

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

**Organisation:** Sex Workers Outreach Project Inc (SWOP NSW)

**Date Received:** 1 November 2024

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**NSW Legislative Council  
Parliament House  
Macquarie Street  
Sydney NSW 2000**

**23 October 2024**

**SWOP NSW thanks the Legislative Council for the opportunity to make a submission to this important health and social issue.**

**About SWOP NSW**

As an independent, peer-led and peer-only organisation, the Sex Workers Outreach Project (SWOP NSW) has been working for over 35 years to provide NSW sex workers with the same access to health, safety, human rights, and workplace protections as all other Australian workers. We provide direct support and peer education to sex workers across the state by outreaching regularly to a broad range of sex industry workplaces (including street-based, home-based, brothels, massage parlours, and strip clubs), as well as providing services at our office and via phone, email and a variety of online platforms. We collaborate extensively with community members, researchers and clinicians, and government and non-government organisations from a range of disciplines to ensure that NSW sex workers receive the services and support vital to sustaining low rates of STIs and virtual elimination of HIV. Despite nearly 30 years of sex industry decriminalisation in NSW, sex worker health and safety is still routinely impacted by severe levels of stigma and discrimination, and this has informed our decision to make this submission.

**Online sex work, including porn production, in NSW**

SWOP NSW regularly communicates with porn producers, via online outreach, community consultation, sex worker only workshops and forums, and at events of relevance to this population. Online sex work encompasses various activities such as sexting, live camming, and creating and selling content either independently or through agencies. While not all online sex work is classified as pornography, every porn performer is considered an online sex worker. We urge the Legislative Council to consider the reality that all people who work in porn are sex workers, and members of the NSW community – deserving of the same respect and access to human rights as any other person.

The number of online sex workers, including porn performers, operating in NSW has increased significantly in recent years, following technological advances, COVID-19 lockdowns which prohibited in person sex work, and a challenging economic environment which has necessitated finding additional income streams for many. The adult content sharing website, OnlyFans, now has over 120 million registered users. Whilst there has been significant public interest in the sizable earnings of high-profile OnlyFans users, such as Australian Olympic Diver Matthew Mitcham (who reportedly earned as much as double what he was paid as an athlete), the reality is that many ordinary Australians rely on adult content creation to meet their everyday expenses.

When online sex work, including porn, is subjected to stigmatising policy making and media coverage, these conversations impact the public opinion of the sex industry as a whole, “creat[ing] unjust barriers that are socially and systematically designed to marginalize individuals and populations across the race, class and gender divide.”<sup>i</sup> It is the position of SWOP NSW and the sex working community that any investigation into the impact of porn should centre the lived experience of those who are involved in its creation and rely on this as a source of income.

### **SWOP NSW recommends clear and objective definitions**

When Prime Minister Anthony Albanese announced a \$925 million initiative to help people flee abusive relationships after rising violence against women in Australia, the series of interventions named to address young people’s access to extreme online misogyny referenced ‘violent pornography’.

“Harmful pornography” has been identified as a key issue in the terms of reference for this inquiry and referred to by several politicians in discussions about rising gendered violence. There has been no clear agreement on what is “harmful” and/or “violent.” Not having a clear definition of what constitutes “harmful pornography” has the potential to lead to legislation that over-captures or does not honour the intention of creating a healthier environment. This lack of clarity both constitutes and generates stigma and discrimination.<sup>ii</sup> Most of the sex acts that are (erroneously) described as ‘harmful’ within the current discourse are widely accepted and enjoyed within the BDSM/Kink community – a community which holds informed and enthusiastic consent as a core ethos of their practice, and self-moderates to uphold this standard. Similarly, sex work is by definition consensual<sup>iii</sup>, and consent is a core value of this professional community, meaning that there should be no doubt whatsoever that porn performers who engage in BDSM/Kink practices are participating on a consensual basis. Whilst there is an increasing understanding

