



Mr Peter Hallahan
Committee Secretary
Standing Committee Legal and Constitutional Affairs
Parliament House
Canberra

Inquiry into the effectiveness of the Commonwealth *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality

Dear Mr Hallahan,

We thank you for your invitation to make a submission to this Inquiry. Unfortunately we have not been able to do so in the necessary time.

However, we have just made a submission to the National Council to Reduce Violence Against Women and Children. I am forwarding this submission, in lieu of a separate submission to the Senate Inquiry, because it provides an evidence-based discussion of a number of issues relevant to your Inquiry, especially the formation of attitudes and the conditioning of men to treat women in ways that contribute to discrimination and sex inequality.

It is our view that the Sex Discrimination Act needs to be made more effective to address the unequal treatment, harassment and violence which arise from the normalisation of sex industry practices, including pornography and prostitution, along with the mainstream objectification of women and sexualisation of girls in the media and popular culture.

We wish the Committee all the best in its efforts and look forward to seeing the final report.

Yours sincerely,

Melinda Tankard Reist
Director
Women's Forum Australia
15 August 2008

Submission to The National Council to Reduce Violence against Women and Children

Introduction

Women's Forum Australia (WFA) commends the Federal Government for taking the initiative in May 2008 to appoint a National Council to draft a National Plan to Reduce Violence against Women and Children. Women's Forum Australia is a relatively new organisation, and the need to address an issue that causes so much physical and psychological pain and trauma is high on our list of concerns.

The impact of violence on Australian women is summarised in *Women's health: the new national agenda* Position Paper (2008).¹ The Paper argues that violence – which includes battering, sexual assault, and emotional, psychological and financial abuse – is a 'debilitating and costly problem in all communities'.²

For example, a 2004 Australian Institute of Criminology survey on violence against women found that one in ten Australian women had experienced physical and/or sexual harm during the previous 12 months.³ A VicHealth study found that domestic violence is the leading contributor to death, disability and illness in Victorian women under the age of 45 years.⁴ It is responsible for more of the disease burden on women than many commonly accepted preventable risk factors such as high blood pressure, smoking and obesity.⁵ Aboriginal and Torres Strait Islander women are around three times more likely to experience physical violence or sexual assault than non-Indigenous women.⁶

¹ Australian Women's Health Network, *Women's health: the new national agenda*, Position paper, March 2008.

² *ibid.*, 11.

³ J. Mouzos and T. Makkai, *Women's experience of male violence: findings from the Australian component of the International Violence Against Women Survey*, AIC Research and Public Policy Series, 56 (Canberra: Australian Institute of Criminology, 2004), cited in *ibid.*, 11.

⁴ VicHealth, *The health costs of violence: measuring the burden of disease caused by intimate partner violence: A summary of findings* (Carlton South: Victorian Health Promotion Foundation, 2004), cited in *ibid.*, 11.

⁵ *ibid.*, 21.

⁶ Mouzos and Makkai, *Women's experience of male violence*, cited in Australian Women's Health Network, *Women's health: the new national agenda*, 11.

It has been estimated that only 18 per cent of sexual assaults and 33 per cent of physical violence incidents are reported.⁷ Based on 2002–03 figures, VicHealth estimates that domestic violence costs the Australian economy \$8 billion each year.⁸

WFA endorses the Australian Women's Health Network paper's conclusion presented in section 7.3, 'Preventing violence against women', especially its call for more coordinated government efforts, additional resources and greater community commitment to addressing the problem:

... what is now needed is an integrated prevention and crisis response program, comprehensively funded to adequately address the unacceptably high levels of violence against women occurring throughout all communities. There is little hope that future generations of women will experience any better outcome when it comes to physical, sexual, financial and emotional abuse when resources are not routinely allocated at the local community level to undertake comprehensive prevention and education strategies. Currently the existing women's refuge crisis service remains overwhelmed with demand. In addition, there is very limited access to services for women without children, Aboriginal women, women with disability, older women, women in rural and remote communities, and women facing violence in same-sex relationships.⁹

We are confident that government bodies and NGOs working at the grassroots level with victims of violence will make valuable and multi-faceted contributions toward better understanding and addressing the scourge of violence against women. We will limit our submission to an examination of the attitudes which make violence against women permissible – attitudes that reduce the value, dignity and worth of women and which should be the starting point in any program designed to ameliorate violence against women.

These attitudes are both endorsed and fed by forms of violence including pornography and prostitution. We commend the inclusion of pornography and sex trafficking in a list of forms of violence in the Australian Women's Health Network position paper:

Other forms of violence such as sexual assault, carer abuse, elder abuse, pornography, and trafficking of women for sex are also preventable with adequate commitment and resources.¹⁰

We would also add to this list: the objectification of women and sexualisation of girls more broadly, including in popular culture, which condition men to treat women as commodities for their sexual pleasure, rather than with respect for their dignity and worth.

⁷ Australian Bureau of Statistics, *Personal safety survey, Australia 2005 (Reissue)*, (Canberra: ABS, 2005) cited in Australian Women's Health Network, *Women's health: the new national agenda*, 11.

⁸ VicHealth, *The health costs of violence*, cited in Australian Women's Health Network, *Women's health: the new national agenda*, 11.

⁹ Australian Women's Health Network, *Women's health: the new national agenda*, 22.

¹⁰ *ibid.*, 21.

Our view is supported by a wide array of evidence (and argument based on that evidence) that is drawn from a study of reports by experts in relevant fields. Some of these reports are cited in this submission.

