



nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

COMMUNITY
guide

Decriminalisation





Introduction

The term decriminalisation most clearly reflects the NSW core value: opposition to all forms of criminalisation and other legal oppression of sex work. International research and evidence demonstrate that decriminalisation creates safer working environments for sex workers, affords them the protection of workers' rights, improves their access to health services, reduces their vulnerability to HIV, violence, stigma and discrimination, and is key to tackling the exploitation that occurs within the sex industry.

New Zealand is the only country to have decriminalised sex work at a national level, alongside state-level legislation in New South Wales (NSW) and the Northern Territory (NT) in Australia. This Guide provides an overview of those three systems, and the key advocacy actions that were pivotal to achieving law reform, as a tool that sex workers and allies can use to advocate for a rights-affirming approach to sex work.

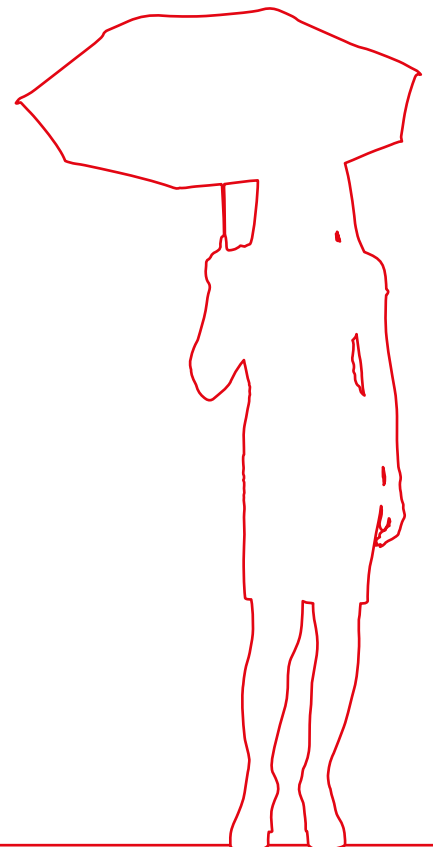
New South Wales, Australia

Amid widespread police corruption, violence and coercion of sex workers, the police were also heavily involved in brothel-related organised crime. The Australian Prostitutes Collective conducted ground-breaking research, interviewing around 100 sex workers, finding that approximately half had been violently assaulted and a third had been raped at work. This research was a key contribution to a Select Committee review linking police corruption with brothel protection and identifying the need for organisational reform.

Sex workers spoke out publicly about their working lives and how they were negatively affected by criminalisation, lobbied state representatives personally and were present in the debates about the laws that affect them.

In 1995, after twenty years of advocacy, the NSW government finally decriminalised brothels, which enabled local councils to regulate sex work venues and made NSW the first jurisdiction in the world to decriminalise sex work. Decriminalisation meant that sex workers could report crimes such as theft or assault at work without the risk of getting arrested themselves and could file a complaint if they were not treated fairly by the police.

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New Zealand

New Zealand sex workers began organising in the 1980s, in a political context where the public health conversation was open to talking about sex work and organising to combat HIV.

Aotearoa New Zealand Sex Workers' Collective (NZPC) formed a working group with mainstream women's organisations and liberal feminist groups and began preparing a reform Bill for decriminalisation, identifying the most suitable politician to promote the Bill. Framing the Bill appropriately was essential; the working group used simple, clear messages such as "sex work is work" and presented decriminalisation as a women's issue and a step towards gender equality. NZPC discussed women's relationships to the state and broached the question of whether women should be protected or penalised by the state. They explained that decriminalisation prevented the work from being driven underground and enabled sex workers to obtain help when needed. The group also presented decriminalisation as a labour issue, with examples of how law reform would make their work less precarious, and as a health issue via HIV prevention. The working group received media training so that they were fully prepared for interviews, and despite often fielding basic or trite questioning, their strategy was to respond promptly and frequently.

