



**Vixen Collective (Victoria's peer only
sex worker organisation)**

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Royal Commission into Family Violence

PO Box 535

Flinders Lane, VIC 8009

29th May 2015

To Whom It May Concern,

Vixen Collective is a non-funded organisation run by sex workers volunteering their time and energy in the absence of a funded peer only sex worker organisation in Victoria.

We appreciate this opportunity to contribute to the Royal Commission into Family Violence and attach our submission accordingly.

We look forward to engaging throughout this process and encourage you to contact us if you require any further detail or if you wish to discuss any part of this submission.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane Green'. The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Jane Green

On behalf of Vixen Collective

Vixen Collective - Victoria's peer only sex worker organisation

Vixen Collective is Victoria's peer only sex worker organisation. Through our objectives and work we promote the cultural, legal, human, occupational and civil rights of all sex workers.

Victoria has a proud history of sex worker rights. With the advent of HIV in the 1980s, Australia led the world by deploying a community based response - money was given to key communities (sex workers, gay men, injecting drug users, etc) to form their own organisations to contribute to the fight against the virus. Melbourne was the first place in the world to commit funding to a sex worker organisation - the Prostitutes Collective of Victoria (PCV). The PCV were pioneers in sex worker organising. However in 2001 the PCV was taken over by a community health service and it ceased being an organisation of sex workers.

It was in this environment of Victoria lacking a sex worker run organisation, that Vixen Collective was formed in 2005. Vixen Collective was started by a group of Victorian sex workers and launched at the 2005 Scarlet Alliance (Australian Sex Workers Association) national forum. Later gaining membership of Scarlet Alliance in 2007, Vixen Collective has continued to engage in sex worker rights organising, building participation by local sex workers, as well as developing links to state and national sex worker organisations.

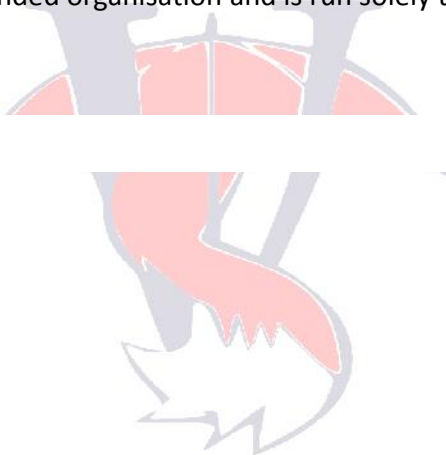
Vixen Collective continues to work fiercely on sex worker rights in Victoria, through:

- a) being a proud peer only (sex worker only) organisation
- b) encouraging local sex worker participation
- c) consultation with Victorian sex workers on key community issues
- d) peer education and peer support to local sex worker community
- e) education initiatives with broader non sex worker community
- f) advocacy and lobbying to government

- g) working to break down stigma and promote positive media on sex work
- h) work with other community organisations eg. VAC, ISCHS
- i) HIV/AIDS advisory work (as a key population)
- j) work with the Victorian Police
- k) public education eg. Festival of Sex Work

This submission has been produced by Vixen Collective, through our ongoing consultation with Victorian sex workers.

Vixen Collective remains an unfunded organisation and is run solely through the volunteer energy of Victorian sex workers.



Vixen Collective Objectives

- I. Vixen promotes the cultural, legal, human, occupational and civil rights of all sex workers.
- II. Vixen believes that sex workers have the right to work under legislation that promotes our rights and occupational health and safety. Vixen seeks to challenge any legislation, implementation thereof or its enforcement, where it infringes on the rights and/or occupational health and safety of sex workers.
- III. Vixen seeks to engage with current government, regulators, officials, policy makers and those who implement government policy to lobby for the rights and safety of sex workers, without accepting the status quo if it does not support sex workers rights or safety, specifically challenging those that infringe on the rights of sex workers.
- IV. Vixen affirms that the model of sex work regulation it supports is the *full decriminalisation of sex work* and that we will not accept other discriminatory models or legislation that infringe on the rights of sex workers.
- V. As sex workers we should be able to work how, when and where we choose - including (but not limited to) street based sex work, brothel based sex work, private sex work, escort sex work and opportunistic sex work.
- VI. Vixen recognises and values our members' diversity, we are committed to promoting the wellbeing and rights of sex workers from diverse backgrounds.
- VII. Vixen works to create and facilitate means by which current and former sex workers' voices are heard, both within and outside sex worker community, and specifically to government.
- VIII. Vixen works to combat stigma and whorephobia via a range of mechanisms:
 - a. Vixen provides training and presentations on sex work to community groups, educational institutions, sex work forums and government bodies.
 - b. Public events, to demystify sex work and allow the public to gain understanding for our work.