Our informed opinion is that the activities of the sex industry, which have become normalised and entrenched in society, along with other forms of objectification of women and girls, are major contributors to shaping the attitudes of men and boys, distorting their views of women and girls, contributing to calloused attitudes, harassment and violence. Equally as damagingly, the sex industry contributes to shaping the attitudes of girls and women, leading some women to accept harassment and violence as part of their inevitable lot in life, rather than as something that is wrong and that can be changed.

The IBIS World business forecaster estimates global sex industry profits at \$1.22 billion in the years 2008-09.¹¹ However it is wrong to profit at the expense of the health and welfare of women in Australia – or anywhere else for that matter.

1. Prostitution and sex trafficking

There is a growing literature that provides evidence that the experience of sexual and physical violence is a normal part of prostitution and trafficking.¹² Indeed, many scholars now describe prostitution itself as a form of violence against women.¹³ As Melissa Farley writes:

If you're a woman or girl, global forces that *choose you* for prostitution are sex discrimination, race discrimination, poverty, abandonment, debilitating sexual and verbal abuse, poor education or no education, and a job that does not pay a living wage. All drive girls and women into the commercial sex industry... women who appear to choose prostitution have been sexually abused as children at much higher rates than other women. One way that women end up 'choosing' prostitution is that they are paid for the abuse that they have already grown up with. They assume that's all they are good for.¹⁴

In fact, research suggests that sexual abuse in families is a 'training ground for prostitution'.¹⁵ According to Farley, 'Seventy percent of the adult women in prostitution in one study said that their childhood sexual abuse led to entry into

¹¹ 'World Youth Day "Will be a boost for the sex industry"' (2008), <http://www.news.com.au/story/0,23599,23804107-2,00.html>.

¹² See 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* 18/109 (2006): 144, fn 15.

¹³ A list of scholars can be found in M. Farley and V. Kelly, 'Prostitution: a critical review of the medical and social sciences literature', *Women & Criminal Justice*, 11 (2000), 29-64. See also Melissa Farley, ed., *Prostitution, Trafficking, and Traumatic Stress* (New York: Hamworth Maltreatment & Trauma Press, 2003); Sheila Jeffreys, *The Idea of Prostitution* (Melbourne: Spinifex Press, 1997); Mary Lucille Sullivan, *Making sex work: a failed experiment with legalised prostitution* (Melbourne: Spinifex Press, 2007); and Christine Stark and Rebecca Whisnant, eds., *Not for Sale: Feminists resisting prostitution and pornography* (Melbourne: Spinifex Press, 2006).

¹⁴ Farley, 'Prostitution, trafficking, and cultural amnesia', 110-111.

¹⁵ *Ibid.*, 113.

prostitution...familial abuse or neglect is almost universal among prostituted women'.¹⁶ She argues:

Researchers have found that two factors are consistently associated with greater violence in prostitution: poverty and length of time in prostitution. The more customers serviced, the more women reported severe physical symptoms. The longer women remained in prostitution, the higher their rates of sexually transmitted diseases.¹⁷

Mary Lucille Sullivan has documented the harms done to women by the sex trade in Victoria in *Making Sex Work: A Failed Experiment With Legalised Prostitution*.¹⁸ In the chapter entitled 'Rape and Violence as Occupational Hazards',¹⁹ she writes,

While treating prostitution as no different to other occupations allows such behaviour to be accepted as just part of the job, the environment in which prostitution takes place undoubtedly encourages male aggression.²⁰

Prostituted women also suffer significant health risks. Sullivan observes, 'The literature on the health consequences of sexual violence suggests that prostituted women may suffer irreparable harm through the abuse of prostitution'.²¹

Research done by the National Drug and Alcohol Research Centre at UNSW, reported in 2006, found that many of the street sex workers interviewed had higher levels of post-traumatic stress disorder than combat veterans. A majority had been sexually abused as children, and most had been assaulted sexually or physically as adults.²² These findings are consistent with studies done in other countries of the victimisation of prostituted women, and form the basis of the Swedish model approach to prostitution and trafficking.

Indian feminist Jean D'Cunha positions prostitution in the context of the broader struggle against harassment and violence when she writes, 'What will be the ... outcome of struggles against sexual harassment and violence in the home, the workplace, or the street, if men can buy the right to perpetrate these very acts against women in prostitution?'.²³

¹⁶ *ibid.*

¹⁷ *ibid.*, 114

¹⁸ Sullivan, *Making sex work*.

¹⁹ *ibid.*, 281-327.

²⁰ *ibid.*, 313.

²¹ *ibid.*, 321. See also Jeffreys, *The Idea of Prostitution*, 242-274.

²² Amanda Roxburgh, Louisa Degenhardt, and Jan Copeland, 'Posttraumatic stress disorder among female street-based sex workers in the greater Sydney area, Australia', *BMC Psychiatry*, 6 (2006).

²³ Jean D'Cunha, *Legalizing prostitution: in search of alternatives from a gender and rights perspective* (Stockholm: Seminar on the effects of legalisation of prostitution activities, 4-6 November 2002), 39, cited in Farley, 'Prostitution, trafficking, and cultural amnesia', 112.

