



## Australian Sex Workers Association

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28th October, 2010

Professor Steve Wesselingh  
Chair of Review Committee  
Faculty of Medicine Nursing & Health Sciences  
Monash University  
Building 64 – Wellington Road  
Clayton Vic 3800

Dear Professor Wesselingh

**Re: Review of Australian Blood Donor Deferrals related to Sexual Activity – Exclusion of sex workers**

Scarlet Alliance, the Australian Sex Workers Association Inc, was formed in 1989. Scarlet Alliance represents sex workers and state and territory based sex worker community organisations and projects at a national level. Through its objectives, policies and programs, Scarlet Alliance aims to achieve equality, social, legal, political, cultural, health and economic justice for past and present workers in the sex industry. Our members and office bearers are current or past sex workers with recognised peer education and advocacy skills.

Scarlet Alliance holds an annual three-day National Forum, where local and international sex workers and peer educators have the opportunity to raise concerns about discrimination, law reform and specific examples of prejudice or stigma. It is also where key policy, education and research responses are formulated. The Australian Red Cross policy to exclude sex workers, clients and sex workers' partners from blood donation in Australia has been raised and documented on many occasions, including explicit presentations and workshops on the topic at the Sydney, 2005 and Melbourne, 2006 National Forums. The issue has also been discussed informally by Scarlet Alliance members across Australia, via an e-list network, for a number of years.

Scarlet Alliance appreciates the opportunity to provide a submission on this issue, as it follows on from issues raised directly with the Australian Red Cross in the past. We understand the Australian Red Cross has a responsibility to protect blood recipients from disease and that there is a need to screen individuals for recent occasions of unsafe sex prior to accepting them as a blood donor. However, based on current epidemiology we do not believe sex work constitutes 'risk behaviour' and based on advancement in testing technology and issues of direct and indirect discrimination we do not believe that Australian sex workers should be subject to exclusion from blood donation. As such, we recommend that the exclusion of sex workers from donating blood should cease.

*Australian Red Cross blood donor questionnaire*

*'Within the last 12 months have you:*

*...*

*Been a male or female sex worker (e.g. received payment for sex in money, gifts or drugs?)*

*Engaged in sex with a male or female sex worker?*

*If at any time, the answer is 'yes' to any of the above questions, then you will be deferred from donating for 12 months after the last occurrence of any of the above sexual activities.<sup>1</sup>*

#### Current epidemiology

An increased risk of spreading HIV through collection of sex workers' blood is not evidenced by current sex work epidemiology in Australia.<sup>2</sup>

Despite some 22,000 diagnoses of HIV infection in Australia, which means some 22,000 cases of HIV transmission, Australian health authorities have never recorded a single case of HIV transmission from sex worker to client or client to sex worker.<sup>3</sup> Research shows that sex workers are more likely to use prophylactics for more sexual encounters, including in their private lives, compared with the general population.<sup>4</sup> Sex workers have consistently low rates of HIV<sup>5</sup> (less than 1%), low rates of sexually transmissible infections<sup>6</sup> and very high rates of prophylactic use, including condoms.<sup>7</sup>

Donovan and Harcourt surmise: "While most health workers try to assist [sex workers] in a hostile policy environment, sex workers consistently demonstrate that capacity to protect themselves and their clientele if the basic resources for health promotion are available".<sup>8</sup> Commonwealth HIV and STI strategies concur: "Despite the occupational risks, the incidence of STIs in sex workers in Australia is among the lowest in the world. This has largely been achieved through the adoption of voluntary health policies implemented by the sex industry."<sup>9</sup>

#### Direct individual discrimination

In a number of Australian states and territories, sex workers are protected by anti-discrimination legislation. The law criminalises discrimination on the basis of *lawful sexual behavior* and, in other cases, discrimination based on *occupation*. Scarlet Alliance believes that the exclusion of sex workers from donating blood, without epidemiological evidence to support exclusion, is discrimination based on lawful sexual activity and/or occupation.

