



Thursday 18 February 2016

HOME AFFAIRS COMMITTEE
HOUSE OF COMMONS
LONDON
SW1A 0AA

To the Committee Secretary of the Inquiry into Prostitution.

NorMAC is a secular organisation directed by and for survivors of commercial sexual exploitation in Australia, a harmful cultural practice that we seek to end.

Prostitution undermines gender equality by commodifying women as sexual goods. We support the introduction of Nordic Model laws, which aim to end the exploitation of women, children and men in the sex trade, and to provide essential, fully resourced exit programs.

We are responding to your Inquiry into prostitution as we hope you will take note of the experience here in Australia. We refer particularly to issues that have arisen as a result of Australian states, particularly New South Wales, adopting a laissez faire approach to prostitution – the so-called ‘decriminalisation’ of the sex trade. This approach has entrenched exploitation of persons in the sex industry, perpetuated stigmatisation and prevented real justice, support and compensation for those who wish to exit the sex trade.

- **Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.**

NorMAC does not support any criminal sanctions against those who sell sex. We recommend the Nordic Model of prostitution legislation. Nordic Model laws began with the Swedish Kvinnofrid (Women’s Peace/Security/Freedom) Law enacted in 1999 to address all forms of violence against women. The same legislative approach has since been adopted in Norway, Iceland, Northern Ireland, South Korea and Canada, and is under consideration in many other jurisdictions including Israel, Lithuania and Scotland. We also welcome the passing of recent bills based on the Nordic Model of prostitution legislation in France and the Republic of Ireland.

We note the United Kingdom has already partially adopted the Nordic Model by enacting legislation making it illegal to buy sex from a person who was trafficked or pimped. This was specifically legislated with the Policing and Crime Act 2009, which makes it an offence ‘knowingly or unknowingly to pay for sexual services of a prostitute subjected to force’.

The Nordic Model views the prostitution of persons as a harmful, unacceptable cultural practice. The Nordic Model recognises the following key issues in the sex trade -

- Decriminalisation is essential for all individuals who are paid for sexual services.
- There is an inherent inequality in verbal contracts for the purchase of sex.
- People who are harmed as a result of being bought for sex need to be compensated.
- People wanting to exit the sex industry need access to resources including health, housing, employment opportunities, education and social security.

The Nordic Model targets demand through laws aimed at dissuading buyers of sexual services. In Sweden, research has shown the vast majority of the population supports Nordic Model laws, and believes purchasing sex is a human rights violation. Laws against the purchase of sexual services have had a normative effect on attitudes towards the sex industry and have resulted in a reduction in the number of men wanting to purchase sex.

NorMAC also recognises that the best response for people involved in the sale of sex, is to give them the support they need to exit the industry.

In Australia, research has consistently shown that persons in the sex industry have a number of negative social determinants in relation to their physical and psychological health.

The National Drug and Alcohol Research Centre in 2005 published an article titled 'Mental health, drug use and risk among female street-based sex workers in greater Sydney'. The project interviewed 72 women who had been involved in prostitution for 3 months or more, and the resulting data highlighted the following:

- One quarter of the respondents identified as being Aboriginal and/or Torres Strait Islander.
- More than half left home before the age of 16.
- The median range for school completion was year 9.
- 14% had no fixed address or were currently homeless.
- Nearly half the sample reported being homeless within the past 12 months.
- Three-quarters of the sample experienced child sexual abuse before the age of 16.
- Almost two-thirds reported that after the age of 16 someone had raped them.

- One third of participants reported moving into prostitution before the age of 18.
- Two thirds of respondents found sex work stressful with half stating that the clients were the cause of this stress.
- 85% of women reported experiencing violence in prostitution, particularly physical assault (65%), rape with gun/knife (40%), rape without weapon (33%) and attempted rape (21%).
- Depression was also prevalent, with a little over half (39 respondents) reporting severe depressive symptoms. A little over half of this group (54%) reported having attempted suicide and one-quarter of these had been before the age of 18. Half the sample also screened positively for a diagnosis of Borderline Personality Disorder (BPD) with approximately half the total sample also meeting the criteria for PTSD, with 31% of respondents reporting current PTSD symptoms.¹

A 2009 study conducted by the University of Queensland and Queensland University of Technology surveyed women from three sections of the sex industry. This included 103 private 'sex workers', 102 legal brothel workers and 42 illegal 'sex workers', 33 of who were street workers. The results showed that 83% of illegal 'sex workers' had been exposed to sexual abuse during childhood, 45% of licensed brothel workers and 48% of private 'sex workers' also reported childhood abuse. It also showed that 52% of illegal 'sex workers' had been raped or bashed by a client; 15% of private 'sex workers' and 3% of brothel-based 'sex workers' also experienced these traumas. The study highlighted that street workers were four times more likely to have mental health problems than brothel workers, but overall prostitutes from all sectors had poorer mental health than Australian women of comparable age who were not involved in the sex industry.²

- **What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.**

This would be a dramatic but necessary change that would ultimately impact on cultural attitudes towards the purchase of another human being for sexual use.

