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26 June 2017

## **Re: Support for Statutes Amendment (Decriminalisation of Sex Work) Bill 2015**

YWCA Adelaide writes this letter to reiterate our support for the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015, which was introduced to Legislative Council by Honourable Michelle Lensink on 1 July 2015. We urge all members of the South Australian Parliament to support this Bill.

YWCA Adelaide is a not for profit women's leadership organisation which has been providing a voice for women and girls in South Australia for 135 years. The organisation is well respected for its work in advocating for greater gender equality and the human rights of women and girls. YWCA Adelaide is part of the World YWCA movement, the world's largest women-led membership movement with a global outreach of 25 million women and girls in 120 countries.

YWCA Adelaide, supported by our national body YWCA Australia, affirms that the proposed Bill to fully decriminalise adult consensual sex work in South Australia would work towards:

- safeguarding the human rights of sex workers;
- protecting them from exploitation and abuse;
- promoting their health and safety and;
- creating an environment conducive to public health and decent workplace rights

### **Safeguarding the Human Rights of Sex Workers**

The World Health Organisation, UN bodies<sup>1</sup> and human rights organisations recommend the decriminalisation of sex work as a matter of public health, public policy and the protection of human rights<sup>2</sup>.

In recognising the high rates of human rights abuses experienced by sex workers, Amnesty International developed a policy supporting the full decriminalisation of consensual adult sex work. This policy is based on extensive research and consultation in various regions, including in Australia, and having engaged with all sides of the debate.<sup>3</sup> Amnesty's policy reflects a contemporary and considered approach to improving the health, safety and rights of sex workers, while distinguishing adult consensual sex work from sex trafficking.

We would also like to reaffirm the danger in conflating sex work with sex trafficking or sexual slavery. Decriminalisation does not result in legalizing or enabling sex trafficking. In fact, it can create a more transparent industry where exploitation, abuse and other illegal activities are more easily distinguished.

We also wish to note that we do not support the 'Nordic model' (criminalising the purchasing of sex but not the selling of sex). There is strong evidence suggesting that these laws discourage women to report violence and abuse; result in human rights violations for sex workers; and do little to address the

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<sup>1</sup> For example, UNAIDS, UN Population Fund (UNFPA) and UN Development Program (UNDP).

<sup>2</sup> Scarlet Alliance Submission to the Australian Human Rights Commission: Rights and Responsibilities Consultation, 2014  
[http://www.scarletalliance.org.au/library/hrsub\\_2014/](http://www.scarletalliance.org.au/library/hrsub_2014/)

<sup>3</sup> 'Amnesty International Policy on state obligations to protect and fulfil the human rights of sex workers', 2016  
<https://www.amnesty.org/en/documents/pol30/4062/2016/en/>



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stigma and risk associated with criminalised sex work.<sup>4</sup> They are therefore not conducive to the health, safety and human rights of sex workers, and this is not a model we support.

### Protecting them from exploitation and abuse

According to the SA Sex Industry Network (SIN), under criminalisation sex workers work in underground and unregulated workplaces, without industrial or Workplace Health and Safety protections. Condoms and safe sex equipment, even health promotion material distributed by SIN, can be seized and used as evidence against suspected sex workers. Consequently sex workers in South Australia fear the police, and have little recourse when crimes are committed against them.<sup>5</sup>

A University of NSW report showed that decriminalisation did *not* increase the incidence of commercial sex in NSW, but did improve sex workers' human rights; removed police corruption; resulted in savings in the criminal justice system; and enhanced the surveillance, health promotion, and safety of the NSW sex industry.<sup>6</sup>

### Promoting their health and safety

Criminalisation of sex work creates an environment of stigma, discrimination, and systematic exclusion that prevents sex workers from accessing health and support services and increases their risk of violence and abuse. Furthermore, criminalisation has also shown to specifically undermine HIV prevention efforts. In 2014 The Lancet medical journal published a special series on HIV and Sex Workers, reporting that, 'decriminalisation of sex work would have the greatest effect on the course of HIV epidemics across all settings.'<sup>7</sup>