Recommendations

- WFA urges the National Council to acknowledge prostitution as a form of violence against women and to resist efforts to legalise and expand the industry in various states of Australia. WFA calls on the National Council to recommend adoption of the 'Swedish Model', in which buyers of women for sex are penalised, but prostituted women are not.²⁴ This model has been adopted by a number of countries and is under consideration by others.²⁵ Opinion polls suggest that public support for the measure in Sweden is very high, from both men and women.²⁶
- We urge the National Council to recommend the funding of exit programs to assist women wanting to leave the sex industry.²⁷
- We urge the National Council to recommend that the strongest possible action be taken against the prostituting of indigenous children and teenagers by men in the mining trade in remote Western Australian communities and the truck stop prostitution of indigenous girls in NSW.
- We urge the National Council to recommend that greater resources be given to NGOs working to assist victims of prostitution and trafficking, such as Project Respect.

²⁴ See Gunilla Ekberg, 'The Swedish prostitution law that prohibits the purchase of a sexual service: best practices for prevention of prostitution and trafficking in human beings', *Violence against Women*, 10 (2004), 1187-1218.

²⁵ For example, South Korea (http://www.stop.or.kr/english/htm/08eng_03_01_01.asp); Norway (http://in.news.yahoo.com/reuters_ids_new/20080418/r_t_rtrs_wl/twl-norway-proposes-jail-fines-for-buyin-2186892_1.html); Nepal (<http://action.web.ca/home/catw/attach/Vienna%20Statement.doc>). The UK is currently considering the model: see http://news.bbc.co.uk/go/pr/fr/-/1/hi/uk_politics/7153358.stm

²⁶ 'Opinion polls conducted by SIFO; an opinion and social research consultancy firm, in June 1999, and again two years later, showed a significant rise – from 76% to 81% – in the number of people in favor of the Act. The proportion of respondents who thought the Act should be repealed shrank from 15% to 14%, while the percentage of "don't knows" fell by almost half. A third survey carried out in October 2002 confirmed that support for the Act that Prohibits the Purchase of Sexual Services remains strong; with 8 out of 10 Swedes in favor.' Government of Sweden, Ministry of Industry, Employment and Communications, *Fact Sheet: Prostitution and Trafficking in Women* (October 2004).

²⁷ On exit programs, see Roger Matthews, *Prostitution, politics and policy* (London: Routledge-Cavendish, 2008). Matthews studied street prostituted women in the UK and makes the case for exit programs. Also see <http://lifeandhealth.guardian.co.uk/women/story/0,,2260967,00.html>. An example is an exit program for women run by a local council in Brussels: http://www.expatica.com/actual/article.asp?subchannel_id=48&story_id=37262.

2. Pornography

We share the view, as set out in *Not for Sale: feminists resisting prostitution and pornography*, that

...the mass production and consumption of pornography harms women in general, by contributing to violence and discrimination against women and by conditioning its users to respond sexually to women as inferiorized, fetishized objects who crave humiliation and degradation.²⁸

Evidence suggests that every second, \$3,075.64 is being spent on pornography. Every second, 28,258 Internet users view pornography. Every second, 372 Internet users type adult search terms into search engines.²⁹ Every 39 minutes a new pornographic video is created in the United States.³⁰ Worldwide there are over 4.2 million porn websites and 420 million porn pages.³¹ Worldwide pornography revenue amounted to \$97.06 billion in 2006.³²

Since the 1990s, the industry of pornography has been normalized to become part of the ordinary day-to-day business of transnational corporations. Companies profiting from pornography and prostitution are listed on the stock exchange and covered in the business pages of newspapers.

International research has found:

- High pornography consumption adds significantly to the likelihood of sexual aggression. Greater exposure to pornography (whether 'violent' or 'non-violent') is associated with increased acceptance of violence and aggression against women.³³
- Pornography leads some men to believe that women find forceful sex to be exciting, or that they desire to be raped. Studies by the leading scholars in this field have demonstrated that exposure to pornography often leads to the trivialization of rape as a criminal offense.³⁴
- Pornography promotes the acceptance of male dominance and female submission.³⁵
- There is a clear relationship between sexually callous attitudes and histories of forceful, coercive, aggressive sexual conquests.³⁶

²⁸ Christine Stark and Rebecca Whisnant, eds., *Not for sale: feminists resisting prostitution and pornography* (Melbourne: Spinifex Press, 2006), 22.

²⁹ 'Internet pornography statistics', *Internet Filter Review* (2006),

<http://www.internet-filter-review.toptenreviews.com/internet-pornography-statistics.html>.

³⁰ *ibid.*

³¹ *ibid.*

³² *ibid.*

³³ Vanessa Vega and Neil Malamuth, 'Predicting sexual aggression: the role of pornography in the context of general and specific risk factors', *Aggressive Behaviour*, 33 (2007), 104-117.

³⁴ D. Zillmann and J. Bryant, 'Pornography, sexual callousness, and the trivialization of rape', *Journal of Communication*, 32/4 (1982), 10-21.

³⁵ *ibid.*

- The internet allows for the mass dissemination of pornography and information about how to hurt, abuse and even rape women, making the risk of physical attack correlated with pornography a greater risk than ever before.³⁷ There are many documented reports of perpetrators who use violent pornography as a sort of manual for rape and sexual abuse.³⁸
- Many men who commit crimes of sexual violence live on a diet of pornography.³⁹ For example, up to a third of child sex offenders said they had viewed pornography prior to offending.⁴⁰
- The perceived enjoyment by women of their objectification and humiliation in pornography creates the belief in its viewer that this form of violence and inequality is natural and normal.⁴¹
- A 2003 report by the Australia Institute found that one in 20 boys aged 16-17 watch X-rated videos once a week, and more than a fifth did so at least once a month. 84% of boys and 60% of girls have had exposure to Internet pornography. 38% of boys and 2% of girls say that they have deliberately sought out sex sites on the Internet.⁴² The Ninth Australasian Conference on Child Abuse and Neglect in November 2003 was told by staff from the Child at Risk Assessment Unit, Canberra Hospital, that exposure to X-rated pornography is a significant factor in children under 10 years of age sexually abusing other children. In the first six months of 2003, 48 children under 10 were identified as having engaged in sexually abusive acts. Access to graphic sexual images shapes the trend.⁴³ In the UK, the number of cases in which children received court orders or warnings for sex offenses has jumped by 20 percent in the past three years. Experts noted that youth behaviour has been changed by ready access to sexual imagery on the internet.⁴⁴