Australia has sadly seen the opposite of the view being proposed here. Rather, Australian states such as New South Wales have essentially legalised an open slather sex trade with little in the way of protections or oversight. New South Wales is now an unregulated minefield of exploitation, abuse and an ever expanding illegal sector associated with other criminal activities.

¹ <https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/TR.237.pdf>

² <http://eprints.qut.edu.au/17394/8/c17394.pdf>

Australia's current situation reflects the findings of a recent report, *Does Legalized Prostitution Increase Human Trafficking?*, (a collaboration between the London School of Economics and Political Science (LSE), the German Institute for Economic Research, and Heidelberg University) which described international human trafficking as 'one of the dark sides of globalisation'. The report explained that most victims of international human trafficking are women and girls, the vast majority of who end up being sexually exploited through prostitution. Domestic policy on prostitution in countries of destination, it says, has a marked effect. The researchers used a global sample of 116 countries and found that countries where prostitution is legal tend to experience a higher reported inflow of human trafficking than countries in which prostitution is prohibited.³

Australian media reports over the past few years indicate that New South Wales has allowed criminals to run brothels in the state despite having criminal convictions recorded against them in other Australian states (specifically Victoria) for, amongst other things, employing under-age prostitutes.⁴

Numerous cases have also been reported in the media of sex trafficking of Asian women. The Sydney Morning Herald reported on an investigation which found that upon arriving in Australia on travel visas, dozens of women from Hong Kong and Thailand were being met by brothel managers who lodge study visa applications on their behalf.⁵

In February 2013, consultancy firm Brothel Busters contacted two senior officials within the Department of Immigration's national investigation unit, identifying four Hong Kong women who were delivered to Australia to work in the sex industry. The girls were dispersed between two brothels in Blacktown, in western Sydney, and an associated parlour in Sydney's south. Brothel Busters head Chris Seage also provided a paper trail that demonstrated exactly how sex traffickers were utilising the student visa system. Three months later, a regular client of the Blacktown parlours became irate about prolific drug use on the premises and turned whistleblower. In a letter, dated 19 May 2013, to Blacktown Council mayor Len Robinson, he stated:

'These working girls hardly speak a word of English...are here on a student visa and are permitted limited hours per week to work (20 hours) but are forced to work up to 18 hours a day'.⁹

³ <http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-prostitution-anonymous-REVISED.pdf>

⁴ <http://www.dailytelegraph.com.au/news/nsw/brothel-owners-banned-in-victoria-for-employing-underage-prostitutes-now-running-big-brothels-in-sydney/story-fni0cx12-1226848537447?nk=269f499e0d84b5af747fa64738b2bb94>

⁵ <http://www.smh.com.au/nsw/trafficking-women-lured-with-student-visas-forced-into-sex-slavery-20140329-35q88.html#ixzz3iznZyeC0>

Another case saw a brothel madam exposed for enslaving a group of Malaysian women and forcing them to work 17-hour shifts, including coerced unprotected sex acts.⁶

A joint investigation by the Sydney Morning Herald and ABC's Four Corners in 2011 examined details regarding Federal Police investigations which found evidence of two legal Sydney brothels and three legal Melbourne brothels linked to international human trafficking. The sex slavery syndicate convinces Asian women to come to Australia to study. When they arrive here they are kept against their will, stripped of passports and forced to work as sex slaves. One member of the brothel syndicate was charged with killing a Melbourne man who was helping a Korean sex slave to escape.

The investigation also found that state and local authorities responsible for approving legal brothels have taken no action, despite court documents in August 2011 detailing Federal Police allegations against brothels and their managers. Senior police sources said the links between organised crime, sex trafficking syndicates and legal brothels highlighted the need for stronger state regulation and criticised NSW and Victoria for their woeful oversight of the industry.⁷

NorMAC recommends that your committee pursue legislation aimed at dissuading sex buyers. The effect of this is two-fold – it discourages men (the primary client base for people in prostitution) from purchasing sex for fear of criminal conviction. It also ensures the pool of clients for sexual services decreases thereby making the sex trade less viable for third party exploiters such as pimps, brothel owners/managers.

This has been the experience in Sweden, with the Swedish government reporting that laws banning the purchase of sex have been effective in reducing prostitution and deterring human trafficking. The government report noted that prostitution in Sweden, unlike comparable countries, had not increased and street prostitution had halved in the decade since the introduction of legislation criminalising buyers of sex, pimps and brothel owners. Data shows the number of prostituted people in Sweden was roughly ten times lower per capita than in Denmark.⁸

Other countries that have adopted the Nordic Model have also noted its success. In 2014, Norway conducted an independent 5-year evaluation of their laws. The results showed a 20-25% reduction in prostitution, and street prostitution had nearly halved.⁹

Figures from Norway have also shown a reduction in violent crime, with prostituted people more willing to report harassment or violence, and a decrease in physical assault and rape

