



**CATWA submission regarding the
'Victorian Gender Equality Strategy Consultation Paper'**

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Coalition Against Trafficking in Women Australia

www.catwa.org.au

Who are we?

The Coalition Against Trafficking in Women Australia (CATWA) is the Australian branch of CATW International, a Non-Governmental Organisation that has Category II consultative status with the United Nations Economic and Social Council. It works locally and internationally to end all forms of sexual exploitation of women, especially in relation to issues of prostitution and trafficking in women.

About this submission

This submission focuses on the incompatibility of the promotion of the gender equality with the legalisation of sex buying. In this submission we identify the legalisation of (brothel) prostitution as one of the most urgent areas of gender inequality that must be tackled in Victoria, and outline some of the problems associated with the current regulatory approach. These problems include: the prevalence of illegal brothels, the increased demand for sex buying, sex trafficking, and harmful social attitudes towards women that facilitate sexual violence. Long-term solutions for addressing prostitution are suggested through the Nordic Model, an asymmetric decriminalisation approach that criminalises the buyers, procurers and traffickers of prostituted persons, but *decriminalises prostituted persons* (who are most often women). Our submission emphasises that challenging dominant social attitudes – such as men’s entitlement to women’s bodies and other forms of sexual exploitation – requires Australian men to be proactive in denouncing prostitution, and dispelling myths about men’s ‘need’ to purchase sex. This submission addresses the following key questions raised in the consultation paper:

- 1) What are the most urgent areas of gender inequality that Victoria should tackle first?
- 2) How do we ensure we meet our objectives over the long term?
- 3) What is the role of men in a gender equality strategy?

Key recommendations

- That the legalised system of brothel prostitution operating in Victoria is harmful and promotes attitudes supporting the unequal treatment of women;
- That long term solutions to combatting gender inequality must involve legislative changes that criminalise sex-buying, pimping, and trafficking but *decriminalise prostituted persons* (also known as the ‘Nordic Model’ of prostitution legislation);
- That men, both in the Victorian government and in the Australian public, must play a proactive role in advocating for gender equality by acknowledging that prostitution facilitates, and is a form of, violence against women, following the lead of European nations that have adopted similar campaigns (e.g., The ‘We Don’t Buy It’ campaign in Ireland).

1) What are the most urgent areas of gender inequality that Victoria should tackle first?

The Coalition Against Trafficking in Women Australia believes that one of the most urgent areas of gender inequality the Victorian Government must address is the state's support for sex buying through the legalised brothel system. Since the Planning (Brothels) Act was passed in 1984, legalising licensed brothel prostitution, the buying of women's bodies for the purposes of sex has become framed as a form of normalised consumption (now even falling under the remit of 'Consumer Affairs'), rather than as a matter of gender inequality and gender-based violence disproportionately affecting vulnerable women and girls. Prostitution needs to be understood, as it is in an increasing number of jurisdictions around the world,¹ as a serious barrier to gender equality that adversely affects women both in, and outside of, systems of prostitution.

Prostitution and gender inequality

As women and girls constitute the vast majority of prostituted persons, and men overwhelmingly the 'buyers' of sex, it is important to view prostitution as a gendered issue affecting the equality and safety of women.² Article 6 of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), for example, calls on states parties to 'take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.'³ Also, as established in a recent report by the European Parliament's Committee on Women's Rights and Gender Equality (known as the 'Honeyball Report'), prostitution cannot be seen as a legitimate form of employment because it is contrary to 'the principles enshrined in the Charter of Fundamental Rights, among which is gender equality.'⁴

Unlike other forms of employment, where unwanted sexual behaviour towards women explicitly contravenes workplace discrimination and harassment laws, in prostitution, men's sexual behaviour towards women is part of the job, and places women at great risk of psychological, physical and sexual violence.^{5 6 7} By viewing prostitution as the acceptable purchase of 'sexual services', the Victorian Government is ignoring the gender inequality inherent in prostitution and facilitating the framing of women as commodities available for the sexual gratification of men.⁸

¹ Tyler, M. et al. (2013) *Demand Change: Understanding the Nordic Approach to Prostitution*. Melbourne: The Coalition Against Trafficking in Women Australia. Available from: http://catwa.org.au/files/images/Nordic_Model_Pamphlet.pdf Accessed: 15/03/2016.

² Raymond, J. (2013) *Not a choice, not a job: Exposing the myths about prostitution and the global sex trade*. Melbourne: Spinifex.

³ United Nations Office for the High Commissioner of Human Rights (n.d.) *Convention on the Elimination of All Forms of Discrimination Against Women*. Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> Accessed: 15/03/2016.

