

# ***THE RED LIGHT REPORT:***

## **Towards A Human Rights Approach To Prostitution In Australia**

*International Human Rights Day - 10 December 2012  
Hobart, Tasmania, Australia*

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## Introduction:

The sex industry today is a global phenomenon, and globalisation has brought with it a plethora of human rights abuses, not the least of which is the mass trafficking of vulnerable women and children. In societies which profess to embrace the notion of gender equality, the sex industry is flourishing, with many profiting from the abuse of trafficked and prostituted persons.

Some nations have addressed this trend by introducing legislation aimed at reducing levels of sex trafficking and assisting prostituted persons to leave the sex industry. Legislation of this type - the Nordic model - originated in Sweden, and was premised primarily on a desire to address the gender inequality inherent in prostitution. Practically, these laws decriminalize the selling of sex, but the purchase of sex is a criminal offence. This type of legislation is gaining the approval of governments as diverse as South Korea and Iceland.

A human rights based approach to prostitution is essential if Australia wants to share this progressive approach to the sex industry, and truly support gender equality.

Sex industry groups in Australia are currently advocating a hands-off approach to prostitution, with minimal regulation – they often cite the NSW model of regulation as their ideal. But their confidence in this model is not shared by the NSW government, which is proposing to introduce a more specific, legislated regulatory regime.

In fact, legislation governing the sex industry in Australia is an uneasy mix of regulatory and licensing authorities, local government planning laws, and varying degrees of illegality. There is no uniform approach, and governments are struggling with a vexed and politically volatile issue.

Misinformation about the Nordic model is rife and academically unsound, and has informed significant government publications on sex industry law reform. The voice of the sex industry lobby is loud, and well heard, but they have a vested interest in protecting those who use prostitutes from prosecution. NORMAC exists to address the misinformation – to inform governments and the public about Nordic model legislation, and raise awareness of its benefits in reducing levels of sex trafficking and assisting prostituted persons to leave the industry.

In ***The Red Light Report*** NORMAC has reproduced several articles published by NORMAC members in 2012. This report will enable our elected representatives to better understand that we in Australia CAN adopt a stronger, more progressive human rights approach to prostitution legislation by adopting Nordic model laws.



# Confronting the Australian politics of resignation on prostitution

***Dr Caroline Norma***

[http://tasmaniantimes.com/index.php?/weblog/article/confronting-the-australian-politics-of-resignation-on-prostitution-linzo-ji/show\\_comments](http://tasmaniantimes.com/index.php?/weblog/article/confronting-the-australian-politics-of-resignation-on-prostitution-linzo-ji/show_comments)

Two weeks ago ACT Shadow Attorney General Vicki Dunne gave a dissenting view on the Report from the ACT Prostitution Act review committee. Viki Dunne's dissenting view raises some very serious questions for those in the Tasmanian Parliament who will be tackling this issue and the importance of looking at all sides of this debate seriously. This is especially critical given the complete failure of several states in Australia to actually regulate a legalised and ever expanding sex industry. Tasmanian politicians have a window of opportunity to listen more carefully to the advantages of the Swedish model of legislation which is gradually being adopted by many more countries.

*'ACT committee misses opportunity to address harms: 'normalises prostitution, cuts back on regulation, waters down health safeguards'*

The chair of a committee appointed to review the ACT's Prostitution Act took the significant step last week of attaching a 9-page appendix to the committee's final report outlining her 'dissent' to its findings.

In this appendix, the Shadow Attorney General Vicki Dunne criticises her colleagues for 'trying to depict prostitution as normal and inevitable', and so missing an 'opportunity to take a fresh look at the harms of prostitution and innovative ways to ameliorate those harms'.

Dunne notes her Committee colleagues held 'media events' with respondents to the inquiry who were supportive of the government's current approach to prostitution, and she is critical of the fact they 'chose not to seriously consider alternative approaches' for the ACT.

Dunne's exasperation with her colleagues' inability to perceive of prostitution as anything other than 'work' for poor women is vividly apparent in her remark that 'it may come as a surprise to some that it is not a universally held view that prostitution has always been with us and there is nothing we can do as a society to address the apparently insatiable demands of, mainly, men for sex with, mainly, women'.

The 'alternative approach' that Dunne wanted Committee members to consider was the 'Swedish model' of legislation, which she describes as 'an innovative,

woman-centred approach` that is `demand` focused in its criminalising of the purchasers of sex.

Dunne notes that Committee members `did not want to engage in...discussion` about the Swedish model, despite the fact information about its successful implementation in Sweden, Norway, Iceland and South Korea was made available to them.

The Committee, she says, `specifically rejected any information campaigns targeting the purchasers of sex`, and instead took the opposite approach of making recommendations that would further `normalise prostitution; cut back on regulation; [and] water down health safeguards`.

It looks like members of the Committee approached their task of examining prostitution policy in the ACT with some lack of seriousness. The only recommendation they made on sex trafficking was to suggest posting multi-lingual warning signs in brothels. They heard from ACT Police that no check was done on any brothel in the ACT for a period of five years, but didn't think to question the government's ability to oversee the legal sex industry it created in 1992.

Dunne notes that Committee members `played down` the `significant human rights problems` that arise in relation to prostitution. They refused, for example, to recognise any criminality in the ACT sex industry, and were `unwilling to support...[an] extension of police powers`, even with the death of a 17-year-old girl in a legal Fyshwick brothel in 2008, and a sex trafficking case involving Thai women before the ACT courts.

Adherence to ideas about `harm minimisation` in relation to prostitution appear to have led Committee members to believe any form of sex industry regulation to be injurious to women's `right` to become prostitutes. This line of thinking seriously underestimates the threat posed by the sex industry to the status of women and children, especially when government endorses a business sector that makes profits through organising society's most vulnerable people to sexually serve men with money.

Dunne's decision to stand up to the ACT government and its continuing legalisation of pimps has earned her international praise. Well-known anti-prostitution campaigner and researcher Melissa Farley has spoken publicly in support of Dunne, and the executive director of the Coalition Against Trafficking in Women Asia-Pacific, Jean Enriquez, has also endorsed her stand.

On the world stage, Dunne finds herself in good company in opposing legalised prostitution and advocating the Swedish model. A model of the Swedish

legislation recently passed a first reading in the Israeli Knesset, and a similar bill is currently before the French parliament. Boston has also recently implemented a version of the law.

These developments come after successes in Sweden, South Korea, Norway and Iceland in reduced trafficking, and raising public awareness of the harms of prostitution.

Dunne's dissenting comments represent a rare moment in having endorsement of the Swedish model in a parliamentary report.

Australian governments are generally hostile to any suggestion that prostitution might constitute a human rights problem. Advocates of the Swedish model are currently locked in battle with the Western Australian, South Australian, and Tasmanian governments over proposals to legalise the sex industries of those states. Most other Australian state governments have already given their endorsement to pimps.

This propensity of Australian governments to resign themselves to the 'inevitability' of prostitution contrasts starkly with the stance taken by governments in Europe. In December last year all political parties in the French National Assembly signed a resolution reaffirming 'the abolitionist position of France, the objective of which is ultimately a society without prostitution'.

Different from Australia, France does not recognise prostitution as 'sex work', nor does it advocate legalising brothels and pimping. French legislators resolved that legal acceptance of prostitution is incompatible with French policies that promote gender equality.

The example set by Vicki Dunne last week affords the Australian government a similar opportunity to cast aside its former politics of resignation on prostitution, and begin to move towards a human rights-based approach to the world's oldest oppression.



# Sex work is just work. Or is it, really?

***Bronwyn Williams***

<http://tasmaniantimes.com/index.php/article/sex-work-is-just-work.-or-is-it-really>

We've all heard, somewhere, that sex work is just work - an occupation that rational, intelligent women freely choose.

Supporters of decriminalisation of the sex industry peddle this libertarian mantra with awe-inspiring dedication. Those who disagree – who suggest that perhaps prostitution has an unattractive, exploitative character – are comprehensively vilified as moralistic wowers, or radical feminists intent on making victims of their perfectly capable sisters. They say that those who take issue with an uncontrolled sex industry are seeking to visit emotional, physical and social harm on people who are merely 'doing their job'.

But what sort of 'job' is it? It is, firstly, a job mostly undertaken by women. Sex worker groups decry the perceived failure to recognize the participation of men, and transgender women in the sex industry. This position is nought but a red herring – a lazily formulated ruse to focus attention on minority groups when the true focus should be all prostituted persons, all of whom work in an occupation that invariably involves the repeated penetration of their physical person, but the majority of whom are undeniably women or girls.

Like many occupations, prostitution is one with its own unique jargon, and websites devoted to rating its practising professionals – they're sort of like 'Rate My Teacher' meets 'Penthouse Forum'. One especially salacious offering is the NSW based 'Hooker Looker' website. (<http://www.hookerlooker.biz>). Punters are invited to visit a variety of brothels, and engage escort services and private sex workers, and then post a review of their experiences online, ostensibly to save their fellows the ghastly ignominy of wasting hard-earned cash on a 'dud fuck'. The site also offers a 'Fireworks Report', and the blurb is so fab, I'll just quote it verbatim -

"Introducing the Fireworks Report, this 'must have' guide gives you hardcore reviews and photos of only the hottest working women in Sydney. Only the top rated, 'cream of the crop' girls are mentioned in this 15 page essential guide. Previously the only way to find these girls was by lucky dip, now anyone can meet them as this list contains around 50 of our Fireworks (top rating) ladies - often screaming, wild and uninhibited ladies who are very good at their job.

