



CATWA Submission to the to the House of Commons Women and Equalities Committee inquiry on Prostitution UK

September 2019

Written submission from the Coalition Against Trafficking in Women Australia (CATWA) (PTN0024)

Executive summary

- Prostitution is one of the most urgent areas of gender inequality that must be addressed within the broader context of violence against women.
- Systems of prostitution facilitate the increased demand for sex buying, sex trafficking, the prevalence of illegal brothels, and harmful social attitudes towards women that foster sexual violence.
- Dominant social attitudes need to be challenged – such as men’s entitlement to women’s bodies, myths about men’s ‘need’ to purchase sex, and other forms of sexual exploitation.
- Long-term solutions for addressing prostitution can be found in 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).

Recommendations

1. That prostitution is understood as a serious barrier to gender equality that adversely affects women both in, and outside of, systems of prostitution.
2. That the voices of survivors of prostitution should be prioritised in discussions of prostitution and trafficking.
3. That demand for sexual services be recognised as fuelling sex trafficking and, as such, be discouraged in line with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children (the Palermo Protocol).
4. That the Nordic Model be implemented and recognised as international best practice for combatting prostitution and trafficking for sexual exploitation.

Who we are

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.

The harms associated with buying and selling sex

1. The Coalition Against Trafficking in Women Australia recognises many harms associated with buying and selling sex, even when legalised or decriminalised. Prostitution needs to be understood as a serious barrier to gender equality that adversely affects women both in, and outside of, systems of prostitution. Women and

girls constitute the vast majority of prostituted persons, and men are overwhelmingly the ‘buyers’ of sex. Prostitution, especially where legalised or decriminalised, reinforces harmful and regressive societal ideas that men have the right to access women’s bodies sexually, and that (at least some) women should provide sexual services for these men. The majority of the women expected to provide sexual services are some of society’s most vulnerable, and are often marginalised by race and socioeconomic class.

2. It is important to view prostitution as a gendered issue affecting the equality and safety of women.¹ 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.’² Also, as established in a report by the European Parliament’s Committee on Women’s Rights and Gender Equality, 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.’³ 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.⁴ Viewing prostitution as an acceptable purchase of ‘sexual services’ ignores the gender inequality inherent in prostitution and facilitates the framing of women as commodities available for the sexual gratification of men.⁵

Violence

3. Prostitution causes grave physical and psychological harm to women involved who experience repeated rape and beatings.⁶ Alarming, research on male buyers of prostitution shows that men actively seek to violate and cause violence to women in prostitution.⁷ International research on the psychological harms of prostitution also shows no difference in the level of harm experienced by those prostituted in legal and illegal industries.⁸ Women in prostitution are especially vulnerable to violence and women who have been trafficked into prostitution are even more vulnerable. Any framework for addressing violence against women cannot be complete without addressing the demand from men for the purchase of women’s bodies in prostitution.

The normalisation of harmful attitudes

4. In locations where the sex industry is legalised or decriminalised, the government sends a message that it is appropriate and normal to buy sexual access to women’s bodies. Since the Planning (Brothels) Act, which legalised licensed brothel prostitution was passed in Victoria, Australia, in 1984, the buying of women’s bodies for the purposes of sex has become framed as a form of normalised consumption in the state. It now even falls under the remit of the ‘Consumer Affairs’ department. CATWA argues that the sex industry is more effectively understood as a matter of gender inequality and gender-based violence that disproportionately affects vulnerable women and girls. Prostitution needs to be understood, as it is in an increasing number of jurisdictions around the world,⁹ as a serious barrier to gender equality that adversely affects women both in, and outside of, systems of prostitution. Given that recent research shows that male buyers in legalised and decriminalised systems are

actively seeking experiences that cause harm to prostituted women,¹⁰ this demonstrates that it is not only the buying of sex that is being normalised, but also sexual harm.

The effectiveness of government policies

5. International evidence shows that jurisdictions where the sex industry is legalised or fully decriminalised fail to effectively mitigate the harms endemic to the industry. In Australia, where CATWA is based, several jurisdictions have legalised or fully decriminalised systems, yet organised crime, trafficking, violence and abuse remain rife. Further to this, the legalisation or full decriminalisation of the industry often exacerbate these harms, or mean that government and law enforcement are less able to effectively intervene.