- c. Producing positive media on sex work and addressing negative media when necessary.
- IX. Vixen plays a role, as a key population, in informing Australia's response to HIV/AIDS.
- X. Vixen seeks to empower Victorian sex workers through the provision of community and peer support.
- XI. Vixen disseminates information on sex work to sex workers through the Vixen Website, Vixen Facebook, Vixen Twitter, as well as regular meetings and consultations.
- XII. Vixen connects with other sex worker organisations nationally and internationally.



Submission Main

Question 11 - What are some of the most promising and successful ways of supporting the ongoing safety and wellbeing of people affected by violence? Are there gaps or deficiencies in our approach to supporting ongoing safety and wellbeing? How could measures to reduce the impact of family violence be improved?

Key to addressing the ongoing safety and wellbeing of those affected by violence is:

- Listening directly to the voices of those affected.
- Understanding that those affected by violence must be considered the key stakeholders in the discussion.
- Recognising that when other interest groups are permitted to speak on behalf of those affected by violence, this both silences the voices of those directly affected and takes up space in which their lived experiences may be heard.

Sex workers are as a population affected by issues of direct violence, and by the systemic violence of the laws used to regulate our work; these laws may place us at greater risk of violence, stigma and discrimination. Yet sex workers are often overlooked and/or excluded in discussions relating to violence and prevention of violence.

Sex workers, like other marginalised populations affected by violence, must be understood as stakeholders in order for any dialogue to be fully informed and for the success of violence prevention strategies. If sex workers are not heard, strategies for violence prevention cannot be based on our lived experience and will ultimately fail to address our needs and contribute to ongoing safety for sex workers.

In addressing gaps and deficiencies to supporting ongoing safety and wellbeing it is critical that peer sex worker organisations - who already accomplish a great deal of work on these issues within our own community - are included in consultations and ongoing discussions.

Often key barriers that sex worker organisations face in addressing these issues include:

- Discriminatory laws that both constitute a form of violence against us, as well as contribute to violence towards sex workers.
- Lack of access to police assistance when victims of crime.
- Lack of access to justice, including reduced prosecution rates and discrimination in sentencing of those that are convicted of violence towards sex workers.
- Negative attitudes towards our community, promoted in culture and media, which contribute to stigma and discrimination, can also fuel violence against us and increase tolerance of that violence.
- Lack of funding for peer sex worker organisations in Australia.

For sex workers, measures to reduce the impact of family violence begin with recognition that the full decriminalisation of sex work is a necessary step to:

- Removing barriers for sex workers in seeking police assistance when we are victims of violent crime, including family violence.
- Supporting sex workers in accessing justice.
- Providing better access to peer outreach services to inform sex workers of our rights in relation to violence against us and for OH&S in our work.
- Working to reduce stigma and discrimination that contribute to violence against sex workers.

It remains a concern that many interest groups in Australia continue to attempt to speak on sex workers behalf. These groups - for example, Project Respect in Victoria - often claim to be working 'on behalf' of sex workers but promote policies that:

- Are demeaning to sex workers, often engaging in what is referred to as "pity porn" or "victim porn" where highly negative portrayals of sex workers are used to advance a political agenda or for fundraising purposes.
- Claim sex workers are unable to speak on our own behalf because we are subject to "false consciousness".
- Lobby for legislative change, such as the adoption of the Swedish or Nordic Model, that has been shown to have extremely negative consequences for sex workers' rights and safety¹.

Much of the rhetoric of anti sex work and rescue groups is often predicated on the idea that sex workers require protection due to (what is claimed to be) the 'inherent violence' in our work. This idea is problematic in a number of ways:

- a. Like all victim blaming this places the fault for any violence that sex workers may face, either in our work or in situations of family violence, onto workers rather than the perpetrators of that violence.
- b. Arguments of this nature focus almost exclusively on physical and/or sexual violence and therefore exclude systemic violence and oppression.
- c. Because of tendencies to depict sex work as a dangerous or 'inherently violent' type of work there is a failure to address the causes (individual, systemic) or solutions (decriminalisation, anti discrimination protections, working to reduce stigma etc) to any violence that sex workers may face.

What is key however is that when addressing violence towards sex workers government has historically responded by limiting sex workers rights to work, required sex workers to register their details with the government and heavily policed sex workers themselves (policing the victim), in contrast to addressing the causes of that violence.

¹ Refer 'The Swedish Model of Criminalising the Clients of Sex Workers' presentation made by Swedish sex worker organisation Rose Alliance at AIDS 2014 Conference in Melbourne, Australia.
<https://www.youtube.com/watch?v=Q-W51iDgnWw>

For the reasons raised above, it is critical that in discussions relating to the safety and wellbeing of sex workers, most specifically when discussing violence in our lives and work, it is sex workers voices that must be heard.