This is the stuff that is so hot we can't even put it on Hooker Looker, and it will save your ass from rip offs and disappointments. Some of the hotties in this

report have a genuine photograph! Forget the myth that you need to pay top dollar to meet the best women, many of these little (mostly Asian) screamers can suck start a Harley Davidson, and you can book them for as low as \$100/30mins if you know where to look. As Trash Hammer says "Blow you load without blowing your wallet". Each tip on this list is regularly checked for accuracy and includes Names, Pics, Phone Numbers and Addresses so that you will be able to immediately join the club meeting with only the Fireworks rated women - some of whom aren't even on our main site.

Imagine - only meeting Fireworks girls on every rat run, no more guesswork and wasted money on dud fucks. If you are into Sydney hookers this will save you time and money. Additionally, if you are planning a trip to Sydney and normally book outcalls, this list will give you a track record of proven winners to invite back to your hotel room. This inside info is banged out by our straight shooting Review Team, who never give up their endless quest - road testing these fillies relentlessly. Many girls don't cut the mustard, they don't scrub up, so they miss the cut. We bypass the duds so that only the hotties make the final list. This critical research data is then distilled into our updated Master Report Doc for overnight email delivery.

Bottom line? Any time you are feeling toey 24x7, you will have the Fireworks Report to rely on. Simply make a few calls, see who's available, make a booking, turn up and bonk the top shelf girls every time. Forget about driving around in circles all night looking for the ideal hooker, for the price of a tank of petrol this report will put you on a bee line to all the good ones. 48 girls over 22 pages, the only form guide available on the Sydney scene including photos of some of the hottest mostly Azn women we know of currently working, plus others make it on the basis of their beyond the call of duty service that makes them truly outstanding'."

The report is probably so engrossing that punters don't care whether it's 15 pages or 22, or that 48 ladies is a tad on the lean side of 50.

Many of the postings on Hooker Looker are written by a gentleman who refers to himself as 'trashhammer' - a thoroughly charming individual who visits brothels on an almost daily basis, and always has a raging good time. A typical 'service' for Mr Hammer goes something like this (a glossary of terms is provided below) Picks unbelievable hottie from the line-up. Showers before service. CBJ - or BBBJ if he's lucky - for 10-15 minutes, with the WL gazing adoringly at him as she sucks. DATY if he's onto a real winner. Sex in a variety of positions - mish (kneeling and flat), cowgirl, reverse cowgirl, and side saddle cowgirl, with an explosive, slamming (or pounding or hammering - take your pick) climax in doggie (kneeling or standing) with the service provider turning herself inside out to watch him orgasm. And, then it's off to the next assignment.

Mr Hammer, it seems, is the sex industry equivalent of the much-feared restaurant food critic. Unless he's fabricating his uniformly ball-tearing brothel interactions –and how could that even be possible, when he is clearly a major stud – I suspect he's getting better than average service from the prostitutes he uses, and then publicly rates. Rating by the way, is generally on a scale of one to ten for the body - with comments on breast and arse size, the sex – noting what services were available (see glossary), the condition of the rooms, and the overall experience.

Like many fast-talking, self-styled gurus, Mr Hammer has a following of sorts. Mostly punters with exaggerated notions of their own sexual prowess, and a strong belief in the malicious iniquity of the dreaded 'dud fuck'. Unfortunately, the level of service they receive from Mr Hammer's recommended ladies doesn't always measure up to his glowing, self-congratulatory review, and they can be most displeased. In fact, they can be downright ugly in their condemnation if the woman, or girl, they pay to have sex with doesn't measure up to their pornography-fuelled standards, or the brothel they choose to patronise doesn't offer women of a suitable type (usually very young, very tiny and Asian).

Some examples of that displeasure - for the readers' edification – have been taken directly from the Hooker Looker site, and relate to a variety of Sydney brothels:

**Review submitted 22nd September 2012** – "Been to xxxxx many times most the ladies are good. The receptionist always knock early which is annoying. Watch out for N she's a bullshit artist but will do anything for rock . And bangs the H in right arm you cant miss them and if she ask to take of the domi say no. trust me"

**Review submitted 23rd October 2011** – "Yeah, went here a few weeks back, wish I hadn't. The greeting was beautiful, I had Asians and Australians on offer, I chose a 18 year old girl, when I asked to finger her, she said no, I had to give myself a hard on and she wouldn't even blow me with a condom. I was on top 100% of the time and she wouldn't even let me feel her ass."

**Re: R new Thai cutie - Sat Aug 25, 2012 5:38 pm** - "Hey TH, Can you help a brother out? I went to xxxxx for the first time last week- line up were A (older, pretty face but cellulitis on legs- a no no for me), M (tall and slim but not my type) and R (my type, less than 5"5 B cup and gorgeous face). I was inducted into this special franterniry with pleasure!!

But... Went back on Saturday 25th Aug to check out C and M... Reviews suggest they are pocket rockets. Booked C, but a girl walks in who would've been at least 5"9... Not my type...I like me short, less than 5"5 more favorably at 5"! I really

believe it was M (half Indian sounds right). Can you confirm this that C is much shorter and petite?? I refused to see her (nothing personal on her behalf). Got my money back.'

The help wanted... I seriously don't like being lied too as I asked the receptionist how tall C is and she said 5"5...Which girls currently working are petite little pocket rockets? I'm talking about <5"5 about < 50 kgs- preferably<40kgs... And obviously slim. R fits this pretty well, but one always wants to test other offers..! Looking for your experience and feedback TH, obviously a veteran. Im happy to post reviews on future about my experinces."

**Re: H from Sri Lan - Sat Oct 09, 2010 11:34 pm** - "I reckon if you can find a Sri Lankan in a Sydney brothel you will have a better time than with an Indian. I base this assumption purely on the fact that the Indian middle class are so sexually inhibited that working girls from that sort of background will be full of attitude. The best hookers are from poor, uneducated backgrounds with no sense of judgement. You simply don't find Indian hookers like this, though you do occasionally from other subcontinental countries, including Sri Lanka."

**Review submitted 28th December 2011** - "Went there on Saturday night. Picked a girl call G or K as a tattoo on her back say. She asked for money to do extras which I paid but she is cheat. She robbed me off my money without giving the service. Plus they even ring the bell before the time finish. Beware guys don't go for G, saggy boobs, wide pussy, wrinkled tummy mass not at all a good site."

**Review submitted 8th August 2010** – "I went some months ago and have to agree with the other two reviews. Girls were chunky, fattish. I went out of there with no service."

**Review submitted 2nd July 2010** - "I just went in tonight Friday at about 8.30pm and they introduced me to only 3 girls, all quite chunky and fat. The receptionist said there were only 2 other girls working though I had to wait 30 minutes or 1 hour. Is there anywhere in Parramatta that has hot women?"

**Review submitted 11th April 2010** – "I went in Saturday afternoon at around 3pm. They had 4 women on though 1 was busy so I didn't get to see her. The 3 I saw were not the best. Mid 30s, fattish, one looked like a druggie, one was European and a bit scary looking. The receptionist told me they would have up to 15 women on Saturday evening though I didn't go back to check them out."

**Re: S - Tue Sep 18, 2012 7:48 pm** - "I've had a few of those as well from various places. It's even worse when you are using your last money to punt and

end up having a shit experience. You should be allowed to pay as much as you think the service was worth AFTER you're done. (within reason)."

**Re: C - Fri Jun 08, 2012 5:13 pm** - "@TH I usually pick the friendliest, most energetic one. I hate the hard sell, but unless there is an absolute standout, I normally pick based on the one that seems to want it the most - no point picking someone that is tired from a big day just because they look a teeny bit better. So, I agree, shops probably should consider giving their girls tips on how to sell themselves without needing to get all pushy about it."

**Re: C - Sun Jun 17, 2012 1:16 pm** - "Are they really that pushy"

**Re: C - bytrashhammer - Sun Jun 17, 2012 2:30 pm** - "They are only pushy as you LET them be. ***You are in control, you have the cash***' (Bold italics added, to emphasise the true mindset of punters, and the ugly reality of the prostitute's situation)."

And so it goes on. A dedicated punter could spend hours trawling through this quagmire of overblown bullshit, as peddled by the delusional Mr Hammer and his ilk, mixing unhappily with the base irritation of men who blew their cash on a DUD FUCK!!

Perhaps those groups that claim to represent the interests of prostitutes – that claim to be working against the marginalisation of sex workers and the social discrimination they experience, can answer this question. In what distorted universe is it acceptable for a working woman to be discriminated against in the workplace because of her breast size, or the shape of her arse, or her age, or her weight, or her height, or because she has cellulite on her thighs?

The short answer is that it is never acceptable in a modern, civilized society, and yet organizations which insist that sex work is a job like any other, are apparently oblivious to the perversity of their stance. Is degrading discrimination in the workplace acceptable to prostitutes, as long as society pays lip-service to the notion that sex work is 'just a regular job'?

The NSW government has recently flagged its intention to legislate for regulation of the sex industry, ending 15 years of decriminalisation, and prompting loud protest from groups purporting to represent prostitutes. Decriminalisation of prostitution is favoured by these groups, but the NSW government has linked this approach to escalating corruption and sex trafficking.

Tasmania will shortly be considering a review of its own sex industry legislation – a discussion paper has been released, with submissions sought, received and published. Many of those submissions recommend adoption of the Swedish, or

Nordic, model of sex industry legislation. This model has three principal features – the purchase of sexual services is a criminal offence, the provision of sexual services is NOT a criminal offence, and there are comprehensive, well-supported exit programs available to prostitutes who wish to leave the industry.

In plain terms, the Swedish model legislation targets those who purchase sexual services – the punters, like those quoted above, who think paying for sex with a prostitute entitles them to temporary possession of his or her body for the purposes of their own gratification, and further entitles them to judge the worker's performance and personal appearance in terms that would be an offence in any other workplace.

