

# 7. Demystifying Sex Work

## SIDAC Information Sheet

This information sheet is part of a series prepared for the Sex Industry Decriminalisation Action Committee (SIDAC) to support the decriminalisation of sex work in South Australia in 2019.



### What is a sex worker?

Sex Workers are adults of all genders who receive money or goods in exchange for sexual services that they have consented to provide - UNAIDS Guidance Note on HIV and Sex Work

SIDAC uses the term “sex work” and “sex worker” in reference to “prostitute” which has historically been a loaded and stigmatising term often used to demean workers and women.

### Myth: Decriminalisation is the same as Legalisation

**Fact:** Decriminalisation and legalisation are often conflated in debates around sex work, but they are very different things.

**Legalisation** creates specific laws and policies that regulate sex work and are designed to control and limit sex work. The laws are often enforced by the police, which can lead to many sex workers operating outside of these regulations out of fear of the police. These laws often criminalise components of sex work and the people who may “benefit” from this work such as clients, landlords, security personnel, and adult children of sex workers. This often pushes sex work further underground, where workers are subject to reduced agency and ability to negotiate with clients on their own terms.

**Decriminalisation** removes criminal penalties for consensual sexual exchange among adults while maintaining laws and regulations on coercive or criminal practices, as well as unsafe working conditions and exploitation that apply to any other business.

### Myth: Human trafficking is synonymous with sex work

**Fact:** Conflating trafficking with sex work can be harmful and counter-productive. Human trafficking is a serious human rights violation involving the threat or use of force, abduction, deception, or other forms of coercion for the purpose of exploitation. This may include forced labour, sexual exploitation, slavery, and more.

Sex work, on the other hand, is a consensual transaction between adults, where the act of selling or buying sexual services is not a violation of human rights. Sex worker organisation around the world oppose trafficking and exploitation and know from the evidence that the most effective way to address exploitation, including human trafficking, is to strengthen workers’ rights and address social and economic injustices.

### Myth: Decriminalising sex work will lead to more street-based sex workers

**Fact:** Street based sex workers constitute a very small percentage (about 2%) of the industry in South Australia, though they are often the most visible, stigmatised, and vulnerable, and are often engaged in what we call ‘survival sex work’. They also bear the brunt of criminalisation. Criminalisation has been shown time and again to have negative impact on groups already facing discrimination, including LGBTQI+ people, people with disabilities, Aboriginal people, and people of colour.

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Proponents of criminalisation often cite a concern for the social issues that SBSW face, but fail to acknowledge that

- 1) **Sex work occurs under criminalisation and will not go away** if we simply keep our laws as they are and
- 2) **our response to poverty, homelessness, drug addictions and lack of traditional employment must be based in supportive services and housing.**

We cannot solve any problems perceived as a result of street-based sex work by fining and criminalising people for doing what they need to survive.

Decriminalisation offers a better environment for addressing any negative implications for both the workers and the community, and this is evidenced in many positive case studies of decriminalisation elsewhere.

The New Zealand Report drew a clear conclusion: “criminalisation did not create the problems experienced by communities in which street prostitution takes place, nor the harm experienced by sex workers. Similarly, decriminalisation has not solved all the problems associated with street-based sex work, nor can it be expected to.”

### Case Study

**VAMP VAMP/SANGRAM Sex Worker’s Movement in India’s Southwest**, India Before 2000, many sex workers in communities where VAMP works were underage. Today there is a comprehensive system, monitored by the sex workers themselves, to ensure that no underage or trafficked individuals are working within the



community and to uphold sex workers’ labour rights... If they suspect trafficking, the issue is referred to the police.

[https://www.nswp.org/sites/nswp.org/files/policy\\_brief\\_sex\\_work\\_as\\_work\\_nswp\\_-\\_2017.pdf](https://www.nswp.org/sites/nswp.org/files/policy_brief_sex_work_as_work_nswp_-_2017.pdf)

### Myth: The Nordic Model is feminist.

Fact: Under the Nordic model, ‘selling sex’ is not of itself a criminal act, though many other components of sex work are criminalised. This includes anyone seen to be benefitting from the selling of sexual services, such as clients, landlords of sex workers, personal assistants and security staff, and even children of sex workers (where an adult child is living with a parent engaged in sex work). Some people claim the legislation is feminist because sex workers themselves are decriminalised. However, in every country with these laws, the Nordic Model of criminalising clients and others has driven many parts of the industry further underground and removed or decreased the ability for sex workers to openly negotiate and set the terms for their labour.

The Nordic countries have the resources to help sex workers to improve conditions if they wanted to. In ‘Revolt of Prostitutes: The Fight for Sex Workers’ Rights’, the researchers quote a policy maker in Sweden agreeing that, “of course the law has negative consequences for women in prostitution but that’s also some of the effect that we want to achieve with the law.”

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The Norwegian government sent a fact-finding mission to Sweden in 2004, which resulted in a report into the effects of the Swedish approach to prostitution. The report found “the law on the Purchase of Sex has made working as a prostitute harder and more dangerous” – but a few years after that report, Norway implemented the Swedish model anyway. **So, it’s not a mistake or a lack of resources that the law produces these harms for people who sell sex – policy makers know about the harms of the law going in.** The harms are, at the very least, part of the point.

The global experience of ‘The Nordic Model’ has shown us that you cannot criminalise parts of the sex industry without harming and making things worse for the workers.

“Even for those who believe that sex work is inherently harmful, **criminalising sex work creates harm in and of itself and only adds to the hardship** of those working in the commercial sex industry. **Criminalisation creates stigma.** Criminalisation allows authorities to harass, intimidate, and exploit sex workers and individuals who are profiled as sex workers. **Criminalisation entrenches people in poverty** and forecloses the ability of people to leave the sex trade.”

- Urban Justice Centre, NYC Sex Workers Project

### **Myth: Decriminalisation will lead to a dramatic surge in sex worker numbers**

Fact: The evidence from comparable countries who have moved to decriminalisation, such as New Zealand, just does not support this. Under a capitalist society, almost everybody needs work to survive. Most sex



workers choose to do sex work because it is the best option they have. Some sex workers struggle with poverty and marginalisation and have few other options for work. Others find that sex work offers better pay and more flexible working conditions than other jobs. Some people engage in sex work because they have no or few alternatives. Trans people of colour, for example, experience high rates of employment discrimination and find themselves with little to no other employment they can access. With a criminal record, sex workers are more likely to experience further employment discrimination and find themselves trapped in this form of work. If we really cared about giving sex workers the capacity to leave the industry, we would not treat them as criminals for having engaged in this work. Decriminalising the work, they do to survive will help decrease the stigma associated with this work and make it easier for sex workers to access alternative opportunities should they wish to do so.

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### Sex workers in South Australia demand decriminalisation to:

- Ensure sex workers have access to safe, fair working conditions like all other workers, including WHS legislation, protection from exploitation, and fair treatment
- Eliminate police harassment of sex workers, and remove barriers to reporting crimes and abuses against them where these occur
- Reduce barriers to health care, housing, and 'mainstream' employment
- Reduce stigma and discrimination
- Identify and assist victims of sex trafficking and reduce vulnerabilities to trafficking if those exist
- Remove criminal records of offences relating to sex work, to help people move on with their lives without the restrictive and stigmatising record of past offences
- Increase economic, racial and gender equality, which in turn assists workers in transitioning away from sex work and obtaining other employment if they choose.