

Scarlett Alliance

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STREET BASED SEX WORK

Street Based Sex Workers are the most visible sex workers in our community, and the stereotypical image of a sex worker for many is the image of street based workers in Kings Cross or the Wall or a worker leaning through a car window chatting to a client in St Kilda or in Perth. In reality most sex worker organisations estimate only 1 to 2% of all sex workers work on the street. These workers are most vulnerable to the strong arm of the law, victimisation by politicians and vilification by residents. Street based workers around Australia are at the coal face when it comes to discrimination and harassment against the sex industry. We are often the target of law and order campaigns, police powers in excess of those used on the rest of the community.

Street based sex workers do not exist because there are not enough places in brothels and solutions like "getting them off the streets and into brothels" have proven ineffective. In fact many street based workers speak of choosing this style of sex work because it allows them a level of freedom of working hours and times not available to brothel workers. Allowing them to choose what services they are going to offer – greater control over their work practices. It also means the worker gets to pocket their income without paying half to the brothel owner. In this way street based sex workers speak about how they have a lot more independence.

Street based sex workers, like all sex workers, are members of our community, and as such deserve a safe working environment, free from harassment or criminalisation. New South Wales is the only state that has partially decriminalised street based work, and this is only in areas that are out of view or earshot of residences or public utilities. Currently all across Australia the inner city areas occupied by street based workers are becoming gentrified. New affluent residents are demanding an end to the street based industry, or that the industry be 'moved along' to another suburb.

Safe Houses: Safe houses have existed in one form or another historically in Kings Cross and enable street based sex workers access to a safe and clean working space where they can take their client. The room with shower facilities and safe sex equipment is often paid for by the half hour or hour at a nominal fee. This option has now been adopted by one council in NSW allowed the legal development of two safe houses.

10 REASONS TO DECRIMINALISE STREET BASED SEX WORK

1. Prohibition does not work.

Although sex work is tolerated in brothels, it is a crime to sell sex on the streets. The recent economic recession has seen the number of poor and unemployed entering prostitution escalate rapidly. When we consider that street sex workers are often homeless, unskilled, impoverished and have substance abuse issues, and that prostitution is merely symptomatic of that lifestyle, it is understandable that they will continue to reoffend until the reasons why they are on the street are addressed. Prohibition has not, and cannot, deal with these issues, nor has it stopped street prostitution.

2. Decriminalisation Allows Sympathetic Planning Initiatives.

By designating specific areas for street based workers to operate from, it will be easier to protect, inform and assist them in their efforts to leave the industry. A 'safe house' could be established in this area, while the safety and security of all people in the community would be ensured. A designated area would enable police to utilise nuisance and offensive behavior laws to control kerb -crawlers. [Link to journal article about discourses of urban planning](#)

3. Decriminalisation Will Aid In Preventing Violence.

According to statistics collected by the Prostitutes Collective of Victoria, an average of two rapes a week are suffered by street workers in the St Kilda area: at least one assault a night is reported to outreach workers. In Western Australia, research by Elaine Dowd shows that 50% of all rapes experienced by street based sex workers are perpetrated by the police. [Link to journal article by Elaine Dowd.](#) Street based sex workers are also at risk of being robbed of any money they may have on them. While street work remains a criminal act, street based sex workers will not report acts of violence to the police, and dangerous and predatory males will continue to jeopardise the safety of all women in the inner city area. As long as police action against street based sex workers consists of harassment and assault, street based sex workers will not be able to seek justice. [Link to presentation by Rachel Wotton](#)

4. Decriminalisation Will Stop A Costly Legal Merry-Go-Round.

Currently, street based sex workers are arrested and fined regularly. Given that they are the poorest workers within the sex industry, and that they have no other means of income, they are then compelled to spend more time on the streets to pay these fines, only to face another arrest. Unable to pay these fines, increasing numbers of women are being sent to prison. Upon release, and unsupported, they must return to the streets. The cycle is never-ending. [Link to study of New York street based sex workers, by Melissa Ditmore](#) The taxpayer is burdened by enormous legal, policing and prison costs. Decriminalisation saves everybody time and money.

5. Decriminalisation Will Increase The Effectiveness Of HIV Education.

The current legislation undermines the invaluable work of programs funded by the Department of Health, in particular the HIV/ AIDS/STI prevention education projects to workers in the sex industry, their managers and their clients. The final report of the Legal Working Party of the Inter-Governmental Committee on AIDS (IGCA/Dept of Health and Community Services) recommends the repeal of all laws criminalising sex industry work on the street, and that reforms be enacted “allowing free flow of information and education on public health preventative measures by removing fear of prosecution and harassment”. Western Australian legislation works against these objectives, and we must ensure that any proposed legislation satisfies them.

6. Decriminalisation Will Enable The Community To Provide Support for Issues of Homelessness and Drug Use Amongst Street Based Workers.

Homelessness and drug use affects a higher percentage of street workers. The illegality of street based work exacerbates these issues by adding police harassment to the equation, which means outstanding warrants, fines and other legal and administrative issues that generally require a person to have a street address. Decriminalisation would allow sex workers greater access to housing support and peer based drug use support workers. Steps could be taken to establish a crisis accomodation and housing and 24 hour drug detox units in the inner city, offering immediate assistance to those workers wishing to deal with their housing and/or drug use issues.

7. Decriminalisation Will Aid In Uncovering And Addressing Poverty.

A considerable number of street based workers are living in poverty. Multiple disadvantages such as homelessness, and the stigma attached to sex work and drug use, decrease the worker’s chances of getting out of the cycle of constant debt, having no where to live and having no savings to be able to take time off work if they want/need to.

8. Decriminalisation Will Alleviate The Stigma Associated With Street Based Sex Work.

Because street workers engage in an illegal activity by soliciting for sex in the streets, they attract a criminal record, which stigmatises and ostracises them from the rest of the community indefinitely. Opportunities to leave the sex industry by gaining employment are jeopardised by a criminal record. Without the handicap of a criminal record, street workers would be more able to engage in exit and retraining programs in order to obtain skills, and enter the workforce.

9. Decriminalisation Will Keep Families Together And Decrease State Government Child Protection Costs.

A large number of street workers are mothers, (some figures suggest around 45%), the majority of these being single mothers. Because they are engaging in illegal activities by working on the streets, they are likely to have their children removed from their care by child protection workers. Even though, like many women, they are attempting to earn extra money for their families. Many have already lost children. Children in care cost the State Government thousands of dollars per year, per child.

10. Decriminalisation Will Dramatically Decrease The Number Of Street Based Workers Within Five Years.

A substantial decrease in the number of street sex workers will occur if the criminal nature of the activity is abolished. Criminalisation is a barrier to street based sex workers accessing support and mainstream services such as housing. Decriminalisation will allow street based sex workers more scope in determining when, how and how often they work. Reducing police fines, poverty, homelessness and lack of mainstream support for street based sex workers will result in more options for street based sex workers, both on and off the streets.

Courtesy of SWOP, New South Wales (slightly reworded to suit Western Australia) and edited for the Scarlet Alliance website.