

Via email: [swr@justice.vic.gov.au](mailto:swr@justice.vic.gov.au)

16 June 2020

Dear Review Team


**Re: Review into Decriminalisation of Sex Work**

We are a grassroots campaigns movement mobilising and equipping individuals and groups to target corporations, advertisers, marketers and media which objectify women and sexualise girls to sell products and services. We are concerned about the increasing pornification of culture and the way harmful messages about women and girls have become entrenched in mainstream society. We engage, more broadly, in efforts to address related issues such as violence against women, pornography, prostitution and trafficking. Supporters of our movement include survivors of the global sex trade. Their recounted experiences of harm inform the comments on the review that we offer below.

As a decade-old organisation with expertise in the sexual exploitation of women in Australia and globally, having authored papers in the field, contributed to a number of inquiries into the sex trade, trafficking and modern day slavery, as well as having supported a significant number of women who once worked in the sex industry and whose experiences and unique knowledge has informed our work since our formation, we believe we have something to offer your inquiry.

We would like to put on record that we are deeply concerned by the decision of this Committee to exclude submissions from women who have exited the industry and view this as a serious abuse of proper inquiry by elected officials.

Yours sincerely

  
Caitlin Roper  
Campaigns Manager  
Collective Shout

## Legitimising the sex industry leads to increases in trafficking and poorer conditions for women

Australia is considered a destination country for sex trafficking by the US Department of State<sup>1</sup> and the UK Home Office.<sup>2</sup> Research also confirms Australia's status as a high-volume destination country for sex trafficking.<sup>3</sup> It is difficult to ascertain the precise extent of this practice, however researchers estimate that about 2000 women are trafficked into Australia each year for sexual exploitation.<sup>4</sup> According to the Australian Federal Police, the problem of sex trafficking is "wide and vast", and prosecuted cases represent a fraction of the trade passing under the radar.<sup>5</sup>

Australia is a hub for sex trafficking in the region due to the large scale of the sex industry, its legal status, and its relative profitability compared to other sex industries in the region. It is an attractive investment destination for pimps and traffickers as the industry has in the past operated relatively free of government monitoring and intervention. The market for buying sexual services ensures Australia remains a hub for victims of trafficking because Asian women are in demand by the local Australian male population.

Industry legalisation and deregulation create a lucrative and expanding prostitution market into which women will be trafficked to meet escalating levels of consumer demand. Legalising or deregulating the sex trade serves to normalise the purchasing of sexual services, and as a result, many men who had never before purchased sex when it was illegal may now feel comfortable to do so. As the demand for women and girls for sexual exploitation increases, a greater number of women and girls must be imported to meet this demand, which leads to a significant rise in sex trafficking. A study of 150 countries confirmed that legalised prostitution leads to expansion of the prostitution market and increasing human trafficking, and that on average, countries where prostitution is legal experience larger human trafficking inflows.<sup>6</sup> As the Native Women's Association of Canada writes:

[Legalisation] fails to protect women who are targeted by traffickers and who continue to be forced into prostitution, and there seems to be a direct link between legalizing prostitution and the rise of human trafficking for sexual exploitation... the legalized prostitution system has provided for a great increase in trafficking victims in an

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<sup>1</sup> US Department of State (2009). *2009 Human Rights Reports: Australia*. <https://2009-2017.state.gov/j/drl/rls/hrrpt/2009/eap/135985.htm>; US Department of State (2012). *Trafficking in Persons Report*. <https://2009-2017.state.gov/documents/organization/192594.pdf>, p. 73.

<sup>2</sup> 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](http://news.bbc.co.uk/1/hi/shared/bsp/hi/pdfs/16_07_04_paying.pdf)

<sup>3</sup> Cho SY, Dreher A, and Neumayer E (2012). Does Legalized Prostitution Increase Human Trafficking? *World Development*, 41, pp. 67-82. Appendix B, p 30, citing the United Nations Office On Drugs and Crime. [https://eprints.lse.ac.uk/45198/1/Neumayer\\_Legalized\\_Prostitution\\_Increase\\_2012.pdf](https://eprints.lse.ac.uk/45198/1/Neumayer_Legalized_Prostitution_Increase_2012.pdf)

<sup>4</sup> SBS News (2012). Trafficked Women Forced into Brothels. *SBS News*, 3rd October. <https://www.sbs.com.au/news/trafficked-women-forced-into-brothels>

