



Submission No 42

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

Organisation: Australian Christian Lobby



**Submission to the
Joint Standing Committee on Foreign Affairs, Defence and Trade
Human Rights Sub-Committee
Inquiry into Slavery, Slavery like conditions and People Trafficking**

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Executive Summary

The Australian Christian Lobby welcomes this opportunity to make a submission to the Joint Standing Committee about slavery in Australia.

ACL supports the introduction of slavery, slavery-like conditions, and people trafficking into federal criminal legislation. In modern Australia it is easy to regard slavery as a historic problem and ignore its existence today. Any steps that can be taken to addressing this crime are to be welcomed.

While the terms of reference are broad and address all forms of slavery, people trafficking, prosecuting offenders and supporting and protecting victims, this submission will have a more narrow focus. For a number of years ACL advocated for reform in human trafficking and prostitution laws throughout Australia. ACL believes that prostitution should be seen as a form of exploitation and abuse of women, and as a driver of both people trafficking and slavery-like conditions. There is an undeniable connection between legalised prostitution and human trafficking.

ACL argues that the best approach to prostitution is the “Swedish approach” or “Nordic approach”, which criminalises the purchase of sex, recognising that prostituted women are the victims of violence. This approach has been effective in reducing prostitution within Sweden, and people trafficking into Sweden.

ACL acknowledges that the breadth of this inquiry extends beyond the exploitation of women through sex slavery, but this is an important aspect which is of great concern to ACL and in which ACL has gained some expertise. Thus this submission will focus on prostitution and the resulting exploitation and oppression of women through sex slavery and trafficking.

This submission first discusses the driving force behind prostitution and then discusses the successful Nordic approach to prostitution laws. It then addresses the problem of sex trafficking and sex slavery in Australia, and draws the link between this and legalised prostitution. ACL’s recommendations are listed after the conclusion.

Introduction

There is an undeniable connection between people trafficking and legalised prostitution. In addressing the broader issues of slavery, slavery like conditions, and people trafficking, consideration must be given to prostitution and sex trafficking.

Prostitution is an exploitative and oppressive industry which exists primarily to provide sexual pleasure on demand for men. Legalised prostitution drives demand up, and in doing so increases the demand for trafficked women and women working in sexual slavery. Prostituted women also face great risks to their physical and mental health, and frequently come from backgrounds of abuse and financial difficulty.

In the last eighteen months, ACL has made submissions to the ACT,¹ WA,² Tasmanian,³ and NSW⁴ Governments supporting the Nordic approach, and in August this year ACL made a submission to the

¹ Australian Christian Lobby (April 2011), *Submission to the Standing Committee on Justice and Community Safety Inquiry into the Operation of the Prostitution Act 1992*, <http://australianchristianlobby.org.au/wp-content/uploads/110331-ACL-ACT-prostitution-submission.pdf>.

² Australian Christian Lobby (16 February 2011), *Re: Proposed Prostitution Reforms*, <http://www.acl.org.au/wp-content/uploads/2012/04/110216-ACL-WA-prostitution-submission.pdf>.

³ Australian Christian Lobby (March 2012), *Submission to the Department of Justice – Regulation of Sex Industry in Tasmania Discussion Paper*, <http://www.acl.org.au/wp-content/uploads/2012/05/120322-ACL-Submission-to-the-Regulation-of-the-Sex-Industry-in-Tasmania-Discussion-Paper.pdf>.

⁴ Australian Christian Lobby (October 2012), *Submission to the Department of Premier and Cabinet Better Regulation Office – Better Regulation of Brothels in NSW*, <http://www.acl.org.au/wp-content/uploads/2012/10/20121012-ACL-Submission-to-the-Better-Regulation-Office.pdf>.

NSW Community Relations Commission's *Inquiry into the Exploitation of Women through Trafficking*.⁵

Demand drives prostitution

Prostitution is driven by demand for prostitution. Legal acceptance through legalisation or decriminalisation of prostitution sends a message to society that men have a right to sex on demand. Without strong demand from men who expect to be able to purchase women for sex, there would be no prostitution industry.

At its core, prostitution is a form of abuse and violence against, and exploitation of, women. The male demand for sexual services is the driving force behind prostitution, not the women who are being prostituted.

