

**Submission to the Department of Justice and Community and Safety:  
Decriminalising sex work in Victoria  
August 2021**

Collective Shout is a grassroots campaigns movement which targets corporations, advertisers, marketers and media which objectify women and sexualise girls to sell products and services. We address the increasing pornification of culture and the way harmful messages about women and girls have become entrenched and embedded at every level of society. We engage, more broadly, in efforts to address inter-related issues including pornography, prostitution and trafficking and violence against women. Supporters of our movement include survivors of the global sex trade. Their experiences of harm inform our advocacy, including our June 2020 submission to the Victorian Government<sup>1</sup> and in these further comments.<sup>2</sup>

In our opinion - and that of our colleagues globally<sup>3</sup> - the review process was imbalanced from the outset. The appointment of prominent sex industry lobbyist now Reason Party MP Fiona Patten to lead the inquiry undermined its integrity from the start. We believe this suggests a pre-determined outcome to decriminalise pimping, brothel keeping and sex buying, therefore constituting an abuse of proper parliamentary inquiry. The exclusion of a significant number of groups representing women who had previously exited the sex industry and who were now critics of it, lends weight to this view.

We would like to know why the Victorian Government has refused requests to release the inquiry report for public scrutiny. Failure to make the report available contributes to the lack of transparency in this process.

We also put on record that we are disappointed with the brevity of this consultation process. Given the serious implications of decriminalisation for women and girls, a longer consultation process should have been provided.

In this follow up consultation process, we reiterate previously stated objections and join colleagues in calling for a new independent inquiry to allow equal opportunity to all who wish to participate, including survivor advocate organisations. A new inquiry could properly

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<sup>1</sup> Roper, C. (June 18, 2020). Submission into Victoria Review into Decriminalisation of Sex Work. *Collective Shout*. [https://www.collectiveshout.org/decriminalisation\\_submission](https://www.collectiveshout.org/decriminalisation_submission)

<sup>2</sup> See also: Tankard Reist, M. and Norma, C. (Eds) (2016, 2018). *Prostitution Narratives: Stories of survival in the sex trade*. Spinifex Press, Victoria; Tankard Reist, M (August 25, 2021). 'Men's Paid Sexual Access Approved by Vic Government'. *Collective Shout*.

[https://www.collectiveshout.org/mens\\_paid\\_sexual\\_access\\_approved\\_by\\_vic\\_gov](https://www.collectiveshout.org/mens_paid_sexual_access_approved_by_vic_gov)

<sup>3</sup> Roper, C. (August 27, 2021). Global letter from survivors and human rights advocates condemns Victoria Government decriminalisation of sex trade. *Collective Shout*. [https://www.collectiveshout.org/global\\_letter\\_condemns\\_vic\\_gov\\_decriminalisation](https://www.collectiveshout.org/global_letter_condemns_vic_gov_decriminalisation)

examine the harm and injury experienced by large numbers of women in the industry.<sup>4</sup> A new inquiry should also consider recommendations for the Equality (Nordic) Model as best practice for tackling issues which disproportionately impact women and make them more vulnerable to entering the industry.

We stand with sex trade survivors in calling for the Nordic/Equality model of prostitution legislation, which recognises prostitution and trafficking as a form of male violence against vulnerable women and children, and decriminalises women in the sex trade while criminalising their exploiters.

The present review ignored the Nordic Model and missed an opportunity to recommend and propose funding for exit programs which are desperately needed by those desiring to leave the industry. As women previously in the industry have told us, there were significant supports offered to help them stay, but not to exit.

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<sup>4</sup> The long-term physical damage to women in prostitution is extensive. Gynaecologist Liane Bissinger documented the wide range of serious physical impacts on the prostituted women she treated at her practice in Germany. Prostituted women, far more often than the general population, are diagnosed with STIs such as gonorrhea, chlamydia, trichomonads, genital warts, syphilis, hepatitis and HIV. Frequent vaginal rinsing led to destroyed pH levels in the vagina and destroyed vaginal fluid, resulting in infections, inflammation and an increased risk in cervical carcinoma. Prostituted women often presented with tears, injuries, fissures and tearing of the anus and inside the rectum. Cystitis was a “daily occurrence” for many women, with some reportedly taking antibiotics as a preventative measure. Damage to the pelvic floor left some women with difficulty in retaining urine or faeces - irreversible damage due to repeated overextension and rapes. Inflammation of the abdomen and ovarian tubes, which was so common Bissinger’s practice had special insurance forms for it, could cause so much pain it required hospitalisation, and often led to infertility. Prostituted women would get pregnant by sex buyers, with some continuing to ‘work’ until they gave birth.

