

When the Law Fails to Protect: Stigma, Violence and Sex Workers' Multi-Layered Responses in the Kenyan Cities of Nairobi, Mombasa, Kisii and Meru

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Abstract

In Kenya, criminal laws on sex work and same-sex activities, combined with stigma on sex work and homosexuality, shape sex workers' vulnerability to violence. This paper explores sex workers' responses to violence at various levels of social and legal organisation. Drawing from a community-based participatory research (CBPR) approach including qualitative interviews and focus group data, the paper illustrates a close and mutually reinforcing nexus between criminalisation, sex work stigma and homophobia as well as a resulting climate of impunity for perpetrators. By understanding sex workers as agentic actors, it demonstrates how sex workers respond to, rework and resist this repressive landscape of violence. It argues that sex workers mitigate the risk of experiencing violence by 'getting by' and 'getting ahead', while sex worker organisations support them to engage in collective resistance. The paper demonstrates a need to reform sex work-related laws and argues that action should extend beyond legal reform to include efforts to mediate the social processes that undercut sex workers' access to rights and social justice.

Keywords

sex workers, violence, resistance, sex worker organisation, Kenya

Introduction

Globally, sex workers are a highly stigmatised and marginalised population at high risk of violence (Decker et al., 2015). Violence is defined as the intentional use of physical force or power, threatened or actual, against oneself, another person or a group/community that results

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or has a high likelihood of resulting in injury, death, sexual or psychological harm, maldevelopment or deprivation (World Health Organization et al., 2013).

Countries that implement laws that criminalise sex workers show the highest levels of violence against sex workers (Platt et al., 2018). Additionally, due to the criminalisation of same-sex relations in some countries and stigma around homosexuality, male sex workers face an increased risk of victimisation compared to female sex workers (Valente et al., 2020). Criminal laws combined with social repression and exclusion affect sex workers' vulnerability to violence and obstruct their access to safety, health and human rights (Krüsi et al., 2016; Nelson, 2019). Criminal laws also shape sex workers' interactions with police officers and other law enforcement workers (Deering et al., 2014). Sex workers who operate in criminalised settings have reported offences by police, including intimidation, rape and sexual assault, harassment, corruption and bribes, unlawful arrests, detention and even torture (Evans & Walker, 2017; Richter & Wasserman, 2020). This accumulation of sex workers' experiences of police violence also prompts their fear of police and undermined their access to justice following violent attacks (Decker et al., 2021). Moreover, it has created a dangerous space of impunity for perpetrators and provides police officers the space to relatively easily and unimpededly engage in arbitrary arrest and forced detention (Platt et al., 2018).

Whilst emerging research explores sex workers' experiences of victimisation in criminalised environments, far less research examines sex workers' responses to violence. Criminalised environments promote a sense of urgency among sex workers, as they have to manage the risk of violence concurrent with the risk of arrest (Sanders, 2004). Indeed, criminalised environments force sex workers to constantly assess and mitigate risks to accessing safety and legal redress (Stardust et al., 2021). While previous studies in Kenya and other sub-Saharan countries have included sex workers' individual (African Sex Workers Alliance (ASWA), 2019; Okal et al., 2011; Valente et al., 2020) and collective (Restar et al., 2021; Scorgie et al., 2013) responses to violence in criminalised environments, there has been relatively limited attention to the role of sex worker collectives and organisations.

Based on a community-based participatory research (CBPR) study conducted at four research sites in Kenya, this paper contributes to the emerging body of literature by exploring sex workers' responses to different forms of violence at various levels of social and legal organisation, including responses by and through sex worker-led organisations (SWLOs). It distinguishes three layers of sex workers' strategies: resilience, reworking and resistance strategies (Katz, 2004). This paper demonstrates that sex workers' responses vary in scope and range from small responses to overtly transformative ones. This study concludes that sex

workers' experiences of stigma and violence, as well as their multi-layered responses, are shaped by the socio-legal context in which they occur. While this paper demonstrates a need to reform sex work-related laws, I argue that action should extend beyond legal reform and include efforts to mediate the social processes that undercut sex workers' access to rights and social justice.

Resilience, reworking and resistance

This paper starts from the understanding that sex workers develop and exercise agency and reclaim a degree of autonomy in responding to violence. In doing so, sex workers' agency is understood as their ability to exercise choice (Kabeer, 1999) and be capable of exerting some degree of control over the social relations in which they are enmeshed, and transforming these social relations to some degree (Sewell, 1992). Understanding sex workers as agentic actors facilitates an understanding of how workers can respond to, rework and resist the exploitative and repressive structures of which they are part.

To make sense of sex workers' responses to experiences of stigma and violence, this paper uses Katz's (2004) theoretical framework, specifically the categories of resilience, reworking and resistance. Within this framework, resilience refers to small acts of getting by or coping with everyday realities without necessarily changing existing social and power relations. These acts include autonomous actions that enable survival, which may be neither progressive nor transformative and are often conceptualised as upholding the status quo. Reworking refers to focused and pragmatic responses to problematic conditions people face, with the aim of shifting these conditions in order to enable more workable lives. While the outcomes of the resilience and reworking acts may be small, existing research shows that these strategies create incremental and meaningful changes in people's lives (e.g., Berntsen, 2016). Resistance is intended to resist, subvert or disrupt conditions of exploitation and oppression, and as such, it aims at broader transformations. Such transformation has been considered the outcome of collective action, for example, through workers' unions and collectives (Steel, 2012).