that characterising common LGBTQIA+ sexual practices as “harmful” is not acceptable, we are still frequently exposed to the public expression of inappropriate sentiments, such as Tanya Plibersek referencing anal sex when discussing the negative impact porn is having on young people’s relationships<sup>iv</sup>. Like LGBTQIA+ community members, sex workers and BDSM/Kink practitioners, are too often positioned as a danger to children<sup>v</sup> and others by simply existing, and their sexual practices are subjected to ill-informed, moralistic scrutiny. A lack of clarity around what is “violent” or “harmful” subjects anyone whose sexual practices do not fit within heteronormative standards to unjustified stigma and discrimination.

### **SWOP NSW recommends acknowledging and addressing bias in porn research**

Due to the failure to clearly define what is considered “violence” or “harm,” porn research is flawed by problems with terminology, methodology, and positionality loaded with bias. For example, researchers will include depththroat and dirty talk in their analysis of harmful content, despite all parties giving enthusiastic consent to these activities. It seems that when examining the “harms” of pornography, there is more interest in perpetuating unfounded assumptions and prejudicial approaches to sexuality, than considering well-researched data. This is illustrated by the widespread belief that the increase in access to smartphones and the internet has led to an increase of porn viewing. Although this seems intuitive, there is no evidence to show that the consumption of pornography has increased<sup>vi</sup>. In the late nineties, porn consumption was recorded at its highest, with 40% of internet searches being porn related<sup>vii</sup>. Since the collection of this data, adult men have consumed porn at a stable rate, only rising 2% from when smartphones and computers became readily available.<sup>viiiix</sup>

After decades of research, a correlation between porn consumption and gendered violence has not been validated.<sup>x</sup> The only conclusive finding of this research is that people who consume pornography are more likely to be sexually adventurous.<sup>xi</sup> One landmark piece of research<sup>xii</sup> in 2015 found that Americans who didn’t consume porn had worse attitudes towards women than those who did. Other research refutes a link between porn consumption and addiction.<sup>xiii</sup> These common misconceptions are resolved by referring to unbiased research and data all sex work and BDSM/Kink is not automatically classified as “harmful”.

Studies have shown<sup>xiv</sup> that people watch porn out of boredom, release, to make their body feel good, to entertain themselves, because they’re not having sex (often due to their age), within a relationship, to explore their sexual identity/self, out of curiosity, and for kink reasons. This list is not exhaustive.

Research suggesting that the consumption of pornography has a negative effect on body image is highly contested, and has not produced replicable results. Most categories featured in the top porn searches recorded on Pornhub during 2023<sup>xv</sup> do not conform to mainstream beauty standards (thin, caucasian, cisgender etc.) Pornography frequently offers an unusually diverse representation of ethnicity, gender and bodytypes, allowing viewers a level of affirmation that mainstream media doesn’t. With the rise of independent porn/content creators, people whose bodies who do not adhere to outdated beauty stereotypes are enabled to not only earn an income, but also express themselves sexually in a world where such inclusive spaces are rare, and discrimination is rife<sup>xvi</sup>. This benefits both content creators and viewers.

One sex worker told SWOP NSW that they are grateful for online sex work as it allows them to “share queer and trans intimacy.” This is supported by the 2023 findings of the eSafety Commission that “In our research, [participants who identified as lesbian, gay or bisexual] were also significantly more likely to say there were some positive effects of online pornography on young people learning about sex and exploring sexuality than straight participants. Some stakeholders reflected this may be due to a lack of other representations or learning sources for young LGBTIQ+ people – including a lack of inclusive sex education in schools.”<sup>xvii</sup>

Porn also offers enrichment to the lives of people with a disability, whether that be the viewer or the sex worker behind the screen. For people with limited access to physical intimacy, due to accessibility and discrimination, porn may be very important for wellbeing. Content creation also sex workers with a disability employment options that may be better suited to their needs. As was observed during COVID-19 lockdowns, remote/online work generally has enabled many people who live with a disability to rejoin the work force. Scarlet Alliance, the Australian Sex Workers Association, and SWOP NSW conducted a survey for sex workers with a disability to learn about experiences of consuming and creating pornography. Out of 80 respondents, 65% said that they “never” or “almost never” see representations of themselves or people who experience their disability in mainstream media, whereas there was an 11.25% improvement when respondents were asked about how often they felt represented in porn.