Sex worker industry groups are implacably opposed to the Nordic model legislation, despite its documented success in reducing levels of sex trafficking, and moderating the harmful consequences of prostitution for many sex workers. Why is this so?

The 'sex work is just work' position is untenable, given the many degradations visited on prostitutes in the workplace. The 'free choice' argument is similarly constrained by any normal notions of common sense – who would voluntarily choose to be paraded before potential clients like an animal, and, if selected, perform sexual acts to order, complete with a level of moaning and/or squealing sufficient to persuade the client that he's succeeded in getting you off?

And, don't get me started on male and transgender prostitutes. Their work situation can be even more distressing than that of a female sex worker. When sex industry advisory sites are giving tips on sex with shit (SCAT) the boundaries of what reasonably constitutes a regular everyday job have clearly been breached.

Resourcing Health and Education in the Sex Industry (RhED) advises at <http://sexworker.org.au/Portals/0/documents/2011%20BoysTipsSex.pdf> - Trade Tips for Male Sex Workers, as follows:

"You can ALWAYS say 'NO' if you do not feel comfortable when a client requests you use shit during a session. It's NEVER safe to get shit in your mouth (even your own shit) or near your urethra. If you are forced or have to eat shit, seek medical advice immediately afterwards. If the client wants to eat your shit and you can do it, go ahead. However, do not let him kiss you, give you head, or lick your ass until he has cleaned up afterwards"

The advice is solid, but an occupation in which a worker could be forced to eat shit is not a 'regular job', and thousands, or indeed, millions of words proclaiming

sex work to be a legitimate, freely chosen profession, on a par with school-teaching, or nursing, can never make it so for the majority of those involved. Punters can demand whatever they desire, and their demands are becoming increasingly degrading, and dangerous for sex workers – they should be removed from the shadowy recesses of the sex industry and placed firmly in the spotlight of government attention. Only a Nordic model of legislation can do that.

The Language of Prostitution –  
A Short Glossary of Terms (by no means complete)

BBBJ - bareback blow job – oral sex without a condom  
CBJ – covered blow job – oral sex with a condom  
CG (cowgirl) forward – sex with woman on top facing punter  
CG (cowgirl) reverse – sex with woman on top facing away from punter  
CG (cowgirl) sidesaddle – sex with woman on top facing sideways  
CIM – come in mouth  
DATY – dining at the Y – male to female oral sex (a woman flat on her back with her legs spread makes a 'Y' shape)  
DFK – deep French kissing  
Doggie – self-explanatory  
French – oral sex female to male  
FS - full service (includes penetrative sex)  
GFE – girlfriend experience – for clients who want a bit of conversation  
Greek – anal sex  
MILF – mother I'd like to fuck – an older prostitute  
Mish – missionary position  
Natural French – oral sex female to male without a condom  
PSE – porn star experience  
R&T - rub and tug (hand job)  
SCAT – sexual activity involving faeces  
Spanish – tit-fucking (no other way to say it briefly)  
WL – working lady



# Learning Lessons from legalising prostitution in Victoria

***Matthew Holloway***

<http://tasmaniantimes.com/index.php/article/learning-lessons-from-legalising-prostitution-in-victoria>

It was reported on the ABC 20/01/12 that Tasmania's Attorney-General Brian Wightman wants a public reconsideration of brothel legalisation including setting up a statutory body to license sex workers and brothel owners. (<http://www.abc.net.au/news/2012-01-20/sex-industry-reform-back-on-agenda/3784666>)

The State Government has released a discussion paper on reforming the sex industry which can be viewed on the Justice Department website; it explores both options of legalisation and criminalisation. ([http://www.justice.tas.gov.au/\\_\\_data/assets/pdf\\_file/0008/188738/Regulation\\_of\\_the\\_Sex\\_Industry\\_Discussion\\_Paper.pdf](http://www.justice.tas.gov.au/__data/assets/pdf_file/0008/188738/Regulation_of_the_Sex_Industry_Discussion_Paper.pdf))

The paper broadly explores examples of legalisation in Australia but fails to discuss the well documented negative impacts resulting from these legislative changes. While avoiding the problems resulting from legalisation in Australia, the discussion paper highlights criticisms of the criminalisation model in Sweden.

It is no coincidence that the review of brothel legislation is being considered while the Tasmanian Government is desperately looking for ways to raise revenue from new charges, taxes and fines.

It should be of grave concern that a government criticised for its failures to protect children from abuse is now looking at reaping financial benefit from sex workers, many of whom were victims of child sex abuse.

By legitimising brothels and sex work, there is an inflation of employment figures as well as a boom in sex traders investing in the state with the government making money from sex tourism, licensing and taxing the industry. It has to be questioned whether legalisation will become state sanctioned exploitation.

Jade Barker from the Scarlet Alliance was quoted as saying 'The basis for any law reform within the sex industry is to legitimise sex work as an occupation and to end discrimination for sex workers for consenting adults who choose to work within the sex industry to be given the same rights as all other Tasmanians.' Ms Barker has taken a 'rights based approach' as opposed to a 'responsibility based approach'. (<http://www.abc.net.au/news/2012-01-20/sex-industry-reform-back-on-agenda/3784666>)

There is no question that Ms Baker's opinion is aimed at protecting sex workers, but is she really trying to protect sex workers and legitimise their occupation or is she more interested in advocating for brothel owners' right to exploit them? Perhaps she is trying

to legitimise consumers who demand sexual services, the commodification of sex and the sex industry.

Many opponents of legalisation have raised concerns that by continuing to entrench prostitution as a healthy component of our social fabric then it becomes a state sanctioned option for women in poverty. Currently sex workers and sex slaves are not adequately protected from human rights abuses and exploitation but legalisation will only lead to increasing problems especially during a time economic downturn where people are being made retrenched.

Project Respect, an advocacy and support service for sex workers in Victoria, references statistics stating that most women enter the sex industry because they need money and that 64% of these women wanted to leave the sex industry. ([http://projectrespect.org.au/our\\_work/support/pathways](http://projectrespect.org.au/our_work/support/pathways))

Other facts listed by Project Respect show that 75% of sex workers are single mothers, 73% have experienced sexual abuse; 60% have experienced violent relationships and 47% were financially supporting a partner. 38% were studying and 33% of women were homeless.

A study in 1996 called Off Our Backs showed that over 80% of street prostitutes were heavy drug users. Another study by Sacred Heart Mission in 2001 backed many of these statistics; 35 female prostitutes were surveyed in the St Kilda area. All workers had experienced sexual abuse as children, all had experienced past or present domestic violence and all were homeless. Of 15 who responded regarding their mental health, 13 were diagnosed as mentally ill and 22 of the women described themselves as current or former heroin users. (<http://mc2.vicnet.net.au/home/catwaust/web/myfiles/leginvic.htm>)

It should also be noted that legalisation of brothels rarely minimises street sex work. Statistics show that many street workers have substance dependencies and mental health issues, these factors often mean that street workers are unable to compose themselves in a brothel environment; aside from this, many brothels are unwilling to employ street workers.

Ms Baker's claims do not take into account the fact that it is a minority of workers within the sex industry who choose to be there; the majority are forced into sex work due to financial desperation. If 64% of women in the sex industry in Victoria would like to leave the industry, we can only assume that Tasmanian figures would be closely correlated and thus we must question who is really benefiting from legalisation of the industry.

Interestingly there is no discussion in the Tasmanian Government's discussion paper of the need to fund and fully resource an organisation such as Project Respect to support Tasmanian sex workers.

In Janice Raymond's article 'Prostitution on Demand' she states; Legislators often advance legalisation proposals because they think nothing else is successful in legally addressing prostitution. However, there is a legal alternative. Rather than sanctioning

prostitution, states could address the demand by penalising the men who buy women for the sex of prostitution. Sweden has drafted legislation recognising that without male demand, there would be a much-decreased female supply. Thinking outside the repressive box of legalisation, Sweden has acknowledged that prostitution is a form of male violence against women and children, and the purchase of sexual services is criminalised.' (<http://projectrespect.org.au/system/files/Prostitution+on+Demand.pdf>)

The laws on prostitution in Sweden are primarily focused on protecting the sex worker by decriminalising the sale of sex but criminalising the act of procuring sexual services. This legislation was first enacted in 1999 but it should be noted that in 2009 Norway and Iceland adopted legislation based on the Swedish model.

Decriminalisation in the form currently seen in Australia should be viewed as a free market approach to the sex industry; it is the belief that legalisation means better regulation of the industry and decreases violence against workers. There is also a belief that this approach offers workers more control regarding choosing clients and increases the profits they are able to make.

The free market approach can be debunked as a fraud and statistics back the fact that there is little freedom for most people working in the sex industry.

The Victorian experience has demonstrated that legalisation has caused all segments of the industry to flourish, specifically the illegal sector, added to this is the factors that legitimate brothels have not been adequately monitored, regulated and policed.

In 2011 Victoria Police launched an investigation into council officials who had been incriminated in taking tens of thousands of dollars in bribes to turn their backs on illegal brothels operating in their districts. Because of the increase in illegal brothels more women and children are being trafficked for sexual slavery. (<http://www.theage.com.au/victoria/councils-targeted-in-illegal-brothels-probe-20111015-1lqlk.html#ixzz1jPDK4crd>)

2011 saw an expose of sexual slavery on ABC's Four Corners, this highlighted the increase of human trafficking and sex slavery of Korean, Chinese and Thai women brought into Australia on student visas and working up to 80 hours a week as prostitutes in brothels across Melbourne. (<http://www.abc.net.au/4corners/stories/2011/10/06/3333668.htm>)

Legal brothels and escort agencies called on the state government to cap the number of brothels allowed in Victoria, claiming that Melbourne's booming illegal sex trade no longer provides a level playing field for legitimate operators.