It is noteworthy that underlying the described levels of resistance lie different levels of consciousness. In this regard, acts of resilience build on a limited consciousness of the relations of oppression that shape agency, while acts of reworking, and especially those of resistance, draw on and (re)produce a more critical and oppositional consciousness of the hegemonic powers at work (Carswell & De Neve, 2013; Katz, 2004). Lazarus et al. (2012)

highlight the roles sex worker groups play in promoting the development of such critical and oppositional consciousness among sex workers. Indeed, interaction with fellow sex workers, sex worker activists and other relevant stakeholders is assumed to increase critical consciousness among sex workers and to transform how sex workers accept their positioning in society and their willingness to fight against social injustice, including violence (Khan et al., 2019). It can thus be argued that sex workers' spaces contribute to them becoming increasingly resisting subjects (Hooks, 1992), which is significant for shaping their agency and responses to violence.

Methods

This paper reports the findings of the qualitative component of a larger mixed-methods study on violence against sex workers in Kenya (AidsFonds-STI AIDS Netherlands, 2020). The study was funded and facilitated by a Dutch non-governmental organisation (NGO) and implemented in cooperation with Kenyan sex workers and SWLOs in Nairobi, Mombasa, Kisii and Meru. Participating SWLOs were (1) Bar Hostess and Empowerment Support Program and (2) Healthy Options for Young Men living with HIV and STIs (HOYMAS) in Nairobi; (3) Eagles for Life in Kisii; (4) HIV/AIDS Peoples' Alliance of Kenya and (4) Coast Sex Workers Alliance in Mombasa; and (5) Hope World Wide, Empowering Marginalised Communities in Meru. The Kenyan Sex Workers Alliance (KESWA) played an advisory role and supported the research in Nairobi.

The study used a mixed-methods Community-Based Participatory Research (CBPR) approach. CBPR is a partnership approach to research that promotes collaborative research between scientific researchers and 'community' members, in this case sex workers. CBPR aims at deconstructing power relationships between academic researchers and traditional research subjects by acknowledging the scientific legitimacy of experiential knowledge, and is often used to help ensure that research outcomes, and interventions that may result from it, meet community needs (Israel et al., 2010). Drawing from the CBPR approach, in this study, academic researchers and sex workers collaboratively designed and executed the research, including the design of the research methods, data collection and writing of the results. The involved SWLOs were involved in the selection of academic researchers, recruited research participants, and interviews took place on the organisational premises.

The results presented in this paper are derived from 30 in-depth semi-structured interviews with 15 female and 15 male sex workers as well as 20 focus group discussions, including 16 focus groups with women and four focus groups with men, including a total of 170 sex workers. In addition, 10 interviews with relevant stakeholders, including sex worker activists, government officials and police officers, were conducted. Questions on the semi-structured interview guide and in the focus group design focused on sex workers' experiences of violence by various perpetrators, their social networks and their mitigation strategies. Interviews and focus groups lasted 30 to 60 minutes and were conducted face to face in English and Kiswahili by a Kenyan researcher. Sex workers received a small financial compensation for participation.

While a Kenyan researcher collected the data for this project, I trained the research assistants, conducted data analysis and wrote up the results. I did this while also conducting ethnographic fieldwork in one of the participating SWLOs. As part of this ethnographic fieldwork, I conducted participant observations on the SWLO's activities, and I carried out formal and informal semi-structured and open interviews with sex workers, the SWLO staff members and other relevant stakeholders (e.g., Kenyan government officials and representatives of international NGOs). For the purpose of this paper, I use the data from my ethnographic research to complement the data and outcomes of the CBPR study.

Regarding data analysis, interviews and focus group discussions were recorded, transcribed and – when conducted in Kiswahili – translated into English. The data were analysed in Dedoose, a software program for qualitative data analysis. A multi-staged thematic analysis was applied to the data. In the first stage, I examined themes and patterns of meaning regarding experiences of stigma and violence as well as sex workers' responses to these experiences. The second stage included a re-coding of sex workers' responses into Katz's (2004) different levels of resistance. As the data analysis ranged across four research sites in Kenya and included narratives of both female and male sex workers, it recognised the specificities of each context and gender where relevant. In the interviews, we did not require participants to provide personal details. While this approach on the one hand provided research participants more privacy and made them feel more comfortable during the interview, on the other hand, it obstructed the application of a more intersectional analysis.

The study protocol and study materials were reviewed and approved by the Kenyatta National Hospital–University of Nairobi Ethics Research Committee. Written informed consent was obtained prior to the interviews and focus group discussions after explaining to the participants the purpose of the study, assuring confidentiality and anonymity and informing

them about the right to withdraw from the study at any time. The final draft of the manuscript was reviewed and approved by participating SWLOs.

