

Global Letter Condemning Proposed Legislation to Decriminalize the Sex Trade in Victoria, Australia

To The Honorable Daniel Andrews MP, Premier of Victoria, and the Leader of the Victorian Labor Party:

We, the undersigned, are survivors of sex trafficking, prostitution, and pornography; we are women's and human rights advocates, and frontline service providers, from around the world. We are joined by hundreds of our respective national and international members and partners, including survivors, who represent groups and networks fighting for equality and for the rights of women and girls, children, immigrants, and LGBTQ+ populations.

We are expressing our collective horror that the Government of Victoria is proposing a law that would decriminalize the sex trade as a solution to the reported disastrous failures of your legalized system of prostitution.

Reports indicate that the current legislative deliberations related to the decriminalization of the sex trade are occurring within a web of public disinformation and misinformation, lack of transparency, and with indifference to democratic processes, human rights, and the rule of law.

The Failure of Victoria's Prostitution Control Act 1994 Cannot Be Solved with Decriminalization

Victoria's *Prostitution Control Act 1994* (since 2010 known as the *Sex Work Act 1994*) was meant to regulate brothels, control prostitution, bring it "above ground," implement workplace rights and protections, and improve the situation for women. You report that it miserably failed on every point and more.

In the last twenty-seven years, legalization expanded the sex trade in Victoria instead of its goal of managing it: for every registered brothel there are over five unlicensed "massage parlors" (at 90 legal versus 500 illegal brothels in Melbourne alone). Sex trafficking is presumed with the presence of foreign women, mostly from Asia and the Pacific Islands, sold in brothels, especially unlicensed "massage parlours," with impunity.ⁱ

Your official reports describe how and why legalization failed in Melbourne. You say that people in prostitution experience violence, persistent discrimination, and stigma in the community; that they are unable to make choices about their lives, compounded by their safety and welfare chronically at risk.ⁱⁱ

Prostitution is in fact a system of complex exploitation for the profit of brothel owners and other exploiters enriched by sex buyers. Solving your failures of legalization with a worse form of it—decriminalization—will exponentially increase the stated harms and violations.

In November 2019 your Victorian Labor Government announced it would conduct a reviewⁱⁱⁱ into decriminalization of the sex trade. Victoria now calls for prostitution to flourish beyond state-registered brothels and to operate on the streets, in private apartments, and in small owner-operated businesses.

The decriminalization efforts are led by Victorian MP Fiona Patten. News accounts indicate that MP Patten's longstanding partner, Robbie Swan,^{iv} is a well-known lobbyist for the pornography industry and founded Eros,^v a leading "adult industry" membership association. It would therefore appear that the sex trade itself, showcasing significant financial interests in decriminalization, is the architect of your legislation.

You cannot control the sex trade, a multi-billion-dollar global illegal enterprise, through decriminalization, Mr. Premier – it controls you.

Prostitution is Not Work, is Not Sex, and is Not Inevitable

To quote our abolitionist partners in Victoria, “The premise that prostitution is inevitable is based on two interrelated ‘deep core [Australian] beliefs’: that men have a right to sex and that (most) women are willing participants in prostitution, making it a victimless crime.”

You must challenge the core belief that the Government has a right to set apart and aside a class of women, primarily of color and deemed unworthy of equality, for the sex trade. You must address the harmful cultural practice of bestowing men a customary right to purchase sexual acts with human beings who would never, but for myriad forms of coercion and an absence of choice, engage in sexual acts with them.

To address the sex trade in earnest, the Government of Victoria must confront Australia’s colonialist-settler history, which created its ethos of prostitution as a “necessary evil,” and later as “work.”

Prostitution was never inevitable; it was invented.

Australia’s Historical Promotion of Prostitution

The sexual exploitation, rape, and torture of Indigenous women by colonialists was widespread in 18th century Australia. The penal colony organized a dedicated prostitution system precisely so that Australian men could enjoy a state-sanctioned entitlement to sexual access to these women in brothels and elsewhere. When Aboriginal women could no longer satisfy the male demand for prostitution, Australia organized the sex trafficking of female convicts from England to meet that demand.

