



South Australia's peer sex worker organisation

Dear Lower House MPs,

We the undersigned organisations, write to you to express our strong support for the *Statutes Amendment (Decriminalisation of Sex Work) Bill 2015* in South Australia.

As you will be aware on the 6 July 2017 the South Australian Upper House voted in favour of the *Statutes Amendment (Decriminalisation of Sex Work) Bill 2015* with a resounding majority of 13 to 8 in favour of the Bill.

The sex industry in South Australia is one of the most criminalised and has some of the toughest penalties in the country. The amendments proposed in the Bill will make important reforms to the *Criminal Law Consolidation Act 1935*, *Equal Opportunity Act 1984*, *Spent Convictions Act 2009*, *Summary Offences Act 1953*, and *Return to Work Act 2014*. These amendments will decriminalise sex work, prohibit discrimination against sex workers, allow for certain sex work convictions to be spent, and provide sex workers with access to the same rights and protections as other workers.

The Bill will now be debated in the Lower House of State Parliament. To ensure the Bill protects the rights of all sex workers, including some of the most marginalised and vulnerable sex workers, **it is crucial that the Bill pass without amendments.**

The Bill has already received attention and praise nationally and internationally, as it is seen by many to be the best framework to regulate the sex industry and protect the rights of sex workers, resulting in positive, cost effective outcomes for the government and the entire community. If passed in its current form, South Australia will be a world leader in safeguarding the rights and wellbeing of all sex workers, setting the precedent for the international community with this ground-breaking legislation.

Decriminalisation of sex work is supported by the United Nations, UNFPA, UNAIDS, Amnesty International, the World Health Organisation, the International Labour Organisation, Global Alliance Against Trafficking in Women, The Lancet, Global Network of Sex Work Projects, and sex worker organisations around the world as the best practice model for sex industry legislation.

- Decriminalisation allows sex workers access to industrial rights mechanisms like workplace health and safety legislation, and industrial relations legislation, ensuring safer working environments.
- Criminalisation and criminal records create barriers for those sex workers who may wish to find alternate employment.
- Criminalisation undermines health promotion work of agencies such as SIN, a health promotion project aimed at supporting the current high standards of sexual health amongst sex workers¹.

¹ Harcourt, C et al., (2010). The decriminalisation of prostitution is associated with better coverage of health promotion programs for sex workers. *Australian and New Zealand Journal of public health*, 34(5).

- Decriminalisation ensures that sex workers can report to the police without fear of being arrested.
- There is no evidence that decriminalisation increases the size of the sex industry², street-based sex work³ or trafficking⁴.
- Sex industry businesses in decriminalised environments have minimal to nil amenity impact⁵
- Licensing models promote the development of a two-tiered industry whereby many are excluded from operating legally, often because meeting the requirements of licensing is excessive or unreasonable⁶, reducing the capacity of law enforcement to investigate crime.
- Decriminalisation reduces police corruption and increases transparency of the sex industry⁷.
- Criminalising clients (also known as the Swedish or Nordic Model) adversely affects sex workers and criminalises friends, family and other sex worker support structures.⁸

The full decriminalisation of sex work as represented by *the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015* is the best model of sex industry regulation for the rights, health and safety of all sex workers. These outcomes cannot be assured under any other model. For these reasons, we strongly urge you to vote in support of the Bill in the lower house.

Regards,

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|  Scarlet Alliance, Australian Sex Workers Association |  AIDS Action Council |  Ashodaya Samithi, India |
|  Sex Industry Network SA |  All India Network of Sex Workers |  Asia Catalyst |
|  ACON |  Alliance of Women |  Ashraya, India |
|  Action for Reach Out, Hong Kong |  Advocating for Change (AWAC), Uganda |  Asia Pacific Network of Sex Workers (APNSW) |
|  Action Humanitaire pour la Santé et le Développement Communautaire (AHUSADEC), Democratic Republic of the Congo |  Amitiel Welfare Society, Pakistan |  Asociacion HTS Goover (Hombres Trabajadores Sexuales) de Ecuador |
|  Adarsha, India |  ASHM, Australasian Society for HIV, Viral Hepatitis and Sexual Health Medicine |  Australian Federation of AIDS Organisations (AFAO) |

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² Donovan, B et al., (2012). *The sex industry in New South Wales: A report to the NSW Ministry of Health*. Sydney: Kirby Institute, University of New South Wales, p17.