<sup>5</sup> Duff E (2015). AFP reveals sex trafficking based in Sydney brothels. *Sydney Morning Herald*, 12 September. <https://www.smh.com.au/national/nsw/afp-reveals-sex-trafficking-based-in-sydney-brothels-20150912-gjkzwt.html>

<sup>6</sup> Cho, Dreher and Neumayer (2013) op cit.

unhealthy dynamic that seems to be increasing the number of women who are forced and trapped within a legalized system.<sup>7</sup>

In Europe, countries which have legalised prostitution have similarly seen significant expansions to the sex trade as well as increased sex trafficking. In the Netherlands, after pimping was legalised and brothels decriminalised in 2000, the sex industry expanded by 25%.<sup>8</sup> One study found that 80% of the women in the sex industry were most likely trafficked from other countries.<sup>9</sup> After legalising prostitution in 2002, Germany has become a popular sex tourism hotspot and is widely known as the 'brothel of Europe'. Only 20% of women in Germany's sex industry are believed to be German, with the vast majority being imported from foreign countries.<sup>10</sup>

German Detective Superintendent Helmut Sporer described the devastating impacts of legalising the sex industry in Germany, including worsened conditions for women, greater power to pimps and organised crime gangs, and a significant increase in trafficking. Sporer described legalisation as "an El Dorado for pimps [and] punters"<sup>11</sup> who were transformed into legitimate businessmen overnight and empowered with the right to give orders to women in the industry. Women were subjected to strict rules by brothel operators:

They had to be at the disposal of punters for 13 hours running, they weren't even allowed to leave the brothel earlier, they had to walk around stark naked, they weren't even allowed to decide on the prices for their services. Prices were unified and set. Some had to offer unprotected sex. And they all had to pay fees to the brothel for the infringement of any of these rules. These conditions are of course incompatible with human dignity. It has led to a massive reduction of the legal standing of the women... You could therefore say it is a new form of slavery, under state supervision.<sup>12</sup>

Sporer reported signs of sex trafficking, such as women being moved around every few weeks, and an estimated 80% of prostituted women coming from abroad,<sup>13</sup> as well as a rise in demand for younger, more childlike women who were referred to as "fresh meat".<sup>14</sup> Sporer described a trend where men's purchase of sex had come to be accepted in civil society, and sex buyers were emboldened:

... visiting a brothel and buying a woman is considered as cool...There is also a new type of punter. He is assertive and confident. This becomes very apparent during raids or checks of brothels. Punters used to feel embarrassed at being found there. If their names were taken down, some of them at least started sweating or showed an

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<sup>7</sup> Native Women's Association of Canada (2014). *Sexual Exploitation And Trafficking Of Aboriginal Women And Girls: Literature Review and Key Informant Interviews: Final Report*. Native Women's Association of Canada, p. 41. [https://www.nwac.ca/wp-content/uploads/2015/05/2014\\_NWAC\\_Human\\_Trafficking\\_and\\_Sexual\\_Exploitation\\_Report.pdf](https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Human_Trafficking_and_Sexual_Exploitation_Report.pdf)

<sup>8</sup> Jõe-Cannon I (ed) (2006). *Primer on the male demand for prostitution*. Coalition Against Trafficking in Women, p. 9. <http://media.virbcdn.com/files/b0/FileItem-149956-PRIMERonmaledemand.pdf>

<sup>9</sup> Ibid, p. 11.

<sup>10</sup> Sporer H (2013). Speech for the Seminar "Reality of Prostitution" of the European Women's Lobby, p. 4. <https://www.scribd.com/doc/184667092/Prostitution-in-Germany-by-Detective-Superintendent-Helmut-Sporer>

<sup>11</sup> Ibid, p. 5.

<sup>12</sup> Ibid, p. 3.

<sup>13</sup> Ibid, p. 4.

<sup>14</sup> Ibid, p. 4.

increased pulse rate. These days, raids in brothels do not deter the punters from entering the brothel even if the presence of the police is clearly visible. They wait patiently for the police to finish checking the brothel and for the women to be available again. The question is how the scene could change so drastically.<sup>15</sup>

Many jurisdictions that have legalised or decriminalised prostitution have failed to achieve the intended objectives. Instead, legitimising the sex industry leads to weakened social sanctions against prostitution, leading to an increase in demand for sexual services and a corresponding expansion of the legal and illegal industries, an increase in street prostitution, child prostitution, the involvement of organised crime and sex trafficking. This process is assisted by the proliferation of pornography that inspires men to become sex industry customers and agitates demand for sex acts only acceptable in places like brothels. In the Netherlands, after spending millions of euros trying to rid Amsterdam of criminal gangs that had moved in, Deputy Prime Minister Lodewijk Asscher described legalisation as “a national mistake”.<sup>16</sup> In 2012 in New Zealand, then Prime Minister John Keys said the Prostitution Law Reform had not achieved its stated objectives in achieving a reduction of street prostitution and child prostitution:

The argument was that it would eliminate all the street workers and underage people, particularly girls, and the reports that we see in places like South Auckland is that it hasn't actually worked... I think it's been marginally successful, if at all.<sup>17</sup>

Legalising or deregulating the sex industry leads to an expansion of both legal and illegal sectors. In Victoria, the illegal industry is believed to be around five times larger than the legal industry, with 91 licensed brothels and around 500 illegal brothels, often disguised as massage parlours, beauty salons and karaoke bars.<sup>18</sup> Sex industry entrepreneurs, often associated with criminal elements, own and operate both legal and illegal brothels simultaneously.<sup>19</sup> Women and girls are trafficked for sexual exploitation indiscriminately between the two sectors, and child prostitution exists across the spectrum.<sup>20</sup> In her research on Victoria's legalised sex industry, Melbourne academic Mary Lucille Sullivan wrote, “the increased tolerance of prostitution in Victoria, in effect, requires a steady flow of women and girls to meet the demands of a vastly expanded and lucrative market.”<sup>21</sup>

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<sup>15</sup> Ibid, p. 4

<sup>16</sup> Diu NL (2013). Welcome to Paradise. *The Telegraph*.

<https://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

<sup>17</sup> APNZ (2012). Prostitution law reform hasn't worked: PM. *Otago Daily Times*, 14 November.

<https://www.odt.co.nz/news/politics/prostitution-law-reform-hasnt-worked-pm>

<sup>18</sup> Hynninen E (2017). Melbourne's illegal sex industry. *Upstart*, 26 May.

<https://www.upstart.net.au/melbournes-illegal-sex-industry/?fbclid=IwAR003d-t8sYmVZd9WoFVY9tTY86hHW-F4qdKsy5A2mVxaJzGXEx94byTvKl>

<sup>19</sup> Sullivan ML (2007). *Making Sex Work: A Failed Experiment With Legalised Prostitution*. Spinifex Press, Victoria, p. 186.

<sup>20</sup> Ibid, p. 186.

<sup>21</sup> Ibid, p. 5.

A 2015 inquiry into brothels in New South Wales found that drug use, abuse, organised crime and sex trafficking remained substantial problems under full decriminalisation. There had also been no improvement to women's safety.<sup>22</sup>

### Decriminalisation in New Zealand led to worse conditions for women

Women who worked in New Zealand's sex industry both prior to and following the 2003 Prostitution Reform Act report worsened conditions for women after decriminalisation. Sabrina Valisce, a volunteer with the New Zealand Prostitutes Collective for 24 years, campaigned for full decriminalisation. Having worked in the sex industry under prohibition, where women were subjected to fear of the police and police brutality, Valisce believed decriminalisation would improve the working conditions for women in the sex trade: "I thought it would give more power and rights to the women, but I soon realised the opposite was true."<sup>23</sup> After prostitution was decriminalised, Valisce described the outcome as a disaster which only benefited pimps and sex buyers. Women went from fearing police to fearing pimps, brothel owners and escort agency owners.<sup>24</sup>

### Less power to negotiate, none of the rights of an employee

Women who worked in New Zealand's sex trade under decriminalisation described being employed as though they were independent contractors but expected to behave as though they were employees. Michelle Mara, who worked in 'high-end' escorting before and after decriminalisation, said, "I never met one single woman who had a contract that even resembled something you would get in a regular job."<sup>25</sup> Mara reported that women working under decriminalisation had "all of the expectations and none of the rights" of being an employee, with no ability to say no, or to determine working hours, no protection and no access to health services.<sup>26</sup>

Sex trade survivor Rae Story described similar conditions working in a New Zealand brothel:

We were supposed to be 'independent contractors,' I discovered later, but the way the system was set up, it didn't feel that way. We had to keep careful count of what we earned, otherwise, some of the women told me, the receptionists would try to short-change you. Often, though, I was so confused by my necessary intoxication that I wasn't

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<sup>22</sup> Legislative Assembly of New South Wales (2015). *Select Committee on the Regulation of Brothels Report 1/56 – November 2015 Inquiry into the Regulation of Brothels*.