³⁶ D.L. Mosher and M. Sirkin, 'Measuring a macho personality constellation', *Journal of Research and Personality* 18 (1984): 150-163. See also <http://www.dianarussell.com/furtherfindings.html>.

³⁷ Michelle Evans, 'Censoring internet pornography in Australia: a call for a civil rights approach to address pornographic harms', *University of Western Sydney Law Review* (2006), 103.

³⁸ *ibid.*, 86.

³⁹ Dr William Marshall, 'Use of sexually explicit stimuli by rapists, child molesters and non-offenders', *Journal of Sex Research*, 25 (1998): 267. See also <http://www.dianarussell.com/furtherfindings.html>.

Despite this, movies with sexually explicit scenes of children were regularly shown to show on Victoria's most notorious sex offenders in prison: see Geoff Wilkinson, 'Sex offenders shown porn DVDs', *Herald Sun*, 19 February 2007.

⁴⁰ Marshall cited in E.F. Einsiedel, *Social science report* (1986), prepared for the Attorney General's Commission on Pornography, US Department of Justice, Washington, DC. See also <http://www.dianarussell.com/furtherfindings.html>

⁴¹ Catharine A. MacKinnon, *Toward a feminist theory of the state* (Boston: Harvard University Press, 1989), 197.

⁴² Michael Flood and Clive Hamilton, *Regulating youth access to pornography*, Discussion Paper Number 53 (Canberra: Australian Institute, March 2003).

⁴³ J. Stanley, C. Tinning and K. Kovacs, *Ninth Australasian conference on child abuse and neglect*, 2003.

⁴⁴ 'Web is blamed for 20 percent leap in sex attacks by children', *This is London*, 3 March 2007.

2.1 Pornography: inciting sex with minors

WFA is especially concerned about pornographic magazines promoting sex with young girls, being sold in corner stores, milk bars and petrol stations in almost every State and Territory. The publishers get around the law by claiming the girls are over 18 of age; however the headings, content and images are aimed at making the girls appear younger. The magazines contain graphic depictions of sex acts, where the models are clearly intended to be, or look like they are, under 18. Words like 'cute', 'youngest', 'sweet and 'little girls' make this clear. In letters to the editor, readers express their lust for the girls, and congratulate the editors for finding girls who are so young.⁴⁵

One magazine describes itself in these terms:

Only *LIVE YOUNG GIRLS* has the prettiest, youngest teens in the filthiest, rawest, hardcore sex acts! They're cute, sweet and eager to get dirty... enjoy the dirty little girls right in your home!⁴⁶

Our (pigtailed) cover girl cutie goes by the name of 'Little Miss Mischief'. She might look innocent as she frolics on her bed with her favorite stuffed animal, but don't be fooled...it's all a cover up for her deviant sexual wild side. She['s] fantasizing about getting f****d by an older man'.⁴⁷

Promoting a belief that young girls fantasize about sex with older men puts them in danger. These magazines also normalize rape and incest. Headings in *Live Young Girls* include 'Virgin Violations, forced entries'.⁴⁸ Ads for free videos include: 'The suckoff sisters', 'Big daddy's big dick', 'Like mother like daughter' and 'All in the family'.⁴⁹ At the time of writing, a complaint had been lodged with the Classification Board.⁵⁰

The inculcation of pornographic values at every level provides permission for men who wish to indulge any sexual fantasy, even that involving young girls.

2.2 Pornography in Indigenous communities

The impact of the invasion of pornographic materials in Indigenous communities warrants specific attention. The Northern Territory Government's Little Children Are Sacred report about violence against Indigenous women and children in the Territory, found a toxic mix of drugs, alcohol and pornography was fuelling a culture

⁴⁵ *Live young girls*, 29/4 (4 April 2008), 4.

⁴⁶ *ibid.*, 17.

⁴⁷ *ibid.*, 6.

⁴⁸ *ibid.*, 75.

⁴⁹ *ibid.*, 37.

⁵⁰ Julie Gale, Kids free 2B Kids, 'Complaint to classification board', Classification Operations Branch, Attorney-General's Department, 31 July 2008 [Attachment A].

of violence against women and children, involving bashing, rape, maiming and murder.⁵¹

Indigenous women themselves have been identifying pornography as one of the agents of destruction in their communities for at least twenty years, as a report from as far back as 1990 makes clear:

Sexual offences have soared in recent years since communities gained access to X-rated and other pornographic videos, community workers say. After watching a video, two teenagers raped a five-year-old boy living on a Cape York community. The youngster's anus was penetrated repeatedly with a sharp stick. Sexual assaults on several women were committed soon after the arrival of videos. In another Cape York community, a group of youths was so excited by a video featuring bestiality that they sexually assaulted a sheep and a horse. "That kind of thing would normally not even be thinkable among our people," Ms Smallwood said. "These videos are being sold by the same unscrupulous individuals who make a fortune out of peddling sly grog on communities. The people who watch them think, if it's in the movie, it must be all right to go out and do it." Increasingly, the victims are young children. "Little kids are brought into hospital with heavy sweating and other symptoms," said Ms Smallwood, a trained nurse. "At first it was baffling until syphilis and gonorrhoea were diagnosed. Think of it – little kids with syphilis and gonorrhoea. It makes you sick."⁵²

However, the voices of indigenous women on this topic have for the most part been dismissed by those who enjoy or profit from pornography.

