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UN Women
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RE: Consultation seeking views on UN Women approach to prostitution

About the Australian Christian Lobby

The Australian Christian Lobby's (ACL) vision is to see Christian principles influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation. With over 60,000 supporters, ACL facilitates professional engagement and dialogue between church and state, allowing the voice of the Church and of individual Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned and lobbies in the Federal Parliament and all State and Territory Parliaments.

Recommendations for UN Women's policy toward prostitution

ACL welcomes UN Women's consultation with a view to forming a policy approach to prostitution. Considering the violation of human dignity that prostitution entails, we recommend the adoption of a policy consistent with Sweden's "Nordic approach" towards prostitution.

Prostitution is inherently degrading to a person's dignity because it involves the selling of one's body for another person's sexual gratification. Increasing pressure to accept prostitution as a legitimate industry is incongruent with a society that values all persons as having equal dignity with a right to freedom from exploitation.

Question 2. Ending the trafficking of women

Legalised prostitution facilitates and promotes the human trafficking of women and children. Any proposal to legalise prostitution should be rejected. The United Nations' *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, to which Australia is a signatory, requires States Parties to

*take or strengthen measures . . . to alleviate the factors that make persons, especially women and children, vulnerable to trafficking.*¹

A study from the University of Göttingen analysed data from 150 countries and concluded that:

¹ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Article 9.4.

countries with legalized prostitution have a statistically significantly larger incidence of human trafficking inflows.²

The study found that when prostitution is legalised the expansion of the prostitution market leads to an increase in human trafficking overall.³

Deregulation (NSW) and licencing (Victoria) fails to prevent human trafficking

There is good reason to believe that decriminalising prostitution not only fails to combat sex trafficking, but actually increases it.

In NSW and Victoria, the trafficking of women for sex continues to be a problem after many years of decriminalisation and regulation respectively.

Australia is considered a destination for sex trafficking by the US Department of State,⁴ and the UK Home Office.⁵

The trafficking of women from Southeast Asia is of particular concern. Recently, the Seoul Metropolitan Police Agency arrested 18 Korean pimps who were involved in trafficking women into Australia to work as prostitutes, including to brothels in Sydney.⁶

Between 2003 and October 2011 there were more than 308 investigations and assessments of trafficking allegations by the federal police's human trafficking teams. They identified 181 victims, including 147 women forced to work as sex slaves.⁷ In 2011, several legal brothels located in Sydney and Melbourne were linked to an international human trafficking and sex slavery ring.⁸ In February 2012, a Chinese-Cambodian man was charged with human trafficking offences in relation to three young Thai women who claimed they had been lured to Australia from Thailand on the promise of student visas. The women, believed to be under the age of eighteen, were then held as sex slaves in a Sydney brothel.⁹

Question 3. Gendered nature of prostitution

From a gendered perspective, prostitution is a form of exploitation typically of women being paid to provide sexual acts for men in an unequal power situation.

Prostitution is inherently a demand driven industry. Male demand for sexual services is the driving force behind prostitution. This has been recognised by the United Nations' *Protocol to Prevent*,

² Cho (2012), *Does Legalized Prostitution Increase Human Trafficking?*, <http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-prostitution-anonymous-REVISED.pdf> p 1.

³ Ibid. p 17.

⁴ US Department of State (2009), *2009 Human Rights Reports: Australia*, <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135985.htm>; US Department of State (June 2012), *Trafficking in Persons Report*, <http://www.state.gov/documents/organization/192594.pdf>, p 73.

⁵ Home Office (2004), *Paying the Price: a consultation paper on prostitution*, Home Office Communication Directorate, http://news.bbc.co.uk/1/hi/shared/bsp/hi/pdfs/16_07_04_paying.pdf, p 85. Emphasis added.

⁶ Kim Young-won (June 29, 2012), 'Korean pimps caught trafficking in Australia', *The Korea Herald*, <http://view.koreaherald.com/kh/view.php?ud=20120629000874>.

⁷ Nick McKenzie, Maris Beck, Tom Reilly, Anne Davies, "Legal brothels linked to international sex trafficking rings", SMH, 10 October 2011 <http://www.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfx.html#ixzz3oQkt68X8>

⁸ McKenzie et al, (October 10, 2011), 'Legal brothels linked to international sex trafficking rings', *The Sydney Morning Herald*.

⁹ Rachel Olding (February 3, 2012), 'Tip-off leads to trio of young Thai women who were 'held as sex slaves'', *The Age*, <http://www.theage.com.au/national/tipoff-leads-to-trio-of-young-thai-women-who-were-held-as-sex-slaves-20120202-1qvnu.html>.

Suppress and Punish Trafficking in Persons, Especially Women and Children (UN General Assembly resolution 55/25 of 15 November 2000) and requires States Parties to:

*adopt or strengthen legislative or other measures, such as educational, social or cultural measures... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”.*¹⁰

The best way of tackling the problems of prostitution is to cut off demand, and the best way to do this is to criminalise the purchase of sex. Research applying economic theory supports this idea.

A 2012 study from the University of Goettingen, Germany,¹¹ analysed data from about 150 countries in an economic theory context and found that some clients will be deterred from consuming commercial sex services if there is a reasonable probability of being prosecuted. They concluded that legalising prostitution will therefore almost invariably increase demand for prostitution.¹²

There will always be women who are vulnerable to exploitation. This is why it is essential that the focus should be on discouraging the demand.

