



Fact sheet: Decriminalising sex work in Victoria

1. Why should sex work be decriminalised?

International evidence shows that decriminalisation will:

- ◆ **Reduce the risk of violence.** Sex workers will be more likely to report violence to police if they are confident they themselves will not be arrested for their work. They will be able gain greater assistance and legal protection in relation to harassment, violence, rape, and attempts at extortion or criminal interference.
- ◆ **Protect rights.** Decriminalisation will allow all workers in the sex industry the rights bestowed on all other workers, especially improved health and safety standards and working conditions. Sex workers may have criminal records solely because of their work in the sex industry, which may lead to future discrimination.
- ◆ **Reduce crime.** Not having to enforce sex work laws will free up police and court resources to fight more serious crime.
- ◆ **Promote health.** Sex workers have been shown by Australian medical research to have lower STI/HIV rates than the general population and yet in Victoria are subject to mandatory health testing. An end to forced testing will allow sex workers to manage their own health needs and free up space in over-worked government health clinics.
- ◆ **Reduce stigma.** Decriminalisation begins a process which will reduce the stigmatisation of sex work, allowing the declaration of sex work as a legitimate vocation without discrimination. Decriminalisation places greater control into the hands of sex workers to operate independently, self-organise in informal cooperatives and control their own working environments.

2. What is the status of sex work in Victoria now and what should be changed?

Sex workers are not well protected by current workplace laws due to the stigma and discrimination they face, which in part is reinforced by current legislation of the industry.

The Sex Work Act 1994 and Sex Work Regulations 2006 have led to a two-tiered system of compliant and non-compliant sex work in Victoria. The fear of being publicly exposed remains high for sex workers so a requirement to register as a sex worker in Victoria with a government body creates risk. Consequently some sex workers have not registered and work outside the licensing system.

3. Why are we calling for change now?

There is growing international evidence to support decriminalisation of sex work.

Amnesty International's decision-making forum recently recommended that the organisation "develop a policy that supports the full decriminalization of all aspects of consensual sex work. The policy will also call on states to ensure that sex workers enjoy full and equal legal protection from exploitation, trafficking and violence."

Respected British medical journal, *The Lancet*, last year published a series of papers that investigated the complex issues faced by sex workers worldwide and called for the full decriminalisation of sex work, in the global effort to tackle the HIV/AIDS epidemic.

4. Doesn't decriminalizing sex work just encourage trafficking?

Amnesty International says there is no evidence to suggest that decriminalisation results in more trafficking. To the contrary, it says that when sex work is decriminalised, sex workers are better able to work together and demand their rights, leading to better working conditions and standards and greater oversight of commercial sex and potential trafficking within it.

When they are not threatened with criminalisation, sex workers are also able to collaborate with law enforcement to identify traffickers and victims of trafficking.

Sex work is work, trafficking is a crime.

5. Won't decriminalisation lead to more sex workers on Victorian streets?

New Zealand's Ministry of Justice reports that that decriminalisation of sex work has had "little impact on the number of people working in the sex industry".

6. What will be the impact on violence for sex workers?

Under the current system of licensing in Victoria, with the likelihood of violent crimes not being report by sex workers, perpetrators remain within the community without consequence.

A New Zealand investigation found that the majority of sex workers felt the country's Prostitution Reform Act 2003 could do little about violence that occurred, but a significant minority thought that there had been an improvement since decriminalisation. It reported: "Of those feeling in a position to comment, the majority felt sex workers were now more likely to report incidents of violence to the Police, though willingness to carry the process through to court is less common."

7. Isn't the best way to reduce violence against sex workers to stop prostitution altogether?

Criminalising sex work does not stop sex work from occurring, but it does mean that sex workers cannot access their human and labour rights.

The Inner South Community Health Service, RhED program – Resourcing Health and Education in the Victorian Sex Industry – has been educating, supporting and advocating for the rights of sex workers across Victoria since 1999. Inner South Community Health Service provides health and community services in the inner southern region of Melbourne, with specialist expertise in engaging high risk and hard to reach groups.