Little Children are Sacred tells of rampant sexually aggressive behaviour, of children being exposed to porn films and re-enacting what they have seen, of porn being used by adults to groom children for sex:

The Inquiry was told that sexually aberrant behaviour involving both boys and girls was becoming more common among even younger children. In all communities, both men and women were concerned that teenagers were becoming more violent, more sexual and more anarchic.⁵³

Young girls often didn't even know they could refuse sexual advances. The report notes, 'In a more sinister development, the boys in some communities coerced girls to have sex with them and, in one community, it was reported that girls did not understand that they had a choice to refuse sex.'⁵⁴

Recommendations

⁵¹ Northern Territory Government Board of Inquiry into the protection of Aboriginal children from sexual abuse, *Ampe akelyernemane meke mekarle [Little children are sacred]* (Darwin: 2007).

⁵² Greg Roberts, 'Damned children on the islands of despair', *Sydney Morning Herald*, 11 August 1990, 69.

⁵³ *ibid.*, 65-66.

⁵⁴ *ibid.*, 66.

- WFA urges the National Council to recommend a civil rights approach to address the harms done to women by pornography, as outlined by Michelle Evans in 'Censoring Internet Pornography in Australia'.⁵⁵
- WFA urges the National Council to call on the Classification Board to urgently review Classification decisions that enable magazines promoting sex with minors, rape and incest to be sold and openly displayed. They should be placed in the category of Refused Classification.
- WFA urges the National Council to recommend the intervention in the Northern Territory in regard to pornography be continued and extended.

3. The links between prostitution and pornography

Although prostitution and pornography have been discussed in two separate categories, they are not all that distinct. Catharine MacKinnon made this vital point in a speech entitled 'Pornography as trafficking':⁵⁶

So what is it, prostitution or pornography? That the sexually used are transported on paper or celluloid or digitally may make the transaction seem more distanced, but it is no less real a commercial act of sex for any of the people involved... Sex from one person is exchanged for money from another, the media being the go-between, the trafficker... Thus the pornography industry, in production, creates demand for prostitution, hence for trafficking, because it is itself a form of prostitution and trafficking. As a form of prostitution, pornography creates demand for women and children to be supplied for sexual use to make it, many of whom are trafficked to fill that demand. The pornographers then traffic these same people in turn in various mediated forms... Consuming pornography is an experience of bought sex, of sexually using a woman or a girl or a boy as an object who has been purchased.⁵⁷

While some international instruments have included pornography and prostitution in their understanding of harm to women, more needs to be done to sharpen the language addressing these issues.

The Committee on the Elimination of Discrimination against Women, in its General Recommendation 19, recognizes violence against women as a violation of CEDAW's prohibition on discrimination against women, and views pornography as a product of sex inequality, and as leading to further inequality and violence. As MacKinnon points out, General Recommendation 19

... also observes that gender-based violence is produced by pornography, in part because it promotes subordinate roles and constricted options for women, which in turn 'contribute to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals'.⁵⁸

⁵⁵ Michelle Evans, 'Censoring internet pornography in Australia'.

⁵⁶ Catharine A. MacKinnon, 'Pornography as trafficking', *Michigan Journal of International Law* (Summer 2005).

⁵⁷ *ibid.*, 3.

⁵⁸ *ibid.*, 7.

The Beijing Platform for Action (1995) also acknowledged ‘the use of women and girls as sex objects, including pornography’ as a ‘factor contributing to the continued prevalence of...violence against women’.⁵⁹ A strategic objective on violence in the Beijing Declaration and Platform for Action found pornography ‘incompatible with the dignity and worth of the human person’ (along with ‘racism, xenophobia, ethnic cleansing, and terrorism’).⁶⁰

The Human Rights Committee General Committee 28 on Equality of Rights between Men and Women under the International Covenant on Civil and Political Rights (ICCPR) states,

... the publication and dissemination of obscene and pornographic material which portrays women and girls as objects of violence or degrading or inhuman treatment is likely to promote these kinds of treatment of women and girls. State Parties should provide information about legal measures to restrict the publication or dissemination of such material.⁶¹

The Office of the High Commissioner for Human Rights also makes a connection between organised prostitution and pornography:

The recruitment, clandestine transport and exploitation of women as prostitutes, and the organized prostitution of children of both sexes in a number of countries is well documented. A link has been established in some places between prostitution and pornography – particularly involving children – and the promotion and growth of tourism.⁶²

Recommendation

- That the Australian Government initiate and support wording in international instruments that acknowledges pornography and prostitution as practices harmful to the dignity and status of women, and that seek to prevent the exploitation and abuse of women in advertising and pornography.

4. The Need to Address Men

Anyone working to reduce violence against women must acknowledge the need to address men. This seems obvious, yet it has not always had the attention it deserves, possibly because significant resources are necessary to assist the immediate victims of violence, who are disproportionately women.

