

The Right to Sexual Health: A Case of Streetwalkers in Singapore

By Vanessa Ho (Project X)

The importance of condoms and lubricants in the sex industry is well known. A vast majority of sex workers that Project X has spoken to understand that the use of condoms will keep them safe, save money, and protect their livelihood. Sex workers who are known to not use condoms are ostracized by other sex workers, a sign of a powerful norm. However, there are some sex workers who still practice unsafe sex.

Sex workers are referred to as a “high risk” group by the public and by policy makers. This paper seeks to unpack this and ask a deceptively simple question: What factors contribute to sex workers’ vulnerabilities? In particular, we will detail the barriers to the consistent use of condoms and lubricants by “unregulated” female and transgender streetwalkers in Singapore. We use the terms “streetwalker” and “sex worker” interchangeably to refer to sex workers who do not belong to a brothel, are not licensed by the Anti-Vice police, and are thus subjected to raids and criminalisation. We will start by firstly clarifying the laws on sex work in Singapore. We then go on to describe and analyse what we observe to be the top three barriers to the practising of safe sex. We conclude by calling for more education, the end of violence and discrimination against sex workers, and the decriminalisation of the sex trade as practical measures to end the spread of HIV in the industry.

1. The Legality of Sex Work in Singapore

Sex work is *not* legal in Singapore, despite popular belief. There are two aspects which need to be fulfilled in order for something to be “legalized”. Firstly, under the law, there *must* be *regulations* in place to indicate that sex work is legal. Decriminalization on the other hand, means that sex work is not mentioned specifically in the law at all. Secondly, the practice of law enforcers should include measures to *protect* sex workers, not criminalize them. In both aspects, sex work in Singapore is *illegal*.

1.1 “De Jure” or In Terms of the Law

Sex work *per se* is not explicitly criminalized under the law. However, at least 4 clauses in the law *criminalizes* some aspect of sex work:

- I. Soliciting in public place (Misc Offenses Act, section 19)¹
- II. Pimping, or “persons living on or trading in prostitution” (Women’s Charter, section 146)
- III. Running a Brothel, or “Suppression of brothels” (Women’s Charter, section 148)
- IV. Migrant sex workers, or “Prohibited immigrants” (Immigration Act, section 8(3))

In order to engage in sex work, one or more of these clauses will be violated. (Note that soliciting is criminalized only on the part of the sex worker. The customer is never criminalized unless the sex worker is under 18 years of age.) In order for the police to arrest sex workers for soliciting, they have to catch them opening a price. As a result, some officers pretend to be customers and ask sex workers “how much?”.

¹ Project X has written a petition to the Deputy Prime Minister of Singapore, Tharman Shanmugaratnam, and the Ministry of Home Affairs to clarify what this clause entails. Details can be found on our website, <http://theprojectx.org>.

Further to these sections that reference sex work explicitly, there have been other clauses that have been used against sex workers. These clauses are invoked when law enforcers are unable to catch the sex worker “red handed”:

- (1) Obscene act in public place (Penal Code, section 294(a))
- (2) Outrages on decency (Penal Code, section 377(a))

In other words, when law enforcers cannot catch sex workers opening a price, they can invoke number (5) against them when they are caught in a sexual act. Similarly, when the sex worker is a pre-operative transgender woman, they can invoke number (6) against them.

1.2 “De Facto” or In Practice

In practice, law enforcers *constantly* and *persistently* patrol red-light districts in order to apprehend sex workers. This happens multiple times per night, increasing according to how good the business is on that day. This fact alone can be used to prove that *sex work is illegal in Singapore*.

In 2009, ex-Senior Minister of State Associate Professor Ho Peng Kee said that, “Substantial Police resources are dedicated to enforcement efforts against prostitutes who solicit in public.”²

However, in the same speech, Ho Peng Kee said that “prostitution is not an offence in Singapore. We recognize that it is not possible to eradicate it and forcing it underground will lead to the greater likelihood of involvement by triads and organized crime, the trafficking of women, and public health risks.” The implication of his statement is that sex work in brothels is tolerated, but streetwalkers are not. This is extremely contradictory since owning a brothel is illegal, as is soliciting in public. Therefore the question remains: why is one form of sex work criminalized on a regular basis, and another given the green light to operate?

1.3 Yellow Card System

There are so-called “legal” sex workers in Singapore, despite the law. These sex workers are found in brothels, and they are provided with a yellow card. This yellow card mandates that they go for medical checkup regularly, and provides them immunity against the police—in particular, officers from the Criminal Investigation Bureau (CID). They may still get hauled up by the Anti-Vice police, however when they do, they will be sent to the designated health centre, not the police station.

The application and selection process of the yellow card system remains opaque. What Project X has come to understand is that sex workers will have to find a brothel owner who would like to employ them, and then make an application to the Anti-Vice police.³ The vast majority of yellow card holders are foreigners. Project X has met a number of Singaporean sex workers who would like to apply for the yellow card, but have been unsuccessful. We have only met four Singapore yellow card holders thus far. That said, there are also a number of sex workers who would rather not hold a yellow card as it would mean a loss of income (they would have to pay the owners a commission), a loss of their freedom of movement, and their freedom to decide when to work. It will also mean that their history of sex work will be on the record, subjecting them to potential discrimination should they ever wish to transfer to a different industry.

