

Submission
No 22

INQUIRY INTO HUMAN TRAFFICKING

Organisation: Fighting for Justice Foundation

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Speaking up for those who cannot speak for themselves.

FIGHTING FOR JUSTICE FOUNDATION
SUBMISSION TO THE SELECT COMMITTEE ON
HUMAN TRAFFICKING IN NEW SOUTH WALES

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ABOUT FIGHTING FOR JUSTICE FOUNDATION

Fighting for Justice Foundation seeks to curb the demand for trafficking through addressing gender based violence and harmful social norms through advocacy, education and outreach programs in the Australasia region.

Andrea Tokaji is an international human rights lawyer advocate, legal trainer, educator, speaker and writer, and is currently doing her PhD on the international crime of human trafficking and how to curb its demand from a human rights perspective.

Fighting for Justice Foundation is based in Canberra, and runs international outreach, education and advocacy programs for vulnerable women and children in rural remote communities susceptible to human trafficking.

RECOMMENDATIONS:

In order to comply with international standards for the eradication of human trafficking, the promotion of gender equality, and the abolition of the commodification of flesh, and in recognising in accordance with **Article 2 of the Declaration on the Elimination of Violence against Women** that “violence against women” is understood to include the trafficking in women and forced prostitution, and in acknowledging the **Preamble to the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**, which states that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”, the Committee is called upon to consider the following:

- A. In compliance with **Article 16 of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**, adopt a human rights approach to preventing, protecting and redressing trafficking in persons, including providing an exit program for women working in brothels who would like to access other forms of employment and require rehabilitation and support;
 - A.A Improve the coordination amongst government agencies such as the AFP, the Department of Immigration and NGOs in assisting trafficked women and girls wanting to exit working in brothels;
 - A.B Provide rights outreach programs to legalised brothels together with referral information in various languages for women in the industry who may have been trafficked, raped or assaulted in brothels;
- B. In compliance with **Article 6 of the Convention on the Elimination of Discrimination against Women**, the NSW Government is to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of the prostitution of women; or at the very least, make 25 the age of legally entering prostitution;
- C. In compliance with **Article 2 of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**, agree to penalise any person who keeps or manages, or knowingly finances or takes part in the financing of a brothel, or knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others, acknowledging obligations to criminalise the activities of pimps, brothel owners and those who buy and sell women in the sex trade;

- C.A That NSW law enforcement, cooperate cross-jurisdictionally with the AFP Anti Trafficking Taskforce and affiliates to report information about the location of traffickers and consider establishing a regional cooperation in Australasia of reporting, investigating, prosecuting and combating the international crime of human trafficking;
- C.B Consider a State-wide and Nation-wide data sharing scheme – to ensure traffickers do not abscond the NSW jurisdiction and re-offend elsewhere - particularly in re-trafficking trafficking victims domestically - without law enforcement being informed;
- C.C Ensure that traffickers are deterred from their criminal enterprise by enforcing a maximum sentence, and consider moving towards life imprisonment as a sentence to deter human trafficking occurring within, out of, and into Australia;
- D. Ensure maximum sentencing for paedophiles and Australian sex tourists who abuse and exploit women and children across our borders;
- D.A Provide and fund a rehabilitation diversionary education program based in cognitive therapy practices for men who purchase women, and have gender based violence tendencies - and no longer wish to in a bid to address male sexual entitlement behaviour;
- E. In compliance with **Article 9.5 of the Trafficking Protocol**¹, provide a state-wide education campaign on the criminality of the exploitation of women and children, and the reality of human trafficking in Australia;
- F. Institute compulsory up- to -date periodical training for all NSW Police Officers on identifying a trafficked person, a person in bonded slave labor, a domestic slave, a girl in forced marriage or a sexual slave;
- G. In compliance with **Article 6(6) of the Trafficking Protocol** which calls for: 'Each State Party [to] ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered', consider compensation for the victims of trafficking²;
- H. The proceeds of the crime of human trafficking to be funnelled into exit programs for survivors, as well as into a nation-wide community education campaign around the harms of purchasing flesh, its incompatibility with gender equality and human rights principles;
- I. Invest into further research on the rate and rise of the trafficking of persons in Australia, and Australia's contribution to sex tourism and exploitation of vulnerable women and children in the Australasia region;
- J. Consider the implementation of the Nordic Model in NSW and Australia as the current international best practice model for curbing the demand for trafficked persons by criminalising the demand for the commodification of flesh and gender based violence.

¹ Article 9.5 of the Trafficking Protocol states: "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."

² Article 25(2) of the UNTOC states: 'Each State Party shall establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by this Convention'.

OVERVIEW

It is estimated that there are over 4,300 people living in modern day slavery in Australia today³, with the majority trapped in the sex trade.

According to United Nations Children's Fund (UNICEF), over the past 30 years, over 30 million children have been sexually exploited through human trafficking.

Human trafficking has been declared as one of the greatest human rights challenges of this century. According to the Global Slavery Index⁴, there are currently over 46 million known slaves in the world, with over 75% of these slaves being women and children. 80% of the known slaves today experience sexual exploitation or servitude.

The average age of those entering the sex trade globally is 12-14 year olds.

Sex slavery is a \$180 billion a year industry. Today, slaves are cheaper than they have ever been in history. The average cost of a slave is \$90. A human trafficker can earn 20 times what he or she paid for a girl.

An estimated 30,000 victims of sex trafficking die each year from abuse, disease, torture, and neglect. 80% of those sold into sexual slavery are under 24. The youngest child known to be trafficked for sexual servitude was a mere 5 months old!

Human trafficking is the only area of transnational crime in which women are significantly represented—as victims, as perpetrators, and as activists fighting this crime.

The grave reality is - the only reason the trafficking of human beings continues is because there is a high demand for the purchase and commodification of flesh. This demand is in turn fuelled by the legalisation of the purchase of people through prostitution, and by corruption and greed.

The legalisation of the purchase of women also leads to normalising the behaviour of violence against women of men - when paid for. This translates into the public and domestic lives of many vulnerable victims of domestic violence, rape, wife rape, assault, sexual assault and abuse.

This is reinforced by the multiple accounts of violence, rape and even murder experienced by women who have worked in prostitution, and the testimonies of various survivors, examples of which appear in this submission.

There is an undeniable and clear link between the legalisation of prostitution and the rate of trafficking of persons - which has been discussed and proven by evidence in various international academic, legal and social research papers, conferences and forums.

It is incompatible for Australian society to state that we stand against gender based violence in domestic violence, and sexual violence against women in the community - but at the same time legalise an industry where gender based violence and sexual violence is promoted, encouraged and enabled. New South Wales is currently out of step with international norms and well as international policy developments in prostitution law reform. A truly progressive society encourages the equality and dignity of all women, not the purchase of women through prostitution.

If Australia, and in particular NSW wishes to curb the demand for trafficked persons, it must first address the demand for prostituted persons through a legalised industry that enables abuse.