**When asked about the impacts of harmful pornography on ‘minority groups including but not limited to First Nations, CALD or LGBTIQ+ people and people living with disability’, respondents with a disability said the following:**

*“Pornography actually has positive impacts on minority groups. Through: representation, showing how we are sexy and desirable and by celebrating our diversity and also allowing acceptance in a safe space. Pornography helps me to de stress, relax, sleep, and orgasm, which has health benefits.”*

*“SOCIETY, government policies, & capitalism, have harmful impacts on me/minority groups. Sex work gives us community, representation & a way to survive. The MOST diversere presentation of marginalised people by far is in pornography!”*

*“Porn has multiple benefits, enhancing physical and psychological wellbeing. I have experienced no harmful impact of porn as a LGBTIQ+ person with a disability. There has been a dangerous (and increasing) trend toward using porn as a scapegoat. I believe the narrative that porn is harmful is a re-emergence of the sex wars.”*

*“I think this is a problematic framing; the NSW Inquiry presumes harm without acknowledging the diversity and agency within these communities. Pornography can be a source of visibility, empowerment, and pleasure for many First Nations, CALD, LGBTIQ+, and disabled people. Rather than focusing on prohibition, let’s address stigma, discrimination, and the lack of comprehensive sex education, which is much more likely to lead to negative experiences. Harm is not inherent to porn itself but is shaped by broader social inequities, which should be the real focus of intervention.”*

**When asked about the impacts of harmful pornography on body image, disabled respondents with a disability said the following:**

*"...As a trans person I have experienced a better relationship with my body after seeing trans porn performances. This has given me vital education that is otherwise unavailable on things like top and bottom surgery, the visual effects of hormones, and truthfully, seeing trans people in porn, seeing them be happy and sexually active and desired, is invaluable to the mental health of all trans people..."*

*"There are a lot more examples of people with varied body types and abilities in porn than there are in most mainstream media. It's nice to see people who aren't young, thin, conventionally attractive, and able bodied, shown as both desirable and capable of pleasure."*

*"Porn is a fantasy and anyone with an ounce of media literacy can differentiate between glorified body standards and regular. The increase in amateur porn showing a vast amount of bodies"*

*"I have seen far more representation of my kind of fat body in porn than I ever have in mainstream media, and even more alternative 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 shaped our perceptions of beauty standards and 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". Also, as someone with longer labia majora, I spent my early teens terrified I had ripped something or my genitals were wrong and it wasn't until I had access to porn that I discovered that it's just a normal natural way vulvas can look. If you actually care about body image, look at who is profiting the most from poor self image. I choose what type of porn I consume so I actively seek bodies and performers"*

**SWOP NSW recommends consultation with affected communities, and peer-led, evidence-based, non-stigmatising policy making**

Sex work has historically been erroneously conflated with violence.<sup>xviii</sup> Whilst it is true that criminalisation, and lack of anti-discrimination protections, do increase the vulnerability of sex workers to violence, it is very important to recognise that this work is not inherently dangerous. In the past 12 months, 97% of Australian sex workers reported experiencing stigma in relation to their profession.<sup>xix</sup> This is due to narratives framing sex workers as helpless victims, or otherwise moralistically and unfairly positioning sex work as a threat to mainstream societal values. Sex workers are often subjected to paternalistic policy making based on incorrect assumptions that criminalising frameworks are required to provide protection from clients<sup>xx</sup>, or that conflate sex work with sex trafficking.

