

Submission
No 17

INQUIRY INTO IMPACTS OF HARMFUL PORNOGRAPHY ON MENTAL, EMOTIONAL, AND PHYSICAL HEALTH

Organisation: Scarlet Alliance, Australian Sex Workers Association

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To the New South Wales Legislative Council Standing Committee on Social Issues

Re: Inquiry into the impacts of harmful pornography on mental, emotional, and physical health

Thank you for the opportunity to submit to the Inquiry into the impacts of harmful pornography on mental, emotional, and physical health.

Scarlet Alliance, Australian Sex Workers Association, is the national peak sex worker organisation. Formed in 1989, our membership includes state and territory-based and national sex worker organisations and individual sex workers across unceded Australia.

Scarlet Alliance is a leader when it comes to advocating for the health, safety and welfare of workers in Australia's sex industry. Through our work and the work of our member organisations and projects, we have the highest level of contact with sex workers and access to sex industry workplaces throughout Australia.

Scarlet Alliance uses a multifaceted approach to strive for equality, justice and the highest level of health for past and present sex workers. We achieve our advocacy objectives by using best practices including health promotion, peer education, community development and community engagement. We represent sex workers through government and NGO-sector committees and advisory mechanisms.

Porn performers are *sex workers*. Porn performers and digital content creators have always been part of the sex worker community, both internationally and in unceded Australia. More recently, many 'in-person' sex workers have also diversified into participating in digital forms of sex work, including live camming/streaming, self-produced and distributed adult content creation, and studio-produced porn. Increased accessibility and the emergence of new online platforms (e.g. OnlyFans) have provided sex workers with autonomous advertising

opportunities for in-person services, and the ability to navigate challenges including COVID-19 restrictions and the increasing precarity of the gig economy.

It is vital that consultations on pornography regulation engage meaningfully with sex workers involved in pornography production, and avoid perpetuating stigma and discrimination towards marginalised communities.

Yours faithfully,

Mish Pony
Chief Executive Officer

Context

Framing of this Inquiry

This is an *Inquiry into the impacts of harmful pornography on mental, emotional, and physical health*. From the outset, this framing implies:

- that there is community consensus on the definitions of 'pornography' and 'harmful pornography', and
- that 'harmful pornography' has direct impacts on health outcomes that can be measured and analysed.

This premise is based on anti-porn rhetoric rather than evidence. When Australian researchers interviewed an expert panel of 36 pornography researchers across a range of disciplines, none shared identical definitions of 'pornography'.¹ A recent analysis of 50 years of international pornography research found that most existing studies incorrectly stated or implied a causal relationship between pornography consumption and sexual consent where the data did not support such a claim.²

Pornography in Australia is also strictly regulated through existing frameworks. The National Classification Scheme applies to pornography 'publications' (e.g. magazines and DVDs) and has been criticised for perpetuating outdated ideas of 'obscenity', pathologising the sexual practices and bodies of LGBTQI+ people (and by extension stigmatising LGBTQI+ people), as well as inhibiting depictions of consent negotiation and safer sex practices.³ The Online Content Scheme replicates the Classification Scheme's framework, and applies to all technological communications including websites, social media, messaging apps and search engines. The Online Content Scheme is enforced by the eSafety Commissioner, who has been described as the 'best-resourced regulator in the world'.⁴

¹ Alan McKee et al, [What Do We Know About the Effects of Pornography After Fifty Years of Academic Research?](#) (Routledge, 2022) 32.

² *What Do We Know About the Effects of Pornography After Fifty Years of Academic Research?* (n 1) 44.

³ Zahra Stardust, ["Fisting is not permitted": criminal intimacies, queer sexualities and feminist porn in the Australian legal context](#) (2014) 1(3) *Porn Studies* 242, 244-50.

⁴ Josh Taylor, [Adult content sites without age checks may be blocked from Australian search results under draft code](#) *The Guardian* (online, 22 October 2024).

