



## **CATWA Submission to Draft General Recommendation on TWGCGM**

May 2020

### **About the Coalition Against Trafficking in Women Australia**

The Coalition Against Trafficking in Women Australia (CATWA) was formed in Melbourne in 1994 and is the Australian branch of CATW International. CATWA is a Non-Governmental Organisation that has Category II consultative status with the United Nations Economic and Social Council. CATWA works locally and internationally to end all forms of sexual exploitation of women, especially in relation to issues of prostitution and trafficking in women.

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[www.catwa.org.au](http://www.catwa.org.au)

## Paragraph 6

The General Recommendation recognises that ‘the causes, consequences and experience of trafficking differ for young girls and teenage girls from that of adult women’,<sup>1</sup> however, nowhere is the especial vulnerability of underage girls to trafficking for prostitution addressed. The fact is, male sexual demand met through prostitution generates greater profits for traffickers in the case of younger victims. Research shows sex buyers prefer younger victims, intentionally and frequently request underage victims, and that younger victims have a higher monetary value in the global sex trade. Further, recruiting, trafficking and retaining victims for sexual trading is easier in the case of children. Pimps must employ strategies of deception and manipulation to recruit sufficient numbers of people to trade for sex. These tactics are more easily deployed in relation to underage girls who are unworldly, developmentally vulnerable, and often seeking emotional sustenance. Recruitment in adolescence is shown to increase the length of time women are in the sex trade.<sup>2</sup> The profitability of this fact further makes children a preferred target for sex trade recruiters. Once in the sex trade, children are more easily controlled and exploited than adult victims.<sup>3</sup> By virtue of their social standing relative to adults, children have little capacity to resist or escape the control of traffickers, and few ways of deflecting sex acts inflicted by prostitution buyers. Familial systems of inter-generational trading of women and girls in countries like India rely fundamentally on the incorporation of underage girls in prostitution systems while they are still wholly dependent on family members and before they reach marriageable age.<sup>4</sup> Children are a disproportionately impoverished section of the worldwide population, even in rich countries.<sup>5</sup> Research shows that poverty makes girls highly vulnerable to sexual exploitation. Even when poverty affects children only indirectly through families, they are still disproportionately impacted by it when these families sell them to brokers, or send them away in order to receive remittances.<sup>6</sup>

## Paragraph 12

The Committee states that it is ‘particularly concerned regarding the trends of trafficking in women and girls as well as the role of technology in the recruitment of victims’, however, the General Recommendation do not tackle the modern reality of trafficking crime. Active grooming and procurement entities operating on social media to recruit young women and underage girls for prostitution and/or pornography filming are increasingly common.<sup>7</sup> As shown in the South Korean ‘Nth-room’ case,<sup>8</sup> pimps and traffickers have highly advanced computing skills that allow them to extort and blackmail victims in large numbers to generate substantial revenues. Internet technology is central to the twenty-first century business of trafficking, but the General Recommendation reflects little awareness of its contemporary conduct. Social media recruitment of young women for pornography filming (whether ‘consensual’ or not) is a major gateway for their subsequent trafficking into prostitution or other pornography businesses. Pornography filming, and web-cam pornography live-streaming, are booming businesses of the sex industry worldwide. Victims are trafficked

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<sup>1</sup> Sohn, K. (2016). Men’s revealed preferences regarding women’s ages: Evidence from prostitution. *Evolution and Human Behavior*, 37(4), 272-280; Schapiro Group. 2011. *Men Who Buy Sex with Adolescent Girls: A Scientific Research Study*. Atlanta: Schapiro Group; Dillon, Sara. 2008. ‘What human rights law obscures: Global sex trafficking and the demand for children,’ *UCLA Womens Law Journal*, 17(1): 121-186.

<sup>2</sup> Cobbina, J. E. and S. S. Oselin (2011). ‘It’s not only for the money: An analysis of adolescent versus adult entry into street prostitution,’ *Sociological Inquiry* 81(3): 310-332.

<sup>3</sup> Silverman, J. (2011). Adolescent female sex workers: Invisibility, violence and HIV. *Archives of Disease in Childhood*, 96(5),478; Cole, J., Sprang, G., Lee, R., & Cohen, J. (2016). The Trauma of Commercial Sexual Exploitation of Youth. *Journal of Interpersonal Violence* 31(1), 122-146.

<sup>4</sup> Shingal, A. (2015). The devadasi system: Temple prostitution in India. *UCLA Women's Law Journal*, 22(1), 107-123; Adhikari, Harasankar. (2011). Chaste Wives and Prostitute Sisters: Patriarchy and Prostitution among the Bedias of India. *Journal of International Women's Studies*, 12(1), 192; Anuja Agrawal, Situating marriage payments: Bride-price and dowry among the Bedias of north India,’ *Contributions to Indian Sociology*, June 2014, 48: 223-247.

<sup>5</sup> [http://www.urban.org/research/publication/impossible-choices-teens-and-food-insecurity-america/view/full\\_report](http://www.urban.org/research/publication/impossible-choices-teens-and-food-insecurity-america/view/full_report)

<sup>6</sup> Molland, S. 2011. "The Trafficking of Scarce Elite Commodities: Social Change and Commodification of Virginitly along the Mekong." *Asia Pacific Journal of Anthropology*, 12(2): 129-145.