Trafficking and organised crime

6. For example, in the state of New South Wales (NSW) in Australia, the system of decriminalised brothel regulation has been found to be ineffective at curbing the trafficking of women and girls into Australia for sexual services. This is because the legalisation or complete decriminalisation of prostitution increases trafficking inflows by fostering demand for the sexual exploitation of women and girls.¹¹ Exploitation, and the involvement of organised crime, is found in both decriminalised systems (such as NSW) and legalised systems (such as the neighbouring state of Victoria). An ongoing problem is the exploitation and abuse of women through visa irregularities. There are numerous reports of young Asian women, primarily from Thailand, China and South Korea¹², coming to Australia on tourist or student visas and being lured into work in both legal and illegal brothels.
7. In NSW, the recent inquiry into the regulation of brothels in 2015 highlighted the failures of decriminalisation to curb human trafficking.¹³ The Australian Federal Police (AFP) and the NSW police both sent representatives to testify as to the abuses occurring in the sex industry. New South Wales Deputy Police Commissioner Nick Kaldas stated that the existence of “next to no regulation” was allowing criminal activity in the industry, including sexual servitude and forced drug-taking.¹⁴ At the same time, AFP Commander Glen McEwan noted that trafficking, in particular of Asian women into Sydney brothels, was an ongoing problem, with the police currently only able to identify and fully investigate a “fraction” of cases.¹⁵ Commander McEwan supplied the select committee with a “snapshot” involving “opportunistic” criminal syndicates and vulnerable women from Asia, “seeking to improve their own life, and those of their family, by moving to Australia for legitimate work.” Commander McEwan also spoke of foreign women being “duped”, held in captivity, forced to undertake sexual services and obliged to pay off unexpected or inflated debts to traffickers. CATWA recommends that demand for sexual services be recognised as fuelling sex trafficking and, as such, be discouraged in line with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children (the Palermo Protocol).¹⁶

Decriminalisation

8. Like legalisation, decriminalisation has been criticised for failing to address key concerns regarding prostitution. Survivors of prostitution are increasingly speaking out against prostitution. CATWA believes survivors voices should be prioritised in this issue because survivors have a unique lived experience of systems of prostitution. Below is the testimony of Sabrinna Valisce, a survivor of prostitution who worked under a fully decriminalised model of prostitution:

When New Zealand passed full decriminalisation, things changed in unexpected ways and I came to understand that the myths of legal protection, autonomy, increased choice and greater community acceptance were unfounded. We didn't have the legal protections we expected because we sat in a grey area between employee and independent contractor. On paper, we were independent contractors but this was only true in terms of not receiving an hourly wage, sick pay, holiday pay, superannuation or any other employee benefits. We were not considered employees despite brothel owners, escort agency owners and other third party profiteers deciding our starting hours, finishing hours, amount of shifts per/week, pay rates and attire including shoes, hair styles, nail polish and makeup. On top of this the brothels began to charge us to work there and fine us if we didn't live up to 'employee' expectations. Unlike every other independent contractor, we were denied the right to work at multiple businesses. Pay rates decreased. Fees and fines increased. Shift hours were up to seventeen per/night. Shifts had three times as many women as were feasible to make a decent income. Competition grew fierce and safe sex practices became a thing of the past. The myth of health being better was proved false in less than 6 months of the law reform. Women were kissing and risking herpes, doing oral sex without condoms with the risk of throat warts, doing rougher and riskier practices just to get the jobs. I did doubles with many women and saw these things happening first hand. I dealt with punters changing expectations. I experienced the long hours, nightclub level music, painful heels and increased competition. I had no choice but to fight against this model ever spreading to another country. – Sabrinna Valisce, *SPACE international*¹⁷

This survivor testimony is only one example of some of the harms and exploitation experienced by the majority of women in prostitution.

Broader issues of exploitation

9. Legalised and decriminalised systems create fertile ground for a broad variety of forms of exploitation:
- A market unencumbered by police and civil society's scrutiny where exploitation and abuse thrive
 - Demand for sexual services is normalised and grows, leading to a higher demand for people to provide these services
 - Methods of procurement continue to include targeting teenagers (who are easier to groom) and the most vulnerable (including women leaving care, learning disabled women, women fleeing violence, women in poverty, and women with addictions) and includes the use of abuse, coercion, and deception

- A small percentage of women benefit from legalised and regulatory mechanisms, such as registration, whereas a black market grows and most women do not benefit from legal protections
- Women do not want to register (they do not actually want to be selling sex) and if they do they hide abuse, control, and exploitation, including not reporting violent pimps or punters for fear of it ruining their business
- Competition increases and with that working conditions deteriorate meaning women are pressured to reduce prices and consent to unsafe practices or sexual acts they are not comfortable with
- There continues to be a market for underage girls and trafficking. Serious organised crime dominates the industry
- There is little to no exiting provision and support services beyond sexual health, meaning that those selling sex have fewer alternatives and less support

Such issues have been documented in a number of legalised areas including Amsterdam, Germany, Nevada, and Rhode Island, as well as in New Zealand's decriminalised regime.¹⁸

What more could be done?