There is no clear agreement within academia or the broader community on what is 'pornography', what is 'harmful', or how potential impacts can be measured. Existing regulations are broad in scope, and are the subject of ongoing controversy. Without an evidence-based consensus, this Inquiry cannot create sound policy recommendations.

Conflation of adult entertainment with family, sexual and other gender-based violence

Recent media and public attention has focussed on the ongoing and significant problem of sexual and gendered violence in Australia, prompting renewed calls for stronger law and policy responses. This has been accompanied by a concerning trend of advocates, lobbyists, politicians and policy-makers conflating pornography with gender-based violence.

This year's federal budget included funding for a pilot scheme for mandatory age verification for online pornography to 'tackle extreme online misogyny'.⁵ The announcement did not mention that only nine months prior, the government rejected mandatory age verification as technologically unfeasible.⁶

The Report of the recent rapid review on domestic, family and sexual violence prevention acknowledged that sex workers face specific barriers to reporting violence and accessing services.⁷ However, the Report also contained significant unevicenced claims on pornography that directly harm sex workers.

The Report incorrectly describes pornography as the 'default' sexual education for young people in Australia.⁸ This ignores the Government's \$77.6 million investment in consent and respectful relationships education for primary and secondary school students,⁹ and decades'-long efforts by family planning associations in delivering comprehensive sexuality and relationships education across Australia.¹⁰

⁵ Georgia Roberts, '[Nearly \\$1bn funding announced to support victim-survivors leaving violence, combat online misogyny and AI porn](#)' ABC News (online, 1 May 2024).

⁶ Department of Infrastructure, Transport, Regional Development, Communications and the Arts, '[Government Response to the Roadmap for Age Verification](#)' (Report, August 2023).

⁷ '[Unlocking the Prevention Potential: Accelerating Action To End Domestic, Family and Sexual Violence](#)' (Report, 23 August 2024) 39, 88, 97.

⁸ Ibid 107. This claim was made without reference to the '[Australian Government's \\$77.6 million investment in consent and respectful relationships education](#)' for primary and secondary school students in the October 2022-23 Federal Budget.

⁹ Department of Education, '[Consent and Respectful Relationships Education \(CRRE\)](#)' (Web Page, 6 September 2024).

¹⁰ See e.g. Sexual Health Victoria, '[Relationships and Sexual Health Education](#)' (Web Page, 6 September 2024). Australian Family Planning organisations have also been instrumental in developing and

The Report claims that pornography normalises 'painful and dangerous' sexual practices linked to intimate partner violence,¹¹ that pornography has 'normalised' adults requesting sexually explicit material from young people,¹² and that there is an 'increasing pornification of mainstream culture'.¹³ These claims are misleading, unsupported by evidence and cannot form the basis of good policy.

These claims also imply that sex workers are part of the cause of sexual and gendered violence in Australia. They allow sex workers to be scapegoated as responsible for the behaviour of (mostly) male perpetrators. If accepted as fact, these claims irrationally justify policies that are *known* to harm sex workers, without evidence that these policies will prevent family and sexual violence.

Family, sexual and other gender-based violence cannot be addressed by the implementation of anti-sex work or anti-pornography policies. We reject the assumption that pornography is inherently 'harmful'. We do not accept that adults who produce or consume pornography are deviant or violent for participating in consensual sexual expression.

The existence of adult content online does not preclude internet safety for children and young people. Many sex workers are also parents and carers, whose livelihood depends on maintaining safe, age-appropriate online spaces for everyone. Sensible regulation, combined with consent and media literacy education, can empower users of all ages to have safe and autonomous online experiences.

delivering porn literacy education - see e.g. Family Planning Association of NSW, [Factsheet: Pornography](#) (October 2017).

¹¹ *Unlocking the Prevention Potential* (n 7) 107. While some forms of pornography may introduce some audiences to non-traditional sex acts, such as consensual breath play, it is inaccurate to describe these as 'painful' or 'dangerous' if performed correctly. The report implies a link between consensual sexual breath play and non-fatal strangulation in the course of intimate partner violence, which is not supported by evidence.