The United Nations' *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (UN Protocol) requires States Parties to:

adopt or strengthen legislative or other measures, such as educational, social or cultural measures... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking".⁶

Prostitution is the most obvious "form of exploitation of persons, especially women and children, that leads to trafficking".

Liberalising prostitution laws sends the message that demanding paid sexual services from women is acceptable in contemporary society. If prostitution is no longer condemned by the law and is legally acceptable, for many men this means it is also socially and culturally acceptable, and demand increases. In turn, illegal prostitution will increase to meet the demand that the legal supply cannot meet, and the potential for human trafficking increases.

Despite arguments that making prostitution illegal pushes it underground, the fact is that legalising prostitution leads to an expansion of the underground industry as well as the legal industry. This is evidenced in Queensland's experience since its *Prostitution Act 1999*. Cutting the demand for prostitution is the most effective way of tackling the problems of illegal prostitution and sex trafficking, and the best way of cutting demand is to discourage it by criminalising the purchase of sex.

The German study

A 2012 study from the University of Goettingen, Germany,⁷ analysed data from about 150 countries from an economic theory perspective. The researchers also conducted three case studies, looking at the situation in Sweden, Denmark, and Germany, each with different prostitution regimes. In the context of supply and demand, the study states:

*some clients will be deterred from consuming commercial sex services if prostitution is illegal and they expect that there is a reasonable probability of being prosecuted, as this raises the costs of engaging in such activities. Legalizing prostitution will therefore almost invariably increase demand for prostitution.*⁸

⁵ Australian Christian Lobby (August 2012), *Submission to the Community Relations Commission – Inquiry into the Exploitation of Women through Trafficking*, <http://www.acl.org.au/wp-content/uploads/2012/10/120807-ACL-Submission-to-the-Inquiry-into-the-Exploitation-of-Women-through-Trafficking.pdf>.

⁶ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Article 9.5.

⁷ Seo-Young Cho, Axel Dreher, Eric Neumayer (January 2012), *Does Legalized Prostitution Increase Human Trafficking?*, Courant Research Centre, University of Goettingen, Germany.

⁸ Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, p 6. Emphasis added.

Supply will also increase if prostitution is legalised as some “potential sex workers”, that is, those women who would enter the market but are deterred by the law, will be induced to enter the market.⁹ This study is discussed further below.

The Nordic approach to prostitution

Sweden has come closest to meeting the requirement in the UN Protocol to discourage demand for prostitution. In 1999, Sweden passed the *Act Prohibiting the Purchase of Sexual Services*. Sweden recognised prostitution as a “serious form of male violence against women and children” and, in keeping with the country’s commitment to gender equality, sought ways to protect women from prostitution by focusing on the core cause, that is, the demand for paid sex.¹⁰ The women’s movement played a pivotal role in the introduction of the laws,¹¹ highlighting the fact that prostitution is at its core an issue of respect for women and concern for equality.

Under the Swedish law, prostituted women are not criminally liable; it is the purchaser of sex who is committing the crime. It covers all forms of sexual services purchased in any circumstances.¹²

The new law has been remarkably effective. Sweden’s National Board of Health and Welfare has reported significant decreases in the number of women in street prostitution and the number of men buying sex.¹³ Stockholm, with a population of 1.3 million, has about 200 people in street prostitution. By comparison, prostitution hot-spot Amsterdam (population 750,000) has tens of thousands of prostitutes.¹⁴ Although the law was initially met with criticism by police and judicial authorities, they are now supportive of the legislation.¹⁵

As discussed further below, the Swedish laws have had great effect in decreasing human trafficking into Sweden.

One concern with the Swedish approach of prostitution, one raised by the European Parliament,¹⁶ is that while it may decrease the amount of trafficking into the jurisdiction, it simply creates displacement and trafficking increases in neighbouring areas. However, insofar as a country or a state or territory has control over its own laws, it can and should deal with issues as serious as human trafficking to whatever extent it can.

The Swedish laws have been successful in decreasing the demand in Sweden for the purchase of sex by men, and it is unlikely that all of that demand has spilled over borders. Indeed, rather than simply “transferring” the problem, the laws have started to have an influence in the region, with both Iceland¹⁷ and Sweden’s neighbour Norway¹⁸ now implementing the same approach. Norway’s prohibition on the purchase of sex goes further to include prohibiting Norwegian citizens from purchasing sex abroad as well as at home.¹⁹

⁹ Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, p 6.