Of course many of these so-called legitimate operators have also have been incriminated in illegal practices, It has become clear that despite the laws regarding use of condoms in licensed brothels, there are sex premises that offer a full-service without condoms. This was reported in the Melbourne Leader, but such claims have also been backed up in Kate Holden's book 'In My Skin' in which she candidly discusses her life as a sex

worker in Melbourne. (<http://melbourne-leader.whereilive.com.au/news/story/illegal-sex-over-street-from-regulator/>)

In 2011 the Age published an article Brothel safety a dangerous myth; the article raised an example of a woman suing a brothel where she was employed after she was threatened by a client with a gun for refusing to have unprotected sex. Citing interviews conducted by academics in New South Wales; findings also showed many women in legal brothels had safety concerns specifically relating to male clients becoming violent and demanding for unprotected sex. (<http://www.theage.com.au/opinion/society-and-culture/brothel-safety-a-dangerous-myth-20110714-1hfw.html>)

The article went on to directly state that in Victoria, safety and protection in legal brothels was a bureaucratic fantasy. Even Resourcing Health & Education in the Sex Industry 'RhED' a government funded organisation has questioned safety in brothels and advises workers to check brothels have accessible duress alarms. (<http://www.sexworker.org.au/>)

Illegal practices in registered brothels were also revealed in Working in Victorian Brothels, a report commissioned by Consumer Affairs Victoria. The report found that there were significant disparities between brothels in terms of worker treatment. In some licensed brothels, workers were able to refuse client and leave as they wish. In others, workers did not have autonomy around refusing clients and were forced to work full shifts before receiving payment. Another issue raised was the drug-friendly culture in some licensed brothels; Kate Holden's personal account also reveals a brothel which provided drugs for workers. ([http://165.142.249.2/CA256902000FE154/Lookup/CAV\\_Publications\\_Reports\\_and\\_Guidelines\\_2/\\$file/CAV\\_Monash\\_Report\\_Brothels.pdf](http://165.142.249.2/CA256902000FE154/Lookup/CAV_Publications_Reports_and_Guidelines_2/$file/CAV_Monash_Report_Brothels.pdf))

The Victorian example has shown that legalisation has failed to protect workers; in fact it has led to a massive increase in illegal brothels and has also led to an expansion of street sex work and made Melbourne a focal point of sexual trafficking in Australia.

It is also worth considering whether it is appropriate for the Government to create a new form of funding revenue which is based on the exploitation of sex workers with an aim to keep them in the industry by legitimising the practice; this will not empower people, specifically vulnerable women to build lives outside the sex industry.

A progressive response to the sex industry must go beyond prostitution on demand and any moves towards this model are regressive in nature and move society towards a sexuality based on exploitation and the commodification of the individual. Sexual freedom is about real choices, not ones that are determined by economic imperatives.

# Harm minimisation: Is that the best we can do?

*Jennie Herrera*

<http://tasmaniantimes.com/index.php?/article/harm-minimisation-is-that-the-best-we-can-do/>

When the Tasmanian Branch of the Australian Nursing Federation several years ago drew attention to violence by patients against nurses no one spoke of “harm minimisation”. Such violence was seen by government and hospital administrators as totally unacceptable and needing to be prevented.

Although no group of women can be regarded as immune to male violence prostitution has been called “uniquely dangerous” and prostitutes suffer levels of violence which if directed at the same percentage of waitresses or secretaries would horrify and outrage the community.

At the heart of any attempt to understand must be the concept of morals. I know this isn't a popular word in the 21st century though we apparently have no problems with levels of violence unthinkable in a Neanderthal community. But morals simply refer to the way a society has chosen to regulate the behaviour of its people.

Prostitution was very rare in “primitive”, tribal, and traditional communities. People's relationships occurred within intricately delineated kinship groups, they needed to avoid transgressing important taboos such as the incest taboo, and children were often absorbed into their father's totem group. Though structures and beliefs varied children born without known fathers effectively belonged nowhere and without a totemic ancestor could be regarded as non-persons.

Aboriginal societies were prostitution-less societies. It was only the intrusion of increasing numbers of foreign males without female companions—drovers, pastoralists, soldiers, traders, fishermen and sealers, bureaucrats, missionaries—who put pressures on traditional communities to provide women for sexual services and which led to the growing numbers of fatherless children who had no obvious place or role in such communities. Far from being part of the ‘glue’ holding communities together prostitution became a symptom of the breakdown of previously cohesive communities.

In passing, it is incorrect to call prostitution a profession. This trivialises and misleads. It is precisely because prostitution targets the poorly educated and unskilled that it must be seen as an exploitative industry. I know that university graduates at times turn to prostitution to pay their fees, which says something

about our failures to support students adequately, but brothels are not jam-packed with university graduates. And it is poor Asian girls without English who are being trafficked into Australia; not well-educated Australian girls being trafficked into Asia.) Whether we look at morals in terms of the Western religious tradition or from the point of the intricate rules which govern behaviour in tribal societies the concept comes back not to who we are but what we do. We have developed our police, legal systems, and government legislation based on the moral capacity of adult human beings to distinguish right from wrong (and to prove that this moral capacity is diminished or non-existent requires sufficient evidence to convince a court); but these avenues are geared to the grosser manifestations of moral breakdown. In fact morals underpin all our human interactions no matter how small. They are necessary to enable complex and crowded communities to function. Where they break down under extreme pressures—such as bombing raids, extreme weather events, prolonged conflict—an anarchic and dangerous society is likely to result.

Even if people have not come across Jesus's request "Do unto others as you would have them do unto you" they still hope that other human beings will respect their safety and their belongings and will treat them with reasonable decency, kindness, and respect. They are depending on the moral basis to all human interactions to make life liveable. Our status as moral beings is essential to our humanity.

Many years ago I heard a group of young Aussie sailors from a naval vessel which shall remain nameless talking about the hard time they had given the prostitutes in Singapore; in effect they were boasting about hurting a group of young women for no other reason than that the women were taking money for sex. If we heard a diner boasting about the way he had hurt the waitress who brought him his meal we would regard him as abnormal, weird, probably psychopathic. Yet we regard the hurting of prostitutes if not as normal then certainly as unsurprising.

Clearly the violence is widespread and systemic, not the occasional aberration of a psychopathic client. It exists whether prostitution is legal or illegal, whether it is regulated or not, whether it occurs indoors or out, whether it occurs in capital cities or remote mining camps; it occurs whether the prostitute is a poor woman earning a few pence in a Third World country or \$1,000 a night in a plush hotel here.

We could say that it is simply another manifestation of general male violence against women but this does not explain the abuse of male prostitutes nor does it explain why male violence is not integral to all the work women do. If fathers picking up their children regularly split the lips or broke the bones or poured out a stream of filthy language on to childcare workers they would be blacklisted, the police would be involved, and there would quite likely be a national enquiry. Yet

day in day out prostitutes suffer verbal violence, slapping, punching, biting, all kinds of mean and spiteful cruelties and humiliations, the refusal to stop uncomfortable or painful activities, right up to serious injuries and even death. The 'Yorkshire Ripper' claimed it was a prostitute cheating him out of £5 which set him off on his murder trail which took the lives of more than ten prostitutes. And there were actually people who found this quite understandable. Yet if a man went out and murdered ten waitresses because of one small overcharge on one bill we would find this horrifying and inexplicable.

Other kinds of transactions involve two or more strangers but only in prostitution (and some medical interventions) does the transaction involve the most intimate physical contact possible between human beings and only in prostitution does the payment of money link to the removal of the moral dimension to the interaction. The client is not saying "Even though our relationship will be brief it will be marked out by mutual respect and concern"; rather he is saying "I am buying the right to use your body solely for my own reasons, the right to ignore your humanity, and the right to intrude upon your person in any way I wish because you are not a moral being during this exchange but merely a body with a number of orifices".

But by denying her humanity by extension he undermines his own. His sense of self image is diminished, whether this is clearly understood or only vaguely intuited, because men are aware that men in happy loving relationships marked by mutual respect and concern for each other as human beings are not rushing to line up at the door of their nearest brothel.

It has been said that rape is not about sex but about rage or revenge. To suggest that prostitution is not about sex in a sex-saturated society may seem unrealistic. But I would suggest that it is about failure. Whatever reason or justification a client gives to himself to seek out and pay for sex with an anonymous person he is aware that it is an admission that he does not have relationships or that the relationships are flawed; at some level the mutuality of himself as a moral being relating to other moral beings has failed. Men seeking out prostitutes are more likely to have a poor self-image than men who would find such seeking unacceptable.

And the violence regularly visited on prostitutes, I would suggest, directly relates to this sense of failure. Even so, most men would contain such violence if they saw themselves as acting within moral boundaries. It is because prostitution explicitly or implicitly enables those boundaries to be set aside that the normal constraints fail. For the period during which the prostitute does not need to be seen as a moral being in her own right she can be seen as an object to be mistreated, humiliated, or exposed to behaviours which the moral underpinnings

to society treat as unacceptable in the interaction of two autonomous moral beings.

He may call it “showing her who’s boss”, “putting her in her place”, “she asked for it”, “she enticed me by flaunting naked skin, talking dirty” and so on. You have probably heard the reasons men bring out to justify such violence. Or the violence may occur at a more visceral and unexamined level. But the violence like all violence designed to bolster a poor self-image (and this goes too for people like the schoolyard bully) only provides a brief moment of power, a brief respite from that self-image of failure—and ultimately lowers it further. A man who is violent to one prostitute will very likely be violent to another prostitute. Like an adrenalin rush or a drug high it doesn’t last long and leaves the perpetrator to again face his own sense of poor self-worth.