10. The single most important legislative reform to combat prostitution and the trafficking of women for sexual exploitation is what has become known as the 'Nordic Model'. The Nordic Model constitutes asymmetric decriminalisation: it directly addresses demand for prostitution and trafficking by criminalising sex buyers and third parties who profit from prostitution, while simultaneously supporting the victims/survivors of prostitution and trafficking.¹⁹
11. The Nordic Model, which has been adopted in Sweden, Norway, Iceland, Northern Ireland, Ireland, Canada, France and Israel, and is being considered in a number of other countries (including Scotland, Lithuania, Colombia and the Philippines) is a legislative approach which recognises that prostitution is a form of violence against women and, more broadly, undermines women's equality.
12. The Nordic Model functions by decriminalising prostituted persons but prohibiting pimping, brothel owning and the purchase of sex. Evidence, particularly from Sweden – where the Nordic Model originated and was first implemented in 1999 – shows that it successfully reduces the market for prostitution and decreases trafficking inflows.²⁰ Numerous women's groups and prostitution survivors' organisations around the world also endorse the Model.²¹ CATWA therefore advocates that all penalties should apply to pimps, brothel owners and buyers of prostituted women, and that no penalties should be associated with prostituted persons. When the buyers of prostitution risk punishment, demand is decreased and the profitability of local prostitution markets is undermined. Without these markets, the trafficking of persons for prostitution can no longer be facilitated in the local context.²²
13. The Nordic Model is also the only legislative approach to prostitution that fits with the principal international initiative aimed at dealing with trafficking for the purposes of prostitution: the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol. This Protocol is related to the UN Convention against Transnational

Organised Crime. The Palermo Protocol makes clear that fundamental to addressing the issue of trafficking for the purposes of prostitution is ending the demand that fuels the traffic in women. This occurs in Article 9, Clause 5, which requires state parties to:

[A]dopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multicultural cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

The approach taken in the Protocol – to focus on primary prevention and demand – has been found to be one of the most effective means of preventing and countering trafficking in women for sexual exploitation. The legalisation of prostitution, in comparison, has been shown to increase trafficking inflows.²³

14. Of all the intergovernmental and international strategies and initiatives available, the Nordic Model is the most effective strategy for countering the demand for prostitution. It is victim-friendly, incorporates education-based change and, most importantly, research shows that it works (Waltman, 2011).²⁴ In addition, the adoption of the Nordic Model sends a strong message that the sexual exploitation of women is unacceptable.
15. In recent years, there has been international movement towards a “modern slavery” approach to human trafficking. While CATWA welcomes renewed government interest in addressing the human rights abuse of trafficking, it remains unclear whether the Modern Slavery Act in the UK, for example, and the approach taken within it, are effective and the best way forward. In particular, the UK legislation has been criticised for a lack of enforceability, especially around transparency and reporting of supply chains requirements.²⁵ There have also been criticisms from human rights groups, that the legislation – largely a consolidation of existing laws – is framed primarily through a focus on border protection and illegal immigration, rather than on victim support mechanisms.²⁶

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¹ Raymond, J. (2013) Not a choice, not a job: Exposing the myths about prostitution and the global sex trade. Melbourne: Spinifex.

² 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>

³ 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>

⁴ Jeffreys, S. (2009) The Industrial Vagina: The political economy of the global sex trade. London: Routledge. 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. Farley, M. (ed). (2003). Prostitution, Trafficking, and

Traumatic Stress. New York: Harworth Press.

⁵ Sullivan, M. (2007) *Making Sex Work: A Failed Experiment of Legalised Prostitution in Australia*. Melbourne: Spinifex.

⁶ Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., Reyes, M., Alvarez, D. and Sezgin, U. (2003) 'Prostitution and Trafficking in Nine Countries: An update on violence and Posttraumatic Stress Disorder.' In Farley, M. (ed). *Prostitution, Trafficking and Traumatic Stress*. Harworth Press: New York.

⁷ Jovanovski, N., and M. Tyler. 2018. "'Bitch, You Got What You Deserved!': Violation and Violence in Sex Buyer Reviews of Legal Brothels." *Violence Against Women* 24 (16):1887-908. Tyler, M., and N. Jovanovski. 2018. "The limits of ethical consumption in the sex industry: An analysis of online brothel reviews." *Women's Studies International Forum* 66:9-16.

⁸ Ibid.

⁹ Tyler, M., L. Carson, K Chambers, K. Farhall, S. Jeffreys, N. Jovanovski, C. Carpita, et al. 2017. "Demand change: Understanding the Nordic approach to prostitution." In. Melbourne, Australia: *The Coalition Against Trafficking in Women, Australia*.

¹⁰ Jovanovski, N., and M. Tyler. 2018. "'Bitch, You Got What You Deserved!': Violation and Violence in Sex Buyer Reviews of Legal Brothels." *Violence Against Women* 24 (16):1887-908. Tyler, M., and N. Jovanovski. 2018. "The limits of ethical consumption in the sex industry: An analysis of online brothel reviews." *Women's Studies International Forum* 66:9-16.