⁵⁹ *ibid.*

⁶⁰ U.N. Doc. A/CONF.177/20/Rev.1, Fourth World Conference on Women, September 4-15, 1995, *Beijing Declaration and Platform for Action*, 225 cited in *ibid.*, 7.

⁶¹ U.N. Doc. CCPC/C/21/Rev.1/Add.10. Human Rights Comm., 68th Sess., Mtg., General Comment No. 28, P22, (2000), cited in *ibid.*, 7.

⁶² The Office of the High Commissioner for Human Rights, Fact Sheet No. 14, *Contemporary Forms of Slavery*, <http://www.unhchr.ch/html/menu6/2/fs14.htm>.

In a paper entitled 'Harmful Traditional and Cultural Practices Related to Violence Against Women and Successful Strategies to Eliminate Such Practices – Working with Men',⁶³ Dr Michael Flood emphasised the importance of engaging men in violence prevention:

The impetus for engaging men is informed also by a ... recognition, that constructions of masculinity play a crucial role in shaping violence against women. At the individual level, men are more likely to assault if they have hostile and negative sexual attitudes towards women and identify with traditional images of masculinity and male privilege.⁶⁴ At the level of the immediate context in which violence takes place – typically families or other intimate or acquaintance relationships – male dominance is a strong predictor of the likelihood of physical or sexual violence against women. At the interpersonal level, another predictor especially among young men is attachment to male peers who encourage and legitimate woman abuse. And at the macro-social level, rates of violence against women are higher in cultures in which manhood is defined in terms of dominance, toughness, entitlement to power or male honour, there are rigid gender roles, and violence is condoned as a means to settle interpersonal disputes.⁶⁵

Flood identifies a number of strategies that can be employed in reaching boys and men with the anti-violence message:

Violence prevention aimed at men and boys requires a range of strategies at multiple levels of the social order: programs in schools and among youth, media campaigns, interventions among particular groups of men such as athletes and soldiers, and grassroots mobilisations. These strategies can be described as 'primary' prevention, in that they aim to lessen the likelihood of boys and men using violence in the first place. 'Secondary' prevention refers to reducing opportunities for violence by supporting the men who are at risk of perpetrating violence. 'Tertiary' prevention aims to prevent the re-occurrence of violence, and refers to work with men who have already used violence. Tertiary prevention thus centres on perpetrator programs, and it may be more accurate to describe this as violence intervention.

In the recent experience of the author of this submission in addressing a large number of students in a wide variety of schools, it is alarming to find that for many female students, harassment is a part of life. Many do not expect to be treated better by the boys at school. One 13-year-old related that she was regularly forwarded images of naked waxed female genitals on her mobile phone by boys at school asking her 'when she was going to get hers done.' A significant number of girls relate incidents of sexual assault or attempted assault. Very few ever make a complaint to police, believing nothing will be done, or that they will suffer repercussions. Many don't even know their rights are being violated by such treatment. 'This is just what

⁶³ Michael Flood, 'Harmful Traditional and Cultural Practices Related to Violence Against Women and Successful Strategies to Eliminate Such Practices – Working with Men', *United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) Expert Group Meeting – Strategies for implementing the recommendations from the Secretary-General's Study on Violence against Women with Particular Emphasis on the Role of National Mechanisms*, Bangkok, 26-27 April 2007.

⁶⁴ M. Flood and B. Pease, *The Factors Influencing Community Attitudes in Relation to Violence Against Women: A Critical Review of the Literature* (Melbourne: Victorian Health Promotion Foundation, 2006), cited in *ibid.*, 2, http://www.vichealth.vic.gov.au/assets/contentFiles/CAS_Paper3_CriticalLiterature.pdf.

⁶⁵ *ibid.* 2. See also L. Heise, 'Violence Against Women: An integrated, ecological framework', *Violence Against Women*, 4 (June 1998), 262-283.

happens to girls now' is a common refrain. Too many girls are subject to sexually violent experiences.⁶⁶

Programs in schools addressing violence, harassment, and the importance of healthy relationships based on mutual respect are urgently required.

Recommendations

- That successful violence prevention programs aimed at men be identified and expanded.
- That the National Council call for mandatory anti-violence programs in schools, with a special emphasis on sexual harassment, assault and abuse as a crime.

5. Mainstreaming of pornography and the objectification of women and sexualisation of girls in popular culture

The images and icons of pornography have become mainstreamed in our community. The entrenching of the pornographic mindset can be seen in everything from fashion to billboards, games and music. Sheila Jeffreys observes that 'The sex industry sells clothes and the fashion industry sells prostitution and pornography'.⁶⁷ According to the American Psychological Association's *Report of the APA task force on the sexualisation of girls*, 'A culture can be infused with sexualised representations of girls and women, suggesting that such sexualisation is good and normal'.⁶⁸

The clearest evidence of pornography's take-over of the public space is the proliferation of billboards containing highly sexualised images of women and other forms of sexual messaging. Most complaints about such advertising are dismissed by the Advertising Standards Board, members of which patronisingly imply that complainants are simply hung up about discussing sex with their children.

The National Council may wish to ask why pin-ups in the office constitute sexual harassment (as established in a number of anti-discrimination cases in Western

⁶⁶ This issue is further explored in Melinda Tankard Reist, 'The Pornification of Girlhood', *Quadrant* (July-August, 2008), 10-16. Lynn Phillips observes, 'Whereas feminist scholars may speak of male domination and women's victimization as rather obvious phenomena, younger women, raised to believe in their own independence, invulnerability, and sexual entitlement, may not so readily embrace such concepts, even as they are raped, harassed, and battered by men': *Flirting with danger: young women's reflections on sexuality and domination* (New York: New York University Press, 2000), 10-11, cited in Sheila Jeffreys, *Beauty and misogyny*, 19.