⁴ EU Committee on Women's Rights and Gender Equality (2014) *Report on Sexual Exploitation and Prostitution and its Impact on Gender Equality*. Brussels: European Parliament. p. 9 Available from: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2014-0071+0+DOC+PDF+V0//EN> Accessed: 15/03/2016.

⁵ Jeffreys, S. (2009) *The Industrial Vagina: The political economy of the global sex trade*. London: Routledge.

⁶ Sullivan, M. (2004) Can Prostitution be Safe? Applying occupational health and safety codes to Australia's legalised brothel prostitution. In C. Stark and R. Whisnant (eds) *Not For Sale: Feminists Resisting Prostitution and Pornography*. Melbourne: Spinifex. p.252-268.

⁷ Farley, M. (ed). (2003). *Prostitution, Trafficking, and Traumatic Stress*. New York: Harworth Press.

⁸ Sullivan, M. (2007) *Making Sex Work: A Failed Experiment of Legalised Prostitution in Australia*. Melbourne: Spinifex.

It is also important to note that although the current regulatory approach aims to reduce violence against prostituted persons, and contain the incidence of street-based prostitution, this approach has not been successful.^{9 10} Despite promising to reduce street-based prostitution, three decades on, the harm-minimisation approach has merely exacerbated the problem, with reports suggesting that Victoria has over 400 illegal brothels compared to 95 legal ones, and that street-based prostitution continues to persist.¹¹ As social researcher Mary Sullivan has demonstrated, specifically in regard to the Victorian context, legalisation does not reduce the demand for prostitution but rather legitimises it, undermining women's equality by socialising men to believe that women's bodies are commodities to be bought and sold.¹² This is further supported by international research which shows that demand for sex buying increases when prostitution is legalised.¹³

Links to sex trafficking

The legalisation of prostitution is also associated with sex trafficking. Reports indicate that over 60-70 per cent of all human trafficking cases in Australia occur in the sex industry, and that Victorian brothels are a significant destination for human trafficking.¹⁴ In a 2015 parliamentary inquiry into brothel prostitution in Victoria, Victoria Police stated that they have lost count of how many illegal brothels there are in Victoria and admitted that trafficking occurs in both licensed and unlicensed venues.¹⁵ The legalisation of prostitution has also been shown to increase trafficking inflows internationally.¹⁶ Countries such as Germany and the Netherlands, which have also adopted regulatory approaches to legalising prostitution, have experienced large inflows of trafficking from Eastern European countries, and have been the centre of criminal activity related to sex trafficking.^{17 18} In this way, legalising prostitution is supportive of conditions involving the most severe of contemporary human rights abuses and is incongruent with moves toward gender equality.

Facilitating attitudes encouraging violence against women

In addition to fuelling sex trafficking, social attitudes about women – both women in and outside of the sex industry – are also adversely impacted by the legalisation of prostitution. Research demonstrates that, rather than challenging men's sexual entitlement to women's bodies, legalising prostitution is responsible for socialising men to believe that it is acceptable to sexually use women's bodies whenever they see fit. The

⁹ Ibid.

¹⁰ Tyler, M. et al. (2013) *Demand Change: Understanding the Nordic Approach to Prostitution*. Melbourne: Coalition Against Trafficking in Women Australia.

¹¹ Jeffreys, S. (2003) The legalisation of prostitution: A failed social experiment. *Women's Health Watch Newsletter*, v64: 8-11.

¹² Sullivan, M. (2007) *Making Sex Work: A Failed Experiment of Legalised Prostitution in Australia*. Melbourne: Spinifex.

¹³ Cho, S. et al. (2013) Does Legalized Prostitution Increase Human Trafficking? *World Development*, v41(1): 67-82.

¹⁴ SBS News (2014) 'Human trafficking, sex slavery cases in Australia soar.' *SBS News Online*, 31st October. Available from: <http://www.sbs.com.au/news/article/2014/10/31/human-trafficking-sex-slavery-cases-australia-soar> Accessed: 15/03/2016.

¹⁵ SBS News (2015) 'Sex slaves in Victoria brothels, inquiry told.' *SBS News Online*, 27th February. Available from: <http://www.sbs.com.au/news/article/2013/05/08/sex-slaves-victoria-brothels-inquiry-told> Accessed: 15/03/2016.

¹⁶ Cho, S. et al. (2013) Does Legalized Prostitution Increase Human Trafficking? *World Development*, v41(1): 67-82.

¹⁷ EU Committee on Women's Rights and Gender Equality (2014) *Report on Sexual Exploitation and Prostitution and its Impact on Gender Equality*. Brussels: European Parliament.