Question 18 - What barriers prevent people in particular groups and communities in Victoria from engaging with or benefiting from family violence services? How can the family violence system be improved to reflect the diversity of people's experiences?

The barriers that exist for sex workers engaging with and/or benefiting from family violence services in Victoria include:

- Workers operating outside the licensing system (the system for regulating sex work in Victoria) or those subject to remaining criminalisation (for example street based sex workers) may have reluctance to access services due to fear of repercussions relating to their sex worker status/legal status being recorded.
- Fear of stigma and discrimination when accessing services, when/if sex worker status is revealed.
- Concern that accessing services may have a negative impact on child custody if sex worker status is revealed.
- Concern that sex worker status may affect access to housing, including safe housing and refuges when exiting family violence.
- Fear of outing of sex workers status (to family, friends, community, etc), including deliberate outing/threatened outing by offenders.

Access to police for sex workers is significantly reduced due to the oppositional role sex workers

and police are placed in by the licensing system². This is particularly acute for sex workers who work outside the licensing system or whose work remains criminalised (street based sex workers).

The ability to access justice, with the consequential flow on effects on sex worker safety, including sex workers at risk or subject to family violence is reduced at three levels for Victorian sex workers:

- i. Reduced access to police (oppositional role of police, as mentioned above)
- ii. Reduced ability to access justice through the courts
 - Cases not taken up due to a perception that it is more difficult to gain a conviction against someone that assaults a sex worker.
 - Name suppression is often denied to sex workers who are victims of crime, including crimes of violence and rape.
 - Fear of 'outing' discourages sex workers from pursuing charges through the courts.
 - Stigma of testifying as a sex worker adds an additional burden for sex workers pursuing justice.
 - Media coverage of trials is often stigmatising and distressing for the victim and sex worker community.
- iii. Reduced justice received
 - History of low sentences for crimes against sex workers³.
 - Victorian case law on reduced sentencing for cases involving rape of sex workers (Harris/Harkonen)⁴.

² "The nature of sex workers' contact and interaction with police determines whether they feel confident making complaint to police regarding crimes of violence. Better relationships with the police were apparent...where the police had no role in regulating the sex industry.", Scarlet Alliance and the Australian Federation of AIDS Organisations, [Unjust and Counter Productive: The Failure of Governments to Protect Sex Workers From Discrimination](#) Sydney, 1999, pg 14.

³ "Bayley was first jailed in 1991 for sexual assault and served just 22 months of a five-year sentence. In September 2000 he was jailed for a minimum of eight years for the rape of five prostitutes over a six-month period..", [Jill Meagher's husband Tom Meagher says justice system failed her and Adrian Bayley's sentence is a disgrace](#), ABC News, 20th June 2013.

⁴ "Two controversial cases provide a non-binding precedent that allow judges to consider the victim's sexual experience when passing sentence on an offender – but only in circumstances when the "victim is a prostitute"... This sentencing advice is troubling on three fronts. First, it allows judges to interpret that sex workers experience trauma and victimisation differently to "chaste" women, and reinforces the whore stigma. Second, it can be interpreted as placing an onus on sex worker victims to prove their trauma. Third, it shifts focus away from the offender and their actions and towards the victim...", [Victorian rape law needs reform to protect sex workers](#), The Conversation, 30th March 2015.

In addressing family violence for sex workers it is first necessary to address the laws that create an environment which both increases the effects of violence and provides sex workers with less recourse to access assistance:

- The full decriminalisation of sex work would remove systemic barriers to sex workers accessing family violence services, as sex workers would have reduced fears of consequences flowing from sex worker status/legal status being recorded.
- Under decriminalisation sex workers are better able to access assistance when in need because of improved relations with police⁵.
- Access to justice is improved for sex workers under decriminalisation, including an improved ability to pursue criminal cases against those who perpetrate violent or sexual offences against sex workers, but also civil protections (such as restraining orders).
- As there is no Federal or State protection from discrimination on the basis of occupation, it is necessary that anti-discrimination protections on the basis of occupation be put in place to protect legal discrimination against sex workers.
- Anti-discrimination protections on the basis of occupation would ease fears of discrimination in the areas of child custody and housing when accessing family violence services.
- Although fears surrounding being outed as a sex worker cannot be removed wholly through legislative change, removing discriminatory laws such as licensing in Victoria are a first step in reducing stigma and discrimination towards sex workers. Reduced stigma and discrimination towards sex workers would make family violence services more accessible to sex workers.

