

**Submission
No 61**

INQUIRY INTO THE REGULATION OF BROTHELS

Organisation: Wilberforce Foundation

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SUBMISSION OF THE WILBERFORCE FOUNDATION IN RELATION TO THE SELECT COMMITTEE ON THE REGULATION OF BROTHELS

Introduction

1. The Wilberforce Foundation is a coalition of lawyers committed to the preservation and advancement of common law values, rights and freedoms.
2. The Wilberforce Foundation proffers this submission in relation to inquiry of the Select Committee on the Regulation of Brothels into the regulation of brothels in New South Wales.

Current Law in New South Wales

3. Currently brothels are reregulated in New South Wales under planning laws giving local councils regulatory power under the development control provisions of the *Environmental Planning and Assessment Act 1979*. Local councils also have the power to apply to court for brothel closure orders under the *Restricted Premises Act 1943* (NSW) (formerly, the *Disorderly Houses Act* (NSW)). Some criminal laws are also relevant.

Defects in the Current Regime

4. The principle of subsidiarity generally supports the control of activities which occur in a local region by relevant authorities within that region. The decentralisation of issues in relation to the control of brothels in New South Wales to local councils has not been a real example of the principle of subsidiarity because local councils have not really been afforded responsibility for brothels in any meaningful sense of the word. There are differences in the ethnic, socio-economic, political, religious and spiritual make-up of the various suburbs and regions of New South Wales and these differences may give rise to differing considerations and emphases in local councils in relation to the morality and appropriateness of position. Currently local councils may not take moral issues into account in their determinations and this excludes from anyone's consideration at any level of government a critical element which ought to form part of any decision making in this area. Even were local councils permitted to take all relevant factors into account it is undesirable for local councils to bear the responsibility for enforcement in this area because of under resourcing of local government, disparities of available resources and interest in ensuring compliance with existing laws, evidentiary and legal difficulties with enforcement all of which have led to undesirable inconsistency of approach and confusion.
5. The above approach has not been successful. The Sex Services Premises Planning Advisory Panel published guidelines in 2004 'to assist local government in decisions they make in regard to sex services premises in their areas and to outline what constitutes best practice'. This Panel analysed current practice and it concluded that "in the majority of cases, effective regulation has not been realised".¹

Review Required

¹ Ibid pp.2-3.

6. In our submission the whole approach to prostitution in New South Wales requires review and reconsideration because the current approach encourages the exploitation and traumatisation of women, the human trafficking of women and probably children, provides no protection for the children of sex workers or brothel owners and undermines sound Australian values. It is also contrary to Australia's obligations under United Nations Covenants. On any view, it is philosophically and socially flawed. It should be reviewed and reformed.
7. The Committee should revisit the decriminalisation and deregulation of prostitution in New South Wales and recommend the centralisation of responsibility for enforcement in the State Government and State police.
8. There are currently no adequate protections for the children of sex workers or of brothel owners. Dr Aaron Darrell has documented the deleterious effects of childhood exposure to prostitution in *Mary's Child*.² There are no prohibitions on the employment of children to work as receptionists or in other non-sexual roles, in a brothel.
9. Prostitution remains an activity which many sectors of the community find morally repugnant and the law should adequately and clearly provide for the conscience of individuals to be preserved. More importantly, the dignity of the persons engaged in prostitution is injured and the person, especially the woman, is reduced to an object of sexual pleasure.
10. Many in the community consider that prostitution offends public morality,³ but it is also contrary to the interests of prostituted women and men. They concur generally with the following:
 "Prostitution is harmful physically and psychologically for prostituted women, and this is supported by an ever growing number of sociological studies. There is now substantial evidence that prostitution is not experienced as 'just a job' but, for the vast majority of women, is experienced as a form of exploitation and sexual abuse. The prostitution industry poses a threat to all women through fostering a prostitution culture, where the buying and selling of women is normal and acceptable."⁴
11. Further, current New South Wales' legislation is also contrary to international norms, such as those contained in *Convention on the Elimination of all forms of Discrimination against Women* and the *Convention of the Rights of the Child*. This has been made clear by the 2014 *Report on Sexual Exploitation and Prostitution and its impact on Gender Equality*" to the European Parliament⁵ (2013/2103(INI)). As Gunilla Ekberg of the Swedish Ministry of Industry, Employment and Communications explains:

² See Tim Barlass, "My life growing up in mum and dad's brothel." *The Sun-Herald* August 9, 2015

³ See Refshauge J cited in *Nantabkum v The Queen* (2013) 279 FLR 148 at 150, "Prostitution is, per se, a legal activity in the Australian Capital Territory. As events in our federal parliament show recently, however, it remains generally a socially unacceptable activity. It cannot be compared with having a meal or getting a haircut so far as fulfilling a human is concerned."

⁴ *Not Just Harmless Fun The Strip Club Industry in Victoria* Dr Meagan, Tyler Professor Sheila Jeffreys et al Coalition Against Trafficking Women 2010 http://www.catwa.org.au/files/images/Strip_Club_Report.pdf accessed 4 November 2014-the findings in relation to prostituted women will undoubtedly apply to men as well.

⁵ A7-0071/2014- <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2014-0071&language=EN> accessed 4 November 2014.

“...it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold and sexually exploited by men (Ekberg, 2004: 1188).”⁶

12. Other international norms which current New South Wales’ law offends are set out in the *United Nations Convention against Transnational Organized Crime* as supplemented by the *Protocol to Prevent, Suppress and Punish Trafficking in Person especially Women and Children*⁷, which is known as the Palermo Protocol.
13. That there needs to be a fundamental review of the New South Wales’ approach is a view advanced by groups from across the philosophical spectrum such as the Coalition Against Trafficking in Women Australia and the Australian Christian Lobby.⁸

Towards a new approach

14. There are basically two approaches to prostitution law. As the 2014 *Report to the European Parliament* says:

“The question of prostitution and gender equality is complicated by the fact that there are two competing models about how to deal with the issue. The first model views prostitution as a violation of women’s rights and a means of perpetuating gender inequality. The corresponding legislative approach is *abolitionist* and criminalises the activities related to prostitution, sometimes including the purchase of sexual services, while prostitution in itself is not illegal. The second model maintains that prostitution itself enhances gender equality by promoting a woman’s right to control what she wants to do with her body. Proponents of this model state that prostitution is just another form of work, and that the best way of protecting women in prostitution is to improve their “working conditions” and to professionalise prostitution as “sex work.” Consequently, within this *regulationist* model, prostitution and related activities are legal and regulated and women would be free to hire managers, also known as pimps. However, it could also be considered that making prostitution and procuring normal activities, or legalising them in any way, is to legalise sexual slavery and gender inequality for women.”
15. Current New South Wales’ law is philosophically generated by the second model but it goes beyond the regulationist model and adopts a complete deregulation and promotion model.
16. Indeed, the very philosophy on which current New South Wales’ law is based has been shown to be flawed. In Germany the legalisation of prostitution has led to an increase in human trafficking and the degrading use of women. Appendix C is an excerpt from an article carried by *Der Spiegel* on German prostitution, which details in a most poignant manner the abuses that a prostitute (Aliana) suffers in an environment where prostitution is legalised. It is clear that German law has taken a wrong turn. According to German law professor Rahel Gugel it has taken “a fundamentally erroneous approach ...To protect

⁶ Cited in “*Demand for Change: Understanding the Nordic Approach to Prostitution*” Coalition Against Trafficking Women 2013 http://www.catwa.org.au/files/images/Nordic_Model_Pamphlet.pdf accessed 4 November 2014.

⁷ http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf-accessed 5 November 2014. Australia ratified the Protocol in 2005-see note 14 at p6.