### Creating an environment conducive to public health and decent workplace rights

In New South Wales, decriminalisation of sex work has been successfully in place since 1995, and research has demonstrated that this has resulted in high rates of safer sex practice, low rates of sexually transmitted diseases and improved sexual health, improved Workplace Health and Safety, little to no amenity impacts, and no evidence of organised crime.<sup>8</sup>

In 2007 a university survey of brothel operators and community agencies showed various positive attitudes towards the New Zealand model of decriminalisation (a similar model the proposed South Australian Bill)<sup>9</sup>. These included that sex workers:

- were no longer being considered criminals;
- had the same rights as those working in other industries, and;
- could negotiate safe-sex practices more easily

<sup>4</sup> Amnesty International 2016, 'The human cost of 'crushing' the market: criminalization of sex work in Norway', [https://www.amnestyusa.org/wp-content/uploads/2017/04/norway\\_report\\_-\\_sex\\_workers\\_rights\\_-\\_embargoed\\_-\\_final.pdf](https://www.amnestyusa.org/wp-content/uploads/2017/04/norway_report_-_sex_workers_rights_-_embargoed_-_final.pdf)

<sup>5</sup> Sex Industry Network Submission, 2015 'Inquiry into the regulation of brothels', <https://www.parliament.nsw.gov.au/committees/DBAassets/InquirySubmission/Summary/37907/Submission%2077%20-%20-%20Inquiry%20into%20the%20Regulation%20of%20Brothels%20-%20Redacted%20Version.pdf>

<sup>6</sup> The Sex Industry in New South Wales: a Report to the NSW Ministry of Health. Sydney: Kirby Institute, University of New South Wales (2012) <https://kirby.unsw.edu.au/sites/default/files/hiv/attachment/NSWSexIndustryReportV4.pdf>

<sup>7</sup> Shannon, Strathdee, Goldenberg, Duff, Mwangi, Rusakova, M., et al., 'Global epidemiology of HIV among female sex workers: influence of structural determinants', *The Lancet*, 385 (9962), (2015) [http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(14\)60931-4.pdf](http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(14)60931-4.pdf)

<sup>8</sup> Op cit (5)

<sup>9</sup> <http://www.parliament.nz/en-nz/parl-support/research-papers/00PLSocRP12051/prostitution-law-reform-in-new-zealand>



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A New Zealand parliamentary report also concluded: 'On the whole, [decriminalisation] has been effective in achieving its purpose, and the Committee is confident that the vast majority of people involved in the sex industry are better off under [decriminalisation] than they were previously.'<sup>10</sup>

There is also no evidence to suggest that decriminalising sex work results in an increase in rates of sex work, as demonstrated by studies in both NSW and New Zealand<sup>11</sup>. A 2008 Christchurch School of Medicine report found the number of sex workers in 5 locations in New Zealand had actually reduced, and the committee was satisfied that the popular assumption that decriminalisation would increase the numbers of people involved in prostitution was flawed.<sup>12</sup>

## Summary

We note that in the South Australian Government's Women's Policy 'Achieving Women's Equality', one of the pillars of action is 'Improving women's safety and wellbeing'.<sup>13</sup>

We support the many health and human rights experts, advocates and those with lived experience who support the decriminalisation model of sex work in South Australia, and reiterate its importance in safeguarding the health, safety and human rights of women in particular.

We also note that the Report of the Select Committee on the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015 reported that "overall the evidence heard and submitted to this inquiry *supported* the proposed amendments to the Bill."

We therefore urge the South Australian Parliament to support the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015, which seeks to decriminalise sex work in South Australia.

Thank you for your support in this critical area of law reform. Please do not hesitate to contact us with any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Liz Forsyth'.

**Liz Forsyth**  
CEO  
YWCA Adelaide  
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<sup>10</sup> Ibid

<sup>11</sup> 'The Sex Industry in NSW: a Report to the NSW Ministry of Health,' Kirby Institute, University of New South Wales (2012)

<sup>12</sup> Op cit (8)

<sup>13</sup> Office for Women, 'Achieving Women's Equality' <http://www.officeforwomen.sa.gov.au/womens-policy/achieving-womens-equality>