⁶⁷ *Ibid.*, 75.

⁶⁸ American Psychological Association, Task Force on the Sexualization of Girls, *Report of the APA task force on the sexualization of girls* (Washington DC: American Psychological Association, 2007), 3.

Australia and in Queensland),⁶⁹ whereas giant pin-ups in the public space do not. Dr Lauren Rosewarne asks this very question in *Sex in Public: Women, Outdoor Advertising and Public Policy*.⁷⁰

While pin-up images are prohibited in a workplace, outdoor advertisements, which may contain references to pornography, are freely displayed... pornography can be interpreted as being one of the most potent contemporary influences on advertising... such advertisements are helping normalise pornographic images by displaying them in places where they are unavoidable and thus encouraging the acceptance of them. This process is known as mainstreaming... explicit sexual expression has become naturalised.⁷¹

Rosewarne argues that the use of highly sexualised imagery in billboard advertising contributes to exclusion and inequality. It also reduces a woman's ability to feel safe:

...highly sexualised imagery – in many cases exhibiting strong references to pornography – [remind] women of their inequality and sexual vulnerability which may make them fearful for their safety. Such sexist advertising works to make public space a socially inclusive space for men where women are used as decoration in a way that sexually objectifies them and may offend and harass them, thus contributing to their inequality and social exclusion.⁷²

The objectification of women and sexualisation of girls is discussed in *Faking it: the female image in young women's magazines*,⁷³ published by Women's Forum Australia, a copy of which has been provided with this submission. The National Council may also wish to consult our submission to the Senate Standing Committee on Environment and the Arts, on the *Sexualisation of Children in the Contemporary Media Environment*.⁷⁴

Magazines aimed at pre-teen and teen girls bear some responsibility for the sexualised treatment of pre-teen and teen girls. The publishers of *Dolly* and *Girlfriend* told the Senate inquiry into sexualisation of children that they 'do not

⁶⁹ See for example, *Horne v Press Clough Joint Venture* (1994) EOC 92-556, and *Hopper v Mount Isa Mines Ltd* 1 QADR 728.

⁷⁰ Lauren Rosewarne, *Sex in public: women, outdoor advertising and public policy* (Newcastle UK: Cambridge Scholars Publishing, 2007).

⁷¹ *ibid.*, 21.

⁷² *ibid.*, 10.

⁷³ Selena Ewing and Melinda Tankard Reist, eds., *Faking it: the female image in young women's magazines* (Canberra: Women's Forum Australia, 2007) [Attachment B].

⁷⁴ Women's Forum Australia's submission to the *Inquiry into the sexualisation of children in the contemporary media environment* [Attachment C], online at http://www.aph.gov.au/Senate/committee/eca_ctte/sexualisation_of_children/submissions/sub123.pdf For a detailed exploration of the sexualisation of girls in popular culture, see Melinda Tankard Reist, 'The Pornification of Girlhood', *Quadrant* (July-August, 2008), 10-16 [Attachment D], online at: http://quadrant.org.au/php/article_view.php?article_id=3983 See also Maggie Hamilton, *What's happening to our girls? too much, too soon: how our kids are overstimulated, oversold and oversexed*, (Melbourne: Penguin/Viking, 2008); Kids Free 2B Kids submission to *Inquiry into the sexualisation of children in the contemporary media environment*, submission number 63, online at http://www.aph.gov.au/Senate/committee/eca_ctte/sexualisation_of_children/submissions/sublist.htm; and collated articles in *The Objectification of Women and Sexualisation of Girls* (Canberra: Women's Forum Australia, July 2008) [Attachment E].

feature editorial content or advertisements which sexualize children.⁷⁵ This is contradicted by both advertising and editorial content in the magazines.⁷⁶

These magazines appear to offer little assistance to girls who face pressure to perform sexual acts their boyfriends have learnt about through viewing pornography. In August last year *Dolly* ran a feature entitled, 'OMG my boyfriend wants me to...', followed by three sexual acts: oral sex, anal sex, and 'hand job'. These sections contained a clinical description of each act. There was no mention that the girl might be physically or psychologically harmed or that it might be a crime, depending on their respective ages.⁷⁷ In addition, the Australia Institute's content analysis of sample editions of *Barbie Magazine*, *Total Girl* and *Disney Girl* found that up to three quarters of the content was sexualising material.⁷⁸

WFA is also concerned about the mainstreaming to young girls of cosmetic surgery, brazilian waxing and other such procedures. Young girls describe feeling ashamed if they aren't waxed, and the practice is expected by a growing number of boys. Until challenged, *Girl.com.au*, a Melbourne-based site allegedly devoted to 'empowering girls', promoted waxing on its website, alongside *High School Musical Two* and Disney movies. The site noted, 'Nobody really likes hair in their private regions and it has a childlike appeal. Men love it, and are eternally curious about it'.⁷⁹

WFA believes it is harmful for young women to go through a very painful process to imitate the genital regions of small girls. It contributes to the infantilisation of women, by expecting them to look and act like little girls.⁸⁰ WFA welcomes the decision of The Royal Australian and New Zealand College of Obstetricians and Gynaecologists to ban labiaplasty and 'vaginal rejuvenation' procedures, which are also cosmetic surgery procedures promoted by many pornographic materials.⁸¹

⁷⁵ Submission by Pacific Magazines and ACP Magazines to the *Inquiry into the sexualisation of children in the contemporary media environment* (18 April 2008), 2, online at http://www.aph.gov.au/Senate/committee/eca_ctte/sexualisation_of_children/submissions/sub130.pdf.