The Nordic model is an illustrative example of such an approach. This legislation, borne out of moral panic rather than evidence, criminalises the purchase of sex, and facilitating sex work, endangering sex workers by forcing them underground, increasing vulnerability to exploitation and violence.<sup>xxi</sup> Similarly, SESTA/FOSTA; U.S. legislation that aimed to combat online sex trafficking by shutting down escort advertising websites, led to the widespread removal of sex worker content from <sup>xxii</sup> pushed many into dangerous, less visible situations.<sup>[66]</sup> These policies are at odds with the recommendations of <sup>xxiii</sup> human rights organisations such as Amnesty International<sup>xxiv</sup>, the World Health Organisation<sup>xxv</sup>, and the United Nations <sup>xxvi</sup>, as well as sex worker organisations globally, all calling for full sex industry decriminalisation. The justification for such counterproductive regulatory approaches is typically the characterisation of sex work as “harmful” without any meaningful consultation with the sex workers who are impacted. A report published by the UN in March 2024<sup>xxvii</sup> recommended that states and other relevant stakeholders “respect and protect the key principles of non-discrimination, equality, and privacy, as well as bodily integrity, autonomy, dignity, and well-being of sex workers”, ensuring the meaningful engagement and participation of sex workers in all their diversity in all legal, policy and programmatic implementation activities.”

The current mainstream discourse around pornography is excessively negative, practically harmful, and without swift redress will likely result in policies that will cause further harm to both content creators and the broader community. SWOP NSW works closely with a broad range of partner organisations, including community legal centres, domestic violence service providers, homelessness shelters, and publicly funded sexual health clinics. We therefore have firsthand knowledge of the value of such services, and are committed to participating in or otherwise supporting a variety of harm reduction approaches to address gendered violence, improve sexual health literacy, and ensure that both young people and adults are enabled to engage with their sexuality in the healthiest possible way. SWOP NSW believes it is possible to create a framework that both supports the well-being of young people, and respects the rights of sex workers, others involved in porn production, and porn consumers. We urge the Legislative Council to commit to evidence-based, objective and humane decision-making. It is essential that policies are informed by consultation with affected communities, and good quality (preferably peer-led) research.

### **SWOP NSW recommends against restricting access to pornography using age verification**

In March 2023, the eSafety Commissioner submitted a roadmap on age verification to the Australian Government for consideration. In March 2024, it was announced that the commitment to this program has a budget of a\$6.5 million. The eSafety Commissioner has referenced age verification as a “measure to prevent and mitigate harm to children from online pornography”. Once again, the definition of “harm” is unclear, and these regulatory measures lack the comparative data to warrant such laws. Abstinence-based approaches, which aim to prevent young people from accessing sexual content altogether, not only hinder healthy personal development for young people<sup>xxviii</sup>, but also obstruct sex worker business, including safety measures that rely on online communities, in both online and real-world spaces.<sup>xxix</sup>

Sex workers utilise various online platforms for advertising, communicating with clients, and conducting transactions. The internet has increased the ability of sex workers to operate safely and according to personal

choice, and to develop or diversify their businesses. Excessive online censorship significantly impedes those operating lawful businesses by limiting their ability to advertise and communicate openly, removing content that has taken money, time and effort to develop and share, and complicating payment processing. Such restrictions not only disrupt standard business activities, but also drive online sex workers towards riskier, less visible and less well regulated environments, potentially compromising their safety and financial stability.<sup>xxx</sup>

Age verification / assurance technology is costly to implement. When platforms are obliged to purchase this technology, smaller business are unfairly disadvantaged. This is especially concerning in the current contexts, as small/independent operators tend to be the most ethical according to a range of measures, including conditions and pay for performers, and diversity of representation (eg. performer ethnicity, sexuality, gender, age, body-type etc.). If policy makers are genuinely concerned with the impact of available content on young people and others, it follows that they should instead work to avoid financially disadvantaging porn producers who are more likely to produce content which is inclusive, showcases realistic beauty standards, and emphasises consent. As has already been devastatingly demonstrated by SESTA/FOSTA, legislation that forces platforms to remove, or excessively restrict content tends to result in over-capture and substantial collateral damage. Excessively complex and unmanageable age verification rules will lead to mass removal of content that has been posted consensually and lawfully, and will compromise consumer access to an appropriately diverse range of content.