³ Global Slavery Index - Country Study, Australian Findings at: <http://www.globalslaveryindex.org/country/australia/>

⁴ Global Slavery Index at: <http://www.globalslaveryindex.org/findings/>

Gender based violence, Human Trafficking and Prostitution

1. Gender based violence is prevalent in human trafficking abuses for the sex trade:

In considering the causes and consequences of gender based violence in Australia and in the Australasia region, the greatest form of gender based violence takes place through the exploitation of our community's most vulnerable in the sex trade. The **Convention on the Elimination of Discrimination Against Women**⁵ and other instruments such as the **Trafficking Protocol**⁶ provide for States a due diligence obligation:

- for the prevention of harm against vulnerable women and children; and
- the protection of those who have experienced gender based violence.

Australia's response to these obligations is feeble. The **Trafficking Protocol** is clear in Australia's obligations to make every effort to prevent and combat trafficking in persons and to protect victims of trafficking - especially women and children - from re-victimisation through comprehensive policies, programs and other measures⁷.

Australia, as a developed nation in a developing region is a demand nation for trafficked persons, including through the sex trade, through legalised prostitution and human trafficking and through sex tourism.

2. Legalising Prostitution enables trafficking, exploitation and gender based violence:

There is a huge demand for women and girls in the sex trade - and they are often tricked, coerced, threatened, bullied or assaulted and raped as a way of forcing them into this trade.

If the slave trade is to be prohibited in all of its forms⁸, the demand for trafficked persons must be criminalised and curbed - for the legalisation of prostitution allows not only the legalisation of the commodification of flesh and the exploitation of women, it ensures that criminal enterprise thrives.

If vulnerable women victims of gender based violence in the sex trade were truly seen as being born free and equal in dignity and rights⁹, the Australian Government would not allow the legalisation of an industry in which women and girls experience gender based violence through rape, beatings and assault every week¹⁰.

The effects of legalising prostitution

Prostitution is a trade in violence against women - where perpetrators are paid.

⁵ The **Convention on the Elimination of Discrimination Against Women**, 1981, at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

⁶ The **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**, 2000 at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

⁷ Articles 2 and 9 of the **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**, 2000.

⁸ Article 4 of the **Universal Declaration of Human Rights**, 1948.

⁹ Article 1 of the **Universal Declaration of Human Rights**, 1948.

¹⁰ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P 6.

This normalisation of prostitution in rich countries contributes to the demand for sex industries in poor or developing countries. The legalisation of prostitution results in the normalising of the intrinsically harmful treatment of the exploitation and practice of violence against women and children.

A New South Wales Police Officer who investigates sex trafficking observed the effects of decriminalisation, stating: "Although the intention was to provide a safe working environment for sex workers the reverse has occurred in that pimps and brothel operators were empowered and enriched."¹¹

The Victorian jurisdiction is evidence that the legalised model does not work. Estimates from police and the legal brothel industry put the number of illegal brothels at 400 in Victoria, four times the number of legal ones, and legal brothels are being used as fronts for illegal operators and criminal activity. Brothel owners have been caught bribing local government officials to warn them of license checks.

After New Zealand's decriminalisation legislation was introduced, police noted that "as a result of legislative changes, Police...have less contact with the sex industry, and there is no systematic intelligence gathering and collation" - making it more difficult to discover abuses and exploitation.¹²

In 2007, the German Government found that there "are no viable indications that the [law of decriminalisation] has reduced crime," and that the law "has as yet contributed only very little in terms of improving transparency in the world of prostitution." Over one-third of prosecutors noted that legalising prostitution "made their work in prosecuting trafficking in human beings and pimping more difficult."¹³

The failed legalised approach is also assessed in various international academic reports, such as: "*Unprotected: How Legalising Prostitution Has Failed*", Der Spiegel Online.¹⁴

Globalised practices such as sex tourism, mail order brides and cross-border trafficking are encouraged by the social normalisation of the buying and selling of human beings - even if they are merely 'rented' for an hour - in prostitution and other commercialised sex industries such as the porn industry.

Australia's obligations under the **Trafficking Protocol** to prevent human trafficking¹⁵ can only be fulfilled if Australia implemented the international best practice model for curbing human trafficking in the sex trade by addressing gender based violence - through a Nordic-like model through social and legislative reform which recognises that the exchange of money for sex is not only violence against women and incompatible with the principles of gender equality, but also that it is incompatible with international human rights principles that are inalienable, universal and intrinsic to all human beings - that we all deserve dignity and have value - outside of a monetary amount being placed on the purchase of our flesh.

¹¹ The Sydney Morning Herald, 11 October 2011 "Licensing law to tighten screws on brothel chiefs".

¹² New Zealand Ministry of Justice, Report; 'The Prostitution Law Committee on the Operation of the Prostitution Reform Act 2003, May 2008, pg. 101.

¹³ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Report by the Federal Government; The Impact of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act), July 2007, pg. 79.

¹⁴ <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html>

¹⁵ Article 2 of the **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**, 2000.

Assistance and protection of all victims of trafficking¹⁶ - the gravest form of gender based violence - should be afforded by Australian Government in line with its international human rights obligations, including implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, and providing the possibility of obtaining compensation for damage suffered, as well as facilities for rehabilitation and the assistance required to exit the industry and rebuild one's life and career again.

There is no other legalised industry in the world that requires rehabilitation from trauma and abuse experienced on the job, and assistance with reintegration into the workforce and protection from discrimination based on previous employment history.¹⁷

3. Evidence of human trafficking in New South Wales:

There is no doubt that human trafficking occurs into New South Wales.

The raids that were conducted on Sydney brothels in October 2011 by a taskforce of police and immigration inspectors as part of a wider investigation into Asian Women being trafficked in the sex industry found that the issue of trafficking is a particular problem in NSW. The data revealed that 148 women in a federal government support program for those trafficked into the sex industry in Australia since 2004, 119 (80 per cent) were discovered in NSW, with 70 per cent of those victims being women for sexual exploitation, sexual servitude and the other 30 per cent for labour trafficking.¹⁸

The **Australian Federal Police** acknowledged in March 2012 that human traffickers were attracted to Australia because of the relatively high value of the Australian dollar.

In 2012 a five year study by the (then) **University of Queensland** Associate Professor Julie Hepworth, revealed that up to 2000 women are trafficked into Australia every year and effectively forced to work as sex slaves in Sydney and Melbourne.¹⁹

According to the business research company **IBISWorld**, the Australian sex industry has ballooned over the past decade. High growth has forced pimps to forge international supply routes to source their "product", which, in the case of the sex industry, is mostly women and children. Asian women in particular are a consumer favourite.

In February 2012, a Sydney man of Chinese-Cambodian origin who was the owner of the Diamonds 4 Ever brothel in Guildford, was charged with human trafficking offences following raids by the **Australian Federal Police** in Sydney, resulting in the rescue of three Thai young women who were trafficked under sexual exploitation conditions.²⁰

¹⁶ Article 6 of the **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**, 2000.