Prostituted women face serious damage to their bowels, from frequent enema use in preparation for anal sex, an inflamed digestive system due to “frequent vomiting because of revulsion”, poor nutrition, eating disorders and nervous disorders. They suffered from oral illnesses affecting teeth, mouth and jawbone, as well as skin eczema, which was attributed to sex buyers’ lack of hygiene and women’s “psychological revulsion”. Women in the sex trade regularly experienced pain:

“Pain. Basically always and everywhere. Headaches. Through battering, tenseness, especially the cramping up of the shoulders and jaws through unendingly repeated oral practices (“blow jobs”). Throat ache. Pains from “top to toe”. Often, women complained of pains in their hip joints (hours of the heavy weight of the punters and their violent thrusts)” Bissinger writes.

“‘Unclear abdominal pains’, unclear, because the pain cannot be located in any specific organ or trigger, but is excruciating enough to consider surgery. Psychosomatic is what this is called then.

Sleeping disorders were common, as the women did not have regular sleeping times. The women often self-medicated with sleeping pills. Substance abuse was also commonplace, with women relying on nicotine, alcohol, medication and drugs in order to get through the day.

Bissinger, L (2019). The Physical Damage in Prostitution: Report by a Gynaecologist from Street Work. *Prostitution Research and Education*.  
<https://prostitutionresearch.com/the-physical-damage-in-prostitution-report-by-a-gynaecologist-from-street-work/>

## Summary of previous submission

- We provided evidence of how legitimising the sex industry through decriminalisation leads to increases in trafficking and poorer conditions for women.
- We recounted the experiences of women in New Zealand who worked under decriminalisation. Decriminalisation was described as a 'disaster' which only benefited pimps and sex buyers, as women went from fearing police to fearing pimps, brothel owners and escort agency owners.
- Again drawing from the experience of prostituted women under New Zealand's decriminalisation model, we highlighted the vulnerabilities of women to exploitation by pimps and brothel owners. The women ended up with less power to negotiate and none of the rights of an employee, subject to working conditions and financial penalties imposed by pimps and brothel owners.
- We highlighted research which showed that under decriminalisation, women in the industry receive very little support from 'sex work' advocacy groups, particularly when they are seeking to exit the industry.
- We presented evidence highlighting the impacts of the COVID-19 pandemic on prostituted women in legalised and decriminalised jurisdictions. Already vulnerable and lacking financial security, these women have been driven to engage in unsafe practices which put their own health and safety at risk, including breaking social distancing recommendations, to provide sexual services to men. Industry agents have even provided guidance on engaging with clients 'more safely' during COVID-19.
- We highlighted the need to address demand for the purchase of the bodies of women and girls for sexual use. This demand is predominantly driven by men, whose 'purchasing power entitles them to demand any type of sex they want'.<sup>5</sup> Decriminalisation emboldens male buyers and gives them a sense of entitlement to do as they please to the women whose sexual services they purchase. Under New Zealand's decriminalisation, women in the industry reported an increase in incidents of violence, assault and behaviours which put them at risk.
- We highlighted the need to uphold the Australian Government's commitment to the Palermo Protocol.
- We urged the adoption of best practice Equality (Nordic) Model which decriminalises women in the industry while criminalising pimps, buyers and exploiters.
- We advocated for exit programs.

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<sup>5</sup> Sullivan, M.L. (2007). Making Sex Work: A Failed Experiment With Legalised Prostitution, *Spinifex Press*, Victoria, p 186.