<https://www.parliament.nsw.gov.au/ladocs/inquiries/1703/Final%20Report%20-%20Inquiry%20into%20the%20Regulation%20of%20Brot.pdf>

<sup>23</sup> Bindel J (2017). My work as a prostitute led me to oppose decriminalisation. *BBC*, 2 October. <https://www.bbc.com/news/magazine-41349301>

<sup>24</sup> Valisce S (2017). The Pimping of Prostitution. Sabrina Valisce, *YouTube*, 23 October. [https://www.youtube.com/watch?v=pasJGGunWsk&feature=emb\\_title](https://www.youtube.com/watch?v=pasJGGunWsk&feature=emb_title)

<sup>25</sup> Murphy M (2020). PODCAST: Michelle Mara on the truth about the decriminalized sex trade in New Zealand. *Feminist Current*, 13 April. <https://www.feministcurrent.com/2020/04/13/podcast-michelle-mara-on-the-truth-about-the-decriminalized-sex-trade-in-new-zealand/>

<sup>26</sup> Ibid.

entirely sure how much money I was owed and mostly didn't bother to count. I wasn't the only one.<sup>27</sup>

In New Zealand, women in the sex trade report having less power to negotiate with buyers. Following decriminalisation, brothel owners started offering sex buyers an "all inclusive" deal, where they could pay a set price to the brothel or agency to do whatever they wanted with a woman. This prevents women from being able to set their own prices or to determine which sex acts they will offer.

[All inclusives] means that the prostituted person/sex worker has no power of negotiation. It also means that the pimp decides her earnings (most are women). The pimps gained the power to decide what a 'service' would be paid and how much of that belonged to them. They also gained the power to withhold the woman's earnings or even deny any existence of those earnings.<sup>28</sup>

Valisce listed other ways brothel owners and escort agencies deduct money from the women's payments, taking half to begin with, as well as shift fees, driver's fees, petrol and advertising fees and fines for coming out of the room late, for arriving late, or for "appearance infractions".<sup>29</sup>

### Male buyers emboldened by decriminalisation

Women working in New Zealand after decriminalisation reported increased violence and entitlement from sex buyers. "The men were the same men, but they were different, they had been emboldened," said Michelle Mara. "Now we were just completely commercialised, just marketable goods... There was no illusion."<sup>30</sup>

Chelsea Geddes, who was prostituted in New Zealand, wrote about how sex buyers became increasingly entitled after decriminalisation:

It used to be that men knew the sex they did to us was unwanted, that we just needed the money. This didn't make them feel like helping us out with some money and leaving without raping us, but it did make them feel at least a little bit guilty about exploiting us, which made them treat us a little bit gentler, and they aimed to get their jollies and leave a little faster with a little less inconvenience to us.

Increasingly, with the current decriminalisation legislation and pro-sex work propaganda saturating the media, more men are convincing themselves that we are having consensual sex with them, and charging them, not for hard work or victim compensation, but only because we can. This makes men feel ripped off: 'If we are two consenting adults why do us men have to pay while she just collects?' It makes them more angry, more violent.

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<sup>27</sup> Story R (2016). Working in a New Zealand brothel was anything but 'a job like any other. *Feminist Current*, 2 May. <https://www.feministcurrent.com/2016/05/02/working-in-a-new-zealand-brothel-was-anything-but-a-job-like-any-other/>

<sup>28</sup> Moran R (2016). The Evidence About Prostitution That The New York Times Ignored. *TruthDig*. <https://www.truthdig.com/articles/the-evidence-about-prostitution-that-the-new-york-times-ignored/>

<sup>29</sup> Valisce (2017) op cit.

<sup>30</sup> Murphy (2020) op cit.

They are expecting more and more, and willing to pay less and less... No, decriminalisation of johns and pimps has not improved our safety or lives.<sup>31</sup>

Sabrina Valisce said that within the space of a year, sex buyers had turned more violent and had greater demands. “They thought they could do whatever they wanted, thought they had bought your body. I had never had someone say, ‘I paid for your body and I can do what I want’ until decriminalisation.”<sup>32</sup>

### Lack of support

Despite the worsened conditions, women working under decriminalisation reported having very little support from ‘sex work’ advocacy groups, particularly the support required to exit prostitution. Chelsea approached NZPC for advice, and all they provided was discounted condoms.<sup>33</sup> Jade, who first began working in a New Zealand brothel while she was underage, described her failed attempts to leave the industry:

After five years I wanted out of the sex industry. Twice I tried to go to school – once when I was eighteen and again when I was nineteen. I wanted to be a youth worker. But I couldn’t study due to drugs and sex work. None of the sex worker advocacy agencies ever offered a contingency to get me out of the sex industry. They supplied lawyers, health checks, lube, condoms and dams but nothing to help me get out.<sup>34</sup>

If prostitution is decriminalised, and regarded as a job like any other, then there is no recognition of the need to provide exit programs or support for women wanting to leave the industry. For example, in NSW, with a mostly deregulated sex industry, there are no government-funded exit services to assist women desiring to leave prostitution.