¹⁷ Women who access the services of **Project Respect** in Victoria are ex-prostitutes who experience not only trauma and abuse while working as prostitution, but also experience discrimination from potential landlords and employees based on their previous work history. How can a society that claims that their profession is totally legal then proceed to reject them once they decide to move on? <http://www.projectrespect.org.au>

¹⁸ The Sydney Morning Herald 8 October 2011 Tom Reilly; 'Human Trafficking Prompts Raids on Brothels': <http://www.smh.com.au/national/human-trafficking-prompts-raids-on-brothels-20111007-1ldmz.html>

¹⁹ News.com 2 October 2012 'Shocking Finding: Women Used as sex slaves in Sydney and Melbourne': <http://www.news.com.au/national/trafficked-women-forced-into-brothels/story-fndo4eg9-1226486787059>

²⁰ The Daily Telegraph 2 February 2012 'Salvation Army Rescues Trafficked Women': <http://www.dailytelegraph.com.au/salvation-army-rescues-trafficked-women/story-e6freuyi-1226260583411>

Dozens of Asian women from Hong Kong and Thailand have been snared into student visa scams that funnelled them into Sydney brothels where they were forced into selling sex and drugs for up to 20 hours a day. In 2012-2013, 3446 appeals against refusals were lodged from 290,761 student visa applications submitted over the same period.²¹

The Sydney Morning Herald (SMH) on the 31 October 2014²² reported “Federal police are investigating a record number of human trafficking cases in Australia involving sex slavery, forced marriages and child brides.”

In October 2012, the University of Queensland reported a study which found that trafficked women in the Greater Sydney region lacked access to a breadth of health and community services, as there was a national focus on border protection and criminalisation rather than human rights.²³

This has to change. Women working in the sex industry need to know and understand their rights, how to access referral and health/mental health services, where to go for help if they need it, and be provided with a holistic multi-disciplinary exit program that rehabilitates and reintegrates them into mainstream employment opportunities.

As long as men perceive their right to sex at a price from impoverished and vulnerable women and girls - over the women’s rights and liberties, and the basic human rights of all women - the prostitution industry will continue not only to thrive, but to victimise its most vulnerable in local, national, regional and global communities.

4. Rape, abuse and assault, even murder is common amongst sex workers in Australia:

Australia has more than 20,000 people in prostitution.

There is no long-term support provided to assist women in the physical, psychological and social recovery of leaving the sex industry, as required by Article 6 of the **United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children**²⁴, which deals with assistance and protection of victims of trafficking in persons.

According to a report from the **Australian Institute of Criminology**, around half of migrant sex workers enter Australia as international students but end up in the sex industry because they can’t

²¹ The Sydney Morning Herald 30 March 2014 Eamonn Duff; ‘Trafficking: Women Lured with Student Visas Forced into Sex Slavery’: <http://www.smh.com.au/nsw/trafficking-women-lured-with-student-visas-forced-into-sex-slavery-20140329-35q88.html>

²² The Sydney Morning Herald: “National sex trafficking, slavery and forced marriage is on the rise in Australia”, accessed at: <http://www.smh.com.au/national/sex-trafficking-slavery-and-forced-marriage-on-the-rise-in-australia-say-police-20141030-11e62z.html>

²³ UQ News 2 October 2012 ‘Study Finds Sydney’s Trafficked Women Need More Support’, accessed at: <https://www.uq.edu.au/news/article/2012/10/study-finds-sydney%E2%80%99s-trafficked-women-need-more-support>

²⁴ UNODC Trafficking in Persons Palermo Protocol 2000, accessed at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

afford education fees or the high cost of living.²⁵ This in no way constitutes voluntary participation of the sex trade - if the reason women get into prostitution is to merely subsist.

We know from various media reports that women who enter the sex trade are subject to gender based violence in the form of rape, sexual assault, abuse, bashings, being spat on, kicked, punched, urinated on - all on a weekly basis, and even face the threat of being murdered.

There are many accounts of prostitutes experiencing grave trauma, abuse, rape and even murder in the sex trade.

The following are some examples:

New South Wales:

- A 29 year old prostitute Rachel Campbell in Sydney, was stabbed, strangled, bitten and raped - with her alleged offender going free²⁶.
- Two Chinese women who came to Australia and disappeared at Sydney airport hours after their arrival, were later suspected to have been murdered by their pimp in 2009²⁷. Their lives were taken as a result of the sex trade and exploitation.

It has been well-documented that in states such as New South Wales where prostitution is legal, foreign students mostly from South East Asia, who have little education, poor English language skills and, children - moonlight in the sex industry to pay their fees.

An **Australian Institute of Criminology** Report²⁸ found that Asian girls who entered Australia on a student visa in a bid to study and earn money were unprepared for the financial stress of their new life which inevitably led them into the sex industry.

Again, this is further evidence of women entering the sex industry to pay for food and rent - to merely subsist. This does not constitute entering the sex trade voluntarily.

The report found there was also a number of divorced migrant women who also made up a substantial part of the migrant sex worker population. It said these women entered the sex trade as a means to support themselves and their children often because of poor English language skills and limited employment opportunities. The report also found there was also a number of divorced migrant women who also made up a substantial part of the migrant sex worker population.

If women are working as prostitutes merely to pay their rent and eat - this cannot be claimed to be voluntary involvement in an industry where abuse against women thrives.

²⁵ Emily Moulton, 'AIC Report into migrant sex workers reveal majority enter country on student visas to study, 12 February 2016, at: <http://www.news.com.au/finance/work/careers/aic-report-into-migrant-sex-workers-reveals-majority-enter-country-on-student-visas-to-study/news-story/f2f52e759e442e23f647d1accb159e66>

²⁶ Andrew Koubaridis, 'Has Rachel Campbell's killer finally been unmasked?', [NEWS.com.au](http://www.news.com.au/national/crime/has-rachael-campbells-killer-finally-be-unmasked/news-story/b0a8224f7cbdb4eeaa944fc3f906a6b0), at: <http://www.news.com.au/national/crime/has-rachael-campbells-killer-finally-be-unmasked/news-story/b0a8224f7cbdb4eeaa944fc3f906a6b0>

²⁷ Natalie O'Brien, 'Police Baffled by Prostitute Murder Mystery', *The Australian*, 31 January 2009, at: <http://www.theaustralian.com.au/archive/news/police-baffled-by-prostitute-murder/news-story/864f8c4c64fc468f59a357ffcb0c0993>

²⁸ Emily Moulton, 'AIC Report into migrant sex workers reveal majority enter country on student visas to study, 12 February 2016, at: <http://www.news.com.au/finance/work/careers/aic-report-into-migrant-sex-workers-reveals-majority-enter-country-on-student-visas-to-study/news-story/f2f52e759e442e23f647d1accb159e66>

South Australia:

- In 2016, an Asian prostitute was murdered by her own stilettos in South Australia²⁹.

Queensland:

- Julie McColl was murdered in Brisbane in 2003³⁰, and was a part of a string of murders of prostitutes in Brisbane during that time, including Jasmin Crathern, 41, in August of the same year, Elizabeth Henry, 30, in 1998, and the savage bashing of Karen Redmile, 29, three days before Ms Henry's murder.

All of these women were prostitutes in Brisbane.