⁵ "The nature of sex workers' contact and interaction with police determines whether they feel confident making complaint to police regarding crimes of violence", Scarlet Alliance and the Australian Federation of AIDS Organisations, [Unjust and Counter Productive: The Failure of Governments to Protect Sex Workers From Discrimination](#) Sydney, 1999, pg 14.

Question 21 - The Royal Commission will be considering both short term and longer term responses to family violence. Tell us about the changes which you think could produce the greatest impact in the short and longer term.

In the short term, full decriminalisation of sex work and anti-discrimination protection on the basis of occupation (as outlined in the responses to Question 11 and Question 18) would produce significant impact in reducing factors that contribute to violence, barriers to sex workers accessing assistance when victims of violence, including access to justice and family violence services.

It should be noted that decriminalisation is recognised as the worlds' best practice model for sex industry regulation - by the United Nations⁶, the World Health Organisation⁷, Australia's HIV Strategy⁸, multiple medical studies⁹, and sex workers representative organisations.

In the longer term there is a need for significant work to reduce stigma and discrimination towards sex workers, both where it occurs in law and in society at large.

Key to achieving both short and long term goals is the continuing recognition that when discussing sex work and family violence, it is sex workers' voices that must remain central. It is only by listening to and learning from the lived experiences of sex workers, working with peer sex worker organisations and recognising that sex workers are the experts on their own lives that progress can be made.

⁶ The United Nations Population Fund, United Nations Development Fund and UNAIDS support the decriminalisation of sex work and note that legal empowerment of sex worker communities underpins effective HIV Responses.

⁷ "Countries should work toward decriminalization of sex work and elimination of the unjust application of non-criminal laws and regulations against sex workers.", [Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations](#), World Health Organisation, July 2014, pg.91.

⁸ Australian Government Department of Health and Ageing, Sixth National HIV Strategy 2010-2013, Commonwealth of Australia, Canberra, 2010 at 6.4.

⁹ For example: C Harcourt, J O'Connor, S Egger, C Fairly, H Wand, M Chen, L Marshall, J Kaldor, B Donovan, 'The Decriminalisation of Prostitution is Associated with Better Coverage of Health Promotion Programs for Sex Workers', Australian and New Zealand Journal of Public Health, 2010, 34:5 pg 482.

Vixen Recommendations

It is critical that the voices of sex workers be heard, in order that the rights of sex workers be recognised and the safety of sex workers given protection by law.

It is imperative that sex workers be recognised as the key stakeholders regarding our own lives and work, that government consult with our representative organisations, peer sex worker organisations accordingly.

As outlined above when addressing the issue of family violence, key areas of concern for sex workers revolve around:

- Laws regulating sex work that place us at greater risk.
- Discriminatory laws and the lack of protections for sex workers that inhibit access to both assistance and justice.
- Enduring stigma and discrimination that contribute to an environment where sex workers are devalued, our voices erased or unheard.

Vixen specifically recommends:

- *In order to improve and safeguard the rights and safety of sex workers in Victoria it must be recognised that all licensing systems harm sex workers and contribute to an environment that exacerbates violence, including family violence.*

We call on the Royal Commission into Family Violence to join sex worker organisations, including Vixen Collective, in calling for the licensing system in Victoria to be replaced as the regulatory model for Victorian sex work.

- *Decriminalisation is the accepted best practice model for sex industry regulation that benefits sex workers health, safety and rights as well as public health.*

We call on the Royal Commission into Family Violence to place the safety, health and rights of sex workers first and in doing so endorse the full decriminalisation of sex work in Victoria as a necessary step in addressing family violence.

- *Although decriminalisation is vital in recognising the rights of sex workers, until there is complete protection in the form of anti-discrimination legislation in Victoria, sex workers are without recourse if discriminated against on the basis of their occupation.*

We call on the Royal Commission into Family Violence to endorse the need for coverage under Victorian anti-discrimination law against discrimination on the basis of occupation for sex workers.

- *The voices of sex workers should not be silenced by anti sex work and rescue based organisations who seek to speak on sex workers' behalf. Sex workers own voices, particularly through peer sex worker organisations must not be silenced.*

We call on the Royal Commission into Family Violence to acknowledge sex workers as the experts on our own lives and work, and that it is sex workers lived experiences that are key in addressing family violence for sex workers.

- *Sex workers are the key stakeholders in our lives. Sex workers, specifically through our representative peer only sex worker organisations, must be consulted on all matters relating to our lives and work - by government, regulators, officials, policy makers on any legislation, its implementation and its enforcement.*

We call on the Royal Commission into Family Violence to recognise the importance of the continuing contribution of sex workers to the issue of addressing family violence within our community.