¹² Ibid 107, 111. The citation for this claim is that [data from the Office of the eSafety Commissioner that 12% of a sample of identified CSAM material was categorised as being 'self-generated'](#), i.e. produced by a person under the age of 18. No information is provided on the circumstances in which the images were produced. While some scenarios may have involved young people making images at the request of an adult, others may have involved young people coercing other young people to produce images, or teenagers under the age of 18 engaging in consensual image sharing that later became the subject of a CSAM complaint. Adults requesting sexual images from young people is (rightly) a serious criminal offence, and is not 'normalised' within the community.

¹³ Ibid 107. No evidence is provided to support this claim.

Survey of sex workers with disability and views on pornography

To inform the content of this submission, Scarlet Alliance conducted a small survey of sex workers in Australia who identify as disabled or living with chronic illness in order to understand perceptions of pornography among this sector of our community.

We received 80 responses. Nearly all respondents identified intersecting areas of marginalisation. *In addition to being sex workers living with disability and/or chronic illness:*

- 7.5% (n=6) also identified as being Aboriginal or Torres Strait Islander
- 7.5% (n=6) also identified as being a person of colour
- 8.8% (n=7) also identified as being part of a culturally or linguistically diverse community
- 10% (n=8) also identified as being migrants to Australia
- 92.5% (n=74) also identified as being LGBTQIA+.

Many survey respondents reported engaging in forms of online sex work or pornography.

When asked about current and past forms of sex work:

- 57.5% (n=46) have engaged in virtual sex work (e.g. camming, streaming, image or text-based sexting)
- 13.8% (n=11) have engaged in studio or third-party produced porn performance
- 53.8% (n=43) have engaged in self-produced pornography (e.g. self-published porn, OnlyFans).

We asked survey respondents two open-ended questions on what they thought about:

- the impacts of pornography on 'minority groups including but not limited to First Nations, CALD or LGBTQIA+ people and people living with disability'
- the impacts of pornography on body image.

Responses were diverse and nuanced. Quotes from survey respondents are included throughout this submission.

Pornography is both **produced and consumed** by people with disability, Aboriginal or Torres Strait Islander people, people of colour, LGBTQI+ people, and people from other marginalised demographics. When discussing the impacts of pornography on minority groups, it is vital that our lived experience and expertise is recognised and valued.

Impacts on body image

I have seen far more representation of my kind of fat body in porn than I ever have in mainstream media...I've also seen far more positive portrayals of bodies like mine in porn than in other media. If anything porn helped me understand that people could be attracted to my kind of body and improved my self worth. There's absolutely still fatphobia in porn, but reading Cosmo and 'thinspo Tumblr' caused far more harm than porn ever did. All media shapes our perceptions of beauty standards. If anything, the economics of porn mean that there is much less incentive to encourage poor body image because they aren't selling 'solutions' or advertising space for 'solutions'.¹⁴

Porn has 1000% IMPROVED my body image. There are people of all body shapes, sizes, skin colors, and disabilities (visible or not) that are celebrated and DESIRED in porn. This does not exist in any other type of media. Porn enhances my self love and self image.¹⁵

Research on the relationship between pornography and body image is highly contested, with studies producing divergent findings that cannot be replicated.¹⁶ This is not unusual in research related to media consumption. Pornography is a form of mass media, and no media is consumed in a vacuum. Pornography is also not a monolith. Any research on the effects of pornography must attempt to account for the nature of the content, frequency of consumption, consumer demographics, and other media being consumed.

There is widespread discussion surrounding the impacts of social media and other forms of mass media on physical and mental health (including the role of algorithmic recommender systems, discussed further below). These vital debates must be supported by investment in ongoing high-quality and non-partisan research.

There is no evidentiary basis to treat pornography differently from other forms of mass media/entertainment developed for adult audiences. Singling out pornography as exceptionally problematic generates stigma and discrimination towards both sex workers who produce pornography and its consumers. This can lead to increased shame, less open discussion, and undermining of progress made in porn literacy education.