Country Context

Before exploring the responses to stigma and violence among Kenyan sex workers below, I first provide a background to sex work in the country, including its socio-legal context. In Kenya, sex work is concentrated in urban areas. In the country's capital of Nairobi, sex workers operate from over 2500 'hotspots' – places where sex workers and their clients meet and which range from outdoor and street-based sex work to clubs, bars and hotels (Lorway et al., 2018; Woensdregt & Nencel, 2022). In coastal Mombasa, tourism is an important part of the sex work market (Česnulyte, 2015; Okal et al., 2009; Omondi & Ryan, 2016). Ferguson and Morris (2007) provided insight into sex work outside Nairobi and Mombasa, illustrating how in border towns, long-distance truck drivers and transporters as well as cross-border traders make up much of the sex work clientele. In rural areas, patterns of seasonal payment for cash crops such as wheat, coffee and tea (Ondimu, 2009); the mobility of fishing communities (Camlin et al., 2013); and the cut flower industry (Lowthers, 2018) further shape sex work.

While sex work is widespread in Kenya, currently the national Penal Code criminalises activities related to sex work and same-sex relationships. Although according to this Penal Code the activity of selling sex is not technically illegal, all related activities are criminalised (Mgbako, 2016), including: 'detention of females for immoral purposes' (Section 151); 'male persons living on the earnings of prostitution or soliciting' (Section 153); 'women living on the earnings of prostitution or aiding, abetting or compelling an individual to engage in sex work' (Section 154); 'premises used for prostitution or residing in or frequenting or living in a house wholly or in part on the earnings of prostitution' (Section 155); and 'running a brothel' (Section 156). The Penal Code also criminalises 'unnatural offences- any person who has carnal knowledge of any person against the order of nature' (Section 162 a), and anyone who 'permits a male person to have carnal knowledge of him or her against the order of nature' (Section 162 c) 'is guilty of a felony and is liable to imprisonment for 14 years'. Similarly, anyone who 'attempts to commit unnatural offences' (Section 163) and 'indecent practices between males... is guilty of a felony and is liable to imprisonment for five years' (Section 165). These criminal laws particularly affect male sex workers, although police may also use them to harass other queer² sex workers. Kenyan sex workers rarely experience arrest on the

² I use the term 'queer' in a theoretical way to indicate a field of non-normative genders, desires and practices wherein same-sex and cross-sex desires and acts are not mutually exclusive (Spronk & Nyeck, 2021).

grounds of the above-described criminal laws. Rather, police officers harass and arrest sex workers on the grounds of county by-laws related to being a public nuisance, loitering for immoral purposes, importuning for prostitution and indecent exposure (KESWA, 2018).

Despite criminalisation of sex work, the National AIDS and STI Control Programme (NAS COP) prioritises violence as a key structural barrier to HIV-related services, and it addresses violence against ‘key populations’ – including sex workers – in the national guidelines for HIV/STI programming (Bhattacharjee et al., 2018). At time of this research, however, few policies had been put into practice, and sex workers generally lacked access to services required to address violence, including psychological services, rehabilitation and integration, victim protection and legal support (ASWA, 2019; KESWA, 2018; Woensdregt & Nencel, 2022).

In the absence of formal protective structures, Kenyan sex workers access support through SWLOs. While these organisations have gained external legitimacy and visibility through HIV-related work (Česnulytė, 2017; Woensdregt & Nencel, 2022), they are strongly involved in activism and advocacy and thus play a political role in Kenyan society (Mgbako, 2016; Woensdregt & Nencel, 2021). In 2018, there were more than 75 community-led sex worker groups aligned with KESWA (interview with representative of KESWA, August 2018).

Sex workers’ experiences of stigma and violence in the context of criminalisation

The study outcomes show that sex workers’ experiences of stigma and violence were influenced by criminalisation and county by-laws related to sex work. This section illustrates how the laws and by-laws shape sex workers’ relationships with clients, police and other people in the community (mostly referring to family members, neighbours and friends living nearby) and shape sex workers’ options for responding to violence at various levels.

Sex workers at all research sites reported stigmatisation, discrimination and other forms of marginalisation. They explained their marginal societal position by calling attention to the limited recognition of sex work as a legitimate form of work:

They don’t value the job. If someone works in an office, she’s more recognised because she works in the office, but as a prostitute, who recognises you? ... The job of selling out your body so that you can acquire

some food to feed your kids and also to pay for their studies, they don't recognise that as a job.

Female focus group participant, Kisii

Criminalisation in combination with dominant religious, family and cultural norms and values, position sex workers as morally wrong. Participants felt that this societal position increased sex workers' vulnerability to – and legitimised – stigma and other forms of violence:

The way we have demeaned sex work in our society, it's all negative: cultural, religion and the law. The way we consider sex work, it's a demeaning thing, and people carry that perception wherever they go. They meet a sex worker and view them as useless... So, the fact that that line of work has been so demoralised and looked down upon gives these people some vulnerability.

