

Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

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Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

WEEP is a coalition of women who are dedicated to supporting women oppressed by prostitution. Some of our members are survivors of prostitution.

Our objectives:

1. Support survivors of prostitution, advocating for services to meet their specific needs.
2. Advocate for strong laws to protect women from exploitation by prostitution.
3. Educate and equip the wider community to speak against exploitation of women through the sex industry.

We are opposed to the present Bill which seeks to decriminalise prostitution. In our submission we state that the bill being considered does not achieve its objective of protecting women in prostitution from harm. Instead, decriminalisation will lead to commercialisation of this industry and therefore place vulnerable women at more risk.

As has been demonstrated in jurisdictions in which prostitution is decriminalised, rather than its intended aim of controlling the sex industry, it expands it, thereby to meet the increased demand, sex trafficking is promoted. The decriminalisation of pimps and brothel owners leads to further exploitation of vulnerable women. Importantly, decriminalisation sends a misleading message to the community that this form of violence against women is acceptable.

Dangers of prostitution include:

Increase incidence of mental health issues (particularly PTSD)

Increased drug use

Increased risk of physical injury.

This is illustrated by the following 3 examples.

1. Mental health:

Dee (not her real name) says:

Today, 4 years after leaving prostitution, I live with the diagnosis of PTSD and severe anxiety. I continue to suffer from frequent nightmares about hotel rooms, violence and losing my belongings. I get random flashbacks of bad memories, bookings that went wrong. Sometimes I spot a random man in the city or in public and I see the image of my average client in him and then it all comes back again.

All the girls I knew came from difficult backgrounds, almost all of them struggled with addiction. One lady started working after becoming a single mum on Centrelink after her marriage broke down. She didn't see any other option. Another girl came from a Domestic Violence relationship and like me, through sex work she sought revenge

on men. Behind every seductive smile there is a heartbroken woman who probably feels that's the only thing she deserves.

I would like to warn all the girls considering working in this industry. Please don't go down that path. Even if you think you have a "thick skin", this work will tear your very being apart. And to the Members of the Parliament: Please don't decriminalise prostitution in South Australia. Please don't make it any easier for these girls to fall into this dangerous trap. It's already easy as it is. It's not just another job.

In the report of the NSW Legislative Assembly Select Committee into the regulation of brothels in November 2015, at paragraph 4.72 Chief Health Officer Dr Kerry Chant provided evidence referencing a 2006 study in which 72 female sex workers in Sydney were interviewed. They found that just under half met the criteria for PTSD and that injecting drug use was highly prevalent in the sample. This is consistent with another international study which found that amongst the 854 sex workers examined in 9 countries, 68% were found to have PTSD. This study also found that prostitution was multitraumatic: 71% were physically assaulted in prostitution; 63% were raped; 89% of these respondents wanted to escape prostitution but did not have other options for survival.

They summarised their finding by stating that most of those in prostitution do not freely consent to it, that most people are in prostitution because of drug addiction, and that legalizing or decriminalizing prostitution would not decrease its harm.

Melissa Farley PhD , Ann Cotton PsyD , Jacqueline Lynne MSW , Sybille Zumbeck PhD , Frida Spiwak PhD , Maria E. Reyes PhD , Dinorah Alvarez BA & Ufuk Sezgin PhD (2004) Prostitution and Trafficking in Nine Countries, Journal of Trauma Practice, 2:3-4, 33-74, DOI: [10.1300/J189v02n03_03](https://doi.org/10.1300/J189v02n03_03)

2. Increased drug use:

Violet's story:

Violet was randomly man handled everywhere. This persistent mauling went with the territory of the job. Her co- workers, associates, boss encouraged her to take cocaine on the start of her shifts as it "helps you to relax" they said.

Violet became entrapped in a vicious cycle of bar work and substance abuse to assist her to keep up with the expectations of the role. She succumbed to whatever was required of her for the shift with no choices of her own. Weeks went by and Violet's fatigued body was racked with pain, bruises in strange places, her mind tormented by images and memories she would prefer to forget. She was fast becoming a shell of the person she was.

This increased incidence of drug use in prostitution is well documented. To quote one study from Sydney in 2005: "Just over one-quarter of the sample reported stated sex work prior to injecting drug use, and approximately three-quarters reported that their drug use had increased since they started sex work".

Roxburgh, A., Degenhardt, L., Larance, B. and Copeland, J. (2005) *Mental health, drug use and risk among female street-based sex workers in greater Sydney*, Sydney: National Drug and Alcohol Research Centre.

3. Physical injury:

Fran's story:

*At the end of my first night of work, I had seen 20 men in 10 hours. [REDACTED]
[REDACTED] I curled up in the foetal position and cried myself to sleep.*

There is significant danger of genital and anal injury.

This is further illustrated by the following report from a woman who had been engaged in prostitution for many years involving anal intercourse. She was suffering from constant faecal incontinence due to damage to nerve endings around her anal area. This has necessitated surgery which has not been completely successful. A study published in 2016 in the American Journal of Gastroenterology into anal intercourse and faecal incontinence concludes that their results provide evidence supporting a link between anal intercourse and FI among both men and women.

Markland AD, Dunivan GC, Vaughan CP, Rogers RG. Anal Intercourse and Fecal Incontinence: Evidence from the 2009-2010 National Health and Nutrition Examination Survey. *Am J Gastroenterol*. 2016;111(2):269-274.
doi:10.1038/ajg.2015.419

We submit that prostitution is not good for women's health and wellbeing. Decriminalisation will increase abuse of women as described by these three examples and I could quote others. We should advocate for implementation of the Equality Model which has been successful in decreasing prostitution and so decreasing the incidence of mental and physical harm for women.