

# **Key Issues for Sex Workers in Australia**

**Our 2023 Agenda**



## Background

In November 2022, Scarlet Alliance held our annual National Forum where sex workers, sex worker peer organisations, and peer educators from across unceded Australia came together for three days of panel discussions, workshops, skill-shares and presentations.

Our National Forum provides an opportunity for Scarlet Alliance and our sex worker member organisations to report back on progress of our work in the previous year, and to set our agendas for the year to come. Session topics included responding to the review of the Modern Slavery Act 2018 (Cth); recent decriminalisation of sex work in Victoria; local and national trends in sex worker health and safety; experiences of Asian migrant sex workers, Aboriginal and Torres Strait Islander sex workers, and sex workers with disability and/or chronic illness; and stigma, discrimination and whorephobia.

Scarlet Alliance National Forum also allows us to provide updates to our community on key and emerging issues for sex workers and build the capacity of our members and peer educators. It's also a key consultation space where our members can influence the development of our work.

This briefing paper sets out some of the priority areas for action and works alongside our strategic plan to inform our responsive and proactive work in 2023.

## The legacy of criminalisation, stigma and discrimination

Some or all aspects of sex work remain criminalised across the majority of Australian jurisdictions. Our community recognises the victory of recent decriminalisation law reform in Victoria, but notes that these reforms remain unfinished until all forms of sex work are fully decriminalised. We welcome government action to decriminalise sex work in Queensland and the introduction of specific anti-discrimination protections for sex workers in the Northern Territory in 2022.

**We continue to advocate for the full decriminalisation of sex work in every state and territory and the implementation of robust and effective anti-discrimination protections for sex workers as the foundations upon which sex worker health, safety, and self-determination are built.**

The criminalisation of sex work is an ongoing barrier for sex workers' equitable access to employment, housing, banking and financial services, criminal and civil justice mechanisms and competent and appropriate health care. It is a proven enabler of better health outcomes and an essential step to keep rates of STI and BBV transmission low in the sex worker community.

Regardless of sex work's legal status, our community continues to face widespread discrimination and stigma. These affect our safety, access to justice, self-determination, and our mental, physical and social wellbeing.

National and jurisdictional work to progress anti-discrimination and vilification protections for sex workers is a necessary part of ensuring that gains in sex work law reform and other rights-based legislation are able to be fully experienced by members of our community.

# Five Essential Actions

The five essential actions to ensure good health outcomes for sex workers, including low rates of BBVs/ STIs, are:

## 1 Access to Justice, Health & Safety

Addressing legal and policy barriers to equitable access to justice, health and safety, including decriminalisation, anti-discrimination and vilification protections, workplace health and safety protections, and consent law reform;

## 2 Ending Stigma & Discrimination

Addressing the ongoing impacts of stigma and discrimination, including financial discrimination and debanking, digital marginalisation and deplatforming and access to competent and appropriate healthcare and services;

## 3 Peer Education & Support

Ensuring ongoing engagement of sex worker peer organisations in maintaining low rates of BBVs and STIs among sex workers, providing peer education and peer support, and being responsive to new and emerging areas of concern;

## 4 Community-led Law Reform

Facilitating community-led consultation on areas of law reform and public policy relevant to sex workers, ensuring that sex worker voices contribute to the shaping of law and public policy;

## 5 Representation of Diversity & Experiences

Resourcing increased representation and participation of sex workers with disability and/or chronic illness, Aboriginal and Torres Strait Islander sex workers, Asian migrant sex workers, trans and gender diverse sex workers, and sex workers who use drugs.

# Stigma & Discrimination

## Key Issue

### Background

The lack of robust, effective and specific anti-discrimination and vilification protections for sex workers remains a key barrier to equitable access to human rights and community participation.

Experiences of discrimination and stigma were shared throughout the National Forum, with a particular focus on the disproportionate impacts of stigma and discrimination on Asian migrant sex workers, Aboriginal and Torres Strait Islander sex workers, sex workers who use drugs, and sex workers with disability and/or chronic illness.

### Digital rights and online access

Sex workers continue to be targeted for content and account removal and deplatforming by mainstream digital platforms and services and the laws that regulate them. This includes loss of services enabling online work, including essential safety networks housed on social media platforms, as well as affordable online advertising and other web-based services used freely by workers in other industries.

We mounted a strong response to the Online Safety Act 2021 and its ongoing implementation through the Basic Online Safety Expectations, industry Codes, and inquiry into age verification for online pornography.

Our concerns in this space are routinely ignored. We will continue to work to damage-control the impacts of increased hostility to sex worker content in online law and policy.