As the Native Women’s Association of Canada states: “Instead of legalising prostitution, governments should be looking toward alternative solutions that address root causes that make women susceptible so that they truly do have choices for survival.”<sup>35</sup>

### COVID-19 Pandemic impacts on prostituted women in legalised and decriminalised jurisdictions

The COVID-19 pandemic has been most catastrophic for the poor and marginalised, especially prostituted women, around the world. Researcher Melissa Farley gathered

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<sup>31</sup> Geddes C (2018). No, decriminalisation of johns and pimps has not improved our safety or lives. *Nordic Model Now*, 26 August. <https://nordicmodelnow.org/2018/08/26/no-decriminalisation-of-johns-and-pimps-has-not-improved-our-safety-or-lives/>

<sup>32</sup> Bindel J (2017). *The Pimping of Prostitution: Abolishing the Sex Work Myth*. Spinifex Press, Victoria, p. 141.

<sup>33</sup> Ibid, p. 101.

<sup>34</sup> Jade (2017). The Fake You, in Norma C and Tankard Reist M (eds.), *Prostitution Narratives: Stories of Survival in the Sex Trade*, Spinifex Press, Victoria, p. 47.

<sup>35</sup> Native Women’s Association of Canada (2014) op cit, p. 42.



a broad range of data describing these impacts and the responses of pimps and clients that compounded women's trauma and abuse.<sup>36</sup>

In Colombia, where prostitution is legal, webcam work was promoted as the solution to the pandemic but “the women try webcamming only to discover that they have no control over the use and resale of their images on porn sites. Because they lack Internet skills or access to banking, they are deceived and often not paid.”<sup>37</sup> Farley points out that almost all women in prostitution plan to quickly make some money and leave as quickly as possible. Very few plan it as a career and most do not want their images circulating indefinitely on the web where their children or future partners or employers might find them. Unfortunately, in February, London-based OnlyFans had 1.5 TB of pornography leaked; just one example of the compromising of women's privacy.<sup>38</sup> Sex industry unions, however, continue to promote webcamming during the pandemic.

In Australia, Scarlet Alliance, like many other prostitution organisations, encouraged women to go online (i.e. webcamming) during the pandemic, rather than encouraging prostituted women to apply for JobSeeker programs. Scarlet Alliance complained that women were not able to “prove earnings,” yet women in prostitution were certainly eligible for the government's economic support measures.<sup>39</sup> Instead, the Alliance launched a fund to tide women over until business was back to normal, potentially discouraging them from pursuing a safer line of employment with real prospects.

Farley writes that exaggeration of prostitution's safety, hygiene, and ‘harm reduction’ from sex industry unions are dangerous at any time, but especially during the COVID-19 pandemic.<sup>40</sup> Scarlet Alliance published in its online *Red Book* a set of guidelines on how to reduce risk of COVID-19 transmission, despite prostitution being one of the industries specifically ordered to close during the pandemic. A raft of suggestions is made in the *Red Book* about how to reduce contact, with ‘social distancing’ mentioned far down the page. Implicitly acknowledging women's extreme disempowerment and financial vulnerability by being unable to stop servicing men, the Alliance advises: “If possible, do not see clients who have any of the following symptoms: cough, fever, headache, runny nose,” and suggest to somehow avoid “close contact” by keeping face-to-face activity under 15 minutes, and even suggested nurse and doctor fantasy to incorporate hygiene precautions.<sup>41</sup>

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<sup>36</sup> Farley M (2020). Prostitution, the Sex Trade, and the COVID-19 Pandemic. *Logos – A Journal of Modern Society and Culture*, Spring 2020, Vol. 19, No. 1. <https://prostitutionresearch.com/prostitution-the-sex-trade-and-the-covid-19-pandemic/>

<sup>37</sup> Farley (2020) op cit.