⁸ See note 1 above pp.12-13.

women, she explains, prostitution needs to be limited and the customers punished.”⁹ In the Netherlands the Mayor of Amsterdam has acknowledged that the legalisation of prostitution has failed to stop trafficking.¹⁰

17. In 2007 Carolyn Maloney, a Democratic Congresswoman from New York and founder of the Human Trafficking Caucus in the United States Congress, wrote about the consequences of the legalization of prostitution in and around the gambling mecca of Las Vegas. "Once upon a time," she wrote, "there was the naive belief that legalized prostitution would improve life for prostitutes, eliminate prostitution in areas where it remained illegal and remove organized crime from the business. Like all fairy tales, this turns out to be sheer fantasy."¹¹
18. Australian jurisdictions like New South Wales, Victoria, Queensland and the Australian Capital Territory led the world in the 1980's and 1990's in prostitution law reform following the regulationist model. Nations like Germany and the Netherlands followed suit. However, experience now shows that the experiments were misguided. Aliana is but one of the victims of that misguided approach, but in a more virulent form. Research from around the world now makes it clear that far from making conditions better for women especially, legalisation increases, and does not alleviate violence against women, the involvement of organised crime and human trafficking.¹² This is the experience overseas and in Australia.¹³ As the Report to the European parliament has noted:

“Prostitution in the European Union and across the world is directly linked to the trafficking of women and girls. Sixty-two per cent of trafficked females are the victims of sexual exploitation. An increasing number of women and girls are being trafficked not only from outside the Union but also from some member states (e.g. Romania and Bulgaria) to other parts of the European Union. The EU therefore needs to deal urgently with this east-west trafficking and take strong measures to combat this particular form of violence against women. Prostitution is a major factor in organised crime, second only to drugs in its scope and reach and the amount of money involved. The Havocscope website estimates prostitution revenue at around \$186 billion per year worldwide (footnotes omitted).”¹⁴
19. It is critical to note that in February last year the European Parliament voted 349 to 139 (with 105 abstentions) in favour of the report.¹⁵
20. In Australia there are now convictions for slavery as a result of human sex trafficking from jurisdictions where prostitution has been legalised.¹⁶ The *Sydney Morning Herald (SMH)* as

⁹ <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533-3.html> accessed 4 November 2014 see Appendix C.

¹⁰ Ibid note 12 p16.

¹¹ Cited in *Der Spiegel* see note 14 above.

¹² Ibid note 13 p4.

¹³ Ibid.

¹⁴ Ibid note 12 p15.

¹⁵ <http://www.ibtimes.co.uk/nordic-model-prostitution-approved-by-european-parliament-1438009> accessed 6 November 2014.

¹⁶ *The Queen v Tang* (2008) 237 CLR 1. [2008] HCA 39 (28 August 2008)-on appeal from the Victorian Court of Appeal; *Nantabkum v The Queen* (2013) 279 FLR 148-ACT; see also *Director of Public Prosecutions (Cth) v Xu* (2005) 154 A Crim R 173

recently as 31 October 2014¹⁷ reported “Federal police are investigating a record number of human trafficking cases in Australia involving sex slavery, forced marriages and child brides.” It is of note that this is occurring in Victoria where there is legalisation of prostitution. The SMH says, “Fairfax Media can also reveal that police are examining whether some karaoke bars across Melbourne are hosting trafficked women or operating as illegal brothels, which would add to estimates of at least 300 illegal brothels already operating across the city.”