¹⁰ Gunilla Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, pp 2-3, <http://www.acl.org.au/wp-content/uploads/Gunilla-Ekberg-on-the-Swedish-model.pdf>.

¹¹ Kajsa Claude (2010), *Targeting the Sex Buyer: The Swedish Example: Stopping Prostitution and Trafficking Where it All Begins*, pp 36-37.

¹² Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, p. 4

¹³ Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, p. 5

¹⁴ Claude (2010), *Targeting the Sex Buyer*, pp. 13-14.

¹⁵ Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, p. 5

¹⁶ European Parliament (2005), *Study on National Legislation on Prostitution and the Trafficking in Women and Children*, p. 133, [http://ec.europa.eu/anti-trafficking/download.action;jsessionid=h932NJLT8bGTNJKlpWq3vpfs2vJD1ZsvZmtkJdhKNPD5Sw4txpVI-](http://ec.europa.eu/anti-trafficking/download.action;jsessionid=h932NJLT8bGTNJKlpWq3vpfs2vJD1ZsvZmtkJdhKNPD5Sw4txpVI-285985297?nodeId=94d50494-83a2-4787-8f70-7e55ae564ba2&fileName=Study+on+National+Legislation+and+Prostitution_en.pdf&fileType=pdf)

[285985297?nodeId=94d50494-83a2-4787-8f70-7e55ae564ba2&fileName=Study+on+National+Legislation+and+Prostitution_en.pdf&fileType=pdf](http://ec.europa.eu/anti-trafficking/download.action;jsessionid=h932NJLT8bGTNJKlpWq3vpfs2vJD1ZsvZmtkJdhKNPD5Sw4txpVI-285985297?nodeId=94d50494-83a2-4787-8f70-7e55ae564ba2&fileName=Study+on+National+Legislation+and+Prostitution_en.pdf&fileType=pdf)

¹⁷ Erla Sigurðardóttir (June 3, 2009), ‘Buying sex now punishable in Iceland’, *Nordic Gender Institute*, http://www.nikk.no/English/Subjects/Prostitution/News/?module=Articles;action=Article_publicShow;ID=920.

¹⁸ BBC (January 1, 2009), ‘New Norway law bans buying of sex’, *BBC*, <http://news.bbc.co.uk/2/hi/europe/7806760.stm>.

¹⁹ BBC (January 1, 2000), ‘New Norway law bans buying of sex’, *BBC*.

South Korea has also been trying to prevent prostitution and punish purchasers since 2004. The *Act on the Punishment of Procuring Prostitution and Associated Acts*²⁰ prohibits the purchase of sex and also requires the government to “take legal and institution measures and raise necessary funds regarding education and promotion of public awareness on the prevention and elimination of prostitution, procuring prostitution and associated acts”.²¹ The *Act on the Prevention of Prostitution and Protection of Victims Thereof*²² requires states to “provide legal and institutional devices and take necessary administrative and financial measures . . . to prevent prostitution and support the protection and self-reliance of the victims of prostitution and those who sell sex”.²³

Similar approaches are also being considered in France²⁴ and Israel,²⁵ and the US states of Illinois²⁶ and Massachusetts²⁷ are both experimenting with laws that target the demand side of prostitution.

Sex trafficking in Australia

Australia is considered a destination for sex trafficking by the US Department of State, which noted in 2010 that women from Southeast Asia, China, and South Korea may come to Australia voluntarily to work in both legal and illegal brothels, but “under conditions that amounted to debt bondage or sexual servitude.”²⁸ The Department of State’s 2012 *Trafficking in Persons Report* made the following comment:

*Some women from Thailand, Malaysia, South Korea, China, and, to a lesser extent, India, Vietnam, Eastern Europe, and Africa migrate to Australia voluntarily intending to work legally or illegally in a number of sectors, including the sex trade. Subsequent to their arrival, however, some of these women are coerced into prostitution in both legal and illegal brothels. There were news reports that some Asian organized crime groups recruit Asian women to migrate to Australia, sometimes on student visas, and then subsequently coerce them into the sex trade. The women and girls are sometimes held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, and obliged to pay off unexpected or inflated debts to their traffickers.*²⁹