³ Ministry of Justice. (2008). *Report of the Prostitution Law Review Committee on the operation of the Prostitution Reform Act 2003*. New Zealand: New Zealand Government, p16.

⁴ Albright, E., & D'Adamo, K. (2017). Decreasing human trafficking through sex work decriminalization. *AMA journal of ethics*, 19(1).

Amnesty International. (2016). *Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*. Amnesty International: UK. Retrieved from <https://www.amnesty.org/en/documents/pol30/4062/2016/en/> on 4/08/17, p16-17.

Donovan, B et al., (2012). *The sex industry in New South Wales: A report to the NSW Ministry of Health*.

Sydney: Kirby Institute, University of New South Wales, p11. Simmons, F., & David, F. (2012). The Road to Effective Remedies: Pragmatic reasons for treating cases of "sex trafficking" in the Australian sex industry as a form of "labour trafficking". *Anti-Trafficking Review*, (1), p69.

⁵ Crofts, P., & Prior, J. (2012). Home Occupation or Brothel? Selling Sex from Home in New South Wales. *Urban Policy and Research*, 30 (2).

⁶ Harcourt, C et al., (2005). Sex Work and the Law. *Sexual Health*, 2(3), p124.

⁷ Donovan, B et al., (2012). *The sex industry in New South Wales: A report to the NSW Ministry of Health*. Sydney: Kirby Institute, University of New South Wales.

⁸ Levy, J., & Jakobsson, P. (2014). Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers, *Criminology and Criminal Justice*, 14(5).

- ☂ Australian Injecting & Illicit Drug Users League
- ☂ Australian Research Centre in Sex, Health & Society
- ☂ Avenir Jeune de l'Ouest, Cameroon
- ☂ Berufsverband für erotische und sexuelle Dienstleistungen (BesD), Germany
- ☂ Best Practices Policy Project, USA
- ☂ Bobby Goldsmith Foundation
- ☂ Butterfly (Asian and Migrant Sex Workers Support Network), Canada
- ☂ Canadian Alliance for Sex Work Law Reform
- ☂ Centre for Social Research in Health, University of New South Wales
- ☂ China Sex Worker Organisation Network (CSWON)
- ☂ Civil Society On Health And Rights Of Vulnerable Girls And Women In Nigeria (CISHRWIN)
- ☂ Coalition of Sexual Trabajadores of Quito, Ecuador
- ☂ Colectivo Hetaira, Spain
- ☂ Collaboration for Evidence, Research and Impact in Public Health (CERIPH), Curtin University
- ☂ Comitato per i Diritti Civili delle Prostitute (CDCP), Italy
- ☂ Community Access & Services SA
- ☂ Coyote Rhode Island, USA
- ☂ Demetra Association of HIV affected women and their families, Lithuania
- ☂ Durbar Mahila Samanwaya Committee (DMSC), India
- ☂ Empower Foundation, Thailand
- ☂ FIRST Decriminalize Sex Work, Canada
- ☂ Giant Girls, South Korea
- ☂ Global Network of Sex Work Projects (NSWP)
- ☂ Harm Reduction Australia
- ☂ Healthy Options Project Skopje, Macedonia
- ☂ Hepatitis Australia
- ☂ Hepatitis SA
- ☂ HIPS, USA
- ☂ HIV/AIDS Research and Welfare Centre (HARC), Bangladesh
- ☂ HPLGBT, Ukraine
- ☂ International Committee on the Rights of Sex Workers in Europe
- ☂ l'Association pour le Soutin des Personnes Vulnérables (ASOUPEVU), Burundi
- ☂ La Trobe University
- ☂ Lady Mermaid's Bureau, Uganda
- ☂ Le Collectif des Femmes de Strasbourg-Saint-Denis, France
- ☂ LEFÖ – Information, Education and Support for Migrant Women, Austria
- ☂ Legalife-Ukraine (UCO)
- ☂ Magenta WA
- ☂ Mahila Jagrut Sevabhavi Sanstha (MJSS), India
- ☂ maiz - autonomous centre for and by migrant women, Austria
- ☂ Mosaic Services, Relationships Australia South Australia RASA
- ☂ Movimiento de Trabajadoras Sexuales del Perú
- ☂ Multicultural Centre for Women's Health
- ☂ National Association of People with HIV Australia
- ☂ National LGBTI Health Alliance
- ☂ New Jersey Red Umbrella Alliance, USA
- ☂ New Zealand Prostitutes Collective
- ☂ Nigeria Sex Workers Association (NSWA)
- ☂ NSW Users and AIDS Association Inc.
- ☂ Operation Snatch, Canada
- ☂ OPSI (Organisasi Perubahan Sosial Indonesia), Indonesia
- ☂ PACE Society, Canada
- ☂ Peers Victoria Resources Society, Canada
- ☂ Pow Wow, Zimbabwe
- ☂ Project PiA – information and advice for sexworkers, Austria
- ☂ Red Edition - Migrant Sex Workers Group, Austria
- ☂ Red Initiatives, Caribbean
- ☂ Red Umbrella Athens, Greece

