



Collective Shout
PO Box 197
Jamison ACT 2614

Project Manager
Sex Industry Review
Department of Justice
GPO Box 825
Hobart TAS 7001

March 5, 2012

Dear The Hon. Brian Wightman MP

REGULATION OF THE SEX INDUSTRY IN TASMANIA

Please find attached Collective Shout's submission to the review of the sex industry being conducted by the Department of Justice.

Collective Shout is a grassroots campaigns movement concerned about the objectification of women and sexualisation of girls in the media, advertising and popular culture. We mobilise and equip individuals and groups to target corporations, advertisers, marketers and media which objectify women and sexualise girls to sell products and services. We are also active against the sexual exploitation of women more broadly, through the inter-linked industries of prostitution, trafficking and pornography.

In our view prostitution is the ultimate outworking of the mainstreaming of sexual objectification of women and girls. It entrenches a view that it is acceptable to buy, sell, rent and trade in their bodies and impedes global efforts to improve the status of women in general.

Should you require any further information, please do not hesitate to contact Collective Shout at the details below. We would be pleased to elaborate further on our written submission at any future hearings.

Yours sincerely

Melinda Tankard Reist
Melinda@tankardreist.com

The Department asks whether

...there should be any change to the current situation for advertising sexual services in Tasmania? (p. 24)

Collective Shout believes any form of sex industry advertising to be harmful to the status of women, and the wellbeing of children. There has been research conducted on the impact of sex industry advertising in Victoria, and studies find that women, their well-being and equality are compromised by the impact of prostitution advertising on the public space.¹ Advertisements for massage prostitution services can be found in printed community newspapers throughout Victoria. Journalists writing for *The Age* have uncovered that illegal brothels in Victoria make millions of dollars for organised crime syndicates every year, and freely advertise as Asian massage providers in newspapers.² Brothel advertisers have managed to target more members of the community by employing mobile billboards, attached to the trailer of a vehicle. Melbourne City councillor Fraser Brindley has argued that mobile billboards must be stopped because 'These billboards are just hijacking the public realm ...'.³ The *Religious and Racial Vilification Act 2001*, planning regulations, and even the *Prostitution Control Act 1994* have all been unable to stop the proliferation of Asian-oriented brothels from spreading across Victoria, in spite of restrictions aimed at preventing them. Regulation 9 of the *Prostitution Control Regulations (2006)* stipulates that a brothel advertisement must not 'refer to race, colour or ethnic origin of the person(s)', but prostitution continues to be perhaps the only industry in Australia in which racially identifying language continues to be used. On the basis of the Victorian experience, Collective Shout recommends the Tasmanian government enact a strict ban on all forms of sex industry advertising, whether they be static billboards, mobile billboards, or newspaper ads. Evidence from Victorian prostitution businesses shows that sex industry advertising is likely to contravene anti-discrimination legislation, as well as diminish public amenity.

In relation to the Department's third consultation point, '*Are there any other options for Tasmania which you feel government should consider?*', Collective Shout is concerned that the Department's Discussion Paper appears to dismiss the Swedish legislative model of sex industry regulation largely on the basis of the work of PhD candidate Petra Östergren (her research is also relied upon by the Queensland Prostitution Licensing Authority, which the Department cites). Östergren's work has been widely discredited, and the Department's objection to the Swedish model of legislation appears to be based on misinformation about its effectiveness in relation to trafficking and the prostitution. Stockholm University's Max Waltman in a 2011 article notes a tendency of foreign governments to cite Östergren's work without checking its validity. He explains that:⁴

Few persons outside of Sweden seem to know how Östergren selected her sample of 20 prostituted women interviewees...Clues are given in her book published in Swedish in 2006. There, Östergren explicitly states she did not attempt to contact or hold interviews with 'sellers of sex' who had 'primarily bad experiences of prostitution', but, rather, intentionally sought women with 'completely different experiences'...Thus, when she mentions 'informal talks and correspondence with approximately 20 sex workers since 1996' in her English-language piece, she apparently refers to respondents who were selected precisely because they had positive views of the institution of prostitution (p. 462).

