Submission to the Inquiry into the Charter of Human Rights and Responsibilities

Introduction
1. Red Light Project is a grassroots non-government organisation dedicated to ending the sexual exploitation of women in Victoria and throughout Australia. We are a feminist organisation that believes that the sex industry is based on the ongoing unequal economic, social and political position of women. We oppose Australia’s mainstream culture which perpetuates the sexualisation of women and girls, and normalises the notion that men have a right to sexually access women’s bodies on demand. We recognise women’s human rights to freedom from violence, sexual servitude, and degrading treatment, and women’s rights to physical autonomy and integrity.

2. Red Light Project undertakes projects which aim to reduce the market or the ‘demand’ for the sexual exploitation of women through the sex industry. We strive to do this by placing the accountability for the sexual exploitation of women back onto the ‘consumers’ whose demand enables the sex industry to thrive. Our work includes facilitating grassroots change by engaging individual men to end their participation in the sex industry; broader cultural change by implementing projects that encourage men to see the rejection of, rather than participation in, the sex industry as an affirmation of their ‘masculinity’; and structural change by engaging with those in positions of power, such as law makers and the media, to understand that the existence of the sex industry perpetuates the violation of women’s human rights.

3. We, at Red Light Project, wish to make the following submission to the inquiry into the Charter of Human Rights and Responsibilities. We will address the following section of Section 44 of the Charter which forms the Terms of Reference:

   Section 44(2)(a)
   Whether additional human rights should be included as human rights under this Charter, including but not limited to, rights under—
   (i) the International Covenant on Economic, Social and Cultural Rights; and
   (ii) the Convention on the Rights of the Child; and
   (iii) the Convention on the Elimination of All Forms of Discrimination against Women;

The Inclusion of Women’s Human Rights in the Charter
4. We believe that the Charter should be amended to include the protection of women’s human rights. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) enshrines the rights which Australia is obligated to respect and protect. This includes, but is not limited to, the elimination of discrimination against women and the embodying of the equality between men and women in all legislative instruments and processes (Article 2); the development and advancement of women in all fields including political, social, economic and cultural fields (Article 3); the taking of appropriate measures to modify social and cultural patterns of conduct of men and women and the elimination of prejudices and customary
practices based on the idea the inferiority or superiority of either of the sexes or on stereotyped roles for men and women, including within the family (Article 4); the ending of the trafficking of women and the prostitution of women (Article 5); and the right to equality in regards to employment opportunities and job entitlements (Article 11).

5. In particular, the Charter should be amended to include Article 6 of CEDAW which obligates States to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”. To meet this obligation, the Charter should be amended to include a provision which states that women have a right to be free from prostitution and sexual exploitation, and that prostitution and sexual exploitation are a violation of women’s human rights.

Prostitution as a Violation of Women’s Human Rights

6. Prostitution and sexual exploitation are a violation of women’s human rights. Whilst we acknowledge that there are a number of men and boys who are also exploited by the sex industry, prostitution remains a gendered issue because the majority of persons who are prostituted are women and the majority of those who are paying to access prostituted persons are men. In addition, the idea of prostitution is based on the construction of male sexuality as needing and deserving satisfaction and female sexuality as existing to serve male sexual needs. Therefore, prostitution is a gendered issue.

7. The reasons why prostitution is a violation of women’s human rights include:
   a. Prostitution is a violation of physical integrity and security. It is well established that women in prostitution experience higher levels of physical violence, sexual assault and rape. The acts that many women in prostitution are subjected to – often repeatedly and over long periods of time – such as physical abuse, verbal abuse, sexual harassment, degrading treatment, rape, and coercive or violent sex - can be argued to constitute cruel, inhuman and degrading treatment.¹
   b. Prostitution is a violation of mental integrity and security. There have been many studies that demonstrate the negative long term impact of prostitution on women’s mental health including depression, anxiety, increased levels of alcohol and drug use and dependency, and symptoms similar to post-traumatic stress disorder such as intrusive re-experiencing, numbing and avoidance, and hyper-arousal. Prostitution is a structural and systemic violation of women’s rights to the highest attainable standard of physical and mental health.²
   c. Prostitution is related to other human rights violations. Women often enter prostitution or are prevented from leaving prostitution because of other human rights violations, such as physical or sexual violence, a lack of adequate standard of living including homelessness and poverty,³ and a lack of equal employment opportunities.⁴ Prostitution contributes to perpetuating and exacerbating these related human rights violations.
   d. Prostitution violates women’s right to freely choose and accept one’s work as is enshrined in Article 6 of the ICCPR. The conditions under which women often enter prostitution amount to physical, mental or financial coercion. Thereby, the overarching

³ ICESCR art 11(1).
circumstances negates the ability to provide meaningful consent. In addition, the conditions under which women undertake prostitution violate the right to just and favourable work conditions which includes the right to a safe and health working environment as enshrined in Article 7 of the ICCPR. The conditions of prostitution often involve high levels of sexual harassment; sexual and physical assault; verbal degradation; physical injuries such as tearing of the vagina and anus, back injuries, bruising and gynaecological problems; exposure to HIV and other STIs; non-payment and financial exploitation; and potential arrest and prosecution.

8. For the above reasons, prostitution needs to be recognised as a violation of women’s human rights and as a form of violence against women.

Conclusion

9. The Charter of Human Rights and Responsibilities is an important tool for respecting and protecting the human rights of Victorians. However, its general provisions do not adequately protect the specific human rights of women, in particular, women’s human rights to be free from prostitution and sexual exploitation.

10. The Preamble of the Charter states that the Charter is founded upon the principle that all Victorians are “free and equal in dignity and rights”. For the Charter to truly fulfil the principle upon which it is based, the Charter must be amended to acknowledge that prostitution is a violation of women’s human rights and that women have the human right to be free from prostitution and sexual exploitation. Victorian women as a whole will never achieve equality and dignity as long as some Victorian women continue to be prostituted. We must take this opportunity that has been presented with the review of the Charter to state definitively that that state of Victoria respects and protects women’s human rights and does not endorse the prostitution of its women.

Thank-you for considering our submission.

Kind regards,

Katy Greenland
Naomi de Weger
Yvonne Meng
Alex Coronel
Anastasia Loupis
Alison Barton
Sofia Riveroll
Athena Nguyen

Red Light Project
PO Box 16232
Melbourne VIC 8000
info@redlightproject.org.au
www.redlightproject.org.au