Down through the ages sages have looked at the way that violence is visited on the powerless. We often talk of blaming the victim, of those we know we have wronged, but without asking about the dynamics behind the violence. The victim is vulnerable to low self-esteem and studies have shown that young homeless girls in Russia drawn into prostitution failed to develop a genuine sense of self—but the perpetrator is also vulnerable.

Each bout of physical or verbal abuse further undermines that sense that a moral being does not behave in ways that step outside moral boundaries.

The sense of being human is a moral construct and we undermine it at our peril. When a newly redundant husband takes his frustration out on his wife he further undermines his sense of self-worth while doing nothing to find another job. Soldiers who have shot surrendering prisoners, men who have hurt or humiliated prostitutes ... they are all struggling to convince themselves that the moral dimensions to human life don’t matter or don’t apply to them. And in doing so they further undermine themselves and make future violence (unless they get help) more likely.

So how might we as a society respond? First of all we can stop accepting violence against prostitutes as somehow natural, normal, understandable, even to be expected. We can throw out that bogus moral concept of “Harm Minimization”; no degree of harm is acceptable. Any human activity in which “harm” is not a mutually agreed possibility (such as boxing) must find the possibility of harm being visited on one party to a transaction morally repugnant and unacceptable.

And then we can throw open the doors to broader discussions on why we as a society have for so long either accepted or turned a blind eye to violence against prostitutes. Should we for instance make it mandatory that all such violence be

reported? Should we bring Alternatives to Violence Programs into all schools? The Nordic Model which treats prostitutes as victims and clients as criminals has a counselling component but how well does this work and how are candidates for counselling selected and how might we adapt the idea?

We can tackle violence in all kinds of ways, from legislation to better parenting, but at the heart of it is a need to understand that violence and cruelty undermines our humanity and damages our society. We are not a better society for condoning violence against prostitutes. We are a worse one.



# Disability, sex rights and the prostitute

**Matthew Holloway**

<http://www.eurekastreet.com.au/article.aspx?aeid=33284>

Presently Australia is seeing a divisive battle of rights; on the one hand are those arguing against people being forced into sex work and needing to perform sexual services for money. On the other end are Politicians and sex industry advocates calling for legislation to entrench the right for those with disabilities to be able to access sex workers.

There are some major questions at play in this particular issue, first and foremost is the question of why access to sex is being portrayed as a human rights issue in Australia.

This issue is being played out in South Australia by Kelly Vincent, a disabled woman who was elected to South Australia's upper house under the Dignity for Disability ticket at the 2010 state election.

Disability rights advocates are divided over Ms Vincent's push to bring about the legal use of prostitutes by people with a disability. Ms Vincent said; 'For those people who are feeling frustrated and alienated and alone and sad because they can't access this experience, and for those people for whom the services of a sex worker could make a genuine huge, positive difference to their lives, in a private, intimate manner, then I don't see why that can't be allowed.' (<http://www.abc.net.au/rampup/articles/2012/04/10/3474014.htm>)

South Australian Labor MP Stephanie Key has unsuccessfully advocated decriminalisation of the sex industry since 2010, now in 2012 Ms Key has reframed the debate as prostitution being needed to allow people with a disability the experience intimacy. (<http://www.news.com.au/disabled-deserve-sex-rights/story-e6frea83-1226310720177>)

Due to Ms Key's past of pushing for legalisation of the sex industry, it is questionable whether Ms Key is using people with disabilities to further her pro-sex industry agenda and whether the reframing of this debate is an attempt to evoke sensibilities of political correctness by portraying access to prostitutes as a disability rights issue.

In a global climate as well as that of Australia, legalisation is on the nose and states such as Victoria and New South Wales are now considered failed experiments which have led a massive expansion of both the legal and illegal sex industry. Such a claim was backed by former Victorian Police commissioner Christine Nixon who stated 'Serious and organised crime is well entrenched in

regulated industries such as prostitution and gaming,' (<http://www.heraldsun.com.au/news/victoria/crime-gangs-clean-up/story-e6frf7kx-1111113353989>)

Ms Vincent promotes the benefits of allowing access to sex workers stating it will improve the mental and physical wellbeing of those with a disability. (<http://www.abc.net.au/rampup/articles/2012/04/10/3474014.htm>) What Ms Vincent has failed to concern herself with is the negative mental and physical impact sex work has on a prostituted person.

Many prostitutes are victims of childhood sexual abuse, evidence backing this claim can be found in a study from 2009 conducted by the University of Queensland and Queensland University of Technology. Women were surveyed from three sections of the sex industry; 103 private sex workers, 102 legal brothel workers and 42 illegal sex workers, 33 of whom were street workers. (<http://eprints.qut.edu.au/17394/8/c17394.pdf>)

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. The study also showed that 52% of illegal sex workers had been raped or bashed by a client, while 15% of private sex workers had this experience and 3% of brothel-based sex workers. The study also 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. (<http://eprints.qut.edu.au/17394/8/c17394.pdf>)

Ms Vincent has stated that she believes the wonderful thing about her campaign push is that it's all about 'choice'. (<http://www.abc.net.au/rampup/articles/2012/04/10/3474014.htm>) What needs to be questioned here is how much 'choice' is present in this debate when one disadvantaged sector of the community 'prostitutes' need to stay disadvantaged in order to service another disadvantaged group 'disabled people'.

Sexual exploitation in relation to men with disabilities is revealed in a UK study in 2005 showing that 22.6% of men with disabilities had accessed prostitutes compared to 1% of women. This shows that men make up the majority of those utilising sex workers who are primarily women. (<http://feminsttheoryreadinggroup.wordpress.com/2009/11/15/disability-and-the-male-sex-right-by-sheila-jeffreys/>)

The other concern is whether the male right to sex could lead to sexual abuse of women, girls and boys. Anthony Walsh of Family Planning Queensland, told radio

nationals Damien Carrick "Our experience at Family Planning Queensland, suggests that many men with significant intellectual disabilities, are perpetrating sexual offences. Now those are usually against other men, women or children who also have a disability, because they're the people to whom those men have access. So in effect, denying those men sexuality education and appropriate support could be increasing the risk of sexual assault against vulnerable people in our society." (<http://www.abc.net.au/radionational/programs/lawreport/sex-and-disability-in-the-sunshine-state/3347602>)

In this instance it is important to discuss the need for sex education among those with disabilities; Sheila Jeffrey's responded to Walsh's comments in her article 'Disability and the male sex right'. Jeffrey's states "The worrying possibility is that service providers might consider prostituted women as the appropriate deliverers of this form of 'education', especially when brothels set themselves up as specialists in the field and specially train their workers, as is happening in legalised brothel prostitution in Australia. The sexual use of prostituted women, who are paid to dissociate emotionally whilst their bodies are entered, is not an appropriate means of sex education, or of reducing men's sexual violence. Rather than teaching boys and men with disabilities about mutual sex, respect for the personhood of women, relationships and intimacy, prostitution teaches the exact opposite." (<http://feminsttheoryreadinggroup.wordpress.com/2009/11/15/disability-and-the-male-sex-right-by-sheila-jeffreys/>)

The issue was also raised by Naomi Jacobs, a disability rights advocate from the UK. Writing in the Guardian, Jacob's argued against the unfair assumption that disabled people can only have sex through accessing prostitutes. Jacobs concludes 'When we are seen as equal people, equally sexual people, we will be empowered to move on from the idea that we can only have sex by exploiting others.' (<http://www.guardian.co.uk/commentisfree/2010/aug/23/disabled-people-sex-lives-equality>)

Robbi Williams a disability advocate from the Julia Farr Association also attacked the position of Ms Vincent, stating that linking prostitution with disability rights creates a risk of association and potentially stigmatised people with a disability. (<http://www.abc.net.au/news/2012-03-27/call-to-legalise-sex-workers-for-people-with-disability/3915538>)

William's states 'The danger with the periodic focus on disability in the sex industry is it may create the impression the only way a person living with disability can have sex is if he or she pays for it. Presumably this is because some people assume the person's disability renders that person unattractive to every potential partner out there in community life. This doesn't seem fair or true.' (<http://juliafarrrobbi.blogspot.com.au/>)

A push to limit critical debate has denied the voices of sex workers and failed to correlate the evidence based approach currently taking place in European nations such as Ireland, France and Israel. All these nations are pushing for Nordic style legislation in a move to protect sex workers and end the crossroad which is liberalised sex laws, sexual exploitation, slavery and trafficking.

Equally people with disabilities are being further stigmatised and fed the notion that they are incapable of forming intimate relationships and reinforces a notion that they are incomplete human beings, incapable of having sexual relations through any means other than the financial transaction of money.

Through arguing access to prostitutes as a human rights issue there is a failure to recognise the correlations of prostitution as a harmful cultural practice which furthers inequality and has silenced dissenting voices and those of sex workers themselves. Australia needs to question the motives of politicians and sex industry advocates in their push to normalise prostitution and reframe prostituted people as entrepreneurial sex therapists. The premise that access to sex workers is a right and offers choice is a limited view spawn from a failed notion that prostitutes themselves have choice. Legalising prostitution in the name of disability access to sex will do little more than create state sanctioned stigmatising and discrimination against prostituted persons and the disabled.

# Standing up for sex workers is standing up for pimps

*Dr Caroline Norma*

<http://www.smh.com.au/opinion/society-and-culture/standing-up-for-sex-workers-is-standing-up-for-pimps-20120618-20k84.html#ixzz1yTGq0Kvh>

Prostitutes are not sex workers, they are prostituted women.

