

25 September 2025

NSW Law Reform Commission
Locked Bag 5000 Parramatta NSW 2124

By email: prlindependentreviewsecretariat@dcj.nsw.gov.au

To The Hon Sackar AM KC,

Review of criminal law protections against the incitement of hatred

Thank you for the recent opportunity on the 17th of September to provide further feedback and consultation on the review of criminal law protections against the incitement of hatred.

Following your invitation to provide further detail, we are writing regarding the potential for the inclusion of sex workers as a listed vulnerable population for inclusion in either or both of s93Z and s93ZAA.

The bulk of this further feedback was drafted by our Practical Legal Training intern [REDACTED]. We thank [REDACTED] for her time and work on this submission.

The Inner City Legal Centre ('ICLC') strongly advocates for sex workers to be recognised as needing protections from the incitement to hatred and threatening or inciting violence against vulnerable groups. We run the only free legal clinic in NSW for sex workers and have provided legal services and support to the sex worker community since the 1980s.

We do so in partnership with SWOP NSW – a sex worker run advocacy, support and health promotion organisation. SWOP NSW and their peer organisations across the country have recently had the opportunity to advocate for the protection from vilification and hate crimes for sex workers, alongside the complementary call for anti-discrimination protections in all states and territories for sex workers.

Those submissions form the basis of what we wish to draw your attention to, in particular the significance and prevalence of incitement to hatred, incitement to violence, and indeed the normalisation of violence towards, and vilification of, sex workers.

Respect Inc (QLD) and Scarlet Alliance, Australian Sex Workers Association's ('Scarlet Alliance') joint [submission](#) to the 2023 Queensland Parliamentary Committee Inquiry into the *Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023* reported that:

Sex workers also report experiencing vilification when a home or work address becomes known publicly. Sex workers report receiving threats and abuse and feeling

unsafe. Circulating sex workers' legal names and addresses publicly is used to vilify. In recent examples: other residents have leafleted the neighbourhood circulating the local address of a sex worker; a QLD social media group post listed an address and accused the resident of being a sex worker; a sex worker was accused of living with HIV and their photo and address were publicised; a suburban massage parlour was talked about in a suburban social media group and flyers were distributed naming the location as a "threat to children". In each of these examples the point was to incite hate and action by others against the individual or group.

When a sex worker's address is made known and distributed maliciously with a vilifying message, their safety is at risk. Unfortunately, this vilification is an extremely common and regular experience for sex workers when our address becomes known. As such, malicious address distribution is vilification. It is intended to make sex workers feel vulnerable, unsafe, in danger and personally targeted.

In Scarlett Alliance's [submission](#) to the 2024 Queensland Parliamentary Inquiry of the *Criminal Code Amendment (Hate Crimes) Bill 2024*, they reported that:

'Stigma is exacerbated by vilification of sex workers in television, media, films, newspapers, and by anti-sex work organisations who perpetually portray sex work as dangerous, and sex workers as dead or degraded victims without agency, families, or support.

Sex workers experience vilification from members of the general public, the media, organisations, law enforcement and government actors and agencies...Entrenched stigma and discrimination, historic criminalisation and a lack of consistent and comprehensive anti-discrimination and anti-vilification protections for sex workers has meant that sex workers are treated as an 'easy target' for vilification as individuals and as a collective.'

The interaction between stigma, discrimination and vilification is a self-perpetuating cycle.

Sex workers frequently report incidences of vilification, particularly in online spaces. During the joint submission to the Queensland Inquiry into Serious Vilification and Hate Crimes, Respect Inc and Scarlet Alliance conducted consultation with Queensland sex workers, collecting the following reports about experiences of online vilification:

- A sex worker who also worked as a teacher's aide was threatened by an ex-partner that if she did not leave the town where they both lived, he would 'make*

sure she got what she deserved' by putting a post online telling parents at the school about her sex work career.

