

Media frenzy over positive sex worker

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January and February this year were marked by a furore of sensationalist media about Hector Scott, a resident of the ACT who first appeared in the ACT Magistrates court charged with providing a commercial sexual service while knowing he was infected with a sexually transmitted disease (STD), and failing to register as a sex worker. At the time, the details of the disease were not known but later, the ACT Chief Health Officer Charles Guest revealed in an extraordinary Departmental media announcement that it was HIV. ACT Health and ACT Police held joint press conferences in which they described the case as very serious but not a public health emergency. The ACT health authorities appealed to anyone who had had sex with Scott to come forward for testing.

A list of 250 contacts, taken from Scott's mobile phone, were seized by the department, which said they would be trying to identify clients and encourage testing where there may be a risk of HIV transmission. Guest stated "The extraordinary effort that we're taking to communicate with people who may have been in contact with the sex worker has led us now to start calling people and advising them to be tested and explaining what the consequences of the testing would be." ACT Health also notified other states and territory authorities to help track down Scott's interstate clients, and New Zealand police also joined the investigation based on Scott having spent a week there over Christmas.

The ACT's Health Department were criticised by several organisations for their decision to publicly identify Mr Scott, his home suburb, his occupation as a sex worker and his health status, before any charge of unprotected sex was substantiated. NAPWA accused the ACT health department of failing to follow basic public health guidelines and of creating unnecessary community concern over the case. "In the normal course of events, when a person is suspected of putting others at risk of HIV infection, health authorities use counselling, education and, in more serious cases, public health orders to ensure that people are not put at risk. The criminal justice system should be used only as a last resort. In this case, it appears ACT Health has panicked and bypassed the significant public health interventions at its disposal, choosing instead to refer this case to the police. This is not helpful – it undermines the well-established and highly successful approach which has been a hallmark of Australia's success in combating HIV, it perpetuates stigma against people with HIV, and it discourages people at risk of HIV from testing and treatment", said the NAPWA Executive Director, Jo Watson.

Media reports have sensationalised this case, some claiming that he "may have infected up to 250 people". Media also confused the nature of the charges – ACT sex work legislation refers to 'knowingly infecting' – when a sex worker continues to work while infected with a sexually transmissible infection – regardless of whether infection has occurred in a sex work context, or even whether the sex worker has taken reasonable steps to prevent transmission (e.g. practicing safe sex). However a number of media outlets reported the case as if actual HIV transmission occurred, a disturbing and worrying trend in media coverage of public prosecutions as cases are unproven and ongoing. NAPWA appealed to the media to avoid sensationalism in reporting the case, pointing out that no evidence had been presented which suggested transmission of HIV, or even placing anyone at risk of contracting HIV.

"No one has come forward saying they have been infected, no evidence has been shown that this person was posing a risk to anyone in any manner, and yet we now have a situation where many people living with HIV in Australia are again feeling demonised and under attack by hysteria and scare mongering playing out in the general community, created by a clumsy public health intervention."

Scarlet Alliance, the peak Australian sex workers' organisation, stated through CEO Janelle Fawkes that an HIV infected sex worker would pose very little risk to customers if a condom was worn, as was the norm for the sex industry.

"So far there is no evidence anyone had unprotected sex, or that this person has put anyone at risk," she said.

The alliance is angry at ACT Health's decision to identify Mr Scott as HIV positive. It believes his contacts could have been traced without making the information public, but he now faces serious discrimination – and that stigma was being extended to other sex workers and HIV-positive people.

“What we are hearing from other sex workers is that generally in their contact with the public, people are misunderstanding the issues of risk and transmission as a result of the reporting of this case,” Ms Fawkes said.

“There seems to be the misleading assumption that sex with a sex worker is unsafe, or that sex with an HIV positive person is unsafe.”

Scarlet Alliance wants the actions of health officials in the case to be investigated, saying normal public health processes were not followed because of an overreaction that someone with HIV was practicing sex work.

NAPWA slammed the decision by the ACT chief health officer to release personal details about the accused to the media. “For a government agency to release personal and confidential information in this way has been a great shock and affront to many of us. There is no faith in a system that can so publicly and dramatically expose a person's identity and medical details, characterise their contacts in such a suggestive manner, and then leave that person with nowhere to go before a next court appearance. It is dangerous to the individual, dangerous to those who are by implication connected to his alleged activities, and dangerous for anyone living with HIV to see human rights and personal dignities trampled over in this way.”

At the time of publication the case had been heard again in the ACT magistrates court, and no charges related to HIV transmission were presented.

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