There is one straight line from that history to your Government’s plan to decriminalize the sex trade. Colonizers promoted sexualized racist stereotypes depicting Indigenous women as sex objects. Today, women from China, Thailand, Korea, The Philippines, and the Pacific Islands are vastly overrepresented in your legal and illegal commercial sex establishments. Your government legitimizes sex buyers’ racialized sexual access to these individuals, spinning the tale that prostitution is as desirous to them as it was to the Indigenous women you exploited centuries ago.

The women in your legal and illegal brothels are under the control of third-party exploiters. Their journeys into prostitution include histories of childhood sexual violence, poverty, state residential homes, displacement, intergenerational abuse, and systemic inequalities, all vulnerabilities that lead to sexual exploitation. And regardless of prostituted persons’ race, sex, gender or ethnicity, sex buyers reduce them to commodities for sale.

Society avoids addressing these abuses by weaving narratives of “consent,” which even if rarely true, is irrelevant under the law and human rights principles in situations of exploitation or sexual violence.

Australia is not alone among nations in it prolonging a history of sexual exploitation and degradation of Indigenous and other women – every continent that was invaded by foreigners, especially European colonialists, share similar chronicles of systemic dehumanization, genocide, and human trafficking.

However, instead of endorsing this shameful legacy, you can fix your failed 1994 prostitution law with ease by enacting progressive legislation that will protect people in prostitution and keep the sex trade profiteers at bay.

The Human Rights-Based Solution to your Failed 1994 Prostitution Law

In 1999, in its quest to realize gender equality and upholding human rights for all, the Government of Sweden passed a progressive law that ***solely*** decriminalizes people bought and sold in prostitution, provides them with services, including exit strategies, while holding sex buyers and other perpetrators accountable. Known as the Swedish then Nordic Model, seven countries^{vi} have followed Sweden's vision for a world without sexual exploitation, thus now known as the Equality Model. On the other hand, no country has followed the failed decriminalization framework of New Zealand.

Around the world, commercial sexual exploitation, online and off, has exponentially increased during the COVID-19 pandemic. Deregulating prostitution in the middle of a global health crisis will bring a catastrophic expansion of the sex trade in Victoria that will further destroy lives for the untold profits of a few with no recourse to justice.

You have time to uphold the rule of law, Mr. Premier, and address with compassion the unremitting dehumanization on which the sex trade thrives. Please join the growing number of jurisdictions worldwide that strive toward a society that values equality for all and reject the sex trade as a partner.

SIGNED,

ⁱⁱ The 2021 United States Trafficking in Persons Report indicates that Australia's "trafficking convictions remain low and that even when convicted in rare instances, the lenient sentences "weaken deterrence and may undercut broader efforts to fight trafficking. The government also did not adequately screen vulnerable groups traffickers may target.", U.S. Department of State, *2021 Trafficking in Persons Report: Australia*, Office to Monitor and Combat Trafficking in Persons, <https://www.state.gov/reports/2021-trafficking-in-persons-report/australia/>

ⁱⁱⁱ Premier of Victoria, The Hon Daniel Andrews, 'Review into Decriminalisation of Sex Work,' 26 November 2019, <https://www.premier.vic.gov.au/review-into-decriminalisation-of-sex-work-0>

ⁱⁱⁱ Premier of Victoria, The Hon Daniel Andrews, 'Review into Decriminalisation of Sex Work,' 26 November 2019, <https://www.premier.vic.gov.au/review-into-decriminalisation-of-sex-work-0>

^{iv} "An Enduring Relationship – Politics, Porn, Fiona and Robbie," *Joy*, 21 May 2015, <https://joy.org.au/wordforword/2015/05/an-enduring-relationship-politics-porn-fiona-and-robbie/>, Katie Lalor (with Ginger Gorman), "Pornography, Sex and Censorship," *ABC Local*, 23 May, 2012, <https://www.abc.net.au/local/stories/2012/05/23/3509073.htm>

^v <https://www.eros.org.au/about/the-eros-association/>

^{vi} Iceland (2008); Norway (2009); Canada (2014); Northern Ireland (2014); France (2016); Republic of Ireland (2017); and Israel (2018)