<sup>38</sup> Shehadi S and Partington M (7 April 2020). Coronavirus: Offline sex workers forced to start again online. *BBC News*. <https://www.bbc.com/news/technology-52183773>

<sup>39</sup> Channel Nine News (1 May 2020). ‘All people deserve love’: Should sex work be an essential service during COVID-19? *Channel Nine News*. <https://www.9news.com.au/national/coronavirus-sex-work-adult-industry-suffering-covid-19-police-penalties/26713f49-6b36-4537-a5ae-8c62bc1e596a>

<sup>40</sup> Farley (2020) op cit.

<sup>41</sup> Scarlet Alliance (2020). COVID-19 (Coronavirus). *Scarlet Alliance Red Book*. <https://redbook.scarletalliance.org.au/covid-19/>



The extreme vulnerability of prostituted women in Germany, Europe's brothel, was seen during COVID-19 and described in an open letter to Chancellor Angela Merkel and the German Parliament, written by Sandra Norak, former victim of human trafficking and prostitution, and Dr Ingebork Kraus, trauma therapist:

What can we now observe from the Corona crisis regarding prostitution? According to social workers from Stuttgart and Karlsruhe, most women (it is said around 80%) have returned to their home countries (mostly Romania and Bulgaria) or have been sent back by their pimps. Despite the new prostitution protection law of 2017, most women in prostitution are not officially registered. The number of those who have registered is approximately 32,800 (as of November 26, 2019). Estimates assume, however, that there are an estimated 200,000 to 400,000 people in prostitution in Germany. Those who could not return are facing nothing. Some are at risk of homelessness, they have no reserves because the prostitution system works in such a way that people, mostly women, are exploited and caught in a vicious circle without prospects. They are now penniless, without social support and without integration in the health system.<sup>42</sup>

### Failure to address sex buyer demand

The sex industry is driven by demand, overwhelmingly that of male consumers, who buy sex primarily from women and girls. Mary Lucille Sullivan writes, "the [sex] buyer's economic power means he determines how the sexual act will be played out... [Buyers believe] their purchasing power entitles them to demand any type of sex they want."<sup>43</sup>

A 2011 study found:

- sex buyers had an extensive awareness of the relationship between coercion, prostitution and trafficking;
- 41% used women they knew were controlled by pimps;
- both sex buyers and non sex buyers had extensive knowledge of the physical and psychological harms of prostitution;
- two thirds of both sex buyers and non sex buyers observed that a majority of women are lured, tricked or trafficked into prostitution;
- many had an awareness of the economic coercion and lack of alternatives in women's entry to prostitution;
- and almost all share the opinion that minor children are almost always available for prostitution in bars, massage parlours, escort, and prostitution.<sup>44</sup>

This awareness did not deter them from buying sex. Male participants agreed that the most effective deterrents to buying sex would be time in prison, public exposure, and being issued with an anti-social behaviour order.<sup>45</sup>

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<sup>42</sup> Norak S and Kraus I (15 April 2020). *Open letter to Angela Merkel and the German Parliament*. Available at <https://appinternational.org/2020/04/28/german-prostitution-letter/>

<sup>43</sup> Sullivan (2007) op cit, p. 28.

<sup>44</sup> Farley M, Schuckman E, Golding JM, Houser K, Jarrett L, Qualliotine P and Decker M (2011). Comparing sex buyers with men who don't buy sex. *San Francisco, CA: Prostitution Research & Education*, p. 5. <http://www.prostitutionresearch.com/pdf/Farleyetal2011ComparingSexBuyers.pdf>

Australia is a party to the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (also known as the Palermo Protocol). As a party to the Palermo Protocol, the Australian Government has an obligation to fulfil Article 9, Section 5, which requires State Parties to take measures, including legislative ones, to discourage demand for trafficking:

States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.<sup>46</sup>

The Government needs to honour its commitment to the Palermo Protocol by directly addressing demand for sexual exploitation of women and girls.

### The need to adopt best practice Nordic/Equality model

Collective Shout recommends that the Australian government conduct research into the Nordic model of prostitution legislation, also known as the Equality model, which has been endorsed by the European Parliament as best practice for tackling trafficking and gender inequality.<sup>47</sup> The Nordic model was enacted in Sweden in 1999 after decades of research to address women's equality and all forms of violence against women. It is an asymmetrical model of decriminalisation where those providing sexual services are supported to exit the trade, while the buyers, pimps and exploiters are criminalised. The model targets demand, and research suggests that countries which have adopted the Nordic Model approach to prostitution law have seen a reduction in sex trafficking inflows.<sup>48</sup> The Nordic Model of prostitution law has been adopted by Sweden, Iceland, Norway, Canada, France, Ireland, Northern Ireland, and Israel. The Nordic model is built on the premise that without men's demand for women and girls for sexual exploitation, the global sex trade would not be able to flourish and expand.