- On the 20 June 2008, an illegal brothel Madam - Karyn Maree Matis, 32, subjected a female prostitute to a brutal and hideous prolonged torture, including branding her with an iron.³¹

Victoria:

An investigation carried out by *The Age* and *Four Corners* revealed that every week in Victoria, more than 60,000 men buy women in prostitution.³²

- 40 year old Tracey Connolly of Melbourne was brutally stabbed in her van by a client in St Kilda in 2013 - her killer remains on the loose, and she is one of at least seven women have been killed in Melbourne as sex workers since 1991.³³
- Ms Osmond, a fellow sex worker who knew Ms Connolly, stated the cruel reality of 'street workers' in Melbourne is that they often have to 'couch hop' to survive' and - that most street workers are forced to work in client's cars - relying on their instincts to make safe choices.³⁴
- In July 2013, a man impersonating a police officer assaulted a prostitute in a hotel room.³⁵

²⁹ Candice Prosser, 'Prostitute Murder Trial told victim beaten with stiletto and throat slashed with razor', ABC News, 9 May 2016, at: <http://www.abc.net.au/news/2016-05-09/prostitute-murder-trial-adelaide/7396648>

³⁰ Greg Roberts, 'Serial Killer Fear Strikes Prostitutes', The Age, at: <http://www.theage.com.au/articles/2003/03/07/1046826526790.html>

³¹ Tony Keim, 'Madam bashed prostitute' Ipswich District court told, 20 June 2008, at: <http://www.couriermail.com.au/news/queensland/madam-bashed-prostitute/news-story/78ffbcf13ccdaa6d15602193312b2a29>

³² Sydney Morning Herald 13 October 2011 Caroline Norma; 'It's Time to Get Serious About Sex Trafficking in Australia': <http://www.smh.com.au/it-pro/its-time-to-get-serious-about-sex-trafficking-in-australia-20111012-1lkzi.html>

³³ Elyas Khan and Samantha Landy, 'Murdered St Kilda prostitute Tracy Connolly was 'easy prey' says former sex worker', Herald Sun, 21 July 2014, at: <http://www.heraldsun.com.au/news/law-order/true-crime-scene/murdered-st-kilda-prostitute-tracy-connolly-was-easy-prey-says-former-sex-worker/news-story/a1f9e63a03ca44e3698e045cf770a8f9>

³⁴ Elyas Khan and Samantha Landy, 'Murdered St Kilda prostitute Tracy Connolly was 'easy prey' says former sex worker', Herald Sun, 21 July 2014, at: <http://www.heraldsun.com.au/news/law-order/true-crime-scene/murdered-st-kilda-prostitute-tracy-connolly-was-easy-prey-says-former-sex-worker/news-story/a1f9e63a03ca44e3698e045cf770a8f9>

³⁵ ABC NEWS 'Man charged with impersonating police officer after attack on prostitute', 31 July 2013, at: <http://www.abc.net.au/news/2013-07-31/man-charge-with-impersonating-police-officer-afte-attack-on-pro/4856136>

The Prostitutes' Collective of Victoria (PCV) receives an average of twenty reports of violence against sex workers (women, men and transsexuals) each week. This is an under-representation of the level and incidence of violence against sex workers.³⁶

Statistically, 75% of sex workers in Victoria are single mothers³⁷. What does this say about the demographic in this 'profession', and the voluntariness of the women who 'choose' to enter the sex trade of their own free will.

Australian Capital Territory:

- In 2016, Canberra sex workers were targeted by a group of three men in a series of brutal sexual assaults, with ACT Policing's Detective Sergeant David Crowe stating that at least six women were sexually assaulted and robbed by the men from March to May and police believe there are more victims.³⁸
- A 17 year old girl was found in a Canberra brothel - dead. She had overdosed.³⁹

5. Prostitution Narratives:

'Prostitution Narratives' is a collection of contemporary evidence of female sexual slavery, of women in the developed world, in jurisdictions imagined to have safe systems of prostitution through regulatory checks and legalised industries - which highlights their experiences of degradation, violence and trauma.

In a series of stories of survival in the sex trade, Prostitution Narratives gives space to twenty survivors of prostitution to tell their stories, and what they experienced working in prostitution. The women who give their testimonies insist that they be referred to as 'survivors' - for indeed, they have survived much trauma and abuse.

The survivors also insist that the industry be referred to as 'prostitution' and not 'sex work', for in the words of Melissa Farley - a psychologist and long term researcher on the effects of prostitution on women: 'prostitution is sexual violence that results in massive economic profit for some of its perpetrators'⁴⁰ - concluding that **prostitution is a trade in violence against women**.

The twenty survivors who share their stories of harm in prostitution include: Linda, Jade, Annabelle, Kat, Rhiannon, Tanja, Christie, Jan, Kendra, 'Mademoiselle', Autumn, Donna, Christine, Simone, Jacqueline, Genevive, Charlotte, Rebecca, Suzzan and Jacqueline, and are from seven different countries, including Australia, Canada, Denmark, Ireland, New Zealand, the United Kingdom and the United States.

They give accounts of exploitation, violence, trauma and abuse they all faced while being used by men in an industry that denies their experiences.

³⁶ Keith Gilbert (Project Worker, Prostitutes' Collective of Victoria) '*RAPE AND THE SEX INDUSTRY*', This paper appeared in *Criminology Australia*, vol. 3, no. 4, 1992, Australian Institute of Criminology, Canberra, P 1.

³⁷ Dr. JaneMaree Maher and Associate Professor Sharon Pickering, '*Sex work, regulation and social noise*', School of Political and Social Inquiry Monash University, Presentation at the The Australian Sociological Association Conference, 2009, accessed at: <https://www.tasa.org.au/wp-content/uploads/2015/03/Maher-JaneMaree.pdf>

³⁸ Katie Burgess, 'Canberra sex workers violently sexually assaulted, robbed by three men' *The Canberra Times*, 22 September 2016, at: <http://www.canberratimes.com.au/act-news/canberra-sex-workers-violently-sexually-assaulted-robbed-by-group-of-three-men-20160922-grluzl.html>

³⁹ Louis Andrews, 'Brothel Pair fight underage sex claim', *The Canberra Times*, 28 April 2012, at: <http://www.canberra-times.com.au/act-news/brothel-pair-fight-underage-sex-claim-20120427-1xqrq.html>

⁴⁰ Melissa Farley, '*Prostitution, Trafficking, and Cultural Amnesia: What we must not know in order to keep the business of sexual exploitation running smoothly*' *Yale Journal of Law and Feminism*, Vol. 18 2006, P132.

Each woman gives a similar account : childhood sexual abuse, poverty, desperation and other circumstances that led them to, or groomed them for prostitution. Once in it, they recall experiences of abuse, rape, trauma, threat to life and safety - on a weekly basis.

Linda, an 18 year old woman from Sydney gives her testimony of being sexually abused as a young girl, and thinking 'I might as well get paid for it'. Linda entered the sex trade, because; "many times I got myself into situations where I was going to get raped anyway and so had sex".

She recalls brothels being cruel, competitive, having to service violent men who often left her in physical pain - seeing 12 to 15 men per shift. She recalls the older and the Asian girls crying after their shifts, because they would be assaulted. She remembers servicing politicians, police men, priests, newsreaders, public servant and embassy men in Sydney and in Canberra.