UN Women policy approach towards prostitution – Nordic Model

UN Women should adopt a policy approach consistent with Sweden’s approach towards prostitution. Sweden has recognised prostitution as a “serious form of male violence against women and children”. The purpose of criminalising the purchase of sexual services was closely linked with a wider movement to target violence against women.¹³

In keeping with the country’s commitment to gender equality, Sweden sought ways to protect women from prostitution by focusing on the core cause, that is, the demand for paid sex.¹⁴

Under Swedish law, prostituted women are not criminally liable; it is the purchaser of sex who is guilty of an offence. This policy position covers all forms of sexual services purchased in any circumstances.¹⁵ The *Prohibiting the Purchase of Sexual Services (sex Purchase Act)* was passed in 1999.

The Nordic model has three focus points:

1. decriminalise the prostituted while criminalising the actions of those who pay for sex and profit from sexual payment.
2. offer exit services in the form of training and education, housing, drug and alcohol services, childcare, counselling and ongoing support.
3. re-educate the public on the harms of prostitution and work towards prevention.

Effectiveness of the Nordic model

The policy approach of Sweden has been effective in reducing street prostitution and human trafficking.

¹⁰ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Article 9.5.

¹¹ Seo-Young Cho, Axel Dreher, Eric Neumayer (January 2012), *Does Legalized Prostitution Increase Human Trafficking?*, Courant Research Centre, University of Goettingen, Germany.

¹² Ibid. p 6.

¹³ Selected extracts of the Swedish government report SOU 2010:49: —The Ban against the Purchase of Sexual Services. An evaluation 1999-2008 https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_ban_against_the_purchase_of_sexual_services_an_evaluation_1999-2008_1.pdf

¹⁴ Gunilla Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, pp 2-3.

¹⁵ Gunilla Ekberg (2007), *Update on Swedish Model of Sex Industry Reform* p 4.

Sweden's National Board of Health and Welfare has reported significant decreases in the number of women in street prostitution and the number of men buying sex.¹⁶ There has been an estimated 50% real reduction in street prostitution, without corresponding increases in other types of sex work, such as indoor sex work.¹⁷ Government documents report that this reduction may be considered to be a direct result of the criminalisation of sex purchases.¹⁸

The Swedish laws have led to a concrete decrease in the number of victims of human trafficking.¹⁹ According to the European Parliament "traffickers have had problems finding enough sex buyers in Sweden, the demand has been much lower than expected."²⁰ Police wiretaps have confirmed that criminal groups view Sweden as a poor market, and the illegal brothels that do exist are small in scope.²¹ The National Rapporteur on Trafficking in Human Beings has estimated that around 400-600 women were trafficked into Sweden, a considerably smaller number than in surrounding countries, and the law has had "direct and positive effects on the trafficking of human beings for sexual purposes to Sweden and that Sweden is no longer an attractive market for traffickers".²²

Kajsa Wahlberg of the human trafficking unit in Sweden has publicly stated that police know from eavesdropping on human trafficking rings that Sweden is considered bad business because of its tough stance. "They are calculating profits, costs and marketing and the risk of getting caught," Ms Wahlberg said. "We're trying to create a bad market for these activities."²³

The domestic approach has had an influence in the region, with both Iceland²⁴ and Sweden's neighbour Norway²⁵ now implementing the same model. Norway's prohibition on the purchase of sex goes further to include prohibiting Norwegian citizens from purchasing sex abroad as well as at home.²⁶

Recommendation: UN Women should adopt a policy approach that recognises the inherent inequality and the violent and destructive abuse that exists for women in prostitution. The policy approach should be one that focuses on addressing the cause of prostitution by criminalising the demand for the purchase of sex. The policy approach should be consistent with Sweden's approach towards prostitution which has also been adopted in Norway, Iceland, Northern Ireland, France and Canada.

Thank you for taking the time to consider our submission.

¹⁶ Ibid. p 5

¹⁷ Swedish Institute, Selected extracts of the Swedish government report SOU 2010:49 "The ban against the Purchase of Sexual Services. An evaluation 1999-2008", https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_ban_against_the_purchase_of_sexual_services_an_evaluation_1999-2008_1.pdf

¹⁸ Ibid. p 7; https://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/10488/2004-131-28_200413128.pdf p 7

¹⁹ European Parliament (2005), *Study on National Legislation on Prostitution and the Trafficking in Women and Children*, http://ec.europa.eu/anti-trafficking/download.action;jsessionid=h932NJLT8bGTNJKlpWq3vpfs2vJD1ZsvZmtkJdhKNPD5Sw4txpVl-285985297?nodeId=94d50494-83a2-4787-8f70-7e55ae564ba2&fileName=Study+on+National+Legislation+and+Prostitution_en.pdf&fileType=pdf, p 133.

²⁰ Ibid. p 133.

²¹ Ministry of Justice (2010), *Selected extracts of the Swedish government report SOU 2010:49: The Ban against the Purchase of Sexual Services. An evaluation 1999-2008*, p. 29.

²² Ekberg (2007), *Update on Swedish Model of Sex Industry Reform*, p. 5

²³ Karl Ritter, 'World Takes Notice of Swedish Prostitute Laws' Karl Ritter *The Independent UK* 17 March 2008

²⁴ Erla Sigurðardóttir (June 3, 2009), 'Buying sex now punishable in Iceland', *Nordic Gender Institute*, http://www.nikk.no/English/Subjects/Prostitution/News/?module=Articles;action=Article_publicShow;ID=920.

²⁵ BBC (January 1, 2009), 'New Norway law bans buying of sex', *BBC*, <http://news.bbc.co.uk/2/hi/europe/7806760.stm>.

²⁶ Ibid.

Regards,

A handwritten signature in black ink that reads "W Francis". The signature is written in a cursive style with a large, stylized initial 'W'.

Wendy Francis
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Australian Christian Lobby