Interview stakeholder, Kisii

In discussing sex work-related violence, participants primarily referred to violence perpetrated by clients and police officers. Sex workers in this study experienced client-perpetrated violence across sites and in forms that were remarkably similar. Experiences of client-perpetrated violence included emotional violence, such as insults and humiliation; physical violence, such as beatings; sexual violence, such as clients forcefully engaging in sexual acts, including unprotected sex, without their consent; and economic violence, such as theft of money and belongings as well as clients paying less than agreed upon or not paying at all. Different types of violence were often interrelated, and at all research sites, sex workers identified disagreement over payments as a common catalyst for violence. The following quote illustrates a sex workers' experience of client-perpetrated violence:

There was this client; we had agreed on a gold extreme package. So, he had me tied up on the bed, and after we were done, he started taking photos of me and started threatening to expose me... He took a substantial amount of money, until I was fed up and told him to go ahead and put me up wherever he wants. Then, when he realised I don't care, he stopped. I felt really abused... I had to give him all the money I made.

Female focus group participant, Mombasa

Male sex workers often experienced intersecting forms of violence because of perceived homosexuality, which, in addition to sex work, continues to be a taboo in Kenyan society. This criminalisation of homosexuality and widespread homophobia has resulted in

many male respondents hiding their sexuality and sex work. This illegal character also requires male sex workers to work even more discretely than female sex workers, which increases their vulnerability to experiencing violence. Male respondents discussed experiences of client-perpetrated violence generally linked to clients' internalised homophobia as well as to perceptions of impunity.

Respondents considered perpetrators' perceptions of impunity a result of criminalisation. They felt that their social and legal positioning as criminals led to perpetrators disrespecting and taking advantage of sex workers:

[Perpetrators] see us as weak and [know] there is nowhere we can take them. There is no constitutional act that protects our rights, especially for someone who is gay like me... I am gay, and someone knows that there is nowhere I can take him if he violates me. I cannot go to the police station and say, 'I'm gay, and this person has done this and this to me'. He knows I will be arrested.

Male respondent, Mombasa

The quote illustrates how violence is fuelled partly by the recognition of sex workers' barriers to seeking justice, which enables perpetration of physical and sexual violence with impunity (Decker et al., 2015). The next section further explores sex workers' relationships with police officers, including impunity for perpetrators of violence and the discrimination sex workers experience in accessing police assistance and justice.

Relationships between sex workers and police officers

In general, relationships with the police were perceived as negative, and some respondents described police officers as 'worse than clients' (female participant focus group Meru). Respondents referred to police as their 'enemies', expecting harassment and abuse from them rather than protection.

Sex workers reported multiple forms of violence by police officers. Police officers were accused of laughing at sex workers and using derogatory language, for example, asking them 'why they sell their vagina', 'who penetrates their arse' or 'why they spread the HIV virus'. Respondents shared experiences of police officers being physically violent towards them, for example, beating and kicking them and throwing them out of police vans. Additionally, several

respondents experienced police officers demanding free sexual services and engaging in sexual harassment and rape, often without a condom. These different forms of police violence were experienced as interrelated:

If the relationship is friendly, you will be sleeping with every police officer. That relationship leads them to beat you up. If you report a case of assault, they cannot listen to you and hurl insults at you. When you refuse to sleep with them, they either arrest you or rape you.

Female focus group participant, Meru

The quote also illustrates how a 'friendly' relationship requires sex workers to provide sexual services to police officers.

Respondents were convinced that one of the main drivers for police officers' acts of violence was interest in sex workers' money. In this regard, a male respondent from Mombasa explained that the following usually happens:

The police will come when you are at the hotspot. When the police arrive, they just take you in. They grab you and put you in their car. The first thing they do after that is say, 'Whoever has money will give [it to] me'. So, I am coerced by the police to give them money.

Male respondent, Mombasa

Respondents explained that if someone is unable to pay the amount police officers demand, they might steal the person's personal belongings and/or demand free sexual services. Male sex workers in Nairobi additionally experienced police officers blackmailing them and their clients:

I went to a police station for assistance, and the police officer told me to approach the client again. [He said,] 'Call us again when you are in the room, we will come with cameras and record everything and use this to blackmail him'.

Male respondent, Nairobi

Police officers blackmailing male sex workers and their clients further exemplifies police officers' interest in sex work-related money and demonstrates police acting as perpetrators of violence against rather than protectors of sex workers.

Police abuse as described above sets the scene for the discrimination sex workers experience in accessing the criminal justice system. In discussing their abilities to access this system, respondents referred to the criminal laws related to sex work and same-sex relationships:

It's a challenge because first of all when you talk about sex work, you see how criminalised it is. [Police will say:] 'Why do you do that?' They will discriminate [against] you, stigmatise you and even ask you if you can't get another kind of job. You feel offended at some point, so even most of the sex workers prefer not to report their cases.

Female respondent, Nairobi

In environments that criminalise sex work, police officers wield tremendous power over sex workers (Shannon et al., 2018). The feeling of being powerless that results from this, as well as the fear of stigma, discrimination, moral judgement, corruption and conviction, obstructed sex workers in this study from reporting violence to the police and seeking other forms of assistance.

Sex workers' multi-layered responses to stigma and violence

The previous section showed how laws surrounding sex work in Kenya play a role in either reinforcing or challenging stigma against sex workers and shape sex workers' vulnerability to violence. By discussing strategies of resistance, reworking and resilience, this section illustrates how this socio-legal environment shapes sex workers' responses to violence.