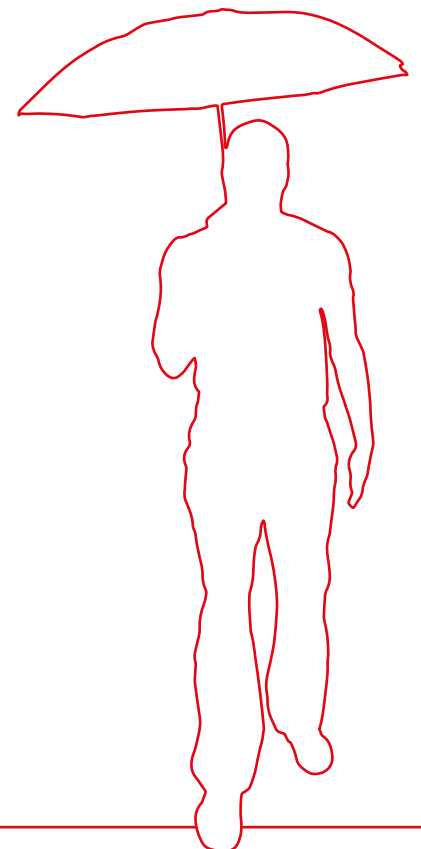
The Prostitution Reform Act (PRA) decriminalised sex work in 2003, and removed all laws that had criminalised the purchase, sale and organising of sexual services. Sex workers have had previous related convictions removed, and the NZPC have consulted with the government to produce workplace health and safety guidelines. However, the PRA prohibits people with temporary visas from engaging in sex work, which directly impacts migrant sex workers.

Northern Territory, Australia

Sex workers are the experts in their lives and the reforms that will protect their rights and can therefore position themselves as the key policymakers. By presenting themselves as the leaders in facilitating law reform with a clear and unified message, sex worker advocates were in a stronger position to form alliances. SWOP NT utilised their membership with the national group Scarlet Alliance for technical support and forged a united force, and gave clear guidance to others advocating for their rights, which meant that they could operate as part of the very strong trade union movement and successfully lobby the NT Labour Party.

In 2019, the government issued a discussion paper, introduced as the Sex Industry Bill, which finally decriminalised sex work. It aims to decriminalise sex work including brothels, street-based and indoor sex work, enabling sex workers to work together and giving them access to workplace protections and labour rights, recognises sex work as a profession, and supports access to justice.

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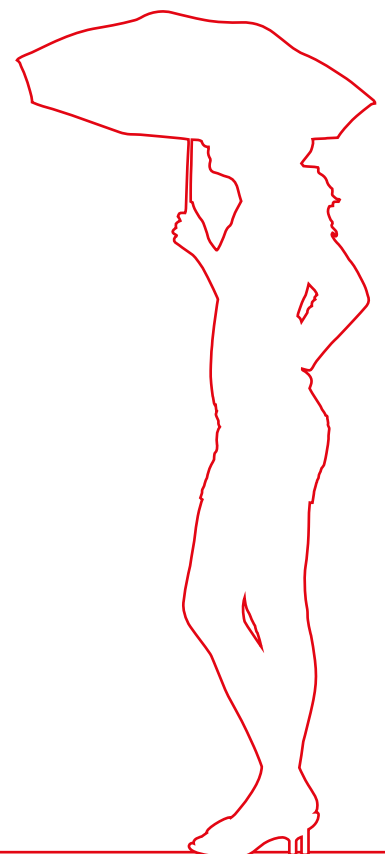




Recommendations

- **Develop cohesive, unified messages** – support diversity within working groups to empower communities and develop unified strategies and messages
- **Consider the context** – factor the political environment into drafting and campaigning, with carefully framed sex work issues that are politically relevant and realistic
- **Frame carefully** – consider approaches to remove the controversy associated with sex work, such as presenting decriminalisation as a health or labour rights issue
- **Fully utilise research** – prepare selections of effective, easily accessible evidence to strengthen campaigning
- **Conduct original research** – document human rights violations as evidence to contribute to committees, debates, and inquiries
- **Be visible and outspoken** – visit political spaces to normalise sex workers' presence and ensure the inclusion of diverse sex worker voices
- **Promote sex worker expertise** – take leadership roles in sex work law reform and request platforms to present sex workers as key stakeholders
- **Build connections and networks** – develop unions, join unions, form working groups, and request support and affiliation from adjacent human rights groups, civil rights movements, and sympathetic political parties
- **Be media savvy** – obtain media or public speaking training and select speakers and stories to best suit each media outlet
- **Know the enemy** – anticipate pushback and prepare counter arguments for likely challenges from religious groups, the 'Nordic model' lobby and others
- **Persevere** – it can take years if not decades to achieve legislative reform, but the tireless achievements of advocates across Australasia prove the possibility of positive change.

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The Community Guides are the result of desk research and a global e-consultation, and aim to provide simple summaries of NSWP's Smart Guides, further detail and references can be found in the accompanying Smart Guides.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



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The Matrix, 62 Newhaven Road
Edinburgh, Scotland, UK, EH6 5QB
+44 131 553 2555 secretariat@nswp.org www.nswp.org

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NSWP is an alliance partner of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human rights violations and accessing much-needed HIV and health services. Go to: www.hivgaps.org for more information.