Citing a UN Save the Children report, the UK Home Office said in 2004 that:

²⁰ *Act on the Punishment of Procuring Prostitution and Associated Acts* (2004) (South Korea), http://www.stop.or.kr/english/htm/08eng_03_01_01.asp

²¹ *Act on the Punishment of Procuring Prostitution and Associated Acts* (2004) (South Korea), Article 3

²² *Act on the Prevention of Prostitution and Protection of Victims Thereof* (2004) (South Korea),

²³ *Act on the Prevention of Prostitution and Protection of Victims Thereof* (2004) (South Korea), Article 3

²⁴ Meredith Griffiths (December 7, 2011), *ABC News*, “French politicians say non merci to prostitution”, <http://www.abc.net.au/news/2011-12-07/french-see-to-outlaw-prostitution/3718260>

²⁵ Ruth Eglash (February 2, 2012), *Jerusalem Post*, “Gov’t backs jail time for soliciting prostitution”, <http://www.jpost.com/NationalNews/Article.aspx?id=257511>.

²⁶ Rachel Durchslag (February 29, 2012), *Huffington Post*, “Changing the Conversation About Prostitution and Sex Trafficking”, http://www.huffingtonpost.com/rachel-durchslag/sex-trafficking-chicago_b_1311776.html.

²⁷ Ed Davis and Swanee Hunt (February 22, 2012), *Boston Globe*, “Want to buy sex in Massachusetts? Think again”, http://articles.boston.com/2012-02-22/opinion/31081994_1_human-trafficking-anti-trafficking-pimps.

²⁸ US Department of State (2009), *2009 Human Rights Reports: Australia*, <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135985.htm>.

²⁹ US Department of State (June 2012), *Trafficking in Persons Report*, <http://www.state.gov/documents/organization/192594.pdf>, p 73.

*Victoria and New South Wales were the two worst states for the abuse of children through prostitution. The trafficking of East Asian women for the purpose of prostitution was also found to be a growing problem.*³⁰

More recently, the University of Goettingen study ranked Australia as a high volume destination country for trafficking.³¹ The study found a link between sex trafficking and legalised prostitution, as discussed below.

Trafficking of women from Southeast Asia is of particular concern. Recently, the Seoul Metropolitan Police Agency arrested 18 Korean pimps who were involved in trafficking women into Australia to work as prostitutes.³²

Last year, *The Sydney Morning Herald* and *The Age* reported that several legal brothels located in Sydney and Melbourne were linked to an international human trafficking and sex slavery ring. At least two brothels in Sydney were associated with the ring, including one which specialises in Korean prostitutes which was “closely linked to the Comanchero outlaw motorcycle club and senior Asian organised crime figures”.³³

The authors reported that there have been 308 federal investigations of trafficking allegations, with 181 victims identified, including 147 women forced into sex slavery.³⁴ According to the authors, victims are forced into unsafe sex, work up to seven days a week, and have no knowledge of the money they earn for their pimps or how much of their “debt” has been paid off.³⁵

In February this year, a Chinese-Cambodian man was charged with human trafficking offences when three young Thai women claimed they had been lured to Australia from Thailand on the promise of student visas. The women, believed to be under the age of eighteen, were then held as sex slaves in a Sydney brothel.³⁶

The reports indicate that victims of trafficking into Australia are mainly from Southeast Asia, and as the stories cited above show, the known victims and criminals usually have ties to that region. The reports also demonstrate that many prostituted women in Australia, even those in legal brothels, are suffering in some sort of debt bondage or sex slavery.

Studies of the demographics of brothels increase these concerns. In 2010 a team led by Basil Donovan from the National Centre in HIV Epidemiology and Clinical Research at the University of New South Wales produced a report into the sex industry in Western Australia, conducting a survey of prostituted women in Western Australia and some other states. According to the report, only

³⁰ Home Office (2004), *Paying the Price: a consultation paper on prostitution*, Home Office Communication Directorate, http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/16_07_04_paying.pdf, p 85.