21. It is to be noted that in response to the 2007 ICAC report “the NSW Government formed an interagency taskforce to address the ICAC's recommendations. As part of its work, the taskforce examined how brothels were regulated in NSW compared to Queensland and Victoria. The taskforce reported to the Keneally Government in November 2010 but the report has not been made public.”¹⁸
22. It is said that:

“Laws in Victoria were introduced to legalise prostitution, in part, to help provide a safer environment for women in prostitution, but this has not occurred. Evidence from the occupational health and safety codes produced for the legal industry in Australia show that it is expected that women in legal prostitution will face various forms of physical assault and rape (Jeffreys, 2009 and 2010; Sullivan, 2007). International research on the psychological harms of prostitution also shows no difference in the level of harm experienced by those prostituted in legal and illegal industries (Farley et al., 2003). Far from reducing the involvement of organised crime and trafficking in the prostitution industry, policies of legalisation seem to create more entrenched problems. Organised crime has increased its grip upon, and profits from, both legal and illegal sectors of the industry in Australia (Jeffreys, 2009) and in the Netherlands (Daalder, 2007). In addition, a recent comparative analysis of 150 countries shows that those with policies of legalisation experience larger inflows of trafficked persons (Cho et al., 2013).”¹⁹
23. Current New South Wales’ law is therefore based on an outdated and evidentially discredited policy in relation to prostitution law reform.
24. As it reflects a policy which has been shown to increase trafficking in women, it is also contrary Australia’s international obligations under the Palermo Protocol. Article 9.5 of the Protocol expressly says:

“States Parties shall **adopt or strengthen legislative** or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking.”²⁰
25. Current New South Wales’ law effectively promotes prostitution and so encourages the demand for prostituted women which encourages and does not discourage the trafficking of women, and damage to children exposed to prostitution and to brothels.

¹⁷ <http://www.smh.com.au/national/sex-trafficking-slavery-and-forced-marriage-on-the-rise-in-australia-say-police-20141030-11e62z.html> accessed 4 November 2014.

¹⁸ See note 1 pp.4-5.

¹⁹ Ibid note 14 p5.

²⁰ http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf accessed 5 November 2014.

26. The world has and is moving to a new and effective policy in relation to prostitution law reform-the abolitionist or Nordic Model.

The Growing move to the Nordic Model

27. Sweden changed its prostitution laws in 1999 as part of its push to end discrimination against women and the effect has been dramatic:

“Sweden’s prostituted population is one-tenth of neighbouring Denmark’s where sex purchase is legal and has a smaller population. The law has also changed public opinion. In 1996 45% women and 20% men were in favour of criminalising male sex purchasers. By 2008 79% women and 60% men were in favour of the law.

Moreover, the Swedish police confirm that the Nordic Model has had a deterrent effect on trafficking for sexual exploitation. The evidence of the effectiveness of the Nordic Model in reducing prostitution and trafficking of women and girls and thereby promoting gender equality is growing all the time. Meanwhile those countries where procuring is legal still face problems in relation to human trafficking and organised crime as these relate to prostitution.”²¹

28. Many nations have followed the Swedish Model. Initially Norway adopted the Swedish approach so the approach has come to be called the Nordic Model.
29. Importantly the Nordic Model is in accord with the Palermo Protocol.
30. The following is a summary of nations that have adopted the Nordic Model:
- 30.1. In 2008 Norway adopted the Nordic Model fuelled by concerns of the number of trafficked women in the country.²² There is no evidence that there has been any increase in violence against women still in the trade.²³ The legislation has had a dramatic effect and prostitution has been dramatically reduced in Norway, including the closure of all brothels in Oslo;²⁴
- 30.2. Iceland criminalised the purchase of sex in 2009 and extended it to strip clubs in 2010;²⁵
- 30.3. France is in the process of adopting the Nordic Model. In December 2013 the National Assembly passed a law imposing fines for the buyers of sex. Once the law passes the Senate France will have adopted the Nordic Model;²⁶
- 30.4. Canada enacted new laws in December 2014 following the Nordic Model. In a press release dated 5 November 2014 Canadian MP Joy Smith said:

²¹ Ibid note 13 p17.

²² <http://www.regjeringen.no/nb/dokumentarkiv/stoltenberg-ii/jd/Nyheter-og-pressemeldinger/nyheter/2008/criminalizing-the-purchase-of-sexual-ac.html?id=537854> accessed 5 November 2014.