Resilience

In order to manage the risk of experiencing violence, sex workers engaged in resilience strategies, conceptualised as small acts of getting by or coping with the everyday risks of violence. Sex workers in this study both strategised against the possibilities of violence and used reactive strategies to manage experiences of violence in at least six diverse and

innovative ways. It is noteworthy that sex workers used the described strategies at the individual level, and hence the strategies used depended on the person and specific situation.

First, respondents attempted to be discerning in their selection of clients, conducting a 'discrete background check' before engaging with a new client. In doing so, they tried to read clients' intentions through their appearance and tone of voice. In reflecting on potential indicators for violent behaviour, respondents mentioned excessive alcohol and drug use, unrealistically high payments and disrespect of sex workers' boundaries. While respondents felt that screening clients supported them in choosing 'genuine' clients, they recognised that it was by no means a guarantee of safety.

Second, sex workers avoided dangerous working locations, preferring to work indoors. Respondents preferred to meet clients at a location of their own choice, and considered indoor locations safer than the streets, clients' houses or their own houses. Many preferred to work from a particular 'hotspot' in order to build relationships with regular clients, whom they perceived as less of a risk than one-night stands.

Third, sex workers considered excessive alcohol use while performing sex work to be a high risk. It should be noted that not all those interviewed engaged in what could be described as problematic alcohol use. Respondents felt, however, that excessive alcohol use increased their vulnerability to violence by hindering price and condom negotiations. Sex workers attempted to minimise the use of alcohol as a strategy to retain control over social interactions and sexual encounters with clients. In this regard, a male respondent from Nairobi said: 'I will not drink if I want to be safe. I will rather go for water than alcohol'.

Fourth, to protect themselves from economic violence, sex workers preferred to negotiate prices and sexual services soon after meeting the client. Although respondents emphasised the importance of such pre-service negotiations, they felt that starting a discussion about payments right away obstructed them from finding clients in the first place. Respondents experienced that despite negotiations, after providing clients with sexual services, clients might still refuse to pay the amount agreed upon or steal previously made payments back. Hence, in order to further mitigate the risk of experiencing economic violence, respondents tried to get rid of the money they earned as soon as possible. To do so, sex workers would try to hide their money or temporarily give it to another sex worker. To preclude clients stealing their cash money, respondents preferred to use Mpesa, a mobile payment tool.

Fifth, participants carried objects that could be used as weapons of self-defence if clients attacked them. Examples of such tools were long nails, high heels, needles and toothpicks. One female focus group participant from Mombasa explained: 'I carry a blade; if you become violent, I will just slice your nose and ears too'. Similarly, a male respondent from Nairobi said: 'I use a toothpick to defend myself if you try to rape me. I attack your eye with the toothpick'.

The above strategies mostly centred around sex workers' direct and active strategies and responses. Interestingly, when attacked, some participants chose to be deliberately silent and use what can be interpreted as more passive strategies to protect themselves. For example, a male sex worker from Nairobi explained: 'If it's verbal [violence], keep quiet. If it becomes physical, make sure you avoid as much as possible to hit back. Don't do anything, just retreat and avoid it'. His words illustrate how sex workers may use silence and avoidance to protect themselves from further violence. Silence and passivity may be significant in criminalised environments, where voicing dissent and opposition can be dangerous and where protection is unlikely and uncertain. Interestingly, some respondents strategically used silence to be able to report the client afterwards:

If you decide to exchange insults with them, you are also doing violence. How then will you go to report [the violence] if you exchange insults with them? You won't be helped. If someone starts to abuse you, if you have any device that can record or document, you can record it. Don't insult them back; try and be quiet.

Male respondent, Kisii

Sex workers used these individual resilience strategies to anticipate the threat of violence and minimise actual experiences of violence in the context of their sex work. These autonomous actions of resilience supported sex workers in their coping with everyday realities of stigma and violence without necessarily changing existing social and power relations but rather upholding the status quo. The next section analyses how sex workers individually and collectively rework existing structures that increase risk and vulnerability to violence, which support sex workers to 'get ahead'.

Reworking

To rework the structures that increase vulnerability to stigma and violence, sex workers engage in reworking strategies, conceptualised as the focused and pragmatic responses to problematic conditions people face that aim at shifting these conditions in order to enable more workable lives (Berntsen, 2016; Katz, 2004). Sex workers' reworking strategies became particularly clear when analysing their relationships with and access to networks of fellow sex workers, other people working in the sex industry and SWLOs.

Partnerships with other sex workers

Given the risk inherent to sex work in Kenya and the difficulties accessing police and other forms of assistance, respondents emphasised the importance of building relationships and friendships with fellow sex workers and other people working in the sex work industry. In order to promote a sense of safety while doing sex work, sex workers in this study worked together with one or several sex worker friends. Such collaborations in practice meant going together to the hotspot and keeping an eye on each other while recruiting and meeting clients. Regarding the importance of such friendships, a male respondent from Nairobi said:

Always make friends around you. If you make enemies around you, your work will not be safe. Whether they are your fellow colleagues or people you meet around when you are going out, just try and make good friends around you.