¹ Rosewarne, Lauren. (2007). Pinups in public space. Sexist advertising as sexual harassment. *Women's Studies International Forum*, Vol. 30. pp. 313–325; Natasha Rave, 'Prostitution in the Community: The Challenge of Legalised Prostitution in Australia,' The University of Melbourne, PhD thesis, 2011.

² McKenzie, N., & Beck, M. 2011, October 10. Legal brothels' sex slavery links. *The Age*. Retrieved November 27, 2011, from <http://www.theage.com.au/victoria/legal-brothels-sex-slavery-links-20111009-11fy0.html#ixzz1eA4qCqXO>.

³ Lucas, C. (2007). 'Councils pay private detectives to have illicit sex', *The Age*, (25 January), p. 3.

⁴ Max Waltman, 'Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential,' *Women's Studies International Forum*, Vol. 34, 2011, pp. 449–474.

Other than Ostegren's work, the Department cites the Queensland Prostitution Licensing Authority for its opinion that the Swedish model 'has a range of shortcomings' (p. 18). The Department fails to mention, however, that the PLA has a financial interest in the continuation of legalised prostitution in Queensland, and is in fact in favour of expanding the legalisation of prostitution to escort prostitution businesses as well. In other words, the PLA has a pecuniary interest in making sure the Swedish model isn't introduced in Queensland. The fact that the Department has been quick to cite research by the PLA to justify its 'critique' of the Swedish model perhaps reflects the need for the government to properly commission research on regulatory options available for the Tasmanian sex industry, in order that judgements about these options be arrived at dispassionately and clinically.

Unfortunately, in its Discussion Paper, the Department appears to be in a hurry to cast aside the Swedish Model in favour of legalising the sex industry in Tasmania, but Collective Shout would urge caution. Given that governments overseas appear to be moving in their policy direction toward the Swedish model, and away from the 'failed experiment' of legalised prostitution, the Tasmanian government would be prudent to consider the possibility of introducing the Swedish model as an empirically tested strategy against trafficking and other harmful effects of sex industry activity. A version of the Swedish model has recently passed a first reading in the Israeli Knesset,⁵ and a similar bill is currently before the French parliament.⁶ The US city of Boston has also recently implemented a close version of the law.⁷ South Korea, Norway, and Iceland already operate the law. The Swedish model is increasingly recognised as international best policymaking on the sex industry, and Tasmanian leaders must take stock of international developments in this field to retain their edge in conducting progressive, enlightened government.

There is a strong empirical basis for the decision of governments abroad to move toward the Swedish model in addressing the problem of prostitution. Waltman notes the scrutiny and numerous reviews of the legislation that have been undertaken in Sweden since 1999, by both domestic and international bodies. He concludes that:

Despite many unfounded rumors...of a stronger move from the street to the internet or to other indoor prostitution venues after the Swedish law's enactment compared to, e.g., Denmark or Norway, no information, empirical evidence, or other research suggests that this has actually happened (p. 459).

On the contrary, Waltman cites evidence that 'Denmark's prostitution population as a whole...[is] 12 times larger than Sweden's per capita' (p. 459). This observation is supported by evidence collected in South Korea, where a version of the Swedish model of legislation was introduced in 2004. Farley and Seo note the law in Korea has been credited with a 37 percent reduction in the number of brothels in the country, a 30-40 percent decrease in the number of bars and clubs, and a 52 percent drop-off in the number of women being prostituted (p. 11).⁸

Collective Shout is perplexed about the Department's apparent belief that 'ideology and moral beliefs' currently supplant 'empirical information' (p. 25) about prostitution in policy decision-making about the regulation of the sex industry worldwide. We strongly disagree with this suggestion. Empirical evidence of the harm of prostitution—to women and children in particular—has emerged not just in the feminist literature, but also in the psychological and medical scholarship.⁹ Outside of the narrow

⁵ Ruth Eglash, 'MK: 'Rehab services if prostitution bill passes,' at <http://www.jpost.com/NationalNews/Article.aspx?id=257869>