⁶ <http://www.smh.com.au/nsw/jail-for-brothel-keeper-who-enslaved-women-20130705-2phgf.html>

⁷ <http://m.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfxs.html>

⁸ <http://www.government.se/content/1/c6/14/92/31/96b1e019.pdf>

⁹ <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>

comparing 2008 data (pre-Nordic Model) to 2012 data (post-Nordic Model).¹⁰

In April 2014 the Parliamentary Assembly of the Council of Europe called on member states to *'consider criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings.'*

- **What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured.**

The Modern Slavery Act only received Royal Assent and became law on 26 March 2015. We recognise the importance of steps taken by the UK government in consolidating laws regarding forced labour and trafficking. NorMAC, although viewing this matter from afar, was concerned to see the amendment put forward by Labour MP Fiona Mactaggart in November 2014 defeated. This amendment would have criminalised the purchase of sex, ultimately offering more protection for people in prostitution and shifting the burden of criminality to sex buyers.¹¹

It appears there was a concerted campaign by politicians, including John McDonnell, who made claims that criminalising the purchase of sex would drive the sex industry underground.¹² Despite McDonnell's position there is a mass of evidence showing that Nordic Model legislation is effective, as noted in our previous response.

NorMAC also opposes claims that dismiss the correlation between prostitution and trafficking. We note that clear links between human trafficking and the exploitation of people within the sex industry were described by Sigma Huda, UN Special Rapporteur on Trafficking, as follows:

'It is rare that one finds a case in which the path to prostitution and/or a person's experiences within prostitution do not involve, at the very least, an abuse of power or an abuse of vulnerability.....put simply, the road to prostitution and life within 'the life' is rarely one marked by empowerment or adequate options'¹³

- **Whether further measures are necessary, including legal reforms, to:**
 - Assist those involved in prostitution to exit from it
 - Increase the extent to which exploiters are held to account
 - Discourage demand which drives commercial sexual exploitation

The Nordic Model Australia Coalition (NorMAC) supports the following legislative measures for

¹⁰ <http://humboldt1982.files.wordpress.com/2012/12/dangerous-liaisons.pdf>

¹¹ <http://www.bbc.com/news/world-europe-29950986>

¹² <https://www.youtube.com/watch?v=O4to2bG7N5g>

¹³ [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI\(2016\)577950_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf)

the protection of people involved in the sex industry and the reduction of trafficking of persons for the purposes of sexual exploitation.

- The decriminalisation of all prostituted persons.
- The criminalisation of the purchase of sexual services.
- The education of the community, particularly men, about the harms of prostitution and the value of women.
- The ongoing investigation and prosecution of crimes involving trafficking and sexual exploitation of the vulnerable.
- The rejection of any form of commercialisation or corporatisation of the sex industry.
- The provision of holistic exit programs for prostituted persons, including sustainable long-term funding.

We appreciate this opportunity to contribute to your inquiry and we are willing to participate in any further avenues of inquiry you pursue in our shared goal of best outcomes and protection for those persons currently exploited in the sex trade.

Finally, we note that the Australian state of New South Wales mentioned previously in this submission has a fully decriminalised sex industry similar to the model operating in New Zealand. Due to the on-going problems of criminal gangs, exploitation and illegal brothels, the NSW government launched an inquiry into the regulation of brothels in 2015. A number of recommendations emerged from this inquiry, including the need for increased police powers and an increased police presence in matters relating to monitoring the sex industry. We leave you with some of the findings from the recent report.

FINDING 8 - Sexual services are being provided on a large scale and on many occasions in premises that do not have planning approval to do so, affording the police insufficient visibility over the industry and the criminal elements that may operate within it.

FINDING 9 - Unapproved massage parlours and karaoke bars where sexual services are provided without planning approval and in an underground manner, allow significant potential for them to be affiliated with organised crime or human trafficking and sexual servitude especially compared with the approved sector of the sex services industry in NSW.

FINDING 11 - Successful sex slave prosecutions and evidence from both the Australian Federal Police and the NSW Police Force make it probable that:

- Sexual servitude occurs in NSW; and



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- Criminal networks do operate in some parts of the NSW sex services industry.

RECOMMENDATION 29 - That because of the problems with sexual servitude and organised crime in the sex services industry, the NSW Police Force be the co-ordinating agency under any new system of regulation and that a dedicated unit within the NSW Police Force similar to the Victorian Police's Sex Industry Co-ordination Unit be established and appropriately resourced.¹⁴

Do not hesitate to contact us if you wish to discuss our concerns further.

Yours sincerely

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Matthew Holloway -BSocSc (Couns),
National Secretary for NorMAC,

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[http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/545e0ced0ca425aeca257ef900185d16/\\$FILE/Final%20Report%20-%20Inquiry%20into%20the%20Regulation%20of%20Brothels.pdf](http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/545e0ced0ca425aeca257ef900185d16/$FILE/Final%20Report%20-%20Inquiry%20into%20the%20Regulation%20of%20Brothels.pdf)