## Responses to survey questions

### **1. *How can the Victorian Government better work with and support the sex work industry to achieve better outcomes for sex workers and the industry?***

In order to achieve better outcomes for women in the industry, the Victorian Government must recognise that sex work is not work like other jobs. It is a gendered industry in which the overwhelming majority of sellers are women and buyers are men. Both prostitution and sex trafficking exist because of men's demand for women and girls for sexual exploitation, men who are more concerned with the quality of the 'sexual service' they receive than the harms to women and girls they pay to use.<sup>6</sup>

The Government must recognise the inherent violence, abuse and exploitation of men's paid sexual access to women's bodies. Prostitution is a system of male violence against some of the most vulnerable and marginalised women and girls. It violates the human rights of women, rendering them as commodities to be bought, sold, used and abused.

The industry cannot be made 'safer', the conditions enabling mistreatment and abuse cannot be improved. Decriminalisation worsens conditions and risk to women. It legitimises men's demand for paid access to women, serving as a government-endorsed message that men's sexual entitlement matters more than women's lives.

In our submission to the Victorian Decriminalisation Review, we documented women in the sex industry, in legalised and decriminalised jurisdictions in Australia and New Zealand, who were murdered by sex buyers or pimps.

Sex trade survivors warned that decriminalising the purchase of sex would embolden the misogynist men who pay to use them, that it would increase their sense of entitlement and lead to greater violence against prostituted women, as it already had in other jurisdictions which have decriminalised pimping and sex buying.

Legalised prostitution always results in expanded demand for commercial sex - local supply is limited as most women are unwilling to engage in unwanted sex acts for money. Human trafficking for sexual exploitation rises in order to meet demand.

We commend the provisions of the Equality/Nordic Model<sup>7</sup> as international best practice in prostitution regulation because it aims to reduce demand for commercial sex while helping women find safer livelihoods. The Equality/Nordic Model does not criminalise women involved in prostitution. It does provide support structures for women to exit and recover. The model criminalises those who profit from women's sexual servitude. This model is helping criminalise exploitative business practices, locate victims and offer them protection and other services.

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<sup>6</sup> Roper, C (2016). The Men Who Buy Women For Sex, in Caroline Norma and Melinda Tankard Reist (eds) Prostitution Narratives: Stories of Survival in the Sex Trade, *Spinifex Press*, Victoria.

<sup>7</sup> Nordic Model Now (2016). What is the Nordic Model? <https://nordicmodelnow.org/>

Research shows the Equality/Nordic Model can successfully reduce demand for commercial sex, reduce the size of prostitution markets within a country, and reduce sex trafficking.<sup>8</sup> Once women are recognised as victims of this industry, the necessary budgetary resources can be allocated for welfare and support services to help them rebuild their lives in safety and with income security.

## ***2. What can the Victorian Government do to promote understanding of the changes involved in the decriminalisation of sex work?***

A genuine and impartial effort to 'promote understanding of changes involved in the decriminalisation of sex work' would also offer insight into other legislative models, particularly the Equality (Nordic) Model which criminalises pimps and sex buyers while decriminalising prostituted women and providing support and services to help those who wish to exit the industry. The Equality model has been endorsed by the European Parliament as best practice for tackling trafficking and gender inequality.<sup>9</sup>

The Victorian Government has a duty to hear the voices of those with lived experience in the industry who object to decriminalisation because it worsened their circumstances, and exposed them to greater harm and exploitation.

The Victorian Government should also acknowledge research which verifies the connections between decriminalisation and increases in trafficking and coercion of women and girls into the industry to meet demand. We commend the work of our colleague Dr Caroline Norma who has documented the 'Asianisation' of Australia's sex trade.<sup>10</sup>

Human trafficking is the fastest growing criminal enterprise in the world - among the top three most lucrative criminal activities, after trafficking of narcotics and weapons<sup>11</sup>. Under decriminalisation at the State level, criminal activity including trafficking continues in non-registered prostitution venues, in parallel to the 'legal' industry.

## ***3. To enable the appropriate regulation, changes will need to be made to planning controls as set out in this discussion paper. This could include changes to where sex work businesses can operate. What are your views on these changes?***

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<sup>8</sup> Coy, M., Pringle, H. and Tyler, M. (July 2016). The Swedish Sex Purchase Law: evidence of its impact. Coalition Against Trafficking in Women.

[https://www.catwa.org.au/wpcontent/uploads/2016/12/NMIN\\_briefing\\_on\\_Sweden\\_July\\_16.pdf](https://www.catwa.org.au/wpcontent/uploads/2016/12/NMIN_briefing_on_Sweden_July_16.pdf)

<sup>9</sup> European Parliament (2014). Punish the client, not the prostitute. News, 26 February.