ELITE academics in Australia love to profess their support for "sex workers". University of New South Wales academic Catharine Lumby in "Sex is not dirty work" (<http://www.nationaltimes.com.au/opinion/society-and-culture/sex-is-not-dirty-work-20120609-202ww.html>) on these pages pleaded for the media to treat sex workers with more respect, given that prostitution is a legal form of employment in Australia.

Lumby recalls telling her sons over the dinner table to not make jokes about women their friends call "prosties", and to remember that feminists and Christians could be condemned for failing to properly recognise prostitution as work.

This idea of prostitution conveyed to the two Lumby juniors is unmistakably a liberal one. In this framing, prostitution is embarked upon by individual women as something akin to a small-business enterprise (women in brothels in Australia are legally recognised as sub-contractors, not employees). While "sex workers" might be at the bottom rung of the social ladder in terms of education, prior victimisation, social networks, and personal asset bases, liberals see them as admirable for attempting to improve their circumstance, and possibly give their kids a better chance in life.

In conveying this idea of prostitution, Lumby teaches her sons to be nice to "sex workers", which is indubitably a charitable thing for an elite academic to do. However, in framing prostitution as a benign form of "work", Lumby also disenables her sons taking social and political measures against the sex industry and its customers as perpetrators of serious and widespread harm against women in Australia.

There now exists a mountain of empirical research, not only from feminist social scientists, but also from psychologists, clinicians, nurses, anthropologists and economists, of the harms of prostitution for women. These harms include post-traumatic stress disorder, genital and other physical injuries, pregnancy, depression and anxiety, and social isolation.

It has been known since the late 1970s that a major precursor of women's entry into prostitution is childhood sexual abuse. There is also empirical evidence of the damage to women's social status, and the negative impact on women's connection to local community, of the sex industry.

Overwhelmingly, the social science and health literature condemns prostitution as a source of harm to women, as well as children.

For liberals to successfully frame prostitution as "work", rather than commercially mediated sexual abuse, they must close their eyes to this evidence. They must also avoid encountering most women in prostitution - even the most conservative demographic studies of this population find that half would leave the sex industry if they could. And they must overlook the good results that governments in Sweden, South Korea, Norway and Iceland have achieved in declaring prostitution a violation of gender equality, and criminalising the sex industry and its customers.

Most significantly, though, liberals must avoid mentioning pimps, traffickers, and sex industry customers in making their argument that prostitution is a legitimate form of work for poor women. Lumby doesn't breathe a word of the profit-making activities of pimps in Australia, nor the acts perpetrated by sex industry customers who buy women in half-hour blocks. She fails to tell her sons about the strategies of violence, debt and intimidation that pimps use to keep women in prostitution, and to make sure they service customers with a smile.

She also omits to mention the kinds of sex acts customers do to women in prostitution, and the misogynistic abuse and brutality that women face when they're dispatched to the hotel rooms and houses of prostitution buyers.

These inconvenient facts cause liberals great difficulty in selling the message that prostitution is work. In light of these facts, prostitution begins to look like a system of hush money paid to pimps to supply men with vulnerable women for sexual use and abuse.

When elite academics like Lumby publicly declare their allegiance to "sex workers" they concurrently reveal a loyalty to pimps and sex industry customers. They do this through framing prostitution as "work", and therefore sending the message that no policy or community action need be taken against the sex industry as an employer of women and legitimate business sector.

In this atmosphere, pimps and their customers are able to continue their harmful activities, and the sex industry in Australia is able to profitably expand and diversify.

On the other hand, when elite academics like me declare our support for "prostituted women", we declare a commitment to elimination of the sex industry. We work towards public recognition of prostitution as a social harm through public awareness campaigns highlighting the effects of the sex industry on individual women, and women's social status.

Just like the anti-smoking campaigns that began in the 1970s, we seek a reorientation of the public's thinking about prostitution towards a critique of the "pretty woman" and "happy hooker" stereotype. Australian policymakers and community leaders mobilised against the tobacco industry in the past three decades, and we seek similar government action against the sex industry as a driver of social harm.

The criminalisation of pimps and sex industry customers is a necessary first step towards this goal, but we also call for public education about the reality of prostitution, as well as policy planning for programs and initiatives to assist women to leave the sex industry and build lives that reflect their worth as full citizens.



# Working against the global sex industry

**Matthew Holloway**

<http://tasmaniantimes.com/index.php/article/working-against-the-global-sex-industry>

I write in response to Cameron Cox's response (<http://tasmaniantimes.com/index.php?/article/heading-heading-linzo-jimboooo/>) to my original article 'Learning the Lessons from legalising prostitution in Victoria'. (<http://tasmaniantimes.com/index.php?/article/learning-lessons-from-legalising-prostitution-in-victoria/>).

Cameron has raised numerous questions about my views on the issue and the research about prostitution and legalisation that I have referenced. I thank Cameron for taking the time to address my article and hope the following response will provide more detailed information in support of my argument. Cameron asserts that licensing brothels is not a money-spinner for governments; Cameron argues that "licensed brothels cost governments heavily and have a complex, pervasive and high social cost."

I reiterate my belief that governments stand to make a lot of money through rhetoric around legalisation leading to safety for sex workers. Unfortunately evidence seems to show that legalisation still has many inherent safety risks and has often become an issue of governments wanting to derive profits from the sexual degradation and exploitation of some of society's most vulnerable people. It should be noted that I am not the only one who is saying that the government is keen to get a slice of the sex industry pie. This claim is even made by the Eros foundation who stated that the sex industry has a combined turnover of over \$1 billion and that government agencies were looking at ways to levy a slice of this revenue. ([http://www.eros.org.au/index.php?option=com\\_content&task=view&id=3&Itemid=3](http://www.eros.org.au/index.php?option=com_content&task=view&id=3&Itemid=3))

An article from the Age newspaper called 'Curbing Crime in the Sex Industry' and published in 8/2/1999 discussed the increase in the number of legal brothels from 40 a decade ago to 94 today, along with 84 escort agencies. The article also stated that over 60,000 Victorian men spent \$7 million on prostitution, with the legalised industry turning over more than \$360 million a year.

(<http://projectrespect.org.au/system/files/Legalisation+in+Victoria.pdf>)

The Australian adult entertainment industry website also backs these figures stating Victoria has around 100 legal brothels. (<http://www.aaei.com.au/licensedbrothels.htm>) It is worth noting that the Victorian Police estimate there is around 400 illegal brothels currently in operation in Victoria. (<http://www.theage.com.au/opinion/society-and-culture/its->

time-to-get-serious-about-sex-trafficking-in-australia-20111012-1lkzi.html#ixzz1k4wywZF7)

On the issue of brothel increases, Cameron Cox has stated that "Neither decriminalisation nor legalisation leads to an explosion in the sex industry." This statement can clearly be refuted by statistics from the Australian Institute of Criminology which show that prior to 1984's decriminalization there were around 150 brothels in Victoria. With police estimates that there are currently 400 illegal brothels in operation, alongside 100 legal brothels, this figure becomes a staggering 500 brothels. Statistically broken down, this figure would mean that Victoria has seen the increase of 25 new brothels in every 24 month period since 1984. (<http://www.aic.gov.au/documents/F/B/5/%7bFB5E3FDC-1AB5-4F04-A1B8-9D4B5C30B42C%7dti22.pdf><http://www.aic.gov.au/documents/F/B/5/%7bFB5E3FDC-1AB5-4F04-A1B8-9D4B5C30B42C%7dti22.pdf>)

Mr Cox states 'Sex workers are no more likely to be the victims of child hood sexual abuse than those who do not offer commercial sexual services.' This statement is not supported by any research that I am aware of. I previously quoted information from the Sacred Heart Mission survey and Mr Cox claimed the findings to be "long discredited furfies". Cameron Cox's claim included a reference number but provided no link, Mr Cox; I would be very interested to see any information which discredits the Sacred Heart Mission study as they are a highly respected organisation.

To quote other evidence backing my assertion that sex workers are more likely to come from backgrounds of child sexual abuse; In 2009 the University of Queensland and Queensland University of Technology surveyed women from three sections of the sex industry; 103 private sex workers, 102 legal brothel workers and 42 illegal sex workers, 33 of whom were street workers. (<http://eprints.qut.edu.au/17394/8/c17394.pdf>)

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. The study also showed that 52% of illegal sex workers had been raped or bashed by a client, while 15% of private sex workers had this experience and 3% of brothel-based sex workers. 50% of illegal sex workers experienced client requests for unprotected sex the vast majority of the time; the results were lower among the other groups with 18% of private sex workers and 8% of brothel-based sex workers.

In terms of drug dependency, it is worth noting that 75% of street workers in the study reported a history of injecting drug use, 16% amongst licensed brothel workers and 17% amongst private workers. The study also found that street

workers were four times more likely to have mental health problems than brothel based workers, but the study did find that overall prostitutes from all sectors had poorer mental health than Australian women of comparable age who were not involved in the sex industry. This study was funded by the prostitution licensing authority of Queensland, a body whose research Mr Cox also references.

Cameron Cox also makes the flawed assumption that the work of Project Respect is biased while that of the Scarlet Alliance is unbiased. Subjectivity is the foundation of all opinion – the notion of ‘objectivity’ is a myth. One can look at both sides of an argument and come up with a reasoned position even though others will form another opinion. Questions need to be asked about historical perspectives on prostitution in relation to power, gender and culture.