¹⁴ Survey respondent, *Scarlet Alliance Sex Workers with Disability: Porn and Body Image Survey* (14 October 2024).

¹⁵ Ibid.

¹⁶ See, e.g. Isabelle Marie Flory and Eran Shor, "[Porn is blunt \[...\] I had way more LGBTQ+ friendly education through porn](#)": [The experiences of LGBTQ+ individuals with online pornography](#)' (2024) (online) *Sexualities*.

Deepfake and AI-generated pornography

Porn is one of the most diverse forms of entertainment I have ever seen. Most of what stipulates what bodies are prioritised...are rules handed down from payment platforms and algorithms of particular hosting sites and social media advertising, not the creators of the pornography themselves, so I believe that pornography is not the issue.¹⁷

Scarlet Alliance is concerned that the recent focus on AI-generated pornography (including 'deepfake' pornography) represents a misunderstanding of the risks of generative AI, recommender systems and other algorithmic technologies.

Sex workers have unique lived experience of the impacts of algorithmic bias and discrimination. We are keenly aware of the privacy and safety risks involved in the development and deployment of rapidly evolving AI technologies.

Research has demonstrated that algorithmic technologies deployed to detect 'harmful' content rate images of 'women [as] more racy than images containing men',¹⁸ and disproportionately miscategorise images of women, gender minorities and people with darker skin tones.¹⁹ A survey of more than 200 sex workers and adult entertainment performers in the United States identified shadowbanning and algorithmic bias as having negative impacts on mental health, as well as a chilling effect on the sharing of health and safety information and engagement in political speech.²⁰

Scarlet Alliance believes that algorithmic bias and shadowbanning generates similar negative mental health impacts for sex workers in Australia. Content miscategorisation and algorithmic bias forces sex workers and sex worker organisations in Australia to self-censor when sharing health promotion and safety information to avoid reduced audience reach, losing connections or being removed from platforms.

¹⁷ Survey respondent, *Scarlet Alliance Sex Workers with Disability: Porn and Body Image Survey* (n 14).

¹⁸ Gianluca Mauro and Hilke Schellmann, "[There is no standard: investigation finds AI algorithms objectify women's bodies](#)", *The Guardian* (online, 8 February 2023).

¹⁹ Zahra Stardust et al, "[Mandatory age verification for pornography access: Why it can't and won't 'save the children'](#)" (April-June 2024) 11(2) *Big Data & Society*.

²⁰ Hacking/Hustling, [Posting into the Void](#) (Community Report, October 2020) 52-3.

Users often cannot prove or even investigate whether their content has been shadowbanned or otherwise de-prioritised. Most service providers treat recommender systems as proprietary technology, offering no transparency on how content is categorised, why decisions are made, or avenues to challenge miscategorisations.

Sex workers who produce digital content are also vulnerable to having their images shared outside of the terms which they consented to. When this occurs, enforcement agencies frequently dismiss these violations as a breach of copyright matter, rather than a violation of privacy or sexual consent, regardless of the context in which the image was originally shared.

The use of biometric surveillance, automated decision-making and generative AI tools by both state actors and private corporations is a significant human rights concern, both in Australia and internationally.²¹ These tools and their effects are largely untested and unable to provide transparency.

Australian law and policy-makers must respond to emerging AI risks of bias, misinformation and privacy and data breaches. There is a clear need for both ongoing research and sensible, evidence-based and future-proof regulation. Retaining a myopic focus on a small minority of use-cases presents a lost opportunity to understand the broad effects of emerging technologies, including the perspectives of the marginalised groups already impacted by technological discrimination.

Impacts on minority groups, including, but not limited to First Nations, CALD or LGBTIQ+ people and people living with disability

Speaking from personal experience, I can't see a way that porn would negatively affect me especially because I'm autistic or queer. It feels a little strange to be making these claims on behalf of our communities without us. Porn has a place as a part of a healthy sex life and I know a number of neurodivergent, disabled and chronically ill, and queer workers who make decent money off it.²²

²¹ Australian Human Rights Commission, [Human Rights and Technology](#) (Final Report, March 2021).