After getting a boyfriend and starting university, she became a prostitute again, because she was; "homeless and desperate and scared". Linda recalls that the only way that she could continue working as a prostitute was on drugs. Drugs helped her cope with the pain, the degradation, the abuse - and the reality that she just did not want to face - that she was a prostitute.

In her testimony, Linda states that she believes prostitution of people under the age of 25 should not be legal, given the lack of life experience of an 18 year old to make a decision to prostitute themselves. She also reflects that there are no exit programs for girls wanting to exit the industry, and sees this as necessary - and something that would have helped her. Instead, she relied on a Centrelink disability pension while she battled multiple mental illnesses, addictions and Hep C.⁴¹

All the survivors of prostitution recount similar stories of the 'Johns' they service - mostly married, middle aged men - with a tendency towards violence against women - aggressive, perverted - with a large proportion of the 'Johns' requesting role play with the sex worker playing a little girl from ages nine to fourteen.

In her 2007 book *Making Sex Work*, Mary Lucille Sullivan writes that: 'The [sex] buyers' economic power means he determines how the sex act will be played out. Buyers believe their purchasing power entitles them to demand any type of sex they want.'⁴²

Rachel Moran - a survivor from Ireland talks about the disassociation that is necessary for a woman to survive the sex trade. She talks about how lying to self and others about what they do is a necessity to survival.⁴³ She also articulates the psychological harms on our society of accepting commercialised abuse of women through legalised prostitution as 'sex work dogma' which 'destroys our capacity for empathy and sympathy, because in this narrative, there is nothing to empathise with and nothing to sympathise about'.⁴⁴ She sees this culture of '**paid abuse of women**' persuading society that prostitution is merely a service - and therefore nothing wrong with accessing it', while the women being bought 'suffer indignity upon indignity channelled through modern technology' - such as reviewing a prostitute's 'performance and willingness' publicly on on-line forums by 'Johns'.

⁴¹ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P31 to 42.

⁴² Mary Lucille Sullivan, *Making Sex Work*, 2007, P285,287.

⁴³ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P23.

⁴⁴ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P24.

Ms Moran refers to this a 'trade off' - prostitution for poverty - a choice she made at a tender age - choosing to feed and house her younger sister and herself - the only way accessible to her at that time, declaring that the industry 'funnels the already socially vulnerable into prostitution', 'glossing over the damage and degradation', in which the sex trade decriminalises sexual and financial exploiters such as brothel keepers, punters and pimps.⁴⁵

She identifies a parallel between the legitimacy of sexual subordination of women in society and prostitution - declaring it an impossible immediate goal to obtain women's liberation, or the end goal of gender equality - articulating this absurdity by this thought:

'if sex is just a service, then rape is just theft'.

In reflecting on the industries' workers, Ms Moran expresses her fears for its future, stating: 'many children and adolescents who are currently living in the hellish experience of broken homes, family dysfunction, violence and alcoholism, severe neglect and sexual abuse will have the future direction of their lives dictated by prostitution legislation'. Here, she discusses the very real experience of many who were groomed for prostitution from an early age through sexual abuse, early exposure to pornography, and boyfriends pimping out their 'girlfriends'.

In her conclusion, Ms Moran says:

'there has perhaps never been an ideological framework in history that so thoroughly condones and emboldens the practice of oppression by the oppressed'⁴⁶ .

As Andrea Dworkin states: "Prostitution is not an idea. It is the use of a woman's body for sex by a man: he pays money, he does what he wants"⁴⁷.

6. A Pimp's Story:

Jacqueline - who worked as a receptionist in a brothel in Melbourne describes her time there as traumatic - having to 'pimp' the girls out to clients, witnessing daily abuse of the girls who worked there, being exposed daily to hard core pornography - all which ultimately led her to experience post traumatic stress disorder - simply from being exposed to it as an onlooker!

She recounts that 'girls were spat at, bitten, verbally abused and treated roughly' and observed that the only way the girls were able to deal with the daily abuse was to use drugs - to ensure they were in a lucid state and escape the physical and psychological pain of their reality.

Jacqueline recounts that she began her role as a Brothel Receptionist pro-porn and pro-sex work - thinking it cool and exciting - but noticed over time working there, that the men who came had poor hygiene, a lack of relationship skills, and had no respect for women. 'A man that walks into a brothel has no respect for women' - she reflected, and stated that 'to be in support of these industries is to be in denial', and that 'no woman should have to resort to prostitution', concluding that prostitution is degrading and exploitative of women, and 'virtually paid rape'⁴⁸.

⁴⁵ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P26 - 27.

⁴⁶ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P28.

⁴⁷ Andrea Dworkin 'Prostitution and Male Supremacy' in *Life and Death: Unapologetic Writings on the Continuing War Against Women* New York: Free Press, 1997 P140.

⁴⁸ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P205.

Jacqueline reflects that there is a high rate of depression and suicide amongst sex workers, and that the fatality that occurred while she was working there - was unclear whether it was a suicide, accident or murder by her boyfriend.

The reality of prostitution is: it is mainly men buying women in an industry fuelled by demand.

In Melissa Farley's major international study, '*Comparing Sex Buyers with Men Who Don't Buy Sex*', found that over half of the buyers of sex are already married or in defacto relationships - men who pay for women to do 'the things they would never ask their wives to do - whom they respect'.⁴⁹ This is a clear indicator that the legalisation of prostitution fuels the normalisation of gender based violence.

The study goes on to reflect that men who pay to sexually exploit women are aware of the harms they inflict. It found that 'two thirds of both the sex buyers and the non-sex buyers observed that a majority of women are lured, tricked or trafficked into prostitution', and that '41% of the sex buyers used women who they knew were controlled by pimps at the time they used her' - which did not stop them - 'the knowledge that women have been exploited, coerced, pimped or trafficked failed to deter sex buyers from buying sex'.⁵⁰

Worse still, sex buyers are able to recognise signs of trafficking among the women they use, but this awareness does not seem to be an impediment to their behaviour - reflected in on-line 'Johns' forums such as 'Punters Planet', where a man refers to a girl not knowing any English.

The same men expressed that the most effective deterrent for them to no longer buy sex from a vulnerable woman would be being placed on a sex offender registry, being exposed in public, or having to pay significant fines or go to jail.

This, and similar studies, reveal that men who purchase sex are quite open about their belief that their entitlement to sex should take precedent over the well being of the women they buy.

Sex buyers regard women that they buy as mere objects for sexual gratification.

This is reflective in the tone and the derogatory words used about women and the way they are discussed on on-line forums, including the Canadian based 'Invisible Men Project'⁵¹ - which collates postings made by sex buyers on prostitution review websites.

The 'Comparing Sex Buyers' study critically finds that - in systems of prostitution, sex buyers are motivated by the opportunity to control and dominate a woman so that they can perform degrading sex acts against her that female partners would refuse.