<sup>7</sup> See pp. 1049-1050 of Melissa Farley, Kenneth Franzblau, and M. Alexis Kennedy, ‘Online prostitution and trafficking,’ *Albany Law Review*, Vol. 77, No. 3, 2014,

[http://www.albanylawreview.org/Articles/Vol77\\_3/77.3.1039%20Farley%20Franzblau%20Kennedy.pdf](http://www.albanylawreview.org/Articles/Vol77_3/77.3.1039%20Farley%20Franzblau%20Kennedy.pdf)

<sup>8</sup> <https://filia.org.uk/news/2020/4/13/we-need-more-stigma-on-men-who-pay-to-sexually-exploit-women>

for the purpose of pornography production, which is driven by consumer demand, including for the live-streaming of sex acts with children, as described in Anti-Slavery Australia's 'Behind the Screen' (2017) report.<sup>9</sup> Cybersex trafficking is a major business of the global sex industry in the 21<sup>st</sup> century, but the General Recommendation fails to mention even the need for legislative regulation of telecommunications businesses, credit card companies and media entities to suppress the crime. Moreover, the increasing use of technology to facilitate trafficking for sexual exploitation cannot be understood or addressed without acknowledging the fundamental links between pornography and trafficking. This is a major oversight in the current era, which is headed in a direction of cyber-forms of trafficking with the COVID-19 crisis, and with the continued success of massive online businesses like Pornhub that generate profit incentives for pornographic footage. The trafficking of women and girls is central to pornography production, as documentary films like *Hot Girls Wanted* show.

### **Paragraph 19**

The commitment indicated in the first sentence of Paragraph 19, 'Identifying, addressing and eliminating the root causes and discouraging the demand that fosters all forms of exploitation of women and girls through trafficking are key to States parties' prevention efforts' is not reflected elsewhere in the paragraph, nor anywhere in the draft document. We respectfully remind the Committee that there is only one cause and driver of the vast majority (as the Committee notes, 94%) of trafficking crime perpetrated against women: male consumer demand for the purchase of women and girls for prostitution. As the Committee is aware, Article 9(5) of the Palermo Protocol that commits members to 'discourag[ing] the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking', refers to legislative and other bans on consumer purchase of people for prostitution. It is not concerned, as Paragraph 19 seems to suggest, with the 'vulnerability' of victims to the crime. The Protocol requires member states to suppress consumer activities of prostitution irrespective of 'structural and systemic conditions' affecting the social status and wellbeing of women and girls. In other words, cutting off consumer demand for the sex industry's commercial services, and therefore reducing the profit incentive for trafficking activity, is seen as an effective strategy against the crime even in jurisdictions where female status and wellbeing is low.

### **Paragraph 20**

This paragraph suggests that trafficking crime is rooted in 'gender-based discrimination...compounded by...the demand for sexual exploitation'. However, rather than an additional factor behind trafficking crime, we again respectfully remind the Committee that without male consumer demand for the purchase of prostitution, the rates of trafficking in women and girls would be drastically reduced. In other words, in an imaginary world, we could envisage even poor and vulnerable women rarely falling victim to trafficking if male demand for their prostitution was successfully suppressed. Instead, in today's world, not only do we have swathes of the world's female population suspended in conditions of poverty and vulnerability, but, on top of that, we have large populations of men, mostly in rich countries, exercising demand for prostitution that creates the profit incentive that drives their commercial trafficking. This fact is clear in the nature of the businesses into which female victims are trafficked, which often cater to Western male sex tourists, web-cam live-stream prostitution/pornography subscribers, and customers of sex industries operating in major rich-world cities.

### **Paragraph 78**

The Committee suggests in broad terms that 'gender-related factors underpinning trafficking in women...contribute to the explicit or implicit social acceptance of gender-based violence against women, often still considered a private matter'. However, nowhere in the General Recommendation is the 'gender-related factor' of male pornography consumption specifically mentioned as underpinning the demand for women's prostitution that drives trafficking crime. Pornography consumption by men and boys from younger and younger ages<sup>10</sup> is occurring with increasing intensity, using increasingly body-punishing and

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<sup>9</sup> <https://antislavery.org.au/wp-content/uploads/2020/02/behind-the-screen-report.pdf>

<sup>10</sup> Campo, Monica (4th May 2016), Children and young people's exposure to pornography. Australian Institute of Family Studies. <https://aifs.gov.au/cfca/2016/05/04/children-and-young-peoples-exposure-pornography>

aggressive pornographic materials.<sup>11</sup> Pornography consumption has been repeatedly correlated with prostitution buying,<sup>12</sup> which in turn drives trafficking crime. Pornography, in of itself, moreover, is defined by feminist theorists including Catharine MacKinnon as a form of trafficking.<sup>13</sup>

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<sup>11</sup> Shek, & Ma. (2016). A Six-Year Longitudinal Study of Consumption of Pornographic Materials in Chinese Adolescents in Hong Kong. *Journal of Pediatric and Adolescent Gynecology*, 29(1), S12-S21.

<sup>12</sup> Melissa Farley, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine and Michele Decker, 'Comparing sex buyers with men who don't buy sex: "You can have a good time with the servitude" vs. "You're supporting a system of degradation"', paper presented at Psychologists for Social Responsibility Annual Meeting, 15 July 2011, Boston; San Francisco: Prostitution Research & Education, 2011, <http://www.prostitutionresearch.com/pdfs/Farleyetal2011ComparingSexBuyers.pdf>; Boyle, K. (2008). "Courting Consumers And Legitimizing Exploitation." *Feminist Media Studies* 8(1): 35-50; Solov' & Ev, V. S. (2014). Social Network Users' Attitudes Toward the Problem of Commercial Sexual Services. *Sociological Research*, 53(1), 3-7.

<sup>13</sup> Catharine MacKinnon, 'Pornography as trafficking,' <https://repository.law.umich.edu/mjil/vol26/iss4/1/>; Tyler, M. (2015). Harms of production: Theorising pornography as a form of prostitution. *Women's Studies International Forum*, 48, 114-123.