⁶ Janice G. Raymond, 'Under New Law, France Would No Longer Be Sexual Playground,' 10 February 2012 at <http://www.truth-out.org/under-new-law-france-would-no-longer-be-sexual-playground/1328824750>

⁷ Ed Davis and Swanee Hunt, 'Want to buy sex in Massachusetts? Think again,' at http://articles.boston.com/2012-02-22/opinion/31081994_1_human-trafficking-anti-trafficking-pimps

⁸ Farley, M., & Seo, S. 2005. Prostitution and trafficking in Asia. *Harvard Asia Pacific Review*, 8(2).

⁹ For example, see Potterat, John J., Brewer, Devon D., Muth, Stephen Q., Rothenberg, Richard B., Woodhouse, Donald E., Muth, John B., Stites, Heather K., & Brody, Stuart (2004). Mortality in a Long-term Open Cohort of Prostitute Women. *American Journal of Epidemiology*, 159(8), 778–785; Herman, Judith Lewis (2003). Introduction: Hidden in Plain Sight; Clinical Observations on Prostitution. In Melissa Farley (Ed.), *Prostitution, Trafficking, and*

academic world of ‘cultural studies’ and its resident scholars advocating on behalf of ‘sex workers’, there exists very little literature purporting any benefit of prostitution, either for individuals, or for society as a whole. On the contrary, empirical studies conducted of government-endorsed sex industries find that trafficking,¹⁰ organised crime,¹¹ and illegal forms of prostitution flourish in legalised jurisdictions.¹² Collective Shout urges the Department to familiarise itself with this literature, which is large in its volume and wide in its scope.

One example is a 2003 study of 854 prostituted persons in nine countries across five continents, in virtually all forms of prostitution. This investigation found that 59% of all respondents affirmed that they, as children, were ‘hit or beaten by caregiver until injured or bruised’. An additional 63% reported they were sexually abused as a child (n=806). In the same sample, 75% reported they had been homeless, either currently or in the past (n=761). Forty seven percent in this sample reported they entered under age 18.¹³ This statistic is supported in a 2011 study of 40 women already exited the US street-based sex industry. The researchers found that the average length of time in prostitution for the women who had entered as adolescents was 22 years, as opposed to entry as adults at 8 years.¹⁴ This empirical finding should send a strong warning signal to the Tasmanian government—there is no evidence to show that legalising prostitution reduces street prostitution, but there *is* such evidence supporting the Swedish model. This empirical evidence should be a central focus of the government, given the problems it has had with child prostitution, and given the concern it holds for the wellbeing of young people in Tasmania.

The Department in its Discussion Paper urges respondents to ignore the issue of child prostitution in Tasmania, given the current Tasmanian Law Reform Institute review of the problem. Collective Shout believes this to be an inappropriate directive to respondents of the Review. Even putting aside the case of the 12-year-old girl prostituted by convicted sex offender Terry Martin, Collective Shout urges the Department to understand the sex industry as operating—even when legalised—as a dumping ground for the most vulnerable and homeless girls in any society. The death of 17-year-old Janine Cameron in a Canberra brothel in 2008 shows in tragic terms the consequences of legalising businesses that fundamentally harm the wellbeing of women and girls.¹⁵ The prostitution of underage girls through legal brothels is not an uncommon practice of the sex industry in Australia; a 14-year-old girl was found

Traumatic Stress (pp. 1–14). Binghamton, NY: Haworth Maltreatment & Trauma Press; Jeal, N., & Salisbury, C. (2007). Health needs and service use of parlour based prostitutes compared with street-based prostitutes: A crosssectional survey. *BJOG: An International Journal of Obstetrics & Gynaecology*, 114(7), 875–881; Choi, Hyunjung, Klein, Carolin, Shin, Min-Sup, & Lee, Hoon-Jin (2009). Posttraumatic Stress Disorder (PTSD) and Disorders of Extreme Stress (DESNOS) symptoms following prostitution and childhood abuse. *Violence against Women*, 15(8), 933–951; Brents, Barbara G., & Hausbeck, Kathryn (2005). Violence and Legalized Brothel Prostitution in Nevada: Examining Safety, Risk, and Prostitution Policy. *Journal of Interpersonal Violence*, 20(3), 270–295.