As a result of Sweden's legislation, street prostitution has halved,<sup>49</sup> the number of prostituted women in the country fell from 2500 to 1500 within two years of implementing legislation,<sup>50</sup> and the number of sex buyers decreased by 80%.<sup>51</sup> A

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<sup>45</sup> Ibid. p. 5.

<sup>46</sup> United Nations (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*. Article 9, Section 5.

<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

<sup>47</sup> European Parliament (2014). Punish the client, not the prostitute. *News*, 26 February.

<https://www.europarl.europa.eu/news/en/press-room/20140221IPR36644/punish-the-client-not-the-prostitute>

<sup>48</sup> Waltman M (2011). Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential. *Women's Studies International Forum* Vol. 34, No. 5, pp. 449-74.

<sup>49</sup> Ministry of Justice (2015). Evaluation of the prohibition of the purchase of sexual services.

Government Offices of Sweden, 25 August. <https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

<sup>50</sup> Ekberg G (2004). The Swedish Law That Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings. *Violence Against Women*, Vol. 10 No. 10, pp. 1187-1218.

Government review found that the law had been an effective barrier for trafficking for sexual exploitation and that prostitution in Sweden, unlike other comparable countries, had not increased, but prostituted people in Sweden were around ten times lower per capita than Denmark.<sup>52</sup> Rates of prostitution and sex trafficking remain substantially higher in neighbouring countries where prostitution is legalised,<sup>53</sup> as Sweden is no longer a profitable option for traffickers. Police wire taps confirm that Sweden and Norway are less attractive markets for pimps and traffickers.<sup>54</sup>

### Violence against women in legalised and decriminalised jurisdictions

One of the aims of legalisation/decriminalisation is to make prostitution safer for women involved. But men's purchase of sexual access to women's bodies is inherently violent, described by survivors as "compensated sexual abuse" and "paid rape".<sup>55</sup> Legalisation and decriminalisation do not reduce this form of violence against women, but legitimise it. Sex buyers continue to rape, assault, torture and murder women in the sex industry, even in jurisdictions where prostitution has been legalised and decriminalised. Legislative approaches are argued to "reduce stigma" of individuals in prostitution. But it is not stigma that rapes and murders women in the sex trade; it is male buyers who believe they have an entitlement to women's bodies and view them as less than human.

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### Appendix

Below is a list of women in the sex industry, in legalised and decriminalised jurisdictions in Australia and New Zealand, who have been murdered by sex buyers or pimps. This list is by no means exhaustive. It does not include cases where the woman is missing and presumed dead, or where the killer is unknown, and it does not include deaths by suicide or drug overdose. It only reflects media coverage of known murders committed by sex buyers or pimps, spanning the periods where prostitution was legalised or decriminalised in the different states.

#### **Australia<sup>56</sup>**

##### New South Wales

2020 - Kimberley McRae, a transgender woman, was strangled by sex buyer Hector Enrique Valencia.

2019 - Michaela Dunn was stabbed to death and her throat was slit by sex buyer Mert Ney.

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<sup>51</sup> Gripenlöf A. et al (1991-2002). *Yearly reports from the Stockholm Police Prostitution Group*. Stockholm: The County Police of Stockholm.

<sup>52</sup> Waltman (2011) op cit.

<sup>53</sup> Ekberg (2004) op cit.

<sup>54</sup> Waltman (2011) op cit, p. 459

<sup>55</sup> Mianiti M (2017). Prostitution is paid rape, and men know it. *Il manifesto*, 11 October.

<https://global.ilmanifesto.it/prostitution-is-paid-rape-and-men-know-it/>

<sup>56</sup> Sex Industry Kills (2020). Prostitution Murders in Australia. *Sex Industry Kills*. <https://www.sexindustry-kills.de/doku.php?id=prostitutionmurders:aus>

2012 - Debara Martin was beaten to death by her ex-partner Adam John Kennedy, a former client.

2010 - Rebecca Apps was murdered with a tomahawk by client David John Dunn, after he tried to have sexual intercourse with her but was unable to.

2008 - "Jenny" and "Susan", both Chinese women in their twenties were found dead with their throats cut. A pimp was heard boasting over the murders, but the case remains unsolved.