²² Survey respondent, *Scarlet Alliance Sex Workers with Disability: Porn and Body Image Survey* (n 14).

Porn, like any other content, is varied in its production, target audience and genre. Porn provides disabled people accessibility to sex and sexuality, and to say it is all harmful is infantilising to its disabled consumers. Disabled consumers are entitled to have the agency to decide what kind of porn they think is harmful.²³

The assumption that people from minority groups experience increased harms from pornography may lead to negative outcomes for these communities.

Sex workers with disability report experiencing ‘double stigma’ when disclosing their disability and sex work status to healthcare workers, other service providers and within the broader community.²⁴ As a result of recent media coverage on access to sexual activity supports under the NDIS scheme,²⁵ Scarlet Alliance and our member organisation Touching Base received reports from both sex workers and disability advocates of experiencing online bullying and harassment for speaking out about the rights of people with disability to sexual expression and intimate relationships. Sensitive and nuanced consultation and reporting is essential to ensure that sex workers with disability and other disabled people participating in consensual expression do not experience further stigma or discrimination.

The relationship between LGBTQI+ people and pornography is unique. Many LGBTQI+ people report positive experiences with pornography, including greater understanding of personal sexuality, education on sex practices not covered by school curriculums, and validation of personal identity.²⁶ The Standing Committee is not the correct forum for new policy recommendations on access to pornography for LGBTQI+ people in NSW.

The Standing Committee is similarly not in a strong position to draw conclusions about the impact of pornography on Aboriginal and Torres Strait Islander peoples. We note that sex worker survey respondents who identified as Aboriginal and Torres Strait Islander held diverse views on pornography. Respondents who identified as Aboriginal and Torres Strait Islander, a person of colour and/or as being part of culturally or linguistically diverse communities also highlighted that the role of pornography and other forms of mass media in perpetuating racist stereotypes was worthy of both criticism and further research.

²³ Ibid.

²⁴ Scarlet Alliance, [Experiences of Sex Workers with Disability in Australia](#) (Report, December 2022) 11-13.

²⁵ See e.g. Cait Kelly, [‘Sex work services on the NDIS: is it a real issue or just a “red herring”?’](#), *The Guardian* (online, 10 July 2024).

²⁶ Paul Byron et al, [‘Reading for Realness: Porn Literacies, Digital Media, and Young People’](#) (2021) 25 *Sexuality and Culture*, 786, 793-4.

These diverse viewpoints demonstrate the importance of evidence-based research and culturally-appropriate consultation. These standards have often been unmet in previous inquiries into Aboriginal and Torres Strait Islander sexuality and pornography use.

As an example, the NT Intervention policies that introduced penalties on pornography possession, income quarantining to prevent Basics Card users from paying for pornography, and 'pornography filters on publicly funded computers, and bans on pornography in designated areas'²⁷ have been in place in various iterations since 2007, but have **never** been examined in subsequent evaluations. Policy questions about Aboriginal and Torres Strait Islander communities and pornography impacts should only be led by Aboriginal and Torres Strait Islander people.

The impacts of pornography on minority communities cannot be accurately explored without direct input from those communities. Scarlet Alliance convenes a disabled sex workers advisory group (DSWAG), an Asian migrant sex workers advisory group (AMSWAG) and an Aboriginal and Torres Strait Islander sex workers advisory group (ATSISWAG). These panels guide our policy development and inform us of key issues for marginalised sex workers. Ongoing and meaningful engagement with peer organisations like Scarlet Alliance and our state member organisation SWOP NSW are necessary for law and policy-makers to obtain accurate, current and nuanced understandings of experiences of pornography within our communities.

²⁷ Stephen Gray et al, [The Northern Territory Intervention: An Evaluation](#) (Report, Monash University Castan Centre for Human Rights Law, February 2020) 9.