Male respondent, Nairobi

At all research sites, sex workers developed monitoring systems through which they shared information about incidents of violence at certain working places, violent clients and upcoming police raids. As part of these systems, sex workers tracked and forwarded each other information on and pictures of clients and their car number plates as well as the locations where sex workers were planning on meeting clients. They explained that in case one of them did not return within an agreed upon amount of time, their peers would then have several clues as to where to find their friend. A male sex worker from Nairobi explained how these systems work:

When I am going to meet a client, I will forward you the contact if you are my friend. If the client has a car, I will take a picture of the number plate and then

forward [it] to your WhatsApp account. So, you will know where I have gone to, and maybe before I meet [a client], I will ask for [his] photo, which I will forward to my friend... So, in case I disappear and I had texted you that I am in danger, then you already know where to trace me. So that is local arrangements that we come up with as sex workers.

Male respondent, Nairobi

Respondents explained that sex workers stand in solidarity and may collectively, and sometimes literally, fight back against their perpetrators. Respondents shared experiences of going after clients to demand remaining payments and engaging in physical assaults in cases of refusal. A female respondent from Mombasa explained:

If someone gets beaten up on the street, we all [get] revenge on her behalf. We deal with you right there. A certain lady was used by a client, and she tricked him into coming back to our hotspot. She called all of us, and we all ganged up and forced him to pay. Even police officers will not help you, so we help each other. We can't sit and watch one of us being beaten up.

Female respondent, Mombasa

Similarly, a female participant of a focus group in Meru explained:

If you go with a client and he refuses to pay, you call people. [Then,] we all go and ask for the money. If he refuses to pay, we beat him up... We do that because we don't have anyone to fight for us. If you agreed with someone that he will pay 2000 shillings for the night, and they refuse to pay, what do you do? You call people.

Female focus groups participant, Meru

The above shows how relationships between sex workers and working collectively allowed respondents to confront their perpetrators. Additionally, relationships between sex workers also promoted financial security. Sex workers in this study created and maintained Chamas. Kenyan Chamas are an historical way of saving money collectively, and sex workers use them to contribute to and lend each other money. Sex workers in this study used the money they saved through Chamas to pay for hospital bills and bail in case of arrest.

It is noteworthy that while sex workers emphasised the importance of partnerships with fellow sex workers, they explained that competition can undermine the potential for such

collaborations. Although respondents described relationships with other sex workers as generally good, many of them were close with only a few other colleagues.

Partnerships with other people at hotspots

In addition to partnerships with fellow sex workers, respondents emphasised the importance of building relationships with other people they meet at their hotspots, including receptionists, security guards, bouncers, waiters and waitresses. While respondents felt these actors cannot protect sex workers, they could inform them about clients with a history of perpetration, store sex workers' money and belongings while they were with a client and support them if needed. In some cases, respondents and the people working around the hotspot had agreed-upon signals or code language they could use in case of an emergency or to make sure someone would check on them after a certain amount of time. One woman from Mombasa explained how she collaborated with a bouncer in a club:

You create a good relationship with the bouncers, waiters and bar waitresses. You make sure that your environment is safe such that if someone provokes you, the bouncer will intervene... Once the bouncer notices that you've walked in, [you make sure that] they stay close to you. So always ensure you befriend the bouncer if you work in the club.

Female respondent, Mombasa

Similarly, when asked what makes her feel safe at her hotspot, a woman from Kisii explained:

The receptionists because once a client pays you, we leave the money with them. They keep [it] for us. We also tell them that if a client leaves first, they should go and check in the rooms to ensure that the one who is has remained in the room is okay.

Female respondent, Kisii

Male respondents felt an increased need to befriend people around their hotspots due to the homophobic working environment they operated in. They considered befriending bar and club owners as well as hotel managers and receptionists a prerequisite to be able to recruit clients and bring men into hotel rooms and guesthouses. One male respondent from Nairobi explained:

Because you are now two men and you are going into a room, most of the time it's advisable, it's a trick that we have learnt, that every time a client books a hotel room, let him book it with his full details, his ID number and his phone number... in case of [violence], you can follow it up. So, when you have this receptionist over there and you already have your network, in case of anything, you can always get information about that person.

Male respondent, Nairobi

The above shows how sex workers strategically engage in partnerships with people working around their hotspots. Sex workers often paid these external actors in small amounts of money, beer and – in some cases – free sexual services in exchange for protection, and thus these were relationships of mutual obligation and interests (Lorway et al., 2018). However, since this practice decreases sex workers' income, some participants were less keen to get involved with external parties.

This illustrates how sex workers navigate relationships with fellow sex workers and other people working around hotspots in ways that can rework existing conditions and relations to their own advantage. The described strategies contribute to reworking power imbalances in relationships between sex workers and clients and lead to the formation of informal security networks that support sex workers to be and feel safe. While the reworking strategies demonstrate increased critical consciousness of exploitative relationships that increase sex workers' vulnerability to stigma and violence, they mostly constitute a pragmatic response to improve and ease their circumstances without necessarily challenging how their sex work is organised. The following section elaborates on SWLOs' role in supporting sex workers to respond to and resist violence.

