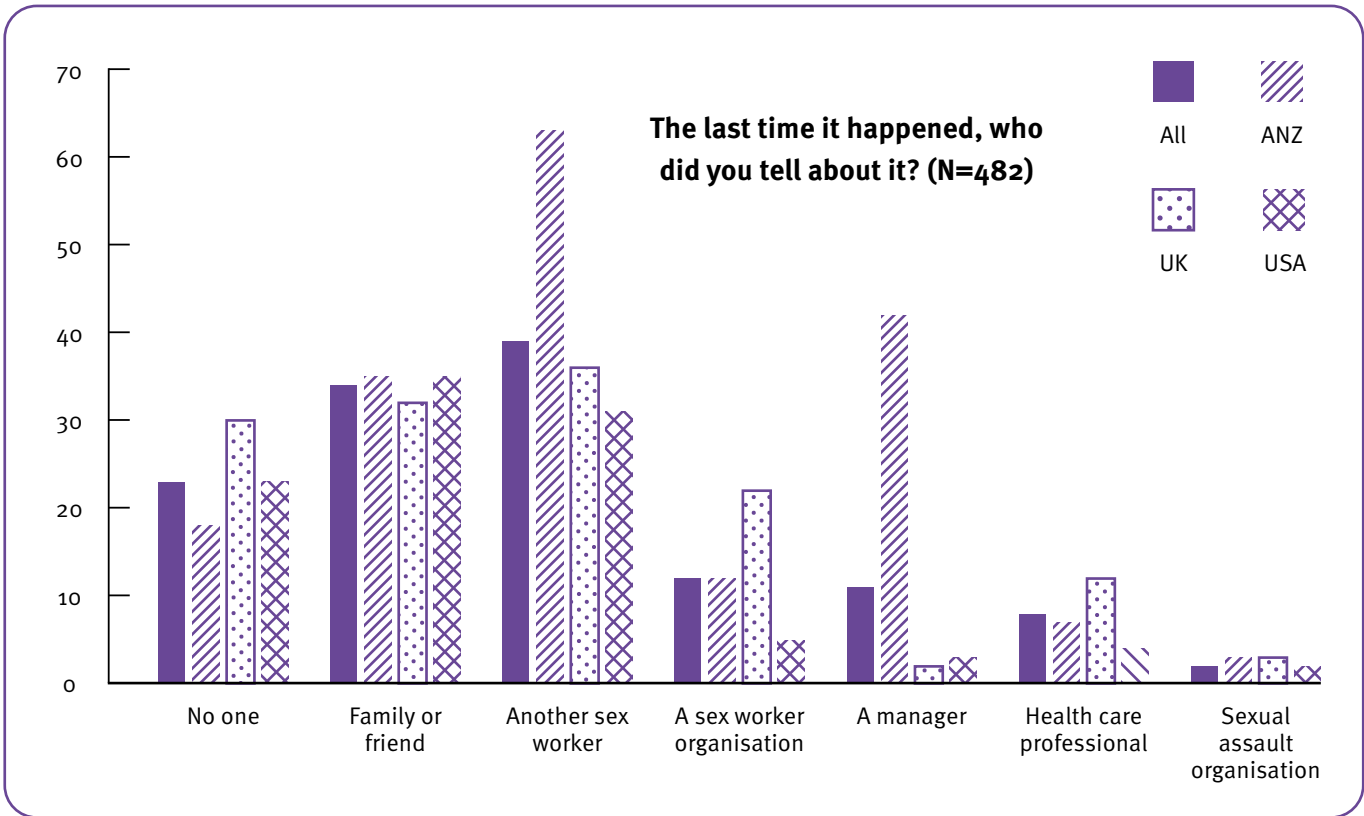
Because it's not legalised, and we're doing it illegally, you don't have anybody to call, report. **It's not even like they're going to care.**
- Jessica, USA, various



They don't do anything about sexual assault for non-sex workers and certainly not for sex workers.
- Survey Respondent, USA