### Financial discrimination and debanking

Debanking and other forms of discrimination from the financial services sector require urgent attention. Sex workers regularly find ourselves unable to secure essential business infrastructure. We are stigmatised and unfairly classified as 'high risk' businesses when attempting to procure merchant services, loans, and other financial services.

The impact of financial discrimination is extensive and affects our financial security, housing access, mental health, and overall wellbeing. Significant action in the government and financial services industry is necessary to address this.

### Access to services

Our membership identified gaps in services in many jurisdictions in areas such as housing, crisis accommodation, and health (including primary healthcare, mental health, allied health and disability support). Where services do exist, they can be delivered (or even refused) in ways that demonstrate the ongoing impact of stigma and discrimination.

It can be difficult to identify whether they are equipped to deliver competent and appropriate care to sex workers. This presents challenges for our member organisations when providing referrals to sex worker friendly services and leaves a significant gap in sex worker access to holistic and integrated support.

# Sex Worker Input into Law & Public Policy

## Key Issue

### Background

‘Nothing about us without us’ is a cornerstone of peer-education and organising. Scarlet Alliance members provide unique expertise in areas of law and public policy reform, and must be meaningfully engaged as stakeholders during consultations. For example:

- Current federal, state and territory reforms of sexual consent laws must be able to be used by sex workers. They must be accompanied by education and training for police and the criminal justice system to provide appropriate and informed support to sex workers wanting to report these kinds of offences.
- Laws that continue to criminalise some forms of sex work in Victoria must be changed to ensure that all sex workers receive the full benefits of a decriminalised model. This work must be done with sex worker leadership in collaboration with Vixen and Scarlet Alliance.
- WHS guidelines for sex workers and sex industry businesses must be accessible, comprehensible and fit-for-purpose. This can only happen where sex workers are part of their design.

Other key areas of law reform discussed at National Forum are outlined below.

### Family violence law reforms and ‘coercive control’

The impacts and experiences of sex workers who experience family violence remains poorly-understood. Stigma and criminalisation mean that sex workers face barriers to reporting crime, even when it doesn’t relate to our work.

Sex worker voices and experiences are not being sought during current federal, state and territory reviews of family violence laws. This may lead to the implementation of law and policy that does not consider our circumstances when we experience family violence.

Our members expressed concern that laws designed without sex worker perspectives may have little benefit to our community.

### Trafficking, slavery and slavery-like practices

There is significant concern among our members, including migrant sex workers, that we are facing a serious attack on the rights of migrants in so-called Australia. This will make things particularly difficult for migrant sex workers, especially in the context of existing racially-targeted policing against Asian migrant sex workers.

There are currently a number of reviews of federal modern slavery and trafficking legislation, and recent media depictions claiming to expose ‘trafficking’ have done little more than expose the racist stereotypes of the media. So-called Australia’s response to trafficking, slavery and slavery-like practices continues to be influenced by moral panic and salacious reporting.

A meaningful response to ending trafficking and slavery requires a fundamental shift in approach, including access to safe migration pathways, industrial rights mechanisms, peer education, and social services such as Centrelink and Medicare for all migrant sex workers.

Scarlet Alliance will continue to hold a strong presence in this space, informed by the Asian Migrant Sex Worker Advisory Group.

# Building Inclusive Community

## Key Issue

### Health Promotion

The current National BBV and STI Strategies acknowledge the importance of decriminalising sex work in the national response to BBVs and STIs. Scarlet Alliance and our members continue to progress policy agendas that improve sex workers' access to health services. We protect the gains made in the sex worker BBV and STI response through our active and vibrant health promotion, peer education and harm reduction programs.

This work is also responsive to new and emerging areas of concern Monkeypox and the availability of vaccinations for priority populations. In Victoria, where sex work was recently decriminalised, Scarlet Alliance and our member organisation Vixen are providing essential peer education to support sex workers to adapt to new laws that remove barriers to health-seeking behaviours like testing and treatment.

As we build a body of evidence on the impacts of stigma on sex workers' access to healthcare through our involvement with the Sex Work Stigma Research Collaboration with the Centre for Social Research in Health, we confirm what sex workers have always known from experience: that law and policy reform that takes action against stigma must be a high priority in sex worker peer organisations.

### Representation and resourcing

During the National Forum, our membership called for more representation and program funding for sex workers with disability and/or chronic illness, Aboriginal and Torres Strait Islander sex workers, Asian migrant sex workers and sex workers who use drugs. Support was expressed for the formation of new advisory mechanisms, development and maintenance of peer spaces for marginalised and under-represented groups within our community, and the development of resources tailored for each.

These discussions acknowledge that more space, resourcing and funding must be given to sex workers who experience compounding stigma due to our intersecting identities. Discussion also centred on facilitating inclusivity within the sex worker rights movement for all kinds of sex workers, including strippers and online sex workers.