¹¹ Cho, S. et al. (2013) Does Legalized Prostitution Increase Human Trafficking? *World Development*, v41(1): 67-82

¹² Project Respect 2018, *Annual Report*, Project Respect, http://www.projectrespect.org.au/news_and_events

¹³ Henskens, A., M. Pavey, M. Gibbons, A. Greenwich, J. Haylen, E. Petinos, and K. Smith. 2015. "Inquiry into the Regulation of Brothels." In. Sydney: Select Committee on the Regulation of Brothels.

¹⁴ Raper, A. 2019. "Sexual slavery, forced drug-taking in NSW brothels on the rise: police." ABC News, Accessed 13 September. <http://www.abc.net.au/news/2015-09-01/sexual-slavery-on-the-rise-in-nsw-brothels/6741012>.

¹⁵ Duff, E. 2015. "AFP Reveals Sex Trafficking Based in Sydney Brothels." In *The Sydney Morning Herald*.

¹⁶ UN General Assembly. 2019. "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime." Accessed 11 September. <http://www.osce.org/odihr/19223?download=true>.

¹⁷ <https://www.spaceintl.org/>

¹⁸ For the literature on this see: Asthana, A. 2007. Amsterdam closes a window on its red-light tourist trade. *The Observer* 23rd September; BBC. 2017. My work as a prostitute led me to oppose decriminalisation. 2nd October 2017. BBC News Website. <https://www.bbc.co.uk/news/magazine-41349301>; Bindel, J. and Kelly, L. 2004. A Critical Examination of Responses to Prostitution in Four Countries. Child and Woman Abuse Studies Unit London Metropolitan University., London: Child and Woman Abuse Studies Unit London Metropolitan University; DW. 2017. Germany introduces unpopular prostitution law. 2nd July 2017. Deutsche Welle Online. <https://www.dw.com/en/germany-introduces-unpopular-prostitution-law/a-39511761>; DW. 2018. Inside the 'battery cage': Prostitution in Germany. 22nd June 2018. Deutsche Welle Online. <https://www.dw.com/en/inside-the-battery-cage-prostitution-in-germany/a-44350106>; Farley, M., Ackerman, R.K., Banks, M.E., and Golding, J.M. 2018. Traumatic Brain Injury in Prostituted Women: a Pilot Study. *Dignity: a Journal on Sexual Exploitation and Violence*: 3(2); FT. 2006. A new red thread report [fleshtrade.blogspot.com http://fleshtrade.blogspot.com/2006/11/new-red-thread-report.html](http://fleshtrade.blogspot.com/2006/11/new-red-thread-report.html); MJP. 2004. Purchasing sexual services in Sweden and the Netherlands. *Ministry of Justice and the Police, Norway* available at <http://www.regjeringen.no/en/dep/jd/Documents-and-publications/Reports/Reports/2004/Purchasing-Sexual-Services.html?id=106214>; NPC. 2008. Beneath the Surface Dutch National Police Service; Poulin, R. 2005. The Legalization of Prostitution and its Impact on Trafficking in Women and Children. *Sisyphus.org* February 6; Raymond, J., 2010. Trafficking, prostitution and the sex industry: The Nordic legal model. *Coalition Against Trafficking in Women*; Raymond, J.G. 2003. Ten Reasons for Not Legalizing Prostitution And a Legal Response to the Demand for Prostitution *Journal of Trauma Practice* 2: 315-332; Raymond, J.G. 2013. Not a Choice, Not a Job: Exposing the Myths about Prostitution and the Global Sex Trade, Virginia: Potomac Books; Shapiro, M. and Hughes, D.M. *Decriminalized Prostitution: Impunity for Violence and Exploitation*. Working Paper.

¹⁹ Tyler, M., L. Carson, K Chambers, K. Farhall, S. Jeffreys, N. Jovanovski, C. Carpita, et al. 2017. "Demand change: Understanding the Nordic approach to prostitution." In. Melbourne, Australia: *The Coalition Against Trafficking in Women, Australia*.

²⁰ Ibid.

²¹ 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. Further organisations can be found here:

<https://theconversation.com/does-decriminalising-pimping-further-womens-rights-46083>

²² Cho, S. et al. (2013) Does Legalized Prostitution Increase Human Trafficking? *World Development*, v41(1): 67-82

²³ Ibid.

²⁴ Waltman, M. (2011) 'Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law'. *Michigan Journal of International Law*, v33: 133-157.

²⁵ Farrell, L 2016, 'Domestic Modern Slavery Legislation; an Effective Solution? A Critical Analysis of the UK Modern Slavery Act 2015, MA Thesis.

²⁶ Anti-Slavery International 2015.