Resistance

As described above, to conduct this CBPR study on violence against sex workers in Kenya, we collaborated with SWLOs. This section illustrates the role these organisations play in supporting sex workers' responses to violence, both at the individual and collective level.

At the individual level, SWLOs support sex workers to develop protective responses in order to mitigate the risk of violence. SWLOs provide violence and security training and supply sex workers with information about laws affecting them and their human rights. Respondents perceived this training as empowering, as they provided opportunities to share risk

management strategies. Moreover, a female participant from Kisii explained how these training programmes support sex workers to recognise violence when it occurs:

[The organisation] has trained us about human rights violations, and that's when we realised that even when someone is calling you a prostitute, or touches you on the breast or spanking you without consent, [that this] is a human rights violation.

Female participant, Kisii

Situated in respondents' narratives was a sense of self-esteem they acquired through involvement in SWLOs. Respondents mentioned how this improved self-esteem played out in feeling increasingly empowered to respond to the violence inflicted on them. This suggests that being part of SWLOs supports sex workers to become resisting subjects by providing them with increased critical consciousness on the repressive working situation they are part of.

In addition to supporting sex workers to develop individual responses to violence, SWLOs provide members with post-violence emotional support and access to legal assistance. In this regard, respondents identified the paralegal workers that SWLOs provide as providing an important bridging function between sex workers and the legal system. One male respondent from Nairobi explained:

Here in [sex worker organisation], we have a paralegal team, and in case I'm violated by the police, I come to them, talk and share with them my issue, make a report and then from there, they file a case and follow up with the police station.

Male respondent, Nairobi

The above shows how SWLOs can play a role in creating critical consciousness among sex workers regarding the relationships between sex workers and clients as well as with police to support sex workers to rework and resist these relationships.

In addition to supporting individual sex workers' responses to violence, SWLOs enable sex workers to resist stigma and violence as the collective level. The SWLOs that the sex workers in this study were a part of regularly organised protests, rallies and demonstrations. An example of this is the annual march for sex workers organised on December 17, the International Day to End Violence Against Sex Workers. In addition, the director of an SWLO

in Mombasa recalled a protest he organised in response to an extreme case of violence within their community:

Once, a lady was murdered, and we were able to mobilise all the sex workers in the coastal region, both male and female, and we went to Casablanca and demonstrated. We went to the police station, we did the demonstration and we talked to the police.

Director SWLO, Mombasa

Furthermore, in an attempt to resist the legal conditions of exploitation and oppression, Kenyan SWLOs engage in strategic litigation. To illustrate this, at the time of this research, KESWA was in the process of decriminalising petty offences as a means to reduce arbitrary arrests and ill treatment of sex workers by police officers. In an interview, KESWA's legal officer explained that decriminalisation of petty offences may reduce police power over sex workers: 'Police officers will stop wasting people's time, and our sex workers will be safer. You don't have to bribe anymore and no longer have to sweet talk to the country *askaris* [Swahili for police]'. Alongside decriminalisation of petty offences, KESWA filed a lawsuit to decriminalise sex work (African Sex Workers Alliance (ASWA), personal communication, January 2021), and HOYMAS, a male SWLO based in Nairobi, was involved in a court case to decriminalise same-sex relationships in 2019.

While sex workers in this study applauded SWLOs' efforts to repeal criminal laws, at the same time, they expressed that decriminalisation of repressive laws failed to guarantee sex workers' rights and safety. Respondents emphasised that the current socio-legal context, especially the stigma surrounding sex work and homosexuality, obstructed them from living and working freely. Sex workers emphasised the need to reduce such stigma, frequently mentioning sensitisation of potential perpetrators. Kenyan SWLOs increasingly engage in sensitisation workshops or other types of events, at which sex workers meet potential perpetrators such as police officers, health care workers and people working around the hotspots. During such sensitisation events, sex workers share their experiences with sex work, stigma and violence and raise awareness on the existing climate of impunity for perpetrators (Woensdregt & Nencel, 2021). In Kisii, a woman made the following statement about the effects of sensitising people working around sex workers' hotspots:

Although the incidences [of violence] still happen, they have significantly reduced as these programmes offer us support. [The staff] visit sex dens, talk with the owners and managers and bar owners so that female sex

workers are not violated or raped. The bar owners in most cases side with the men and go against the female sex workers, and then misunderstandings arise. The staff members intervene by talking to the managers and owners, and we have seen changes in some clubs, where they now support sex workers operating there.

Female respondent, Kisii

The interviewed sex worker activists emphasised that the political activities described above – including protests, demonstrations, strategic litigation and sensitisation strategies – continue to be high on the agenda in order to improve the living and working conditions of Kenyan sex workers in the future.

It is noteworthy that SWLO activism is mostly visible in Nairobi and Mombasa. This research suggests that sex workers in Kisii and especially Meru have limited access to sex worker groups and organisations. At the time of this research, there was no formal sex worker organisation in Meru. While participants in Meru engaged in individual social risk mitigation strategies, and in some cases collaborated with fellow sex workers and external actors, some of them felt they were on their own. While respondents expressed a willingness to start organising in similar ways as sex workers in other parts of the country, this had not yet been formalised.