³¹ Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, Appendix B, p 30, citing the United Nations Office On Drugs and Crime.

³² Kim Young-won (June 29, 2012), ‘Korean pimps caught trafficking in Australia’, *The Korea Herald*, <http://view.koreaherald.com/kh/view.php?ud=20120629000874>.

³³ Nick McKenzie, Maris Beck, Tom Reilly, and Anne Davies (October 10, 2011), ‘Legal brothels linked to international sex trafficking rings’, *The Sydney Morning Herald*, <http://www.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfxs.html>.

³⁴ McKenzie et al, (October 10, 2011), ‘Legal brothels linked to international sex trafficking rings’, *The Sydney Morning Herald*.

³⁵ McKenzie et al, (October 10, 2011), ‘Legal brothels linked to international sex trafficking rings’, *The Sydney Morning Herald*.

³⁶ Rachel Olding (February 3, 2012), ‘Tip-off leads to trio of young Thai women who were ‘held as sex slaves’’, *The Age*, <http://www.theage.com.au/national/tipoff-leads-to-trio-of-young-thai-women-who-were-held-as-sex-slaves-20120202-1qvnu.html>.

50.9% of the women surveyed in Western Australia were born in Australia, while 28.6% were born in Asian or other non-English speaking countries, and – of particular concern – almost one in five reported only “fair” or “poor” English skills.³⁷

In New South Wales, different sources suggest that over half of women in brothels were born in Asia. Donovan (2010) found 53% of prostituted women in brothels were Asian-born, while a CSIRO publication found that over 54% of Western Sydney prostitutes were born overseas.³⁸

These figures are substantially higher than for the general population,³⁹ with only 26 per cent of Australians in 2008 born in any overseas country, mostly UK or New Zealand. The discrepancy should at least raise concerns that this is due to the known sex trafficking problem connected to Asia.

Compared to Sydney, Donovan (2010) found less than a quarter of prostituted women in Perth brothels were Asian-born, similar figure to Melbourne, further highlighting the disproportionate number of Asian-born women in Sydney.

The connection between legal prostitution and human trafficking

Sex trafficking remains a problem in Australia despite legal prostitution in several jurisdictions. Decriminalising prostitution not only fails to combat sex trafficking but actually increases it. As the Queensland Crime and Misconduct Commission has said, “sex trafficking appears to be one of the unfortunate consequences of an industry driven by excessive demand for services with insufficient safeguards to protect vulnerable people”.⁴⁰

Co-Executive Director of the Coalition Against Trafficking in Women Gunilla Ekberg argues that prostitution and human trafficking are inseparable and are intrinsically linked.⁴¹ This is evidenced by the decrease in trafficking since Sweden introduced its groundbreaking prostitution laws, which have led to a “concrete decrease in the number of victims” of human trafficking. The European Parliament has found that because “traffickers have had problems finding enough sex buyers in Sweden, the demand has been much lower than expected.”⁴² The demand for prostitution has decreased in Sweden to such an extent that human traffickers now consider Sweden a poor market.

The Swedish Ministry of Justice says that:

Studies of wiretaps in cases of procurement and human trafficking also indicate that the demand in Sweden is not as great as the procurers and human traffickers would like. According to the Swedish Police, it is obvious that the ban against the purchase of sexual

³⁷ Donovan, B. et al, (2010), *The Sex Industry in Western Australia: A Report to the Western Australian Government*, National Centre in HIV Epidemiology and Clinical Research, University of New South Wales, [http://www.nchechr.unsw.edu.au/nchechrweb.nsf/resources/SHPReport/\\$file/WASexReport.pdf](http://www.nchechr.unsw.edu.au/nchechrweb.nsf/resources/SHPReport/$file/WASexReport.pdf), pp 11-12.

³⁸ Kakar et al, (2010) *A retrospective case note review of sex worker attendees at sexual health clinics in the western suburbs of Sydney*, CSIRO Publishing, p 4.

³⁹ Australian Bureau of Statistics (2010), *1301.0 - Year Book Australia*, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/92C0101965E7DC14CA25773700169C63>.

⁴⁰ Crime and Misconduct Commission (2004), *Regulating Prostitution: An Evaluation of the Prostitution Act 1999 (QLD)*, <http://www.cmc.qld.gov.au/research-and-publications/publications/crime/regulating-prostitution-an-evaluation-of-the-prostitution-act-1999-qld>, p 27.