⁴⁹ Melissa Farley, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine, Michele Decker, *Comparing Sex Buyers with Men Who Don't Buy Sex*, Psychologists for Social Responsibility Annual Conference Boston, Massachusetts July 15, 2011, Accessed at: <http://www.prostitutionresearch.com/pdfs/Farleyetal2011-ComparingSexBuyers.pdf>

⁵⁰ Melissa Farley, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine, Michele Decker, *Comparing Sex Buyers with Men Who Don't Buy Sex*, Psychologists for Social Responsibility Annual Conference Boston, Massachusetts July 15, 2011, Accessed at: <http://www.prostitutionresearch.com/pdfs/Farleyetal2011-ComparingSexBuyers.pdf>

⁵¹ www.the-invisible-men.tumblr.com

Just like rapists, prostitution buyers are disproportionately pornography users, they resent women's refusal to do sex acts they want, and they see their sexual behaviour as not particularly harmful to others.⁵²

This power of the male sexual entitlement is fuelled increasingly by the pornography and prostitution industries of the west - creating a demand for vulnerable women in the East - to be subjugated, used and abused.

It is only when men are held accountable for their abuse of women in the sex trade that we will see meaningful progress.

7. Australia's contribution to the harms of trafficking, sex tourism and exploitation:

As a developed nation in a developing region, Australia is a demand nation for trafficked and exploited persons, either through sex tourism, through pornography on line, through live sex web cam shows or through the commercialisation of slavery and exploitation in prostitution.

The submission in full can be obtained from the committee secretariat.

⁵² Melissa Farley, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine, Michele Decker, *Comparing Sex Buyers with Men Who Don't Buy Sex*, Psychologists for Social Responsibility Annual Conference Boston, Massachusetts July 15, 2011, P1 - 25, Accessed at: <http://www.prostitution-research.com/pdfs/Farleyetal2011ComparingSexBuyers.pdf>

⁵³ News.COM.AU, Australian child molester Peter Scully faces death penalty in Philippines, at: <http://www.news.com.au/world/asia/australian-child-molester-peter-scully-faces-death-penalty-in-philippines/news-story/f15a28a8b971d95f815b5f6105814ff9>

⁵⁴ AA, Nine News, Australian child sex predator Michael Quinn sentenced to 12 years' jail in the US, at: <http://www.9news.com.au/world/2016/11/01/04/19/us-aust-child-predator-jailed-in-us>

⁵⁵ The Sydney Morning Herald, Lindsay Murdoch, *61-year-old Australian arrested for human trafficking in Philippines*, at: <http://www.smh.com.au/world/61-year-old-australian-arrested-for-human-trafficking-in-philippines-20150514-gh1g0e.html>

⁵⁶ The Sydney Morning Herald, Lindsay Murdoch, *Australian teacher charged over child sex abuse allegations found dead in Philippines*, at: <http://www.smh.com.au/world/australian-teacher-charged-over-child-sex-abuse-allegations-found-dead-in-philippines-20150412-1mj809.html>

Dutch NGO Terres Des Hommes created a 10 year old Pilipino avatar called Sweetie to trap paedophiles and their rinks globally⁵⁷ - and received sexual advances from 20,000 paedophile predators in 71 countries within its first 72 hours in operation. The organisation was able to identify more than 1,000 paedophiles⁵⁸.



Paedophile predators who solicited the avatar Pilipino girl “Sweetie” and were convicted for web sex crimes.

There is evidence to suggest that webcam child sex tourism has the same psychological and mental affects on children as actual sexual abuse.

8. The Select Committee on the Regulation of Brothels Inquiry and Report in NSW:

The ***NSW Inquiry into the Regulation of Brothels*** heard evidence in 2015 by the Deputy Commissioner of NSW Police that the industry has been under regulated for some years making the industry attractive to criminal elements including sex slavery and outlaw motorcycle gangs.

The inquiry also heard that a substantial section of the NSW prostitution industry is operating in premises for which there is no planning or development approval to offer sexual services, and that some of these premises are in inappropriate locations, for example near schools, where they would not be given approval to operate were they to apply for it.

The police reported that 40 of the 340 brothels in NSW have some connection to outlaw motorcycle gangs. There are factors such as the use of cash that make sections of the industry attractive to organised crime. In addition, it examines the evidence that there is increased reporting of sexual slavery and that it is a crime which is under reported.

Police have insufficient visibility over the industry and the criminal elements that operate within it because a substantial section of the industry operates in premises for which there is no planning or development approval to offer sexual services.

The inquiry also heard evidence of studies which show high rates of post-traumatic stress disorder in sex workers.

The Select Committee concluded that a licensing system would help to solve identified problems in the industry – assisting the proper enforcement of planning laws, protecting sex workers from exploitation and danger, assisting to fight organised criminal elements in the industry, and ensur-

⁵⁷ BBC ONLINE, *Meet Sweetie, the girl catching online predators*, 5 November 2013 at: <http://www.bbc.com/news/world-europe-24819538>

⁵⁸ More at Video Documentary by 101 East: “Stalking Cyber Paedophiles”- examines how children in the Philippines are exploited when child sex predators lurk online, at:

ing that only fit and proper persons control and operate brothels. The chapter also notes the positive public health outcomes that have been linked with decriminalisation in NSW and finds that decriminalisation should remain and that criminal penalties for sex work should not be re-introduced.

The Select Committee made recommendations to streamline and modernise legislation, and a scheme for enforcing the proposed new licensing and regulatory system. This would involve the creation of a special Sex Services Industry Coordination Unit within the NSW Police Force; greater coordination between agencies; and appropriate investigation, entry, and enforcement powers for authorities in respect of brothels. Changes to the law to enable easier proof of sexual activity in unapproved premises were also recommended.

It was also recommended that local councils have a continuing role making planning and development approval decisions about the location of brothels in their areas.

On the 9 May 2016, the ***NSW Government Response to the Legislative Assembly Inquiry into the Regulation of Brothels*** was released. It was made clear in the Government Response, that the NSW Government did not support the introduction of a licensing or registration system.⁵⁹

The NSW Government in its Report also made it clear that a special police unit similar to the Victorian Police Sex Industry Coordination Unit was not supported, despite the Select Committee's strong recommendations for this resource to be established to combat sex trafficking, criminality in prostitution and strengthen regulatory processing. The Government Response concluded: "NSW Police will support the regulation of brothels through the monitoring, investigation and enforcement of the criminal law but should not be designated a primary role in the enforcement of compliance and regulatory offences related to brothels".⁶⁰

Even though the Committee heard evidence that unapproved "massage parlours" offering sexual services had opened in parts of Sydney "at an alarming rate", including near schools, and that **it was likely that criminal networks were operating in the industry** and workers were being exploited, the New South Wales Government rejected the brothel licensing scheme recommended by the parliamentary committee to protect sex workers and eliminate "criminal elements" from the industry.⁶¹

The decision has angered the state's local councils, which say the existing "ridiculous state of affairs" means they are forced to hire investigators to entrap illegal sex workers. Local Government NSW president Keith Rhoades said the Government had missed an opportunity to put a watchdog in place to properly regulate the industry. "We have the ridiculous state of affairs in which councils are forced to waste ratepayers' money hiring private investigators to go undercover and actually buy sex from prostitutes to obtain the necessary proof to launch a prosecution," he said.⁶²