² Ho Peng Kee, Ministry of Home Affairs, [“Ministry of Home Affairs Committee of Supply Debate 2009—Speech by Senior Minister of State A/P Ho Peng Kee—Striking A Balance, 05 February 2009”](#). [Accessed 11 October 2012]

³ In the 60s and 70s, applications used to be handled by the Department of STI Control [DSC].

Some may argue that the yellow card system can be viewed as a form of “regulation”. We argue that in order to be considered a form of regulation, this system *must* be made transparent and be removed of any selection bias. More importantly, this system needs to be formulated *together* with sex workers, in order to be fair and thorough.

1.4 Concluding the Law

All factors considered, sex work is *illegal* in Singapore. Some sex workers may have immunity but immunity is a double-edged sword and does not extend to all sex workers.

2. Barriers to the Practice of Safe Sex

The criminalization of sex workers and the discrimination that comes along with it places sex workers in a very vulnerable position. This can be discerned from the top three barriers to condom usage: customers who use monetary bribes to coerce sex workers into not using protection; customers who verbally agree to safe sex but then withdraw this agreement during the act through force and; frequent checks for condoms in their handbags by the police which results in a fear of carrying condoms. We would to emphasize once again that sex workers know the importance of condoms. Project X has spoken to over 200 sex workers in our four years of existence, and a vast majority of them know that condoms represent the sustaining of their livelihood as getting an infection means losing the ability to work and thus a loss of income. However, the battle to use condoms is one that has to be fought on a daily basis.

2.1.1 Customers Who Use Monetary Bribes to Coerce Sex Workers

Customers are the first barriers to the consistent use of condoms. Project X has documented many cases where customers offer an amount ranging from S\$10 to S\$50 in order to bribe sex workers into not using condoms. If we view sex workers as independent business women, it is not hard to see how some may give in to the bribe. Sex workers have to constantly think of ideas to fend off such customers: one asked her customer marry her before having unprotected sex; another told off a customer and asked him to do it himself. On a tangent note, all these show that most people view sex workers as a disposable receptacle for seminal fluids, a mindset that denies sex workers of their human rights and dignity.

2.1.2 Customers Who Verbally Agree to Safe Sex But Then Withdraw This Agreement During the Act Through Force

There are three scenarios for this situation. One is where the customer attempts to take out the condom during the act, or just before they ejaculate. The second scenario is where the condom breaks and they either fail to inform the sex worker or simply refuse to change it. Lastly, the customer may agree to condoms during penetrative sex, but not for oral sex. Customers often resort to force



Project X's "Good Customer Flyer". This is distributed to the men who hang around red light districts.

in such cases. Project X has documented cases where customers over-power sex workers by pinning them down, resorting to fist violence, or threatening to report them to the police. While the first two reinforce our argument that sex workers are seen upon as less than human, the latter case illustrates how the criminalization of sex workers places them in a very vulnerable position.

2.1.3 Frequent Checks for Condoms

It is not easy to catch a sex worker “red handed” for soliciting. An officer either has to stand nearby to hear the conversation between the sex worker and her customer, or they have to pretend to be a customer. Other times, they try to take the statement of the customer and use it against the sex worker. As a result, the police resort to using the possession of condoms as evidence for soliciting. The practice ostensibly makes their jobs easier. They conduct bag searches of who they believe are sex workers (a practice called profiling), and then potentially bring them back to the station on grounds of soliciting. Sex workers are subject to such searches regardless of whether they are at work—countless checks have been made as they walk down the streets, sit at the coffee-shop, or patronize shops.

The consequence of this practice is that some sex workers will then be afraid to carry condoms on them, or carry just a few. This places the onus of bringing condoms on the customer, and as shown, customers are one of the barriers to the consistent use of condoms. There are some brothels and/or love hotels that sell condoms, however, not all of them do. All these factors put the sex worker at a disadvantage by reducing her bargaining power. Some who are more assertive will walk away, whilst others (who may also be desperate for a customer), may just go along with it and “hope for the best”.

This phenomenon is not unique to Singapore. Human Rights Watch has documented, reported, and condemned such practices in the United States and Cambodia. They argue that

[...] the use of any type of evidence must be determined by weighing the potential harm that occurs from its use and the benefits provided. In legal systems everywhere, categories of potentially relevant evidence are excluded as a matter of public policy, with laws excluding testimony regarding a rape victim’s sexual history providing but one of many examples.⁴

The penalty for being charged for soliciting can range from a \$1000 fine to a jail term, to being deported and banned from the country. In other words, are the law enforcers saying that it is more important to apprehend a sex worker than to promote sexual health? Are they saying that it is alright to be a sex worker if you do not practice safe sex? Sex workers are generally afraid of both punitive legal measures as well as getting an infection. To place them in a situation whereby they have to prioritize one over the other puts them in an unnecessarily vulnerable position.