⁴¹ Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, p. 3.

⁴² European Parliament (2005), *Study on National Legislation on Prostitution and the Trafficking in Women and Children*, p. 133.

*services works as a barrier for human traffickers and procurers to establish themselves in Sweden.*⁴³

Similarly, Max Waltman, from the Department of Political Science at Stockholm University, concludes that the Swedish approach has, in Sweden, “had a [significant] impact on the demand for prostitution, as well as on the size of the population of prostituted persons”.⁴⁴ There is now a “palpable reluctance among traffickers to pimp prostituted persons in Sweden” since the law was introduced.⁴⁵

The National Rapporteur on Trafficking in Human Beings has estimated that around 400-600 women are trafficked into Sweden annually, a considerably smaller number than in surrounding countries, and the law has had “direct and positive effects on the trafficking of human beings for sexual purposes to Sweden and that Sweden is no longer an attractive market for traffickers”.⁴⁶

These claims are supported by the University of Goettingen study. The study, which analysed data from 150 countries, concluded that “countries with legalized prostitution have a statistically significantly larger incidence of human trafficking inflows”.⁴⁷ When prostitution is legalised, even with some reduction in demand for trafficked women *compared to* legal prostitutes, the expansion of the prostitution market leads to an increase in human trafficking overall.⁴⁸

In order to allow for the limitations of the cross-sectional study, the University of Goettingen study examined three case studies – Germany, Denmark, and Sweden, each with different prostitution regimes.

Denmark, which allows sole prostitution but prohibits brothels, has about four times the number of prostitutes overall, and four times the number of trafficking victims as Sweden. This is despite the fact that Sweden has a 40% larger population. Germany, in which prostitution is regulated as though it were a normal occupation, has about 150,000 prostitutes, or 60 times the number in Sweden, and about 33,000 sex trafficking victims, again about 60 times the number in Sweden. Germany’s population is about ten times Sweden’s.⁴⁹

When looking at the annual estimates of sex trafficking victims in Germany from 1996 to 2004, the number of victims decreased until 2001 when it hit a minimum, and increased after legalisation of prostitution in 2002. The authors state that this trend is “consistent with our result from the quantitative analysis indicating that the legalization of prostitution leads to an increase in inward trafficking”.⁵⁰

The United Nations’ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, to which Australia is a signatory, requires States Parties to:

⁴³ Ministry of Justice (2010), *Selected extracts of the Swedish government report SOU 2010:49: The Ban against the Purchase of Sexual Services. An evaluation 1999-2008*, p. 29.

⁴⁴ Max Waltman (2011), ‘Sweden’s prohibition of purchase of sex: The law’s reasons, impact, and potential’, *Women’s Studies International Forum* 34 (2011) 449-474, p 468.

⁴⁵ Waltman (2011), ‘Sweden’s prohibition of purchase of sex’, p 468.

⁴⁶ Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, p. 5

⁴⁷ Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, p 1.

⁴⁸ Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, p 17.

⁴⁹ Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, p 19.

⁵⁰ Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, p 20.

*take or strengthen measures . . . to alleviate the factors that make persons, especially women and children, vulnerable to trafficking.*⁵¹

This refers to factors such as “poverty, underdevelopment and lack of equal opportunity”.⁵² Collateral factors which contribute to making women and children vulnerable to trafficking include the inherent inequality of prostitution, an industry dominated by female supply and male demand, as well as other factors such as greater susceptibility among women and children to abuse, intimidation, coercion, and so on. Poverty is often a contributing factor to a woman’s “choice” to work as a prostitute and increases her vulnerability to debt bondage and trafficking.

As noted above, the United Nations also urges States Parties to take measures to discourage the demand that fosters exploitation which may in turn lead to trafficking.⁵³ An inquiry into slavery and people trafficking must consider the issue of trafficking into the sex industry. Discouraging exploitation which may lead to trafficking necessarily includes discouraging the demand for prostitution. This inquiry presents an opportunity to consider the role that legalised prostitution plays in fostering demand for trafficked women, and to consider seriously the Nordic approach to prostitution which is so effective in reducing people trafficking.

