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SCARLET ALLIANCE
National Forum for
Sex Worker
Organisations

Press Release

SEX WORKERS CALL HOWARD TO ACTION ON HUMAN RIGHTS AND DISCRIMINATION

Today, International Whores Day (5th June), the Scarlet Alliance – National Forum for Sex Worker Organisations, called on the Howard Government to follow the lead shown by the German Government recently and grant sex workers human rights and discrimination protections in line with the rest of the community.

'We are tired of the day to day discrimination we experience for choosing sex work as our profession. We are acting as tax collectors for the Government as well as paying our taxes but receiving very little in return for it,' said Sera Pinwill, Scarlet Alliance President and media spokesperson.

'In some states, (eg. Western Australia, Tasmania and South Australia), sex workers are hounded by police and risk potential arrest for working as sex workers or managing sex work premises, yet are expected to pay taxes like everybody else and contribute to the countries coffers.' Said Ms Pinwill.

A recently released report: "Unjust and Counterproductive – The failure of Governments to Protect Sex Workers from Discrimination" provides a cogent account of the discrimination experienced by sex workers in Australia and makes a number of recommendations (some aimed at the Federal Government) to ameliorate this situation.

Some of the areas of discrimination covered by the report include:

- The mandatory testing of sex workers for STIs (sexually transmitted infections), sometimes legally sanctioned, other times enforced as a result of a policy (eg. WA police force).
- The use of safe sex tools and resources as supporting evidence to gain sex work related convictions against sex workers (eg. SA, Qld),
- Relationships with the police, such that sex workers are reluctant to report crimes of violence perpetrated against them, for fear of being arrested themselves, particularly in the states where the sex industry is highly criminalized (eg. Street workers in St Kilda, Vic.),
- Lack of industrial protections (eg. Superannuation, holiday and sick leave, workers compensation, occupational health and safety, etc.),
- Restrictions on movement. Some countries have entry restrictions directed at sex workers (eg. USA, Japan, China, the Philippines, etc.). This means that sex workers could be prevented from visiting some of these countries for leisure reasons with their children if they have a history of sex work,
- The partners and children of sex workers risk being charged with "living off the earnings of prostitution" provisions.

? For Immediate Release, June 5th, 2001

Many of these practices undermine the aims of public health campaigns aimed at educating sex workers and their clients in relation to the maintenance of their sexual health as well as the right of all citizens to feel secure from threats of violence and arrest.

Whilst the Federal Government may like to wipe it's hands free off the issue by claiming that they do not have the jurisdictional power to deal with sex work and that it is a state/territory concern, this cannot go unchallenged. In fact, under the external affairs power of the Constitution [s. 51(xxix)], the Federal Government has the jurisdictional power to domestically implement the terms of an international treaty. There are many international instruments, of which Australia is signatory to which are relevant in protecting sex workers from human rights abuses and discrimination. Some of these include: " *The International Convention on Civil and Political Rights (ICCPR)*", " *The International Covenant on Economic, Social and Civil Rights (ICESCR)*", a number of *International Labour Organisation Conventions (ILO)* and the " *Convention to Eliminate All Forms of Discrimination Against Women (CEDAW)*". In implementing legislative changes in the past, the Federal Government has made reference to meeting international obligations as the rationale for instituting them. For example, the *Human Rights (Sexual Conduct) Act 1994 (Cth)* makes reference to implementing the provisions of Article 17 of the ICCPR as the grounds for granting sexual privacy protections to same sex couples. Why not widen the scope of this legislation to also cover sexual acts between consenting adults when payment for service is involved?

' Today, I am calling on the Howard Government and particularly on Daryl Williams, the Attorney General to forward a reference to the Human Rights and Equal Opportunity Commission (HREOC) or the Australian Law Reform Commission (ALRC) to look into the following:

Inquire into the nature of discrimination, human rights and civil liberties abuses experienced by sex workers in Australia,
Investigate existing legislative and policy remedies available to sex workers in order to gain protections from discrimination and human rights abuses,
Review state, territory and Commonwealth laws and policies which may contribute to discrimination and human rights abuses against sex workers (eg. Some state and territory prostitution laws),
Explore the possibility of including "profession, occupation, trade or calling" as an area of discrimination to be covered by federal human rights related legislation, and
Explore the possibility of widening the scope of the *Human Rights (Sexual Conduct) Act 1994 (Cth.)* to extend to sex workers and their clients,' said Ms Pinwill.

**FOR FURTHER COMMENT CONTACT SCARLET ALLIANCE SPOKESPERSON
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Footnote: Background to International Whores Day:

The 5th June has been chosen as International Whores Day in commemoration of the storming and takeover of a church in Lyon in June 1975 by sex workers and their supporters. The action was in protest against the increasing number of arrests of street sex workers, police harassment of them and the lack of interest shown by police in solving murders and other crimes committed against them.

The sex workers and supporters challenged the police to come and arrest anybody who they could identify as a sex worker, making the point that most sex workers are ordinary women doing a job and cannot be told apart from other women. Inspired by this action sex workers all over the world started organizing, giving rise to the modern day sex workers rights movement.