¹⁰ Seo-Young Choa, Axel Dreherb, Eric Neumayer, ‘Does Legalized Prostitution Increase Human Trafficking?’, 2012; Niklas Jakobsson and Andreas Kotsadam, ‘The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation,’ Working papers in economics, No 458, University of Gothenburg; Melissa Farley, Ann Cotton, Jacqueline Lynne, *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder* at

<http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

¹¹ Farley, Melissa (2007). *Prostitution and trafficking in Nevada: Making the connections*. San Francisco: Prostitution Research and Education; Heather J. Clawson, Nicole Dutch, Amy Solomon, and Lisa Goldblatt Grace, ‘Human Trafficking Into and Within the United States: A Review of the Literature,’ at

<http://aspe.hhs.gov/80/hsp/07/HumanTrafficking/LitRev/index.shtml>

¹² Mary Sullivan, *Making sex work: a failed experiment with legalised prostitution* (North Melbourne, Vic: Spinifex Press, 2007)

¹³ Melissa Farley, Ann Cotton, Jacqueline Lynne, *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder* at <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

¹⁴ Jennifer E. Cobbina, Sharon S. Oselin, ‘It’s Not Only for the Money: An Analysis of Adolescent versus Adult Entry into Street Prostitution,’ *Sociological Inquiry*, Vol. 81, No. 3, August 2011, 310–332.

¹⁵ ‘Death of innocence’, 1 November 2008, *Canberra Times* at

<http://www.topix.com/forum/au/fyshwick/TNBGBGMJI5JSBR2OA>

in a legal Melbourne brothel, Pickwood Lodge, in 2010.¹⁶ In 2002, Fred Lelah, operator of a suburban legal brothel in Melbourne, was prosecuted for introducing underage girls into his brothel. Prior to this conviction, moreover, Lelah had already received a two year sentence for the same offence. Criminal conduct does not confine itself to the illegal part of the sex industry. It will always permeate a fundamentally exploitative industry in which the 'commodity' being sold is human beings. Victoria has the largest number of children in prostitution for any state in Australia. Children of 10 to 15 years old have been made drug dependent in a legal brothel, Sasha's, in Melbourne. The pimping of vulnerable people and juveniles is an activity of husbands and boyfriends, not just 'criminals'. Repealing legislation that prohibits pimping and living off the earnings means that men will be able to coerce female partners into prostitution by various means, and predatory young men posing as 'boyfriends' will be able to prey on young women and pimp them as part of 'stables'. The forms of coercion involved in pimping are hard to prove but immensely effective and therefore unlikely to be covered by any legislation the Tasmanian government may create. Pimps turn out women into prostitution through a variety of techniques that can include not only violence but also dependency and indebtedness.

We urge the Department to reconsider its recommendation to legalise the sex industry in Tasmania. Prostitution is a practice that is fundamentally incompatible with the human rights of those who are prostituted and with a gender equal society. Legalisation has already been shown in Victoria to be a failed policy option that was introduced at a time when empirical and theoretical evidence of the social harm of prostitution did not circulate as plentifully. Now that the Tasmanian government has access to this information, it is well placed to become a leader in Australia and the world with regard to best-practice policy on prostitution. Prostitution is a problem that requires strong leadership by governments in taking steps to suppress the sex industry as a harmful commercial sector which damages human rights. We urge the Department and the Tasmanian government to rise to this challenge.

We welcome the opportunity to provide the Department with any further empirical evidence it might need on the effectiveness of the Swedish model, or the harms of prostitution.

¹⁶ Greg Roberts, 'Brothel owner employed schoolgirl,' 21 July 2010 at <http://news.smh.com.au/breaking-news-national/brothel-owner-employed-schoolgirl-20100721-1011b.html>