



Vixen Collective, Victoria's peer only sex worker organisation Media Release - Wednesday 19th October 2016

Sexual offenders who target sex workers no longer able to be given reduced sentences for their crimes under updated Victorian Sentencing Manual

Vixen Collective has repeatedly raised concerns about the Victorian Sentencing Manual which is written and maintained by the Judicial College of Victoria who provides education for judges, magistrates and VCAT members; as the manual had relied on cases AG v Harris 11/8/1981 CCA Vic and Hakopian 11/12/1991 CCA Vic in a topic titled "Victim is a Prostitute". Previously this topic stated:

"..the prostitute's experience may tend to reduce the weight commonly given in rape cases to the 'reaction of revulsion' of the 'chaste woman'.." (AG v Harris 11/8/1981, quoted in "Victim is a Prostitute")

These cases were also quoted in a topic called Hardy Victims.

Issues with these topics had been raised as an item of concern by our community, and seen as a contributing factor in:

- Reduced sentences for those that offend against sex workers (whether directly applied, or through influencing opinions towards our community and its members in the courts).
- Reluctance by sex workers to proceed with charges against offenders (one among many barriers sex workers face in accessing justice in Victoria).

We are therefore extremely pleased to announce that after liaising with St Kilda Legal Service who conducted research on the issue and made submissions to the Judicial College about amending these topics, the Victorian Sentencing Manual has now been updated to acknowledge:

"..that the mere fact a victim of a sexual offence was a sex worker will, of itself, have no effect on sentence. Rather, what is relevant are the consequences of the offence for a particular victim." (quoted from "Victim is a Sex Worker - 31.6.2.12")

We also note that the topic "Hardy Victims" in the Victorian Sentencing Manual, which applied similar reasoning to other victims of crime – "*..certain victims may be less vulnerable than the standard, and thus suffer less harm from the same conduct..*" – has now been removed.

This is a significant recognition of sex workers' human rights in Victoria and importantly an instance where sex workers' voices have been heard and acknowledged. We want to thank St Kilda Legal Service for their work and support, the Judicial College for their work and their commitment to addressing this issue as well as Justice Connect for providing pro bono barrister advice.

These changes address discrimination against sex workers as well as problematic views about sexual assault survivors contained within the guidelines.

Sex workers in Victoria, including Vixen Collective (as Victoria's peer only sex worker organisation) continue to call for improved access to police for sex workers and greater justice in the courts. Although the changes detailed above are an important step for our community, the licensing system of regulating sex work remains an impediment to sex workers' human rights, labour rights and safety in Victoria.

In line with the United Nations, the World Health Organisation, Amnesty International, Human Rights Watch, Australia's National HIV Strategy, Victorian AIDS Council, Living Positive Victoria, Harm Reduction Victoria, Burnet Institute, Australian Research Centre in Sex Health & Society, Australian Federation of AIDS Organisations, St Kilda Legal Service, multiple medical studies, and sex workers' representative organisations across Australia and the world – Vixen Collective continues to call for the full decriminalisation of sex work – this is recognised as the world's best practice model of sex work regulation.

It is critical that the voices of sex workers continued to be centered in all discussions on law and policy relating to our lives and work – it is only in doing so that sex workers rights can be fully recognised.

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