²³ *Dangerous Liaisons A report on the violence women in prostitution in Oslo are exposed to.* By Ulla Bjørndahl Oslo, 2012 <http://humboldt1982.files.wordpress.com/2012/12/dangerous-liaisons.pdf> accessed 5 November 2014.

²⁴ *A glimpse of 30 years of struggle against prostitution by the women’s liberation movement in Norway* By Agnete Strøm http://www.wunrn.com/pdf/hele_filen.pdf accessed 5 November 2014 –pp23-24 and ibid note 14 p15.

²⁵ Ibid note 14 p17.

²⁶ http://www.huffingtonpost.com/taina-bienaime/france-prostitution-laws_b_4775608.html accessed 5 November 2014.

“Yesterday evening, the Senate of Canada passed Bill C-36, Protection of Communities and Exploited Persons Act. With the passage of Bill C-36, Canada has established a new approach to addressing prostitution that recognizes the harm prostitution causes to women and youth.’

‘I am delighted with the passing of Bill C-36. This is a historic moment for equality and women’s rights in Canada,’ says MP Joy Smith. ‘For the first time in Canada’s history, the buying and advertising of sexual services will be illegal, and the government will provide robust funding to help women and youth escape prostitution.’...

‘For years, women’s advocacy groups have been calling for a paradigm shift in Canada’s policy on prostitution. Bill C-36 accomplishes this by formally recognizing the harms of prostitution on women and children and makes the goal of the legislation to reduce and discourage prostitution,’ says MP Joy Smith. ‘Under Bill C-36, Canada is saying loud and clear, we do not accept that women, children and vulnerable individuals are commodities to be bought and sold.’

‘A truly progressive society encourages the equality and dignity of women, not the prostitution of women,’ states MP Joy Smith. ‘I want to build a Canada that targets predators and pimps, helps vulnerable individuals escape prostitution, and upholds the dignity of women. We can do better for women and youth, and with the passing of Bill C-36, we will.’

Having been adopted by the Senate of Canada, Bill C-36 is expected to receive Royal Assent shortly. The provisions of the Bill will come into force 30 days after Royal Assent, meeting the December 19, 2014 deadline set by the Supreme Court of Canada.”;²⁷

- 30.5. Bill C-36 is now law in Canada.
- 30.6. Israel is in the process of adopting the Nordic Model;²⁸
- 30.7. This year Ireland has adopted a form of the Nordic Model. A parliamentary committee reported in 2013 that:
 - 30.7.1. Provision should be made in law for the following:
 - 30.7.1.1. a summary offence penalising the purchase of sexual services of another person by means of prostitution, or any request, agreement or attempt to do so; it should at the same time be clarified that no offence is committed by the person whose sexual services are so sold;
 - 30.7.1.2. increased penalties for trafficking for the purposes of sexual exploitation;
 - 30.7.1.3. increased penalties for organising or living off the earnings of prostitution;
 - 30.7.1.4. an offence of recklessly permitting a premises to be used for the purposes of prostitution;²⁹
 - 30.7.2. This was because:
 - “The Committee finds persuasive the evidence it has heard on the reduction of demand for prostitution in Sweden since the introduction of the ban on buying sex

²⁷ <http://4mycanada.ca/wp/?p=429> -accessed 6 November 2014.

²⁸ http://www.rsy-netzer.org.uk/images/stories/Proposed_legislation.pdf-accessed 5 November 2014.

²⁹ *Tithe an Oireachtais An Comhchoiste um Dhlí agus Ceart, Cosaint agus Combhionannas* at p79.