Aggressive approaches to censoring online sexual content also result in over-capture that inhibits access to education and support services, including “LGBTIQ health organisations, kink communities, online daters, artists and anyone who shares or accesses sexual content online.”<sup>xxxix</sup> Adults are now also seeking out to fill the gaps created by a lack of comprehensive sex education being delivered in schools during their own childhoods<sup>xxxii</sup>. It has been proven that algorithmic controls and AI content moderation not only penalise and sexualise women more than men<sup>xxxiii</sup>, but often cannot differentiate between sexual content and sex education<sup>xxxiv</sup>. As a result, sexologists and health professionals experience difficulty when trying to share information that benefits the sexual health and wellbeing of adults and young people alike.<sup>xxxv</sup> Like sex workers, the livelihoods of sex educators are unfairly impacted by inappropriate and ineffective legislative responses. There are also adverse implications for sexual health organisations<sup>xxxvi</sup> offering essential support to priority communities, including sex workers.<sup>xxxvii</sup>

Age verification / assurance technology simply does not work, for several reasons. Technologies used to verify a users’ age can easily be bypassed, and are often faulty. For example, AI facial recognition has been shown to frequently incorrectly assess the age of non-Caucasian men, with some users determined to be 40 years older than their real age.<sup>xxxviii</sup> Additionally, as age verification technologies are only applied in countries that mandate this, they are easily bypassed by virtual private networks (VPN), with which many young people have extensive prior experience. As age verification technology is not typically applied to file sharing and torrenting sites, pornographic content can still be accessed and distributed in this way. If age verification processes are based on credit card details, these details are easily illicitly obtained.



Age verification / assurance technology poses digital security and other privacy risks. Websites that require uploaded images, identification, and/or credit card details to verify age often outsource this work to third-party providers, who may sell or otherwise use this data in unethical ways. Even websites that collect and store the user's data independently cannot guarantee security will be maintained. Sex workers who provide identification risk having personal legal information disclosed in association with the sex work status, exposing them to considerable risks to personal safety and wellbeing. The lack of anti-discrimination protections for sex workers in most jurisdictions, and the concordant barriers to reporting crimes, are so well understood that perpetrators often use the threat of outing a sex worker as a coercive tactic. When sex worker data is collected and shared with government agencies, there are unfair and unjustified consequences for safe and accessible migration.

An undue emphasis on censoring pornography, at the expense of addressing the real causes of misogyny and abuse, is an example of the way in which sex work is scapegoated, to the detriment of everyone concerned. Age verification / assurance technology will not address current celebrations of sexual violence in popular culture, regularly seen in memes, fashion, music, and television. For instance, Julia Fox attended an afterparty wearing a dress designed to look like a hand around her neck. Stockholm based brand, Avavav, featured models at their 2024 fashion week runway show with makeup looks consisting of black eyes, split lips, and broken noses. The Jack Harlow song 'Lovin on Me', regularly played on daytime radio, features the lyrics "I'll choke you, but I ain't no killer, baby". "Sexual choking has made its way onto Australian screens via exported US television shows, like the popular HBO series, Euphoria (2019)."<sup>xxxix</sup> While mainstream media continues to normalise sexual and domestic violence, the impacts of restricting porn access according to age will be negligible in terms of improving societal attitudes, but likely substantial in terms of harm caused to online sex workers and viewers. SWOP NSW urges decision makers to ensure that policies are evidence-based, and not counterproductive.