2008 - Emma Jane King was murdered by sex buyer John Michael Robert Potts, who stabbed her to death and then sexually abused her corpse and hid her naked body under his bed.

2006 - Jo-Anne Bowen died of a drug overdose after being injected with cocaine and methylamphetamine by two clients.

2003 - Maria Scott Bradley, an indigenous woman, was stabbed twice in the back and three times in the abdomen by Mark Brown, a frequent sex buyer.

1995 - Kristy Mary Harty was shot in the head by client Bandali Michael Debs.

### Queensland

2015 - Tiffany Taylor was murdered by sex buyer Rodney Wayne Williams. Her blood was found in his car, but her body was never recovered. She was 16, and five months pregnant.

2010 - Shuxia Yuan was stabbed 23 times with a fishing knife by her client James William Glenn.

2004 - Mayuree Kaewee was murdered by her client Craig Anthony Lennox, who punched her in the face until she lost consciousness and dumped her body in a ditch.

2003 - Julie Louise McColl was bound with ropes and blindfolded and was forced to perform oral sex in the soaking rain, then stabbed to death by her client Francis Fahey, who also had murdered Jasmin Crathern.

2002 - Jasmin Crathern was stabbed 14 times to death with a bayonet by her client Francis Fahey.

2000 - "Bambi" was shot three times and killed while working at an illegal brothel. Her 12 year old daughter had also been handcuffed and raped.

### Victoria

2013 - Tracy Connelly was found inside the van she lived in, battered to death, with extensive injuries to her head and upper body. Her killer is still unknown.

2004 - Grace Illardi was fatally bashed by Quincy Detenamo, who had reportedly earlier in the day approached another prostituted woman.

2003 - Kelly Hodge was murdered by Novica Jakimov, who along with a friend picked up Hodge and prostituted her.

1998 - Tracy Holmes was strangled by sex buyer Graeme Leslie Green.

1997 - Kristy Mary Harty was shot in the head by client Bandali Michael Debs.

1990 - Roslyn Hayward was drugged and strangled by sex buyer Gregory John Brazel.

1990 - Sharon Taylor was hired and stabbed to death by sex buyer Gregory John Brazel.

### **New Zealand**

2019 - Bella Te Pania was murdered by a client after being picked up in the city's red-light area.<sup>57</sup>

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<sup>57</sup> Sherwood S (2020). Christchurch woman killed while working on the street 'would've fought for her life'. *Stuff*, 7 January. <https://www.stuff.co.nz/national/crime/118611422/christchurch-woman-killed-while-working-on-the-street-wouldve-fought-for-her-life>

2016 - Renee Larissa Duckmanton was murdered by Sainey Marong, who picked her up from Christchurch's red-light district and strangled her to death, dumped her body on a country roadside, and set her alight.<sup>58</sup>

2010 - Nuttidar Vaikaew was strangled to death by one of her "regulars," Gordon Hieatt, in her own home.<sup>59</sup>

2008 - Ngatai Lynette Manning aka Mellory Manning was picked up by Mauha Huatahi Fawcett and was stabbed, strangled, raped, and beaten to death with a metal pole.<sup>60</sup>

2005 - Anna Louise Wilson was murdered by sex buyer Peter Stephen Waihape. She was run over, backed over, run over a second time, backed over a second time, run over a final time and then dumped in the Avon river.<sup>61</sup>

2005 - Suzie Sutherland was strangled to death by sex buyer Jules Burns.<sup>62</sup>

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<sup>58</sup> Bayer K (2018). Big Read: Brutal, bizarre murder of Renee Duckmanton and the lies to feign insanity by a guilty man. *NZ Herald*, 23 February.

[https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12000374](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12000374)

<sup>59</sup> The Telegraph (2010). New Zealand man kept murdered girlfriend's corpse for one month. *The Telegraph*. 8 November.

<https://www.telegraph.co.uk/news/worldnews/australiaandthepacific/newzealand/8116479/New-Zealand-man-kept-murdered-girlfriends-corpse-for-one-month.html>

<sup>60</sup> White P (2015). Remembering the murdered women erased by the pro-sex work agenda. *Feminist Current*. 3 November. <https://www.feministcurrent.com/2015/11/03/remembering-the-murdered-women-erased-by-the-pro-sex-work-agenda/>

<sup>61</sup> Sex Industry Kills (2020). Prostitution Murders in New Zealand. *Sex Industry Kills*.

<https://www.sexindustry-kills.de/doku.php?id=prostitutionmurders:nz>

<sup>62</sup> Ibid.