Discussion and conclusion

This paper discussed the manifestation of stigma and violence against Kenyan sex workers and sex workers' multi-layered responses to this stigma and violence at various levels of social and legal organisation. The paper contributes to the academic literature on violence against sex workers, specifically in the context of criminalised working environments (Mgbako, 2016; Okal et al., 2011; Scorgie et al., 2013; Valente et al., 2020). The study illustrates that sex workers' experiences of stigma and violence are influenced by criminal laws and county by-laws related to sex work. Indeed, laws and policies criminalising sex work deeply marginalise sex workers, pushing them underground and leaving them with little power over their work, thus making them vulnerable to abuse and discrimination (Mgbako, 2016). Both female and male sex workers experienced barriers to seeking justice, which made them reluctant to seek police assistance, thus enabling further perpetration of violence with impunity (Decker et al., 2015). By including participants from Kisii and Meru, this study complements existing studies conducted in Kenya by addressing violence against sex workers who work outside Nairobi

and Mombasa. Furthermore, it draws attention to the often-neglected groups of African male sex workers and their intersecting experiences of violence due to their (perceived) homosexuality. This study demonstrated that illegality of homosexuality as well as widespread homophobia requires male sex workers to hide their sexuality and sex work, which increases the climate of impunity for perpetrators.

Additionally, drawing on Katz's (2004) framework of resistance, this paper illustrates that Kenyan sex workers' responses ranged from small and individual coping strategies to collective and transformative strategies aimed at sustainably creating safe working environments for sex workers in the future. In addition to carefully selecting clients, avoiding dangerous working locations and conducting price and condom negotiations, sex workers established informal security networks with fellow sex workers and other people around their hotspots. They also collectively sensitised perpetrators and engaged in strategic litigation. While the study demonstrates that sex workers reworked and resisted the landscape of violence in order to be able to do their sex work, they felt restricted by criminal laws and widespread stigma, including sex worker-phobia and homophobia.

This study demonstrates that more progressive and morally neutral means of governing sex work are needed in order to promote Kenyan sex workers' safety. However, while this paper demonstrates a need to reform sex work-related laws, action should extend beyond legal reform and include efforts to address stigma against sex work. The laws surrounding sex work arguably play a role in either reinforcing or challenging stigma, and stigma in turn maintains negative social attitudes towards sex workers and shapes how they are treated (Armstrong, 2019; Sanders, 2016). Decriminalisation of sex work-related laws is a necessary precondition for such stigma to be reduced, as it allows for sex workers to become more included as members of society (Platt et al., 2018) and is considered a first step towards safer interactions between sex workers and the police (Bowen et al., 2021).

However, research conducted in countries that decriminalised sex work shows that stigma can continue to have a negative impact on sex workers (Aantjes et al., 2021; Armstrong, 2019). This underscores the need to address broader socio-political structures that promote stigma against sex workers.

Taking the above into regard, this paper's analysis of sex workers' multi-layered responses to stigma and violence suggests that in the absence of structural (state) protection, sex workers responses to violence should be understood as pragmatic – as a way to mitigate risk and improve relationships with potential perpetrators. Besides strategic litigation for the

repeal of criminal laws and, to a lesser extent, sensitisation of perpetrators, sex workers can do little to change the current system of power that clients, police officers and other people wield over sex workers and their (implicit) rights to violate sex workers.

Global evidence shows how the governance of sex work and treatment of sex workers by police and the judicial system dictates the organisation of sex work and the regulation and safety of sex worker communities (Sanders, 2016). In this regard, models of governance that criminalise the organisation, purchase and/or sale of sex puts sex workers in danger (Sanders & Campbell, 2014). In the contemporary Kenyan legal environment, legislation does not provide any laws that protect sex workers, leaving them with virtually no means to hold perpetrators accountable for their actions. Consequently, while sex workers can take the above-described precautionary measures, staying safe is largely a matter of good luck and the goodwill of potential perpetrators. In this regard, SWLOs' expertise, social networks and collective strategies make sex workers better equipped to respond to violence; however, legislative changes and more structural protections are needed to create a socio-political environment that is less conducive to violence against sex workers and promotes their access to rights and social justice.

Preventing violence against sex workers and creating safer working environments requires a range of interventions. Formalising the informal security networks that exist between sex workers and people around hotspots can be a means of addressing the climate of impunity and shifting the power between sex workers and perpetrators (Bowen et al., 2021). Partnership work between sex workers and police/other law enforcement can be another means to address stigma and promote security (Reza-Paul et al., 2012; Sanders 2016). Reducing violence against sex workers will only be achievable by taking SWLOs' community structures seriously and by incorporating sex workers' expertise, networks and strategies into future interventions (e.g., Woensdregt & Nencel, 2021).

As the SWLOs in this study were already involved in strategic litigation to repeal criminal laws as well as partnership work with potential perpetrators and other influential stakeholders, it is important for international development actors such as funding agencies, grant-making institutes and civil society organisations to fund and support SWLOs to further strengthen their work. As this study demonstrated, most Kenyan SWLOs are currently based in Nairobi and Mombasa, which underscores the need to establish sex worker support groups and organisations outside of these cities.

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