

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

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Committee Secretary
Housing, Big Build and Manufacturing Committee
Parliament House
George Street
Brisbane, Qld, 4000

Dear Committee Members,

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

I am writing in support of the proposed Criminal Code (Decriminalising Sex Work) and other Legislation Amendment Bill 2024. The adoption of this legislation will align Queensland with a globally recognised best practice approach to sex work policy, and ensure the safety of sex workers.

In my support for the proposed Bill, I would like to emphasise three key points:

1. Queensland's licensing system has failed.

The evidence is clear that the licensing system adopted in 1999 has failed to address issues of safety for sex workers, and essentially created a two-tiered system in which most sex work occurs outside of the licensing system¹. An evaluation commissioned by the Queensland government in 2009 found that “the framework is not working. Sex workers may be in a more precarious position now than they were when the legislation first passed”².

¹ Prostitution Licensing Authority. 2018. PLA Annual Report 2018-2018.

² Edwards, A. 2009. Selling Sex; Regulating Prostitution in Queensland, A report to the Prostitution Licensing Authority. Brisbane: State of Queensland (Prostitution Licensing Authority).

Partial criminalisation and licensing as a regulatory approach has resulted in the criminalisation of sex workers' safety strategies such as working in co-operative arrangements, keeping track of fellow workers' movements, or utilising trusted drivers or security services³.

2. Alternative regulatory approaches do not protect sex workers' safety.

Criminalisation of sex work is long proven to have negative impacts on sex workers' human rights, access to justice, and health and wellbeing⁴. Alternative partial criminalisation policy approaches have also proven unsuccessful. For example, the 'Swedish', 'Nordic', or so-called 'end demand' model is sometimes proposed as an alternative form of regulation that decriminalises the selling of sex while criminalising the buying. However, this regulatory approach has failed to reduce the number of sex workers in the industry, has failed to protect them from violence or trafficking, and has led to increased stigma and marginalisation⁵.

3. Decriminalisation is proven to be the best approach.

There is a growing global policy consensus that decriminalisation of sex work is necessary in the interests of sex workers' rights, health, and safety. The International Labour Organisation, Amnesty International, Human Rights Watch, and the World Health Organisation all support the decriminalisation of sex work⁶. Most recently, the United Nations Working Group on Discrimination Against Women and Girls released a report in October 2023 calling for the full decriminalisation of adult sex work⁷. Adopting this

³ Jeffreys, E., O'Brien, E., & Fawkes, J. 2019. The Case for Decriminalisation: Sex Work and the Law in Queensland. *QUT Centre for Justice Briefing Paper*. June 2019 Issue 1.

⁴ Vanwesenbeeck, I. 2017. Sex Work Criminalization is Barking Up the Wrong Tree. *Archives of Sexual Behavior*. 46(6): 1631-1640.

⁵ For a summary of the findings of numerous scholars' research identifying the failures and dangers of the Nordic Model see Henham, C.S. 2021. The Reduction of Visible Spaces of Sex Work in Europe. *Sexuality Research and Social Policy* 18(4): 909-919.

⁶ Kilbride, E. 2023. Landmark UN Report Calls for Sex Work Decriminalization. *Human Rights Watch*. <https://www.hrw.org/news/2023/11/28/landmark-un-report-calls-sex-work-decriminalization>

⁷ United Nations Human Rights Special Procedures. 2023. Eliminating discrimination against sex workers and securing their human rights. Mandate of the Working Group on discrimination against women and girls.

legislation in Queensland would bring our state into alignment with this global consensus, as well as other jurisdictions in Australia and neighbouring countries where decriminalisation has been adopted.

Decriminalisation of sex work in other jurisdictions has been a successful policy approach. In New Zealand, decriminalisation has led to increased willingness by sex workers to report crimes to police without fearing arrest or punishment⁸. In New South Wales, decriminalisation has resulted in improved health and safety for sex workers⁹, and reduced HIV rates¹⁰.

In adopting the proposed legislation, I strongly support calls for the following:

- Swift commencement, ideally by 1 July 2024, to avoid leaving sex workers in a system that criminalises their safety strategies and subjects them to harm.
- Laws to prevent local governments (councils) from banning sex work outright within their areas. This would result in restrictions on workers utilising safety strategies such as working together.
- A review of the legislation within 5 years of adoption, to be conducted in consultation with sex workers' representative organisations.
- Consideration to be given to future legislation to expunge sex work offences from individual records, to reduce ongoing impacts of historical criminalisation on sex workers' daily lives.
- Consideration be given to awareness-raising and policy strategies to address stigma and discrimination against sex workers.

<https://www.ohchr.org/sites/default/files/documents/issues/women/wg/sex-work-pp-fin-proofread-24-sept.pdf>

⁸ Abel, G.M. 2014. A decade of decriminalization: Sex work 'down under' but not underground. *Criminology and Criminal Justice*. 14(5): 580-92.

⁹ Donovan, B., Harcourt, C., Egger, S., & Fairley, C. 2010. Improving the health of sex workers in NSW: maintaining success. *Public Health Bulletin* 21(3-4).

¹⁰ Shannon, K., Strathdee, S. A., Goldenberg, S. M., Duff, P., Mwangi, P., Rusakova, M., Reza-Paul, S., Lau, J., Deering, K., Pickles, M. R., Boily, M. 2015. Global epidemiology of HIV among female sex workers: influence of structural determinants. *The Lancet* 385(9962): 55-71.

About me:

I am an Associate Professor in Politics and Policy in the School of Government and International Relations at Griffith University, and an Adjunct Professor at the QUT Centre for Justice. I have researched policy approaches to sex work and human trafficking in Australia, the United States of America, and the United Kingdom over the last 17 years. I am the author of two books on human trafficking policy and advocacy – *The Politics of Sex Trafficking: A Moral Geography* (Palgrave 2013), and *Challenging the Human Trafficking Narrative: Victims, Villains and Heroes* (Routledge 2019).

I strongly support this Bill as a long overdue and much needed reform.

Thank you for your consideration.

Kind regards,



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