<https://www.europarl.europa.eu/news/en/press-room/20140221IPR36644/punish-the-client-not-the-prostitute>

<sup>10</sup> Norma, Caroline (2015). Collective Shout Submission: Legislative Assembly Select Committee Inquiry on the Regulation of Brothels.

<sup>11</sup> Pterunov, Georgi (2011). Managing money acquired from human trafficking: case study of sex trafficking from Bulgaria to Western Europe. Trends in Organized Crime Vol. 14, pp. 165-183.

Research indicates that contrary to claims that it can reduce stigma and improve safety for women in the industry, decriminalisation accomplishes the opposite, resulting in increased discrimination of and acts of violence against prostituted women. Research also shows that when pimping activities occur close to residential areas, women in the industry, and women and children in the wider community, are less safe.<sup>12</sup>

We note the particular risks to women operating from home, a practice linked to higher rates of violence, control and isolation by traffickers, pimps and buyers.

**4. To enable the decriminalisation of sex work, changes will need to be made to laws and regulations governing offences and criminal penalties, public health, anti-discrimination protections, and advertising and liquor licencing. What are your views on these changes?**

We strongly object to any changes to legislation which would counteract current efforts aimed at combating male violence against and other activities which harm women and children including:

**i. Eliminating criminal penalties for pimps and sex buyers**

As described above, and in our June 2020 submission.

**ii. Eliminating liquor licensing restrictions at brothels**

Alcohol is an identified risk factor for workplace sexual assault.<sup>13</sup> Global research indicates that alcohol use in the 'commercial sex setting' is associated with victimisation and sexual violence.<sup>14</sup> Given the increased risks of alcohol-related violence and sexual assault to women in the industry, we believe the Victorian Government must prohibit the sale and serving of alcohol in sex industry venues.

**iii. Eliminating criminal repercussions for failing to practice safer sex**

Research shows increased demand by sex buyers for condomless sexual services from people in the sex industry, and declining use of condom use by sex workers. A 2018 paper by Selvey et al reported the results of surveys of 354 individuals in the sex industry in Western Australia. It revealed 'high levels of client demand for condomless sex'. Forty-two per cent reported that all or most clients requested condomless oral sex. Increasing client

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<sup>12</sup> Tyler, M et al (2010), Not Just Harmless Fun: The Strip Club Industry in Victoria, *Coalition Against Trafficking in Women*. <https://www.catwa.org.au/catwa-publications/>

<sup>13</sup> Qadara, A (March 2008). Sex workers and sexual assault in Australia: Prevalence, risk and safety. Australia Centre for the Study of Sexual Assault, Issue 8. *Australian Institute of Family Studies*. <https://aifs.gov.au/publications/sex-workers-and-sexual-assault-australia>

<sup>14</sup> Li, Q, Li, X and Stanton B (March-April 2010). Alcohol Use Among Female Sex Workers and Male Clients: An Integrative Review of Global Literature, *Alcohol and Alcoholism*, Volum 45, Issue 2, pp. 188-199. <https://academic.oup.com/alcalc/article/45/2/188/135267>

demand, fear of losing clients and the ability to charge more for condomless sex were reported reasons for providing this service.<sup>15</sup>

We condemn the removal of any measure which puts women in the industry at increased health and safety risks and urge Victoria Government to maintain legislation which criminalises unsafe sex practices - the demand for which is driven by sex buyers and which exploits impoverished and financially insecure women who are compelled to engage in these practises to secure clients.

#### **iv. Eliminating restrictions on sex industry-related advertising**

We object to the public display of all sex industry-related advertisements.

We strongly support regulatory measures to prohibit 'adult venues', pimps and sex buyers from advertising the sale or solicitation of women for sex:

- a. In the public space (billboards, window displays, out-of-home-TV etc)
- b. In any place where children would potentially view the ad (including community newspapers, social media platforms where children are permitted)

Deregulating sex industry advertising will result in higher numbers of vulnerable women being recruited into the sex industry.

