



**CATWA Submission to the
Sex Work Regulations 2016 Consultation**

February 2016

Coalition Against Trafficking in Women Australia

www.catwa.org.au

Who are we?

The Coalition Against Trafficking in Women Australia (CATWA) is the Australian branch of CATW International, a Non-Governmental Organisation that has Category II consultative status with the United Nations Economic and Social Council. It works locally and internationally to end all forms of sexual exploitation of women, especially in relation to issues of prostitution and trafficking in women.

The Coalition Against Trafficking in Women Australia is a feminist organisation that advocates for the decriminalisation of all prostituted persons, but the continued criminalisation of trafficking, pimping and sex buying, also known as the Nordic Model. We believe, based on the best available evidence from international research, that this approach is the only legislative option that successfully reduces the harms of the sex industry and addresses them within the broader context of violence against women and gender equality.

Key recommendations

- That the proposed new regulation 11(6)(a), which allows for advertising on the basis of 'race, colour or ethnic origin', be abandoned.
- That it be recognised that the amendments proposed in this consultation show that the sex industry does not provide 'just a job' or work like any other industry.

Regulation 9 – Advertising controls

New regulation 11(6)(a) provides that an advertisement for a business carried on by a sex work service provider may now contain references to the race, colour or ethnic origin, in addition to sexual orientation, of the person offering sexual services.

The Coalition Against Trafficking in Women Australia (CATWA) has serious concerns about the proposal of this new regulation – regulation 9 / 11(6)(a) – regarding advertising controls.

As we have submitted to previous State and Commonwealth inquiries, there is noteworthy trafficking into the Australian sex industry, particularly from South East Asia (e.g. CATWA 2015, 2016). We believe that this attempt to allow discriminatory language in advertisements for the legal sex industry simply demonstrates how much the industry relies on sexualised racism in order to function.

Although we acknowledge that this advertising is, under the current regulations, promoting a ‘service’, rather than an employment or recruitment advertisement for the sex industry, the intention is still clearly against the spirit of the Racial Discrimination Act (1975).

Section 9 (1) of the Racial Discrimination Act states that:

It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

The sex industry relies heavily on inequalities in order to function. It requires the advertising of sexual inequality in selling the use of (predominantly) women for the use of (predominantly) male customers and, in this instance, the advertising of minority women who become an eroticised ‘other’ in the promotion of ‘sexual services’ (Jeffreys 1997; Gutiérrez Chong 2014).

We are aware that groups such as the Vixen Collective have claimed these changes will ‘make sure the industry is safer and more transparent’ (Brown, 2016). This claim is made primarily on the basis that, without the ability to advertise on the basis of race, women in prostitution may encounter

racist sex buyers who will target them or abuse them on the basis of their ethnicity (Brown, 2016). However, a law allowing racially-based descriptions seems at odds with this claim as it: a) continues to promote the importance of racial differences and, b) would simply allow any racist abuser to more easily find and gain access to women they wanted to target.

Finally, CATWA would like to note that these proposed amendments to the current Sex Work Regulations 2006 show that the sex industry itself is miscategorised as a 'normal business'. This consultation is being run, for example, through Consumer Affairs Victoria (CAV), but in what other industry would CAV recommend legislative changes that allow advertising founded on racial discrimination? Similarly, it is important to consider how many other workers' organisations or unions (as the Vixen Collective claims to be) would request *less regulation* for their industry. This is highly unusual for any workers' advocacy group and demonstrates that the sex industry does not simply offer 'just a job' like any other, but rather fundamentally relies on discrimination against women and, in particular, minority women and women of colour, in order to function (see Raymond, 2013).

The Coalition Against Trafficking in Women Australia maintains that the most effective way to reduce the harms of the sex industry is to decriminalise all prostituted persons, criminalise sex buying and pimping, and to better enforce the criminalisation of trafficking. While research shows that the legalisation of brothel prostitution in Victoria has not made women safer (Jeffreys & Sullivan 2001; Sullivan 2007), we have concerns that these proposed changes will simply make things worse.

References

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