<http://www.oireachtas.ie/parliament/media/committees/justice/1.Part-1-final.pdf> accessed 5 November 2014.

in 1999. It concludes that such a reduction in demand will lessen the incidence of harms associated with prostitution and – particularly in view of the predominance of migrant women in prostitution in Ireland – the economic basis for human trafficking into this State for the purpose of sexual exploitation.”³⁰

30.8. Under the law “Men who use prostitutes in Northern Ireland face up to a year in jail or a fine under a new law criminalizing the purchase of sex, which came into force on Monday, and which advocacy groups say will help stamp out sex trafficking.”³¹

30.9. The United Kingdom, in 2010, passed a law creating an offence of paying for the sexual services of a prostitute subjected to force;”³²

30.10. Finland, in 2005, passed a law similar to the United Kingdom Law; ³³

30.11. South Korea has also passed laws aimed at reducing prostitution and protecting its victims, namely the *Act on the Punishment of Procuring Prostitution* and the *Act on the Prevention of Prostitution and Protection of Victims Thereof*;³⁴

31. It is thus clear that New South Wales is out of step with international norms and well as international policy developments in prostitution law reform. It is bad law based on an outdated and discredited policy position. The Canadian law shows conclusively that New South Wales’ law requires immediate reform as it currently runs counter to current progressive thinking and is fundamentally flawed. It fosters and promotes the concept that “women, children and vulnerable individuals are commodities to be bought and sold.”

Conclusion

32. New South Wales’ law requires immediate reform to remove control of position and brothels from local councils and to adopt the Nordic Model.

33. We are available to supplement these submissions orally, if required.

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Adjunct Professor N G Rochow SC LLB (Hons), LL.M, (Adelaide), LL.M (Deakin)

Adjunct Professor of Law (adjunct)

The University of Notre Dame Australia, Sydney

Adjunct Associate Professor

University of Adelaide Law School Barrister

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³⁰ Ibid at p76.

³¹ <http://www.reuters.com/article/2015/06/01/us-nireland-women-prostitution-idUSKBN0OH2RR20150601-accessed> 17 August 2015.

³² Ibid note 14 p23.

³³ Ibid note 14 p23.

³⁴ <http://researchprojectkorea.files.wordpress.com/2012/03/act-on-the-prevention-of-prostitution-and-protection-of-victims-thereof.pdf-accessed> 5 November 2014 and Korea’s New Prostitution Policy Overcoming Challenged to Effectuate the Legislature’s Intent to Protect Prostitutes from Abuse *Pacific Rim Law & Policy Journal* (2007) Vol. 16 (No. 2) 493 <http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/597/16PacRimL.PolyJ493.pdf?sequence=1> accessed 5 November 2014.

[REDACTED]
[REDACTED]
[REDACTED]

F C Brohier LLB (Hons), GDLP

Barrister

Elizabeth Mews Chambers

22 Divett Place Adelaide SA 5000

[REDACTED]
[REDACTED]
[REDACTED]

Dr A. Keith Thompson LLB (Hons) M Jur PhD (Murdoch)

Associate Dean of Law

University of Notre Dame Australia, Sydney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Adjunct Professor of Law Murdoch University

Professor Michael C Quinlan BA LLM (UNSW) MA (THEOLST) (UNDA)

Dean of Law School, Sydney

Professor of Law

Notre Dame University Australia

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

APPENDIX A*SEX WORK ACT 1994 (VIC)*

- 5 Causing or inducing child to take part in sex work
- 6 Obtaining payment for sexual services provided by a child
- 7 Agreement for provision of sexual services by a child
- 8 Forcing person into or to remain in sex work
- 9 Forcing person to provide financial support out of sex work
- 10 Living on earnings of sex worker
- 11 Allowing child to take part in sex work
- 11A. Child over 18 months not to be in brothel
- 12 Street sex work—offences by clients
- 13 Street sex work—offences by sex workers
- 14 Exceptions to street sex work offences
- 15 Being in, entering or leaving unlicensed brothel
- 16 Offensive behaviour towards sex workers
- 17 Controls on advertising by sex work service providers
- 18 Advertising regulations
- 18A. Sex workers and clients must adopt safer sex practices
- 19 Permitting sex worker infected with a disease to work in a brothel etc.
- 20 Sex worker working while infected with a disease
- 21 Consuming liquor in brothel
- 21A. Operating brothel other than in a building