⁷⁶ See Kids Free 2B Kids submission to the *Inquiry into the sexualisation of children in the contemporary media environment*, submission number 63, online at http://www.aph.gov.au/Senate/committee/eca_ctte/sexualisation_of_children/submissions/sublist.htm.

⁷⁷ 'OMG! My boyfriend wants me to...' *Dolly* (August, 2007), 141.

⁷⁸ Emma Rush and Andrea La Nauze, 'Corporate Paedophilia: sexualisation of children in Australia', (2006), *Australia Institute*, Discussion Paper 90.

⁷⁹ www.girl.com.au. Following complaints, this wording was removed.

⁸⁰ Sheila Jeffreys, *Beauty and misogyny*, 79, writes, 'There are other reasons why men might have difficulties with hair. It makes women look grown up. Many men prefer women to look prepubescent and thus hairless. Men are trained by porn to see hairlessness in women as "natural" and to find the hairiness of their girlfriends distasteful or less than exciting.'

⁸¹ Tamara McLean, 'Designer vagina procedure blacklisted', *Herald Sun*, 1 August 2008, online at <http://www.news.com.au/heraldsun/story/0,21985,24111249-24331,00.html>. For a broader discussion of vaginal surgery and other forms of cosmetic surgery, see Kathryn Pauly Morgan, 'Women and the knife: cosmetic surgery and the colonization of women's bodies', *Hypatia*, 6/3 (Fall, 1991), 25-51; Patricia Gagne and Deanne McGaughey, 'Designing women: cultural hegemony and the exercise of power among women who have undergone elective mammoplasty', *Gender & Society*, 16/6, (December 2002), 814-838; Virginia Braun and Celia Kitzinger, 'The perfectible vagina: size matters', *Culture, Health & Sexuality*, 3/3 (2001), 263-277. Simone Weil Davis makes the powerful observation that 'consent to genital surgery does *not* okay it so much as it marks the degrading depths of women's oppression': Simone Weil Davis, 'Loose Lips Sink Ships', *Feminist Studies*, 28/1 (Spring 2002), 22. See also Jeffreys, *Beauty and misogyny*.

5.1 Normalising violence against women as sexy

We ask the National Council to recognise how the normalisation of violence has been made 'sexy' at many levels of society. Rock lyrics are becoming increasingly violent, with many songs promoting sexual violence against women. The music industry has become intertwined with the porn industry, with whole genres of pop music now joining with the porn industry in the production of music and video clips. Porn actors now do signings at Tower Records.⁸²

There are T-shirts for men made and designed in Australia featuring the slogan: 'It's not rape, it's surprise sex'.⁸³ The very popular model search show, *America's Next Top Model*, featured a 'Crime Scenes' episode in which models had to act as murder victims who had been killed in extremely violent ways. Models were commended for looking 'sexy' in death.⁸⁴ WFA recently joined with anti-violence groups to protest a full page advertisement in the March 2008 issue of *Harper's Bazaar*, which depicted a murdered woman in the boot of a car, a promotion for the company 'Loula'.⁸⁵

We hope the National Council is persuaded by the evidence that objectification of women and sexualisation of girls contributes to exploitation and violence. The American Psychological Association argues on the basis of comprehensive evidence-based research that, 'The sexualisation of girls may not only reflect sexist attitudes, a societal tolerance of sexual violence, and the exploitation of girls and women but may also contribute to these phenomena.'⁸⁶ It continues: 'studies have generally found that after men are exposed to sexualised content, their behaviour toward women is more sexualized, and they treat women like sexual objects.'⁸⁷ The APA concludes,

Pressing social problems that disproportionately affect girls both directly and indirectly, including violence against girls and women, sexual exploitation of girls, forms of pornography, and prostitution of girls, may be maintained or even increased if there is a continued and escalating sexualization of girls...The sexualization of girls and women may contribute to broader societal consequences such as sexism, sex bias, and sexist attitudes.⁸⁸

Recommendations

- WFA urges the National Council to address the objectification of women and sexualisation of girls in all its forms, because of its connection to exploitation

⁸² Sheila Jeffreys, 'Pornography is violence against women', Address to Bankstown Conference, *Refocussing women's experiences of violence*, 14 September 2005.

⁸³ Melinda Tankard Reist, 'The Pornification of Girlhood': a website promoting the T-shirts appears to have been removed.

⁸⁴ *America's Next Top Model*, Cycle 8, Week 4.

⁸⁵ 'More Groups Join Campaign Protesting Advertising Glamourising Violence Against Women', 10 February, 2008, available at <http://www.womensforaustralia.org> in media section.

⁸⁶ American Psychological Association, *Report of the APA task force on the sexualization of girls* (Washington DC: American Psychological Association, 2007), 3.

⁸⁷ *ibid.*, 32.

⁸⁸ *ibid.*, 31.

and violence and furtherance of attitudes degrading and subordinating to women.

- WFA urges the National Council to call for tighter regulation of advertising, magazines, toys, games and music targeted at children, to ensure non-sexualising content.
- WFA urges the National Council to recommend tighter regulation of billboard advertising and other marketing and advertising that demands and objectifies women and girls. The Council should recommend an independent body separate to the advertising industry, to adjudicate on advertisements.

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15 August 2008