The COVID-19 pandemic has brought to the fore the differential economic and social disadvantages experienced by women and girls and made large numbers at greater risk of being lured into this industry. An industry which profits from women's disadvantage and susceptibility to no-doubt attractive and aggressive public promotion stands to increase revenue with State Government complicity.

Research shows that women feel less safe in places where sexualised and objectifying advertisements are displayed.<sup>16</sup> We argue that any sex industry/prostitution-related advertisement - whether it uses sexualised imagery or not - inherently objectifies women, presenting women as commodities for purchase and endorsing men's entitlement to paid access women's bodies for sexual use. The public space belongs to everybody. Women and girls have a right to feel safe in the public space without being confronted with advertising which portray them as commodities.

In our decade of campaigning and advocacy we have documented the harms of objectification in advertising. Advertising shapes attitudes which shape behaviours. A meta-analysis of 20 years of peer-reviewed studies found that exposure to sexually

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<sup>15</sup> Selvey, L; Hallett, J; McCausland, K; Bates, J; Donovan, B and Lobo, R (2018). Declining Condom Use Among Sex Workers in Western Australia. *Frontiers in Public Health*.  
<https://www.frontiersin.org/articles/10.3389/fpubh.2018.00342/full>

<sup>16</sup> Collective Shout (November 2, 2019). Submission to AANA Code of Ethics Review.  
[https://www.collectiveshout.org/submission\\_to\\_aana\\_code\\_of\\_ethics\\_review](https://www.collectiveshout.org/submission_to_aana_code_of_ethics_review)

objectifying media led the viewer to have a 'diminished view of women's competence, morality, and humanity'.<sup>17</sup>

It is impossible to address the scourge of male violence against women and girls without also addressing cultural drivers which shape and fuel attitudes which are tolerant of that violence.<sup>18</sup> Sex industry-related advertisements are counter to efforts to combat male violence against women and girls.

Under advertising self-regulation, the sex industry has already had free rein to promote pornography and prostitution services to children and young people.<sup>19</sup> We are concerned that, without appropriate regulatory measures which prohibit the sex industry promoting services to young people, this harms of this type of advertising will increase under decriminalisation.

***5. What other factors do you think are important for the Victorian Government to consider in ensuring the successful implementation of sex work decriminalisation in Victoria?***

The 'successful implementation of sex work decriminalisation' is an oxymoron. The move legitimises the reduction of women to objects for men's sexual use. It denies the abuse, violence and exploitation of women and girls by men which are inherent to the sex trade. It ignores the lived experiences of survivors of prostitution - women who have exited the industry - and other women who have worked under the decriminalisation model, who testified to increased violence and exploitation under decriminalisation.

We urge the Victorian Government to halt its plans for decriminalisation of sex work and commence a new independently-led inquiry into the state's sex industry. We implore the Government to consider federal commitments to combatting human trafficking and to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and to acknowledge the incompatibility of the decriminalisation of the sex trade with these overarching efforts to eradicate gender inequalities and improve circumstances and opportunities for Australian women and girls. And we again call on you to examine the benefits of the Equality/Nordic Model and to act urgently to fund exit programs to give those who wish to leave the opportunity rather than be complicit in contributing to women feeling they have no choice but to stay in an industry they would rather leave.

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<sup>17</sup> Ward, L.M (2016). Media and Sexualization: State of Empirical Research, 1995–2015. *Journal of Sex Research*. <https://www.tandfonline.com/doi/abs/10.1080/00224499.2016.1142496>

<sup>18</sup> Collective Shout (August 27, 2020). Submission to Family, Domestic and Sexual Violence Inquiry. [https://www.collectiveshout.org/family\\_violence\\_submission](https://www.collectiveshout.org/family_violence_submission)

<sup>19</sup> Roper, C (June 20, 2016). 25 Reasons Why Ad Industry Self-Regulation is a Disaster. *Collective Shout*. [https://www.collectiveshout.org/reasons\\_why\\_ad\\_industry\\_self\\_regulation\\_is\\_a\\_disaster](https://www.collectiveshout.org/reasons_why_ad_industry_self_regulation_is_a_disaster); Roper, C (October 20, 2014). Ad Watchdog in Australia a dismal failure. *Collective Shout*. [https://www.collectiveshout.org/asb\\_fails](https://www.collectiveshout.org/asb_fails)