Cox’s claim that the Scarlet Alliance does not allow owners or managers to be part of their organisation and only advocates for the rights of sex workers is dubious, especially given Fiona Patten’s involvement in the organisation. Fiona Patten is the face of the sex party of Australia and according to Patten she was on the board of Scarlet Alliance. (<http://www.gizmodo.com.au/2010/08/classification-and-internet-censorship-as-an-election-issue/>) The book ‘Remote Control: New Media, New Ethics’ claims that Patten was the founder of Scarlet Alliance. ([http://books.google.com.au/books?id=1x-NFSO3iXYC&pg=PR10&lpq=PR10&dq=fiona+patten,+scarlet+alliance&source=bl&ots=hqV-79oFlc&sig=NrIIBrkncoPkj\\_v9GkZf2I7wSuA&hl=en&sa=X&ei=J\\_QvT6ThLYyhiQfohPjjDg&ved=0CC8Q6AEwAg#v=onepage&q=fiona%20patten%2C%20scarlet%20alliance&f=false](http://books.google.com.au/books?id=1x-NFSO3iXYC&pg=PR10&lpq=PR10&dq=fiona+patten,+scarlet+alliance&source=bl&ots=hqV-79oFlc&sig=NrIIBrkncoPkj_v9GkZf2I7wSuA&hl=en&sa=X&ei=J_QvT6ThLYyhiQfohPjjDg&ved=0CC8Q6AEwAg#v=onepage&q=fiona%20patten%2C%20scarlet%20alliance&f=false))

The reason I see major problems with this is that Fiona Patten was also the head of the Eros foundation, Eros being the peak body representing the owners and shareholders of adult entertainment businesses. Surely having Fiona Patten representing both sex workers and those who exploit them for profit, is akin to Qantas CEO Alan Joyce also becoming the head of the Transport Workers Union. On the issue of Ms Patten’s impartiality and representation of sex workers, her comments on sexual slavery are very revealing. Fiona Patten has advocated that the federal government should provide working visas to women working illegally in Australia. Patten claims that sex slavery is produced by the fact there is a middle man (illegal sex traffickers) and allocating visas would remove the middle man and take away the framework of sex slavery. (<http://bothkindsofpolitics.org/?p=7337>)

One needs to question whether or not Patten considers that there are not enough sex workers in Australia to fulfill the demand and does this justify the Federal government providing visas for women to come to Australia as sex

workers. I haven't yet heard from the Scarlet Alliance about what they think of this vague attempt at legitimising a globalisation of the sex industry in a futile attempt to stop the illegal highly profitable and abusive exploitation of women from other countries.

The reality for many women trafficked into Australia is that they are lured here under false promises and are forced to work in brothels against their will and often without pay. Many are forced into illegal brothel work, but we can not delude ourselves into believing that legal brothels play by the rules. This was highlighted in the Sydney Morning Herald on the 3/2/12 when it was revealed that a legal brothel in the NSW suburb of Guildford was under investigation by the Australian Federal Police 'AFP' after three women (believed to be under-age) had their student visas confiscated by the brothel owner who forced them into prostitution. (<http://www.smh.com.au/nsw/brothel-owner-charged-over-human-trafficking-20120202-1qvoo.html#ixzz1k01NQSCy>)

Glyn Lewis, the AFP's national co-coordinator of human trafficking operations, referred to the brothel as abhorrent and stated "It's our general experience that these women live under very harsh conditions, their freedom's restricted, they may be forced in various ways coercively, threatened with deportation by the owners and lied to. They often have poor language skills so they're really in a very frightened state when we get to meet them." Dr Jennifer Burn, the director of Anti-Slavery Australia stated that since 2003, 324 investigations into human trafficking in Australia have identified 207 victims but claimed this was the tip of the iceberg and of 148 women in a support program for those trafficked into the sex industry, 119 were from New South Wales. (<http://www.smh.com.au/nsw/brothel-owner-charged-over-human-trafficking-20120202-1qvoo.html#ixzz1k01NQSCy>)

Finally on the issue of impartiality and the Scarlet Alliance, I would like to highlight a quote from Professor Sheila Jeffreys from the Coalition Against Trafficking In Women Australia 'CATWA' on ABC radio in 2011, she states: "Some agencies, like Scarlet Alliance, say that there's very little trafficking, because they have an extremely narrow definition, which is that the women have to be obviously forced and obvious violence has to be done against them and they downplay the significance of what's going on. There is considerable force and violence, but there's also women being trafficked into debt bondage, who know where they're going and for instance, Scarlet Alliance says that if the women know they're going to end up in prostitution, it's not trafficking.

Simply not true. If you look at websites that advertise Melbourne brothels, you will see the buyers talking about the Asian women they use. They say they don't have good English, that they look very reluctant and they talk about the Korean pimp shouting at some women in the brothel. We know those women didn't get

here of their own accord. They may have known they were going into prostitution, but somebody trafficked them here and then put them in debt bondage, in other words having paid a small amount for their air fare, then tells them that they owe \$40,000 or \$50,000 and they have to pay that by being sexually used. That is according to the United Nations, a modern form of slavery, so they're held in slavery in these brothels.

It's nothing to do with choice, it's nothing to do with whether they know they'll be in prostitution at this end, but it's in the interests of sex work organisations and governments of pimp states who want to keep offering prostitution to men to downplay the existence of trafficking. In fact, trafficking is hidden in plain sight, lots of web sites, lots of places where buyers talk to each. It's very obvious that trafficking is going on." (<http://www.radioaustralia.net.au/asiapac/stories/201110/s3341867.htm>)

Cameron asserts that I have made a moral judgement that it is worse for women in poverty to earn money by sex work than it is for woman not in poverty to be sex workers. The basis of my argument is that 'choice' is determined individually from a set of 'options'. I do not believe that 'choice' is present in the current debate and the problem with legalisation models in Australia is that they have become state sanctioned prostitution and negated government responsibility to provide adequate support for socio-economically disadvantaged women (I say women specifically as the Tasmanian government discussion paper does not detail male sex workers). The fact is that Governments should be providing optional employment training to women considering entering into sex work if they are to justify the 'pro choice' mantra.

I certainly do not support Mr Cox's claims that the New South Wales model provides the best working model in Australia; there is plenty of evidence to the contrary. It should also be noted that the Australian Institute of Criminology's paper 'Prostitution laws in Australia.', states references a study in New South Wales which found that 97% of women involved in sex work were only involved in the sex industry for financial reasons. (<http://www.aic.gov.au/documents/F/B/5/%7bFB5E3FDC-1AB5-4F04-A1B8-9D4B5C30B42C%7dti22.pdf><http://www.aic.gov.au/documents/F/B/5/%7bFB5E3FDC-1AB5-4F04-A1B8-9D4B5C30B42C%7dti22.pdf>)

Mr Cox has stated the following "See I told you it would be only a matter of time before sex workers and sex slaves were conflated in the same sentence. I will agree that sex workers need more human rights protections and better access to OH&S and labour rights and this best framework to do this in is a fully decriminalised environment where sex workers have access to all the rights and protections to which all other workers have access."

Like it or not, in most cases there is a twilight zone between the working environment in which sex workers and sex slaves work. Neither work totally isolated from each other and their buyers are often none the wiser about the real differences.

In Tasmania for instance, the Workplace Standards Authority is understaffed, under resourced, and enforcement often difficult. Just how well the Workplace Standards Authority will be able to meet the requirements for regulating the sex industry and enforcing compliance in the current anti OH&S environment poses some serious questions for this magic bullet proposal for protecting sex workers. The Government has provided no assurances of increased resourcing and staffing of the Workplace Standards Authority especially without shifting regulatory capacity from other sectors.

Added to this is the fact that both Victoria and New South Wales examples have shown that local authorities, councils and the agencies monitoring licensing are failing in their duties and many brothels are operating unchecked. The Victorian example has also incriminated numerous local authorities in corrupt practices through taking bribes and turning a blind eye to illegal activities.

Cameron tries to discredit Project Respect claiming their research is rejected by organisations including "The Kirby Institute and Scarlet Alliance as being based on small and biased samples". On this claim I would like to point out that while checking the Kirby Institute website I found no searchable references to prostitution or sex workers. Equally the Kirby Institute sits as a health research department within the University of New South Wales which deals with the transmission of diseases. Surely Cox's argument seems a irrelevant; it should be obvious that a health research organisation would be unlikely to use research from any community services based organisation. Contrary to Cox's claim, I would point out that Project Respect's research is frequently reproduced by The Australian Centre for the Study of Sexual Assault 'ACSSA', being part of the Federal Government's Australian Institute of Family Studies. (<http://www.aifs.gov.au/acssa/research/trafficsexwork.php>)

Mr Cox's goes on to claim "sex workers contact their clients on the street or in a public place but mostly the actual work takes place elsewhere". This statement is not correct in the context of Victoria's red light district of St Kilda which is Australia's largest red light district with an estimated 400 workers.

Over the years many local residents, council and police have reported sex work openly conducted on streets, in alleyways and even in the front doors and yards of private residences. (<http://www.abc.net.au/7.30/content/2002/s634642.htm>)

A study in 2011 by RMIT University in conjunction with Port Phillip Council documented the experiences of many residents who claim to be living under constant fear. Residents faced confrontations, being solicited for sex as well as defecation, urination and sex acts taking place on their residence. Syringes and used condoms were regularly found after failure to dispose of them; street violence and damage to property were also regular occurrences. ([http://www.portphillip.vic.gov.au/attachments/FINAL\\_Living\\_Next\\_To\\_Street\\_Sex\\_Work\\_Feb\\_11.pdf](http://www.portphillip.vic.gov.au/attachments/FINAL_Living_Next_To_Street_Sex_Work_Feb_11.pdf))

Cameron Cox also makes the claim that "Prohibition doesn't minimise street work either, it just makes it more dangerous". When looking at the Swedish model it becomes clear that this claim is simply false. Sweden has halved the number of street sex workers, the education system continues to instill their society's values that purchase of sexual services is a violation of another person's human rights and as such it carries with it criminal prosecution. The legislation enjoys wide popularity among the citizens and the government funds services to help women out of prostitution. Added to all these positive benefits is the fact that Sweden has drastically reduced human trafficking and many traffickers will no longer take the risk of trafficking women into the country for sexual slavery.