⁵⁹ The Hon Victor Dominello MP, Minister for Innovation and Better Regulation; NSW Government Response to the Legislative Assembly Inquiry into the Regulation of Brothels, 9 May 2016, Accessed at: <https://www.parliament.nsw.gov.au/la/papers/DBAssets/taledpaper/webAttachments/68049/Govn%20Response%20to%20LA%20Select%20Cte%20on%20Regulation%20of%20Brothels%20Report.pdf>

⁶⁰ The Hon Victor Dominello MP, Minister for Innovation and Better Regulation; NSW Government Response to the Legislative Assembly Inquiry into the Regulation of Brothels, 9 May 2016, Accessed at: <https://www.parliament.nsw.gov.au/la/papers/DBAssets/taledpaper/webAttachments/68049/Govn%20Response%20to%20LA%20Select%20Cte%20on%20Regulation%20of%20Brothels%20Report.pdf>

⁶¹ As reported by ABC NEWS, on the 11 May 2016, accessed at: <http://www.abc.net.au/news/2016-05-11/brothel-licensing-scheme-rejected-by-nsw-government/7403288>

⁶² As reported by ABC NEWS, on the 11 May 2016, accessed at: <http://www.abc.net.au/news/2016-05-11/brothel-licensing-scheme-rejected-by-nsw-government/7403288>

9. Human Rights violations of survivors of the sex trade:

Many in the sex trade suffer cruel, inhuman and degrading treatment⁶³. It is the due diligence obligation of the Australian Government and Civil society to ensure that survivors of human trafficking and the sex trade are protected and assisted - with full respect for their human rights⁶⁴.

A number of international instruments recognise forced prostitution as gender based violence, and inconsistent with the States' due diligence obligation to protect women from harm, and to prevent this harm from occurring⁶⁵ as well as their obligations to the rights of women in society.

- In Article 2 of the **Declaration on the Elimination of Violence against Women**, "violence against women" is understood to include the trafficking in women and forced prostitution.
- Article 6 of the **Convention on the Elimination of Discrimination against Women** states:

*"Governments shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women".*⁶⁶

- Article 6 of the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** goes on to abolish all laws that enable prostitution to continue.⁶⁷
- International **Conventions** go further and state that the State has a due diligence obligation in taking measures to encourage the prevention of prostitution, and provide for the rehabilitation and social adjustment of the victims of prostitution.⁶⁸
- The Preamble to the **United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** acknowledges that "prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community".⁶⁹

⁶³ Article 5 of the **Universal Declaration of Human Rights**, 1948.

⁶⁴ Article 2(b) of the **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**, 2000.

⁶⁵ Article 16 of the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** states that: Governments are expected to agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution.

⁶⁶ Article 6 of the **Convention on the Elimination of Discrimination against Women**, 1981.

⁶⁷ Article 6 of the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** states: Governments are mandated to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

⁶⁸ Article 16 of the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** states that: Governments are expected to agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution.

⁶⁹ The Preamble to the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**.

- Within the context of the fight against human trafficking, the ***Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*** (2000) includes “*the exploitation of the prostitution of others or other forms of sexual exploitation*” within its use of terms referencing human trafficking and exploitation.

The United Nations has undertaken various measures to combat pimping in all its forms and to ensure assistance is provided to prostituted persons.

- Article 2 of the ***Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*** states that ***Governments party to the Exploitation of the Prostitution of Others Convention*** agree to punish any person who keeps or manages, or knowingly finances or takes part in the financing of a brothel, or knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.⁷⁰

According to international law and this specific ***Convention*** - the activities of pimps, brothel owners, Madams or business partners in brothels are to be criminalised.⁷¹

The legalisation of prostitution in New South Wales, Victoria, Queensland and the Australian Capital Territory across Australia is incompatible with international instruments and practices that condemn trafficking, exploitation, slavery, servitude and prostitution which provide an environment where human rights violations occur.

The legalisation of prostitution is also also incompatible with basic, fundamental, inalienable, universal principles of human rights - namely, that all persons are equal in dignity, worth and value, and should be respected and treated as such.

Policies and Practices to reflect the Convention requirements on Human Rights

Some advocates have suggested legalised trafficking as the way forward:

The Resourcing Health and Education (RhED) organisation which is a government-funded Australian body supporting ‘street sex workers’ submitted to a 2009 Government Inquiry the opinion that a “lack of working visa arrangements available for migrant sex workers who wish to work in Australia for the legislative, health and occupational health and safety benefits of Australian sex industry laws, brings about situations where few options exist other than to go through traffickers”⁷².

My recommendation to the NSW and Australian Governments is to consider the current international best practice model proven to curb there demand for trafficked persons and cut prostitution and the prevalence of gender based violence by half.

The Nordic Model - as it is referred to - curbs the demand for the commodification of flesh by addressing demand, and in turn supports the rehabilitation of women wanting to leave prostitution - through therapeutic exit programs.

The Nordic Model also provides community based education on the link between legalised purchase of people and gender based violence to curb its prevalence, and address the demand for not only prostituted persons - but also for the trafficking of the vulnerable.

⁷⁰ Article 2 of the ***Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others***, at:

⁷¹ Article 2 of the ***Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others***.

⁷² Drugs and Crime Prevention Committee Inquiry into people people trafficking for sex work, Parliament of Victoria, Melbourne, Australia, October 2010, P127, accessed at: <http://parliament.vic.gov.au/57th-parliament/dcpc/article/965>

10. The Nordic Model as a way forward:

I therefore urge the Australian Government and Civil Society to consider the social and legislative implementation of the current international best practice model of curbing the demand of trafficked persons and addressing the prevalence of gender based violence through the policy reform approach of the Nordic Model.

The current existence of systems of prostitution are barriers to gender equality - as women continue to be bought and sold for sex. A key element of the Nordic Model is an understanding that the systems of prostitution are impediments to gender inequality.⁷³

Since 1999, the Scandinavian countries, including Sweden, Norway, Iceland and Finland legislated to penalize the act of buying sex in order to reduce the demand for trafficked persons and the exploitation of women and girls through prostitution. There the discussion was approached from a gender equality perspective and prostitution was banned.

Prostitution is viewed there as violence against women and against gender equality, therefore being punishable. Within the first five years of the implementation of the Nordic Model, human trafficking in Sweden was halved, with traffickers declaring it was not viable for them to do business in Sweden any longer.

After ten years of the Nordic Model operating in its initial jurisdiction in Sweden, legal scholar Max Walkman⁷⁴ found the policy approach successful, and research on its impact commissioned by the government found that street prostitution had halved as a result of the changed laws.⁷⁵

Research indicates that the number of people in Sweden buying sex has fallen and that police report having intercepted communications from traffickers declaring that Sweden is a 'bad market'.⁷⁶

In Sweden, the original implementation of the Nordic Model was part of a sweep of policy approaches seeking to tackle violence against women and to direct more government support and funds into a variety of services benefiting all women victims of gender based violence, including women in prostitution.⁷⁷

⁷³ Gunilla Ekberg and Kajsa Wahlberg *The Swedish Approach: A European Union country fights sex trafficking*, Solutions Journal, V2.2, 2011.