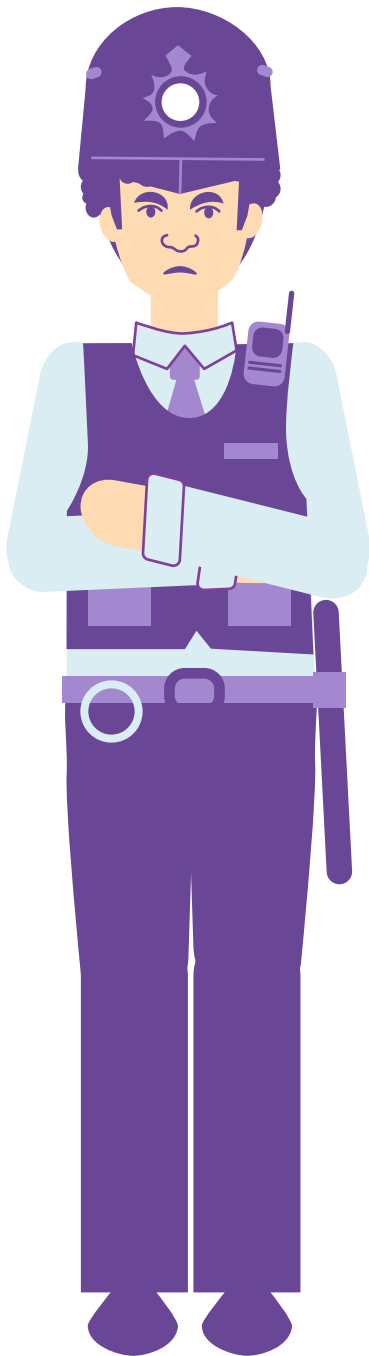
Sex workers in decriminalised environments like Aotearoa New Zealand, and legal systems like Nevada's legal brothels, believed they would be taken seriously by police, but reporting was still rare.

Instead, sex workers overwhelmingly rely on **informal responses**. In structured environments like Nevada's legal brothels and decriminalised brothels in Aotearoa New Zealand, workers are better supported by management and security systems. These settings offer dual layers of protection through workplace rules and peer networks, though they stop short of bridging the gap to formal legal systems. Peer support is especially crucial in criminalised settings, where workers are much more likely to turn to each other than to formal agencies for help.



Part 5 – What We Learned and What Should Change

This research reveals a significant gap between what sex workers experience as unwanted contact, what the law considers sexual violence, and what they can formally report. The ability to negotiate and enforce boundaries with clients is critical and is heavily influenced by the legal environment.



In settings like Aotearoa New Zealand and Nevada’s legal brothels, where the law offers protection, sex workers are empowered to assert their rights and enforce boundaries. While formal reporting remains rare, there have been a number of successful criminal justice convictions when violations occur and are reported by sex workers. However, trust in the criminal justice system remains alarmingly low, particularly in criminalised settings like the USA. Fear of legal consequences for themselves and stigma often prevents sex workers from seeking any kind of help outside of their peer networks, especially through criminal justice institutions.

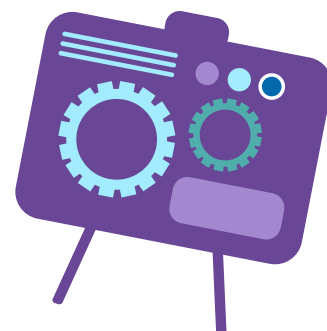


The most frequent forms of unwanted contact are payment problems and clients pushing for extra services, which sex workers view as serious violations of consent. Yet legal systems, especially in partial and fully criminalised contexts, rarely address these breaches. This disconnect between the law and sex workers’ experiences contributes to low reporting rates, with many choosing to handle violations on their own or through peer networks, further deepening their sense of legal alienation.

Across all contexts, sex workers rely more on informal networks and systems for support and protection, particularly in criminalised settings where legal options are limited. In workplace settings, workers may turn to brothel management or peer support to navigate unwanted incidents. Despite these informal supports, sex workers continue to face structural barriers to justice, and many feel that the law fails to protect their autonomy or address their specific violations.

Sex workers involved in this project made the following recommendations for sex worker organisations, support services, and the justice system:

1. **Survivors of sexual violence need choice** and control in their interactions with healthcare and criminal justice systems.
2. **Support sex workers to be empowered** and build trust through developing relationships (giving opportunities to learn from others).
3. **Mainstream services should partner with sex workers and sex-work-specialist organisations**, including in the delivery of education programmes.
4. **Services should understand the specific needs of sex workers**, and how these differ from those of other survivors.
5. **Sex worker organisations should continue educating and lobbying for full decriminalisation of sex work.**
6. **Support the consistent application of regulations** to ensure fairness and protection for sex workers.
7. **Ensure better welfare and health support for sex workers.**



At the heart of these recommendations is the need to address stigma.

Stigma against sex workers — particularly in criminalised and partially criminalised settings — can be embedded within essential services such as healthcare and policing. This stigma often leads to compounded harm for sex workers, further alienating them from the services they need.

The findings point to a need for inclusive legal frameworks that empower sex workers to set and maintain boundaries, while providing effective mechanisms for redress. Legal systems must protect sex workers' rights to negotiate consent and ensure that they can seek justice without jeopardising their livelihoods. Any reforms must address the broader structural barriers to justice, like those faced by non-sex workers, while also considering the unique challenges of sex work.