To add salt to injury, there are a handful of government-funded organizations out there who distribute condoms to streetwalkers. Why give them condoms on one hand, and then catch them for it with another? The Health Promotion Board of Singapore notes (somewhat unsubstantially) that “the majority of Singaporean men are infected through sexual contact with casual partners and sex workers.”⁵ By allowing the police to use condoms as evidence, it seems to contradict their message of “health promotion” (although it might be aligned with their message of abstinence). Furthermore, there have been multiple news reports showing that men primarily contract sexually transmitted infections (STIs) through their

⁴ Human Rights Watch, [“Sex Workers at Risk”](#), 19 July 2012. [Accessed 11 October 2012]

⁵ Health Promotion Board Singapore, [“AIDS – What Women Should Know”](#), 12 April 2012. [Accessed 11 October 2012]

patronage of sex workers.⁶ Why put out such headlines when police practices are perhaps the root of the issue? If they are hoping for the sex trade to be abolished through their findings, then we must say it is a very futile aspiration.

The realities on the ground are very diverse, and we will attempt to try and break down the impact of this practice to the vulnerability of the sex worker. It is useful to note at the outset that even when a sex worker is brought back to the station due to condoms in her bag, their statement will never reflect this as it is not illegal to carry condoms.

2.2.1 Migrant Sex Workers

The most apparently vulnerable group of sex workers are the migrant sex workers. Project X has met a substantial number of sex workers who refuse our free condoms for fear of being caught with them by the police. We have had to convince sex workers that it is not against the law to carry condoms, or to at least take a couple. This fear is even more apparent with new sex workers. Even before they begin work, many of them are warned by their more experienced peers to not carry condoms due to the practice of condoms-as-evidence. Compounded with the fear and insecurity of being in a foreign land, this fear can translate to unsafe sexual practices.

2.2.2 Sex Workers Who Are Not Assertive

Sex workers are only human, and we all have very different personalities. At the end of the day, some of us shiver at the thought of being confronted by the police, whilst others do not see law enforcers as operating with some kind of (moral) authority. The former are the ones who will most likely oblige when the police officer uses condoms-as-evidence. New sex workers also have a greater tendency to feel such oppression.

2.2.3 Sex workers who are assertive

Most of the Singaporean sex workers that Project X has met fall into this category. When questioned by police regarding the possession of condoms, they will simply retort by saying it is not illegal to carry condoms. However, it is increasingly evident to both sex workers and Project X that this is merely a rhetorical tool used by the police to harass sex workers. It is not easy to catch a sex worker “red handed” however, they still seem to have some kind of (perceived or genuine) quota as to how many bag searches they conduct in a day. As a result, this brief encounter with the police is also an opportunity for them to hurl insulting and degrading comments at sex workers. Examples include: “What are you doing there?”, “You are a slut.”, “Why would someone like you have so many boyfriends?”, “I feel sorry for your parents.” It is also an opportunity to show off their “power” by talking down and being rude to sex workers. Statements such as “I can frame you if I want to” have been documented by Project X.

In addition to verbal harassment, some officers have taken the extra step to destroy the condoms that the sex worker possesses. Rose, a sex worker that Project X interviewed, recounted to us such a scenario:

“That time very horrible. They *tahan* [try] the sister, 'take out your bag!' the police ask question the sister, 'take out your bag! What inside here? Condom? Give me. This one what? KY? Give me!' K, give already, the condom they take. For example one sister got the balance three, four condoms, they take all these condoms, they tear. They tear, tear, throw inside the drain, the railing, they pour like

⁶ AsiaOne.com, [“Some Get STIs after one-night stands”](#), 22 August 2012. [Accessed 11 October 2012]

that. Purposely la, throw inside, the sister cannot take back already. Ah, then they press the KY like that. Presssss... 'K now you see finish ah?' They take KY they throw inside the drain. Ding! How you can use? They screen IC [identification card], nothing wrong, ok you can go.”

Cases of police harassment and abuse of power have been well documented by Project X. The use of condoms as evidence, and the use of the possession of condoms as grounds for harassment are but only two scenarios. These two scenarios directly affect the safe sex practices of people in the sex trade, and as such, needs to end.

3. Conclusion

Sex workers are probably the most misunderstood, misrepresented, stigmatized and discriminated group of people in our society. Project X has documented countless cases of verbal, physical, and psychological abuse meted out by the public, their customers, and the police. Despite the fact that verbal and physical sexual assault, rape and robbery are crimes under the law, most of these crimes are not reported or tried when the victim is a sex worker. Instead, crimes against the bodily and mental integrity of sex workers are in a way pardoned, simply because sex workers are deemed to be of a lower social or moral status. It is this mentality that translates into barriers to the practice of safe sex; it is this mentality that turns sex workers into a “high risk” group.

Project X calls for the re-evaluation of the law and the practice of it. Furthermore, we would like to see more education on safe sex to the general public and in schools. On our part, Project X will be formulating workshops for sex workers to learn how to demand for safe sex. We believe that the full implementation of these measures will greatly reduce the number of infections in the sex industry and in society.

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Project X is an organization that advocates for sex workers’ rights to a safe working environment. We conduct weekly groundwork sessions to the various red-light districts to befriend the sex workers and to document cases of human rights violations.

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