- *The new girlfriend of a sex worker's ex-husband circulated on an online blog with a link to the advertisement of a sex worker with her personal phone number and home address.*
- *A neighbourhood social media group post listed an address and accused the resident of being a sex worker.*

Sex workers who experience multiple axes of marginalisation face intersectional discrimination, e.g. as both LGBTQI+ people and as sex workers, leading to disparities in areas such as employment, access to safe, competent and affordable healthcare and community services, and accommodation/housing. Sex workers who experience multiple axes of marginalisation are also likely targets for vilification, for example Asian migrant sex workers...

The sex worker community is incredibly diverse, and vilification often intersects with racism, xenophobia, misogyny, transphobia, ableism, and HIV stigma.

The lack of specific legal protections for sex workers enables and amplifies broader systemic discrimination, allowing hate speech and violence to be directed at already marginalised communities under the guise of targeting sex work. This not only endangers individuals but also undermines efforts to promote equity, safety and human rights across society.

Scarlet Alliance and SWOP's submissions align with the World Health Organisation's [submission](#) to the UNHCR's 2024 Call for inputs by the Special Rapporteur on Violence Against Women (speaking in the global context – where, unlike in NSW, sex work is largely criminalised):

Sex workers face extraordinarily high levels of all forms of violence – physical, sexual, emotional and economic... A WHO commissioned systematic review shows that lifetime prevalence of violence among sex workers ranged from 45-75% and in the past year from 32 to 55%.

...Violence faced by sex workers is often not registered as an offense by the police. This can create a climate of tolerance of violence, in which other actors may be encouraged to perpetrate violence against sex workers with a sense of impunity.

In line with the evidence, WHO's evidence based guidelines highlight the following:

...Specifically:

- *Countries should work towards implementing and enforcing anti-discrimination and protective laws, derived from human rights standards to eliminate stigma, discrimination and violence against sex workers*
- ...
- *Violence against sex workers should be prevented and addressed in partnership with sex worker-led organizations. All violence against sex workers should be monitored and reported, and redress mechanisms should be established to provide justice.*

Sanders *et al* explored a 'hate crime' model to respond to violence against sex workers in a UK police station, in '[Sex Work, Hate Crime and the Criminal law](#)' published in *The Journal of Criminal Law* (2022). This was partly in response to convictions and investigations following sexual assaults targeting sex workers.

While this article predominately explored how police record crimes or violence as motivated by hate, rather than a distinct offence of inciting hatred or violence against an identified group, it does illustrate:

- the pervasiveness of hate motivated crime and harms experienced by sex workers in the UK,
- the impact of police recognising that crimes are motivated by hate against sex workers, and
- the benefit this has on the relationship between police and sex worker communities.

The article reported on the prevalence of crimes against sex workers as motivated by hate, with one sex worker interviewee stating:

"...Girls walk down the streets, one of the working girls gets fucking egged, gets beaten up: 'Oh well just go and twat her because she is a working girl'... They should put that in that category, I agree totally! (Ella)

The article discusses how local police identified crimes experienced by sex workers fit their internal definition for hate crimes and were responded to as such, with one Chief Inspector interviewed stating:

I think sex workers fit ...sex workers are a marginalised group, a marginalised community and they fit the hate crime definition perfectly. They are targeted because of what they are doing, we know the stigma is a real issues and it's not just stigma it's real hostility and violence around that. So it absolutely for me fits the hate crime definition .

The model used in this UK police station demonstrated improved justice outcomes when sex work is recognised as a hate crime by the police, and the pervasiveness of hate crimes, including incitement to violence targeting sex workers.

It was considered that an improved relationship between the sex worker community and police, would lead to a reduction in barriers to sex workers reporting all types of matters to police.

We recommend:

- Expanding section either 93Z or 93ZAA or both sections to include sex workers.

We would like to thank the Independent Review team for the opportunity to provide this feedback.



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Solicitor

INNER CITY LEGAL CENTRE