The failure of legalised prostitution

Legalising prostitution has failed to address any of these concerns. In its previous submissions, ACL has also presented evidence showing that illegal prostitution increases in jurisdictions where prostitution is legal. Queensland’s Crime and Misconduct Commission has noted that, rather than minimising harm and controlling criminal involvement and the industry’s expansion, the effect of legalising prostitution “has frequently been the reverse”.⁵⁴ Both the UK Home Office⁵⁵ and the CMC⁵⁶ say that the industry has grown in Victoria since legalisation “with the illegal sector outstripping the legal sector”.⁵⁷

In addition to illegal prostitution, the inherent risks associated with prostitution cannot be eliminated by legalising it. ACL’s previous submissions have demonstrated that prostitution presents a wide range of risks which, in any legitimate industry, would not be tolerated. Health and safety concerns including STIs, violence on the job, high rates of mental health problems, and drug use are common. Prostituted women are frequently from backgrounds of child abuse,⁵⁸ and a large number began working as prostitutes under the age of eighteen.⁵⁹ Indeed, underage prostitution is a widespread problem, with cases of young girls being prostituted in New South Wales⁶⁰ and the ACT,⁶¹ and the shocking case of a 12-year old girl being prostituted to over 100 men in Glenorchy, Tasmania.⁶²

⁵¹ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Article 9.4.

⁵² United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Article 9.4.

⁵³ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Article 9.5

⁵⁴ Crime and Misconduct Commission (2004), *Regulating Prostitution*, p 30. Emphasis added.

⁵⁵ Home Office (2004), *Paying the Price*, p 85.

⁵⁶ Crime and Misconduct Commission (2004), *Regulating Prostitution*, p 30.

⁵⁷ Home Office (2004), *Paying the Price*, p 85.

⁵⁸ Waltman (2011), ‘Sweden’s prohibition of purchase of sex’, p 451.

⁵⁹ Waltman (2011), ‘Sweden’s prohibition of purchase of sex’, p 451.

⁶⁰ AAP (2010, October 19), ‘Mother jailed for prostituting daughter’, *The Sydney Morning Herald*, <http://www.smh.com.au/nsw/mother-jailed-for-prostituting-daughter-20101019-16s8q.html>

Conclusion and Recommendations

Slavery, slavery-like conditions, and people trafficking cannot be adequately considered without considering the exploitation and oppression of women through prostitution. Prostituted women face unacceptable risks to their physical and mental health. Many operate in the “slavery-like conditions” of sexual slavery and debt bondage. Many were trafficked. The existence of legal prostitution heightens demand for prostituted women and fosters an environment in which illegal prostitution and sex trafficking will flourish.

Sweden has had success in reducing people trafficking, as well as illegal prostitution, by implementing the Nordic approach of criminalising the purchase of sex. Other countries have begun to adopt this approach. ACL urges the Joint Select Committee to recognise that implementing the Nordic approach is the best way to address the issues of sex slavery and people trafficking associated with prostitution.

ACL makes the following recommendations:

- That the Joint Select Committee give due consideration to sex trafficking, sex slavery, and debt bondage as part of the inquiry into slavery, slavery-like conditions and people trafficking.
- That the Joint Select Committee acknowledge the role that legalised prostitution plays in increasing sex trafficking and illegal prostitution.
- That the Joint Select Committee recommend an inquiry into the Nordic approach to prostitution as part of Australia’s efforts to address people trafficking, slavery, and slavery-like conditions.

Thank you for considering this submission.

Yours faithfully

Nick Overton
Chief Strategy Officer
Australian Christian Lobby

⁶¹Towell, N. &Violante, V. (2008, November 1) ‘Death of innocence: Janin 17, lost to the night’, *The Canberra Times*, <http://www.canberratimes.com.au/news/local/news/general/death-of-innocence-janin-17-lost-to-the-night/1349314.aspx>

⁶²Sally Glaetzer (March 23, 2010), *The Mercury*, “Tasmanian man prostituted 12-year-old and shared proceeds with mother”, <http://www.heraldsun.com.au/news/tasmanian-man-prostituted-12-year-old-and-shared-proceeds-with-mother/story-e6frf7jo-1225844141520>.