

PROJECT RESPECT

UN Women Submission on Prostitution

Project Respect is a support and referral service for women in the sex industry including women trafficked into the sex industry in Australia. This submission reflects our work with women in the Victorian sex industry in Australia.

October 2016

Question 1) *The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?*

Project Respect believes gender based inequality existed and the sex industry strengthens this inequality through patriarchal domination and sexual subjugation by reinforcing the idea women's primary function is to serve men - and that their primary task is to provide sex. Debates about the sex industry are polarising and it is important to acknowledge the harms women in the industry experience as well as the agency of individual women and their right to make choices about their life. However, the idea of choice highlights the developed world's liberal understanding of human rights of elevating individual will and choice above collective human rights for all and to create and develop a global equitable society.

Those who fully and straightforwardly support the sex industry, often talk about a woman's agency and a woman's "choice" to enter the industry. The freedom to choose is something we want for all women, but our work shows many women enter the industry because of severely limited choices and deep financial pressure. Sometimes, behind this choice, is a history of sexual abuse and violence. Where this is true, we know it isn't real choice - or at least it shouldn't be.

Our work also highlights that the industry is highly racialised – more than fifty per cent of the women we work with are from Asian backgrounds. Some have been trafficked, some have freely come here to work in the sex industry, but we find many women from Asian backgrounds, once here, suffer significant exploitation by brothel owners and men who purchase their sexual services. This not only creates an industry of even greater discrimination and inequality, but further perpetuates discrimination and inequality within Australia (and arguably globally) by dehumanising Asian women, and creating a perception by male purchasers of sex that women from Asian backgrounds are worth less than an Australian.

For survivors of the sex trade in developed countries, the sex industry is overwhelmingly a space of harm, violence and exploitation. It is a place where men can perpetrate sanctioned violence (repeatedly) against women because it is 'legal', and the laws do little to differentiate between a woman who "chooses" to be in the industry and a woman who has been trafficked. How women get into prostitution is irrelevant to the functioning of the sex industry, rather, prostitution maintains itself as a system of male privilege by what is and can be done to women and girls bodies.

While we acknowledge the different experiences and the different ideological positioning's on the industry, our work with women exemplifies that for the most part, the sex industry is harmful – to individuals as well to women more broadly. The foundations of the sex industry is based on structural inequality, and the continued existence of the industry undermines any attempt to foster universality and an equal society, where human rights for all is achievable.

Question 2) *The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as*

- a) reproductive rights*
- b) women's ownership of land and assets*
- c) building peaceful and inclusive societies*
- d) ending the trafficking of women*
- e) eliminating violence against women.*

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The vast majority of the women Project Respect works with experience violence in the industry - and for many, it is so common it isn't even worth talking about. Despite legalisation and regulation, violence is an expected, normalised part of the industry. It is common and it is felt every day. These everyday acts of violence are gender based and are due to the gendered nature of the industry where women as a class, become nothing more than sex objects, and experience degradation, torture and death for the benefit of another group of humans – men. Violence in the sex industry stems from gender inequality - and the still very real power of men in our society. We know that men who respect women do not commit acts of violence against them, so we also know that women in brothels are often deeply disrespected.

The existence of the sex industry creates the demand for women and girls to be supplied to the millions of male buyers of sex and to generate a profit for the lucrative sex industry. Legitimising prostitution also highlights the failure of developed countries to recognise the class-blind perception of abduction and trafficking into prostitution of women and girls from the Global South. Prostitution pre-exists as a system which requires a supply of female bodies and subsequently the sex industry is inextricably linked to human trafficking where millions of women and girls are held in slavery and/or sexual servitude and subjected to torture and cruel, inhuman and/or degrading treatment to satisfy the desires of the many millions of male sex buyers.

For the most part, male users don't care if a women is exploited or trafficked therefore it doesn't matter about legitimacy or consent. This therefore means it is impossible to differentiate the "legal" sex industry with the illegal. Trafficking and exploitation of women into the sex industry is a global phenomenon. There is no model of prostitution which prevents this. The development of policies around the sex industry should acknowledge that it is a significant place of harm, and wherever possible attempt to eradicate the existence of the industry to reduce trafficking and exploitation of women and girls.

Question 3) *The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?*

Brothel work was legalised in Victoria in 1994 in an attempt at harm minimisation, to better regulate the industry, reduce violence and exploitation of women in the industry and, to curtail human trafficking. Despite more than 20 years of brothel legalisation, women in the sex industry in Victoria still experience significant levels of harm and violence, and the stigma associated with the industry persists – alienating and isolating women from broader society and often creating a barrier to accessing support services which they require.

Further, the brothel industry in Victoria lacks regulation around basic things which is afforded in other “legitimate” industries such as Safe Work practices, Occupational Health and Safety policies and WorkCover Insurance for injuries sustained at work. Women “employed” in the industry are exploited through sham-contracting which provides them with little, if any protection under the National Employment Standards and exempts brothels owners from being liable to pay women leave entitlements, adequately providing insurance cover or paying Superannuation. Women are not afforded the same working conditions as other sectors, which can place them at significant financial stress, particularly if they are unable to work or wish to leave the industry.

In addition to this, legalisation has not curtailed the illegal sector, with more than 500 illegal brothels operating across Melbourne and an unknown, but large sum of apartments being utilised to sell sexual services in Melbourne Central Business District. There has been little, if any reduction in street sex workers, many of whom have significant drug and/or alcohol addiction and are unable to work in licensed brothels, and, street sex work has begun to spread to new locations across Melbourne.

What continues to drive the sex industry, whether licensed or illegal is demand, yet, very little, if any attention is focused on the male sex buyers. The sex buyer far outweighs women and girls in prostitution, however their practices are never examined. The Sex Buyer model, or the Nordic Model, criminalises those who pay for sex while decriminalising those who sell sex. This legal framework is designed to end the demand that drives the prostitution trade and the trafficking of women and girls into it. It also works to reduce the stigma and discrimination women experience, while upholding a sex-workers right to sell sex. This is a model which support and protects women by not legitimising a harmful industry.

Acceptance of the sex trade as a legitimate industry will continue to reinforce gender inequalities in the rights and status of women ultimately failing to achieve a society where women are socially and sexually equal. We need to work towards a society where women are equal and where women aren't reduced to a commodity. We need to shift social and cultural practices to make sure this happens. Prostitution, like slavery is not an absolute. It can be reduced with the intent to eradicate it as a social phenomenon, but strong forward thinking policies need to be implemented.

For this model to work, a commitment from governments must be made to ensure strong exit models are put in place for women to exit the industry. Exit models must include access to education and employment, housing, health and mental health services and the broad range of other services women may require.