#### Indirect systemic discrimination

The indirect consequence of excluding sex workers from donating blood is the message this sends to each person reading the questionnaire – that sex workers are vectors of disease. By excluding sex workers, sex workers' clients and partners of sex workers from donating blood, the Australian Red Cross makes an unequivocal public statement that discrimination against sex workers is both acceptable and advisable in the interest of public health.

Every person who attends an Australian Red Cross blood donor center to give blood is asked to read and respond to the questionnaire. Hundreds of thousands of people every year are exposed to information that implies sex workers are vectors of disease. Many more people will have accessed this information on-line through the 'Donate Blood' website.<sup>10</sup> The implication of the Australian Red Cross questionnaire is that sex with a sex worker is risky. Research shows that sex workers are more likely to use prophylactics for more sexual encounters, including in their private lives.<sup>11</sup> There is no documented case of HIV being contracted or transmitted by a sex worker in a workplace setting in Australia<sup>12</sup>.

The Australian Red Cross is regarded as a well informed, leading humanitarian organisation, with human rights concerns for people of all backgrounds and all cultures. Scarlet Alliance has partnered with the Australian Red Cross and Mongolian Red Cross in HIV prevention work. However, despite consistent epidemiological proof that sex with a sex worker is in no way a pre-determinant to exposure to a blood

borne virus, the Australian Red Cross disqualifies sex workers and individuals who have had sex with a sex worker from donating blood.

Finally, as blood samples are tested by the Australian Red Cross and testing 'window periods' have over time significantly reduced the exclusion approach seems to be unnecessary and be attached to historic practices that are now not supported by current epidemiology, testing technology or sample testing practices.

**Scarlet Alliance recommends:**

- the exclusion that prevents sex workers from donating blood is lifted,
- the exclusion that prevents clients of sex workers and partners of sex workers donating blood is lifted,
- the period of twelve months exclusion for both groups is lifted,
- the frequently asked questions and questionnaire are reviewed to remove content that increases stigma or is discriminatory.

And that this approach is replaced by:

- excluding where necessary people who have had recent unsafe sex and/or have experienced condom breakage or slippage with partners.

Should you require more information or require a meeting to discuss this submission please do not hesitate to contact me.

Yours sincerely,



Janelle Fawkes,  
Chief Executive Officer

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<sup>1</sup> Australian Red Cross Blood Service, FAQ: Sexual activity - Is there any kind of sexual activity that will affect my ability to donate blood?, [URL: <http://www.donateblood.com.au/faq/>], accessed 28th October 2010

<sup>2</sup> NCHECR, HIV/AIDS, viral hepatitis and sexually transmissible infections in Australia, Annual Surveillance Report, 2006

<sup>3</sup> Australian Government, *National HIV/AIDS Strategy – Revitalising Australia's response 2005-2008*, Australian Government, Canberra, 2005, p.19.

<sup>4</sup> Perkins, R. (1990). Survey of sex workers with comparative data of sexually active women from the same age groups sourced from Cleo Magazine, in Perkins, Roberta, "Sexual Health and Safety among a Group of Prostitutes", *Sex Industry and Public Policy*, 1991, p 147 - 153

<sup>5</sup> Ibid, and Australian Government, *National Sexually Transmissible Infections Strategy 2005–2008*, Australian Government, Canberra, 2005

<sup>6</sup> Ibid

<sup>7</sup> Roberta Perkins and Francis Lovejoy, "Call Girls", UWA Press, 2007

<sup>8</sup> Ibid, Donovan, B. and Harcourt, C. (2005).

<sup>9</sup> Commonwealth Government Department of Health and Aged Care, *National Sexually Transmissible Infections Strategy 2005–2008*, 2005, Pg 28

<sup>10</sup> Ibid1

<sup>11</sup> –ibid 4

<sup>12</sup> Donovan, B., *et al.* (2010). *The Sex Industry in Western Australia, A Report to the Western Australian Government*. National Centre in HIV Epidemiology and Clinical Research, The University of New South Wales 2010. p4.