- ☂ Renewed Initiative against Diseases and Poverty (RENAGAIDS), Nigeria
- ☂ Resourcing Health and Education in the Sex Industry (RhED), a program of Star Health Victoria
- ☂ Respect Inc. Queensland
- ☂ Rural Movement Initiative (RUMI), Uganda
- ☂ SAHMRI (South Australian Health and Medical Research Institute)
- ☂ SAMESH (SA Mobilisation + Empowerment for Sexual Health)
- ☂ SCOT-PEP (Scottish Prostitutes Education Project)
- ☂ SEED, Malaysia
- ☂ Seeds of Affinity Inc.
- ☂ Sex Professionals of Canada (SPOC)
- ☂ Sex Work Association of Jamaica
- ☂ Sex Work: Education, Advocacy & Rights WA
- ☂ Sex Workers Alliance Ireland
- ☂ Sex Workers Outreach Program ACT
- ☂ Sex Workers Outreach Project NSW (SWOP NSW)
- ☂ Sex Worker Outreach Program NT (SWOP NT)
- ☂ Sex Workers Outreach Project Sacramento
- ☂ Sex Workers' Rights Advocacy Network, Hungary
- ☂ Shanghai CSW and MSM Center (SCMC)
- ☂ SHine (Sexual Health Information Networking & Education) SA
- ☂ SISONKE Botswana
- ☂ Sisonke National Sex workers Movement, South Africa
- ☂ Social Policy Research Centre, UNSW Sydney
- ☂ Solidarite pour le Droit des Travailleuses du Sexe au Burundi
- ☂ STAR-STAR Association for support of marginalized workers, Macedonia
- ☂ Stella, l'amie de Maimie, Canada
- ☂ Stepping Stone Association of Halifax Nova Scotia, Canada
- ☂ STRASS (Syndicat du Travail Sexuel), France
- ☂ SWARM (Sex Work Advocacy and Resistance Movement), UK
- ☂ SWASH (Sex Work And Sexual Health), Japan
- ☂ SWEAT (Sex Workers Education & Advocacy Task force), South Africa
- ☂ SWRG (Sex Workers Reference Group NT)
- ☂ Tais Plus, Kyrgyzstan
- ☂ TAMPEP (European Network for the Promotion of Rights and Health among Migrant Sex Worker)
- ☂ The Kirby Institute for infection and immunity in society, University of New South Wales
- ☂ Touching Base
- ☂ Triple-X Workers' Solidarity Association of British Columbia, Canada
- ☂ UTSOPI (Union des Travailleu(r)ses du Sexe Organisé(e)s Pour l'Indépendance), Belgium
- ☂ VAC (Victorian AIDS Council)
- ☂ Vixen Collective (Victoria's peer only sex worker organisation)
- ☂ Women's Organisation Network for Human Rights Advocacy (WONETHA), Uganda
- ☂ Working Women's Centre SA Inc.
- ☂ Zi Teng, Sex workers concern group, Hong Kong
- ☂ Zimbabwe Sex Workers Alliance (ZIMSWA)