¹⁸ Tyler, M. et al. (2013) *Demand Change: Understanding the Nordic Approach to Prostitution*. Melbourne: Coalition Against Trafficking in Women Australia.

Honeyball Report also states that men are more likely to visit brothels under regulatory systems where prostitution is legal, and believe that the existence of prostitution reduces rape, despite evidence to the contrary. In addition, the report notes that, under legalised systems, young men are likely to view prostitution as a form of entertainment, warning that this trend 'could lead to an increase in the number of [violent acts] committed by young men against women'.¹⁹ Given the increased public focus on eliminating men's violence against women in Australia in recent years, it is important to continue challenging harmful attitudes towards women – including those that involve sexual exploitation – that facilitate cultures of sexual violence.

2) How do we ensure we meet our objectives over the long term?

The Coalition Against Trafficking in Women Australia maintains that best available model of legislation regarding systems of prostitution and women's equality is the 'Nordic Model'. This approach decriminalises prostituted persons (of which women make up a significant majority) but prohibits the purchase of sex. In this way it is a recognition of the need for men's behaviour change if gender equality is to be achieved. Furthermore, the Nordic Model includes targeted support programs for prostituted persons wishing to exit the sex industry and fits into existing campaigns to end violence against women and girls.

The Nordic approach to prostitution legislation

In the long term, to promote gender equality and the idea that women are not commodities to be bought and sold, government policies must make clear that the buying, procuring and trafficking of women and girls for male sexual gratification is not acceptable. The Nordic approach to prostitution, one that punishes buyers, procurers and traffickers, but decriminalises prostituted persons, is by far the most effective way of combating prostitution, tackling trafficking, and changing public attitudes about the sexual use and abuse of women and girls.²⁰

This approach to prostitution, an asymmetrical form of decriminalisation now known as the 'Nordic Model', was first implemented in Sweden in 1999, and has been very effective in curtailing prostitution and sex trafficking.²¹ In seeking to unreservedly promote gender equality, Swedish legislators have recognised that the equal rights of women and girls cannot be fully realised in a world where it is acceptable for men to buy sex. In the Swedish legislation, prostitution is recognised as part of a continuum of gender-based violence and the legislation itself was first proposed along with a number of other measures aimed at ending violence against

¹⁹ EU Committee on Women's Rights and Gender Equality (2014) *Report on Sexual Exploitation and Prostitution and its Impact on Gender Equality*. Brussels: European Parliament. p. 30

²⁰ Tyler, M. et al. (2013) *Demand Change: Understanding the Nordic Approach to Prostitution*. Melbourne: Coalition Against Trafficking in Women Australia.

²¹ Waltman, M. (2011) Prohibiting sex purchasing and ending trafficking: The Swedish Prostitution Law. *Michigan Journal of International Law*, 33: 133-157.

women and supporting survivors of this violence.²² In addition, these legal changes were supported by public education programs about the harms of prostitution, a range of dedicated support services for those in prostitution to enable them to exit, and preventative measures to help identify and assist those at risk of entering prostitution.^{23 24}

CATWA strongly supports the Swedish approach to tackling prostitution and views the Nordic Model as the best reform option to address the long term social, health, and planning challenges associated with the legal and illegal sex industry. The Model has been adopted in Sweden, Norway, Iceland, Northern Ireland and Canada, and is being introduced or seriously considered in a number of other countries (including France, Israel, Ireland, Scotland and Lithuania).²⁵ It is a legislative approach which explicitly recognises that systems of prostitution promote violence against women and, more specifically, that they fundamentally undermine women's equality.

Evidence, particularly from Sweden, shows that the Nordic Model successfully reduces the market for prostitution and decreases trafficking inflows and, as such, it has received considerable support from numerous women's groups and prostitution survivors' organisations around the world.^{26 27} Specifically, the Nordic Model addresses:

- the problem of sexual and physical violence suffered directly by women in prostitution, which numerous studies show to be pervasive;^{28 29}
- and promotes changes in social attitudes, for instance, with one Swedish study finding that two decades after its implementation, those supporting notions of gender equality also support the criminalising of buyers, procurers and traffickers, and the decriminalisation of prostituted persons.³⁰

Implementing the Nordic Model is therefore the most effective way of instilling positive and long term social change in relation to gender equality in this area.

²² Waltman, M. (2011) Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential. *Women's Studies International Forum*, v34(5): 449-474.

²³ Tyler, M. et al. (2013) *Demand Change: Understanding the Nordic Approach to Prostitution*. Melbourne: Coalition Against Trafficking in Women Australia.