APPENDIX B*SUMMARY OFFENCES ACT 1988 (NSW)*

PART 3 - PROSTITUTION

14. Exclusion of matters dealt with under certain Acts
15. Living on earnings of prostitution
- 15A. Causing or inducing prostitution
16. Prostitution or soliciting in massage parlours etc
17. Allowing premises to be used for prostitution
18. Advertising premises used for prostitution
- 18A. Advertising for prostitutes
19. Soliciting clients by prostitutes
- 19A. Soliciting prostitutes by clients
20. Public acts of prostitution
21. Search warrant

APPENDIX C

Unprotected: How Legalizing Prostitution Has Failed Der Spiegel Online

<http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html> accessed 4 November 2014

Sânandrei is a poor village in Romania with run-down houses and muddy paths. Some 80 percent of its younger residents are unemployed, and a family can count itself lucky if it owns a garden to grow potatoes and vegetables.

Alina is standing in front of her parents' house, one of the oldest in Sânandrei, wearing fur boots and jeans. She talks about why she wanted to get away from home four years ago, just after she had turned 22. She talks about her father, who drank and beat his wife, and sometimes abused his daughter, too. Alina had no job and no money.

Through a friend's new boyfriend, she heard about the possibilities available in Germany. She learned that a prostitute could easily earn €900 (\$1,170) a month there.

Alina began thinking about the idea. Anything seemed better than Sânandrei. "I thought I'd have my own room, a bathroom and not too many customers," she says. In the summer of 2009, she and her friend got into the boyfriend's car and drove through Hungary, Slovakia and the Czech Republic until they reached the German capital -- not the trendy Mitte neighborhood in the heart of the city, but near Schönefeld airport, where the name of the establishment alone said something about the owner: Airport Muschis ("Airport Pussies"). The brothel specialized in flat-rate sex. For €100 (\$129), a customer could have sex for as long and as often as he wanted.

It all went very quickly, says Alina. There were other Romanians there who knew the man who had brought them there. She was told to hand over her clothes and was given revealing lingerie to wear instead. Only a few hours after her arrival, she was expected to greet her first customers. She says that when she wasn't nice enough to the clients, the Romanians reduced her wages.

The Berlin customers paid their fee at the entrance. Many took drugs to improve sexual performance and could last all night. A line often formed outside Alina's room. She says that she eventually stopped counting how many men got into her bed. "I blocked it out," she says. "There were so many, every day."

Locked Up

Alina says that she and the other women were required to pay the pimps €800 a week. She shared a bed in a sleeping room with three other women. There was no other furniture. All she saw of Germany was the Esso gas station around the corner, where she was allowed to

go to buy cigarettes and snacks, but only in the company of a guard. The rest of the time, says Alina, she was kept locked up in the club.

Prosecutors learned that the women in the club had to offer vaginal, oral and anal sex, and serve several men at the same time in so-called gangbang sessions. The men didn't always use condoms. "I was not allowed to say no to anything," says Alina. During menstruation, she would insert sponges into her vagina so that the customers wouldn't notice.

She says that she was hardly ever beaten, nor were the other women. "They said that they knew enough people in Romania who knew where our families lived. That was enough," says Alina. When she occasionally called her mother on her mobile phone, she would lie and tell her how nice it was in Germany. A pimp once paid Alina €600, and she managed to send the money to her family.

Alina's story is not unusual in Germany. Aid organizations and experts estimate that there are up to 200,000 working prostitutes in the country. According to various studies, including one by the European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers (TAMPEP), 65 to 80 percent of the girls and women come from abroad. Most are from Romania and Bulgaria.