### **SWOP NSW recommends enhanced responses to deepfake and AI-generated pornography**

SWOP NSW and the sex working community share the concerns of the general public regarding deep fake pornography. Given the stigma and discrimination sex workers face, deepfake imagery associated with sex worker content has the potential to 'out sex workers when published in non-sex work spaces. To date, eSafety Commission responses to this issue have been inadequate. SWOP NSW has received reports from sex workers who have sought assistance in relation to digitally manipulated (as well as stolen) content, and did not receive this due to the ignorance and/or prejudice of authorities. Sex workers have told SWOP NSW that they do not feel they are a priority for the eSafety Commission, and often have not even received a reply. The prospect of new, ill-considered legislation, and the new problems this will present for sex workers, is even more concerning when the substantial difficulties already faced by this community have yet to be addressed.

### **SWOP NSW recommends modern sex and consent education for young people**

The Australian Institute of Family Studies (AIFS) suggests to “parents, caregivers and teachers the best way to respond to children’s exposure to pornography is with open communication, discussion and fostering critical thinking.”<sup>xl</sup>

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Encouraging young people<sup>xlii</sup> to develop their own sense of sexual agency leads to more consensual and fulfilling sexual experiences<sup>xliii</sup>. Young people must be provided with the resources required to develop healthy relationships with their bodies, sexual pleasure, and the language needed to respectfully communicate their sexual interests, and negotiate with intimate partners. This is especially relevant for women and girls, who have traditionally been discouraged from engaging positively and proactively with their sexuality, contributing to experiences ranging from neglect to abuse, and undermining capacity to meaningfully consent. There is an obvious and immediate need for significant improvements to sex education, including non-abstinence approaches that foster the development of self-knowledge, as well as improved communication and healthier relationships.<sup>xliv</sup>

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Stigmatising and abstinence-based approaches to pornography not only limit young people’s ability to explore their sexuality, but also perpetuate harmful stereotypes about sex workers. Defining sexual “harm” without consulting with young people ignores their needs<sup>xlvi</sup>, and reinforces dangerous sex work stigma.

SWOP NSW sees the NSW Government’s substantial financial commitment to consent education as a positive investment. This is a valuable opportunity to increase media and porn literacy. Porn literacy involves understanding that pornography is a crafted performance, rather than a realistic depiction of sex, allowing young people to critically evaluate it, consider it in relation to their personal values and preferences, and make informed decisions about their sexual behaviours.<sup>xlvii</sup> An international study led by a group of University of Sydney researchers identified six literacy criteria that could help people identify healthy pornography.<sup>xlviii</sup>

Given pornography’s prominent role in contemporary culture, it is essential to improve literacy for young people. Involving porn performers and other sex workers in this dialogue can provide useful insights and other advantages. Sex workers are experts in sexual consent, and also sexual health, and have a demonstrated commitment to community health and safety (eg. NSW sex workers were at the forefront of preventing the spread of HIV.)<sup>xlix</sup> Internationally, sex education employing porn performers and other sex workers has been shown to increase accuracy of information provided, as well as enhancing respectful attitudes and approaches.<sup>l</sup>

In conclusion, pornography meets a wide range of personal development and sexual wellbeing needs, promotes healthier attitudes to sexuality and diversity, provides essential employment opportunities, including for people living with a disability, and should not be further stigmatised by regulatory approaches that lack nuance, and do not properly consider all relevant factors. Online content creators, like all sex workers, deserve unobstructed access to health, safety and justice, and should not be subjected to laws that impact heavily and unfairly upon them. The limitations of age verification / assurance technologies are substantial, and mandating the use of technology will not effectively address current concerns, but will cause considerable detriment to a range of populations, including sex workers. Modernising sexual health

education for young people must be prioritised over online censorship. Any decision making must involve meaningful consultation with key stakeholders, including young people and sex workers, and should be based on evidence and good quality research, with peer-led research being the gold standard.

Please contact SWOP NSW at any time for further information or input:

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