²⁴ Ekberg, G. and Wahlberg, K. (2011) The Swedish Approach: A European country fights sex trafficking. *Solutions Journal*, v2(2): n.p.

²⁵ Tyler, M. et al. (2013) *Demand Change: Understanding the Nordic Approach to Prostitution*. Melbourne: Coalition Against Trafficking in Women Australia.

²⁶ Waltman, M. (2011) Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential. *Women's Studies International Forum*, v34(5): 449-474.

²⁷ Including: The European Women's Lobby, Equality Now, SPACE International, Survivors for Solutions, The Institute for Feminism and Human Rights, and Eaves Charity for Women, to name a few. Further organisations can be found here: Tyler, M. (2015) Does decriminalising pimping further women's rights? *The Conversation*, 14th August. Available from: <https://theconversation.com/does-decriminalising-pimping-further-womens-rights-46083> Accessed: 15/03/2016

²⁸ Nixon, K. et al. (2002) The Everyday Occurrence of Violence in the Lives of Girls Exploited through Prostitution. *Violence Against Women*, v8(9): 1016-1043.

²⁹ Farley, M. (ed). (2003). *Prostitution, Trafficking, and Traumatic Stress*. New York: Harworth Press.

³⁰ Jakobsson, N. and Kotsadam, A. (2011). Gender Equity and Prostitution: An investigation of attitudes in Norway and Sweden. *Feminist Economics*, v17(1): 31-58.

3) What is the role of men in a gender equality strategy?

Challenging male demand for prostitution

Men can and should be encouraged by the Victorian Government to challenge the belief that they are entitled to buy sex. As the demand for prostitution is almost exclusively driven by men, any gender equality strategy must openly question male sexual entitlement to women's bodies, and emphasise the capacity for men to change harmful ideas about women through their rejection of normalised prostitution. Notably, a growing number of male academics have acknowledged the role of prostitution in furthering men's sense of entitlement over women.³¹ Given that an estimated 1 in 6 Victorian men have visited a brothel at some point in their lives,³² and that this demand fuels prostitution and sex trafficking, it is important to broaden discussions about men's violence against women to include attitudes and behaviours regarding the sex industry.

Example: Tom Meagher and the 'We Don't Buy It' campaign

There are useful international examples on which the Victorian Government can draw to promote male participation in ending the form of gender inequality that is prostitution. One notable campaign, co-funded by the European Union, is the 'Prostitution - We Don't Buy It' initiative, an all-Ireland campaign designed to educate and encourage men to take a stand against prostitution and sex trafficking.³³ Gaining support from high profile men, such as Tom Meagher, the 'We Don't Buy It' campaign specifically promotes a zero-tolerance approach to sex trafficking and prostitution, identifying the buying, procuring and trafficking of women for sexual purposes as a form of violence against women and, as such, as being counterintuitive to the project of gender equality. In particular, the campaign seeks to:

- encourage individual men to talk to each other about gender equality and to publicly commit to the abolition of prostitution;
- and to dispel myths about men's supposed 'need' for 'sexual services'.

Tom Meagher is familiar to many Australians as the widower of Jill Meagher, who was brutally raped and murdered in Melbourne, in 2012. In the years since her death, Mr Meagher has campaigned against men's violence against women, and against attitudes that facilitate violence against women. Speaking at the launch of the 'We Don't Buy It' campaign in Ireland, he made connections between violence against women, male sexual entitlement and prostitution:

³¹ Ibid.

³² Sullivan, M. (2007) *Making Sex Work: A Failed Experiment of Legalised Prostitution in Australia*. Melbourne: Spinifex.

³³ 'We Don't Buy It' campaign homepage: <http://wedontbuyit.eu/> Accessed: 15/03/2016.

Many believe that prostitution prevents rape...this feeds into the lie that male sexuality is this uncontrolled force of nature – so therefore needs a constant supply of women to satisfy that man. That also feeds into the lie that men can't help themselves. It's a handy excuse for rapists and violent men...We need to end the lie that this is about sexual freedom or liberation. It's not liberation, it's exploitation.³⁴

Given that the existence of prostitution is fuelled by the male demand for sexual access to women's bodies, the active participation of men – both in government, and in the general public – in promoting gender equality is a necessary and positive step in changing harmful social attitudes towards women and ending gender-based violence.

³⁴ Staff writer 'Tom Meagher says he cried for hours when he heard what happened to Karen Buckley.' *The Journal*, 22nd April. Available from: <http://www.thejournal.ie/tom-meagher-karen-buckley-2062655-Apr2015/> Accessed: 15/03/2016.

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