⁷⁴ Max Waltman, *Sweden's Prohibition of the Purchase of Sex: The law's reasons impact and potential*, Women's Studies International Forum, V34(5), 2011, P 449-474. website needed

⁷⁵ Government Offices of Sweden, *The Ban Against the Purchase of Sexual Services - An Evaluation (1999 - 2008)*, English summary, 2010, Available at: website needed

⁷⁶ Kaja Claude, *Targeting the Sex Buyer: The Swedish Example*, Stockholm: The Swedish Institute, Speech given to the Third Swedish-Dutch Conference of Gender Equality: Trafficking in Human Beings and Prostitution at the Swedish Embassy den Haag, The Netherlands, 6 December 2011.

⁷⁷ Gunilla Ekberg, *The Swedish law that prohibits the purchase of sexual services: Best practices for prevention of prostitution and trafficking in human beings*, Violence Against Women, V10.10, 2004, P 1187-1218.

Chapter 6 s8 of the Swedish Penal Code states:

"Anyone who promotes or encourages or improperly exploits for commercial purposes casual sexual relations entered into by another person in exchange for payment is guilty of a criminal offence and shall be sentenced for procuring to imprisonment for at most 4 years".

"In Sweden 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.

The Swedish government criticises countries such as Australia that allow legal prostitution on the basis that it generates demand for the criminal activity of traffickers and organised crime. Swedish bureaucrats understand that prostitution and trafficking are two sides of the same coin. In 1999 they made pimps, traffickers, and prostitution "clients" liable for criminal prosecution.

This decriminalisation of prostitution model is about restricting the buyers - and not about restricting the women and girls in the industry. It acknowledges that the buying of women in systems of prostitution is something that the State should actively discount, without discounting the individual 'choice' of women who wish to enter the sex trade of their own free will.

The Nordic Model acknowledges that less demand for prostitution and less demand for trafficking equates to less prostitution and less trafficking - reducing the number of women exposed to the harmful abuse, objectification, commodification and gender based violence that the women in the industry face - and therefore the community as a whole has more of a chance to achieving gender equality outcomes for all women and girls.

This logic is supported by a comprehensive study of 150 countries, conducted by economists in the UK and Germany - with the conclusion that 'the scale effect of legalised prostitution leads to an expansion of the prostitution market, increasing human trafficking'.⁷⁸

The current legalised and decriminalised models of prostitution do virtually nothing to protect women in prostitution from very high odds of physical and sexual violence as well as psychological trauma.

In one of her research projects, Melissa Farley displays the harsh reality that the rate of trauma are similar across legalised, decriminalised and criminalised systems of prostitution.⁷⁹

Under the Nordic Model in Norway, women in prostitution reported a dramatic decline in severe forms of violence, including punching and rape.⁸⁰ Further, Professor Megan Tyler reminds us that there are several survivor-led organisations across the globe that advocate for the Nordic Model.⁸¹

⁷⁸ Seo Yong Cho, Alex Dreher and Eric Neumeier *Does Prostitution Increase Human Trafficking?* World Development V41(1), 2013, P67-82. website needed

⁷⁹ Melissa Farley, *Prostitution, Trafficking and Traumatic Stress*, Harworth Press, New York, 2003.

⁸⁰ Samantha Berg, New Research shows violence decrease under the Nordic Model: Why the radio silence? *Feminist Current*, 22 January 2013, Available at: website needed

⁸¹ Caroline Norma and Melinda Tankard Reist (Eds) *Prostitution Narratives - stories of survival in the sex trade*, Spinifex Press, 2016, P 217.

I submit that there are a number of significant gaps and challenges in fulfilling the State's obligations to eliminate violence against women under NSW's current model of the legislation of prostitution, which leads to a demand for not only women in the sex industry who are subject to gender based violence on a regular basis, but that this legalised model of prostitution encourages the trafficking of vulnerable persons in our region to meet the demand of sexually entitled men.

Any legislative policy establishing a social standard must, at the outset, acknowledge that when a woman is bought, she is vulnerable to abuse, exploitation, cruel, harmful and degrading treatment. This is incompatible with her inalienable rights as a person with full dignity and value, deserving of respect.

Prostitution legislation and anti trafficking legislation must include strategies for prevention, protection, and prosecution.

The good practice example aimed at promoting gender equality and eliminating violence against women in prostitution is found in addressing the demand for women and girls to be bought and sold - by the implementation of a Nordic-like legislative and social policy approach that:

1. criminalises the purchase of women and girls;
2. provides an exit program for those who wish to exit the industry;
3. provides education and training for all law enforcement, civil society and front-line stakeholders; and
4. promotes a cultural shift in society at large that no longer accepts the buying of persons through education campaigns.

This is a priority issue that needs the attention of the NSW Government in relation to curbing the demand of trafficked persons in Australia, and addressing the prevalence of gender based violence - across not only prostitution and related industries, but addressing the heart of male sexual entitlement behaviour.

By addressing the demand men have for buying sex from women, we are addressing the violent sexual entitlement that we see in men perpetrators of rape, sexual abuse and assault, stalking, wife rape, and at an extreme - rape used as a weapon of war.

The reality of prostitution is: it is mainly men buying women in an industry fuelled by demand.

It is only when men are held accountable for their abuse of women in the sex trade that we will see meaningful progress.

It is incompatible for Australian society to state that we stand against gender based violence in domestic violence, and sexual violence against women in the community - but at the same time legalise an industry where gender based violence and sexual violence is promoted, encouraged and enabled. New South Wales is currently out of step with international norms and well as international policy developments in prostitution law reform. A truly progressive society encourages the equality and dignity of all women, not the purchase of women through prostitution.

I want to see Australia targeting predators and pimps more actively, upholding a human rights approach to the eradication of exploitation, and helping vulnerable individuals escape and exit prostitution, while upholding the dignity of all women and children - by addressing these social norms of gender based violence.

FIGHTING FOR JUSTICE FOUNDATION'S CONTRIBUTIONS:

In believing that our world should - and CAN be free from gender-based violence through gender empowerment and respect, and in believing in FREEDOM from all forms of exploitation, gender based violence and discrimination, **Fighting for Justice Foundation** seeks to provide avenues of FREEDOM support for survivors, facilitate social awareness and challenge existing social norms, through working collaboratively with existing services to provide advocacy and lobbying, education and legal training and human rights outreach.

Fighting for Justice Foundation is equipped to provide State-wide and nation- wide legal human rights and anti-trafficking legal preventative education and training in schools, for professionals and front-line staff.

With monetary assistance from the NSW and Australian governments, **Fighting for Justice Foundation** can provide a rehabilitation diversionary education program based in cognitive therapy practices for men who purchase women, and have gender based violence tendencies - and no longer wish to - in a bid to address male sexual entitlement behaviour.

Fighting for Justice Foundation is working towards establishing a Women's and Children's Advocacy Centre - providing holistic, multi-disciplinary, therapeutic jurisprudential services to all victims of gender based violence, including women seeking to exit prostitution.

Thank you for your consideration of the above matters.

With respect,



Andrea Tokaji

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