The police can do little for women like Alina. The pimps were prepared for raids, says Alina, and they used to boast that they knew police officers. "They knew when a raid was about to happen," says Alina, which is why she never dared to confide in a police officer.

The pimps told the girls exactly what to tell the police. They should say that they were surfing the web back home in Bulgaria or Romania and discovered that it was possible to make good money by working in a German brothel. Then, they had simply bought themselves a bus ticket and turned up at the club one day, entirely on their own.

Web of Lies

It seems likely that every law enforcement officer who works in a red-light environment hears this same web of lies over and over again. The purpose of the fiction is to cover up all indications of human trafficking, in which women are brought to Germany and exploited there. It becomes a statement that transforms women like Alina into autonomous prostitutes, businesswomen who have chosen their profession freely and to whom Germany now wishes to offer good working conditions in the sex sector of the service industry.

That's the 'respectable whore' image politicians seem in thrall of: free to do as they like, covered under the social insurance system, doing work they enjoy and holding an account at the local savings bank. Social scientists have a name for them: "migrant sex workers," ambitious service providers who are taking advantage of opportunities they now enjoy in an increasingly unified Europe.

In 2001, German parliament, the Bundestag, with the votes of the Social Democratic Party/Green Party governing coalition in power at the time, passed a prostitution law intended to improve working conditions for prostitutes. Under the new law, women could sue for their wages and contribute to health, unemployment and pension insurance programs. The goal of the legislation was to make prostitution a profession like that of a bank teller or dental assistant, accepted instead of ostracized.

The female propagandists of the autonomous sex trade were very pleased with themselves when the law was passed. Then Family Minister Christine Bergmann (SPD) was seen raising a glass of champagne with Kerstin Müller, Green Party parliamentary floor leader at the time, next to Berlin brothel operator Felicitas Weigmann, now Felicitas Schirow. They were three women toasting the fact that men in Germany could now go to brothels without any scruples.

Today many police officers, women's organizations and politicians familiar with prostitution are convinced that the well-meaning law is in fact little more than a subsidy program for pimps and makes the market more attractive to human traffickers. (Emphasis added)

Strengthening the Rights of Women

When the prostitution law was enacted, the German civil code was also amended. The phrase "promotion of prostitution," a criminal offence, was replaced with "exploitation of prostitutes." Procurement is a punishable offence when it is "exploitative" or "dirigiste." Police and public prosecutors are frustrated, because these elements of an offence are very difficult to prove. A pimp can be considered exploitative, for example, if he collects more than half of a prostitute's earnings, which is rarely possible to prove. In 2000, 151 people were convicted of procurement, while in 2011 it was only 32.

The aim of the law's initiators was in fact to strengthen the rights of the women, and not those of the pimps. They had hoped that brothel operators would finally take advantage of the opportunity to "provide good working conditions without being subject to prosecution," as an appraisal of the law for the Federal Ministry for Families reads.

Before the new law, prostitution itself was not punished, but it was considered immoral. The authorities tolerated brothels, euphemistically referring to them as "commercial room rental." Today, just over 11 years after prostitution was upgraded under the 2001 law, there are between 3,000 and 3,500 red-light establishments, according to estimates by the industry association Erotik Gewerbe Deutschland (UEGD). The Ver.di public services union estimates that prostitution accounts for about €14.5 billion in annual revenues.

There are an estimated 500 brothels in Berlin, 70 in the smaller northwestern city of Osnabrück and 270 in the small southwestern state of Saarland, on the French border. Many

Frenchmen frequent brothels in Saarland. Berlin's Sauna Club Artemis, located near the airport, attracts many customers from Great Britain and Italy.

Travel agencies offer tours to German brothels lasting up to eight days. The outings are "legal" and "safe," writes one provider on its homepage. Prospective customers are promised up to 100 "totally nude women" wearing nothing but heels. Customers are also picked up at the airport and taken to the clubs in a BMW 5 Series.