

Position Statement: Illegal Brothels

What are illegal brothels?

Illegal brothels are premises which provide sexual services which are unlicensed and unregulated. Illegal brothels most commonly operate as 'massage parlours'. There are currently 90 licensed brothels registered in the Melbourne metropolitan area, and although the illegal sector is difficult to measure, our recent engagement with Victoria Police Sex Industry Coordination Unit estimates there are up to 500 illegal brothels in the metro Melbourne area.

Safety concern for women

In Victoria, licensed brothels are regulated by the Sex Work Act 1994 and the Sex Work Regulations 2016, to adhere to certain restrictions that have been implemented based on principles of harm minimisation. Regulations include; safe sex practices; occupational health and safety measures; advertising controls; and restrictions on size and location of the establishment. Further, licensed brothels are subjected to regular checks from a number of local, state and federal government agencies to ensure compliance. Illegal brothels in their various forms operate outside of the licensed industry and subsequently have no reason to comply with any of these laws or regulations.

This places women at greater risk of harm of being forced to provide sexual services they do not want to perform, forced to provide unsafe sexual practices such as sex without a condom and, are at high risk of exploitation from the operators as the operators are not accountable to any regulations. Women working in the unlicensed sector have no workplace rights and may be forced by the operators to violate their visas conditions so the operators can essentially use this as leverage to further exploit them. Women in these spaces are often unaware or do not believe they can make complaints against this treatment due to the illegality of the premise and/or because they have breached visa working conditions.

Lack of concern or coordinated approach

Currently, there is no collaborative or coordinated approach to addressing illegal brothels in Melbourne. We have held meetings with local government councillors, Victoria Police, BorderForce and Australian Federal Police regarding their responses to illegal brothels and, for the most part, there is a constant shifting of responsibility as to who should be tasked with this issue. Proscribing of an illegal brothel is undertaken from a regulatory and compliance framework, and the safety and wellbeing of women in these spaces is not considered. Women who are found to be “working” in these spaces can attract criminal charges.

We don't believe this is acceptable. There is online evidence detailing the violence and exploitation which women can experience in these spaces. Women in the sex industry and women who have been trafficked are ignored in government initiatives to combat violence against women and family violence. The particular experiences of this cohort of women needs to be recognised and addressed. The government recognises and condemns violence against women but largely ignores the violence faced by women in the sex industry and women who have been trafficked.

Illegal brothels Impact on human trafficking

Our advocacy to foster a woman-centred and coordinated response from authorities about illegal brothels is beginning to have some results. Referrals for women in illegal brothels are slowly starting to trickle in. **More than 50% of the women referred have been trafficked.**

What we want to see

Women in these spaces have historically been invisible and oftentimes treated as violating the law – whether that be for providing sexual services in an unlicensed space or in contravention of their visa conditions. We don't believe it is acceptable that women are facing criminal charges for providing sexual services in illegal brothels, and, it is against multiple international instruments to do so to a women who has been trafficked. We believe the sale of sexual services should be decriminalised to ensure women aren't further disadvantaged if they are already in a situation of exploitation. We strongly believe the best

way to tackle this issue is to shift the focus to the demand – to criminalise the purchasing sexual services.

Legitimising the sex industry in Victoria makes it an attractive market for human traffickers and crime syndicates. We are unsure of the scale of the issue in the illegal sex industry, but 500 illegal brothels who remain largely untouched suggests that a large number of women could be experiencing slavery and slavery-like conditions.