The view that the Swedish model is propaganda belies the fact that it is one of the most progressive, leftist and radical approaches seen anywhere in the world, it also the only model which goes to the heart of tackling the chronic and expanding problem of violence and sexual abuse of sex worker and the globalised sex trade.

If the Swedish model were a failure it would not have been adopted by other progressive nations such as Norway and Iceland. Cuban president Raul Castro also expressed his nation's desire to follow the Swedish example. Castro stated 'Sweden has done a really admirable job and even organisations like CENESEX the Cuban National Center for Sex Education 'CENESEX' and the Federation of Cuban Women would like to emulate the Swedish experience.' (<http://www.thelocal.se/37294/20111111/>)

It is worth noting that if the Swedish model is adopted in Cuba, there will undoubtedly be a flow on effect within many South American nations. Member nations of the leftist political and economic organisation ALBA (Bolivarian Alliance for the Americas), look to Cuba as a beacon of hope for the poor and marginalised. Nations who would likely to follow suit on such legislation include Venezuela, Nicaragua, Bolivia and Ecuador.

Finally I would like to address the NSW decriminalisation approach which Cameron claims to be the best regulatory framework in Australia and his encouragement of Tasmania to follow in its footsteps. I once again reiterate the fact that this is a

free market approach to the sex industry, and it is one which the evidence points to as a failed system which is susceptible to corruption.

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

To conclude I would point out that the models we have seen so far in Australia fail to protect sex workers and have allowed a culture of corruption to flourish. Cameron Cox has simply made a response in defence of his industry but nowhere has he provided solid evidence to back his claims that sex workers are not victims of abuse. In fact I would point out that Cameron simply brushes off my own arguments regarding women being forced into the industry by stating "Lots of people also are unhappy in their jobs but may remain in them due to financial reasons". Such an argument ignores the fact that the current system is not enabling women to break the cycle of poverty or prostitution and clearly this is something that needs to change; the legalisation approach will entrench people in prostitution and will not provide options for exiting the industry.

Cameron Cox also fails to address my point regarding the commodification of human beings and the inherent capitalistic nature of this. The supposedly liberal belief that it is a human right to be able to purchase another person's sex organs for use (or abuse), is completely flawed thinking. The problem within this scenario becomes one of power, the fact remains that the buyer holds the power because the buyer holds the money while the seller needs money to enable their existence, this is a fundamental inequality and one which can only be dealt with through the criminalisation of the purchase of sex.

The issue of prostitution and the problems it raises have been addressed by many of the great feminists of our time; Germaine Greer once famously stated

“Pornography is simply the advertising of prostitution” and this holds to the fact that there are many problems in our hyper sexualised culture which have promoted the expansion of sexual slavery. Prostitution is still a capitalistic and patriarchal structure and always will be, no matter how much Mr Cox tries to argue against the fact; women are always enslaved to sex work because of male demand for it. This is a key point which the Swedish model recognises and this is the reason for its success.

In our society Women are conditioned towards commodification through our media, through hypersexualised culture and through pornography. Unfortunately the same can also be said for male sex workers whose main clientele are men. The sad aspect is that male power tries to dominate both men and women, this is the reason we see homosexual males feminised in the media and feminised in pornography. All these aspects are so closely inter connected to the treatment of sex workers and the bigger picture of the globalised sex industry, it is pervasive, it is destructive and it does seek to use another human being for the benefits of profit and power.

Let’s hope that the Tasmanian Labor and Liberal parties stay true to their commitment to thoroughly investigate the Swedish model and hope that we become part of a new axis of nations working against the global sex industry for the protection of sex workers and not their masters. We need a system which offers support, exit opportunities and real choices for some of our forgotten and most marginalised people.



# Sex Trafficking: The Dark Side of the Australian Sex Industry?

*Jennie Herrera* Reviews the book by Dianne McInnes & Paul Wilson, New Holland Publishers 2012.

<http://tasmaniantimes.com/index.php?/weblog/article/the-dark-side-of-the-australian-sex-industry-/>

The book begins “In Australia today, young women—sometimes those who are just children or adolescents—are being exploited physically, emotionally and financially by criminal elements, people who are determined that they will grow rich over the bodies of those they coerce or cleverly trap into entering the sex industry.”

But the book isn't an overview of sex trafficking or prostitution more generally. Rather it looks at a number of cases which have come before the courts. The authors do not attempt to suggest the size of the problem, not least because as they point out “Currently Victoria has around 100 licensed brothels and escort agencies, and an estimated 300 illegal brothels”. If we can only estimate the number of illegal brothels equally we can only guess at whether any of those illegal brothels are using trafficked women. Although they mention Asian women trafficked into a legal brothel in Sydney the traffic is predominantly an aspect of the growth in illegal brothels, and brothels which are neither licensed nor inspected raise unanswerable issues as to how many trafficked women are working in the sex industry at any one time.

Recent figures I've come across from Victorian Police are of just over 400 cases currently under investigation in that state. But as the authors point out there are three different crimes which the media tend to bundle together and so confuse the issue. These are:

1. Slavery. Although the media comes out with lurid headlines at times such as 'Sex Slaves Held in Dungeon' slavery is hard to prosecute. It may involve physical control, such as women without access to passports and other documents or women prevented from leaving their work premises or denied any remuneration for their work, but the authors point out that the slavery can also be psychological. This can involve threats and intimidation, drug addiction, fear for family members, fear of deportation, or women given wrong information.

2. Trafficking. They quote Nina Vallins of Project Respect for her definition of trafficking: “1) a person is moved from place A to place B; 2) the person has either been kidnapped or has agreed to go but been deceived about the circumstances that await them at point B; and 3) the purpose of moving the

person is to exploit them." The legal definition of trafficking is "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." So it does not have to involve the crossing of borders but often does involve false information, false documents, and false backgrounds. The authors include the cases of several children, including a 12-year-old in Tasmania, who were prostituted hundreds of times before the authorities stepped in. Although these cases did not necessarily involve borders in all of them false information was being peddled.

3. Debt Bondage. This is where women may, or may not, be aware that the jobs being offered involve sex. But they are not told that they will be deprived of their liberty or be unable to change places of employment until huge debts are deemed to have been repaid. The largest debt mentioned in the book is \$200,000 though most were around \$45,000. I have heard that debts of up to \$150,000 are now common. Given that a return fare from Bangkok is less than a thousand dollars it is not hard to see why criminal operators see this as a lucrative way to make money. They mention a legal brothel in NSW where "When the police and immigration officials raided the premises the following day, they found four scantily-dressed Thai women cowering under furniture in a locked room with no door handles below a spa and sauna centre in Fairfield. This room was connected to the brothel premises by a hidden stairway." They go on to say, "Each woman told a similar story about her ordeal. They were required to pay back debts of between \$35,000 and \$45,000 by working 16 hours per day, six days a week. They were forced to use crystallised methamphetamine (commonly known as 'ice'), perform unsafe sexual practices, including not using a condom, and work while they were menstruating and while they were suffering vaginal infections."

Wilson and McInnes also point to the sheer practical difficulties of getting convictions in the cases they highlight. Lack of English, lack of understanding of the law, lack of documentation (so that it may become the trafficked woman's word against that of the brothel owner), lack of family support, fear of deportation, and so on. They write, "Tragically, and precisely because the women often come to this country under false pretences, many prosecutions of traffickers that may have merit are unsuccessful. They are seen as only prostitutes, and their evidence and testimony are disregarded or downplayed by the authorities, or they really do not have information about their traffickers that can be used by the prosecution. It is also true that both the legal system and the police rely on testimonies of the women who have experienced trafficking, and often, because resources are limited, they do not collect corroborating evidence,

including phone and supporting records, statements from clients and co-workers and other material that would support the allegations.”

And by focusing on the end rather than the beginning, by which time the woman or girl may be infected with chlamydia, herpes, HIV etc, and may suffer long term from Post Traumatic Stress, I found myself wondering how we might prevent the exploitation in the first place.

The authors only really have one suggestion. “Lack of access to legal visas creates a market for sex trafficking. If people applied through legitimate immigration procedures to work in the sex industry, then many of the trafficking problems connected to debt bondage would be alleviated.”

But as the key aspect of trafficking is that it makes big money for the traffickers it isn't clear how visas would stop trafficking. Equally it isn't clear how visas would better police the industry. Given that there is resistance to bringing in foreign workers to do jobs that Australians are qualified to do (and none of the trafficked women had skills not available in Australia) this suggestion also raises but doesn't answer the question of why women are being trafficked from Asia to do work Australian women are quite capable of doing. Again it comes back to the bigger profits to be made from trafficked women.

Implicit in the book is another issue, the ‘Asianisation’ of sex work in Australia. Almost all the trafficked cases were of Asian women or girls, including several underage cases, and more than half the traffickers were also Asian. It raises, in my mind, the concern that we may be underplaying the seriousness of the problem because most trafficking victims are ‘them’ rather than ‘us’. If the criminals are ‘them’ and the victims are ‘them’ then somehow trafficking isn't really ‘our’ problem. It is a complex issue because it plays out against that widespread Australian belief that Asian women are sexier (and like sex more), they are more biddable and compliant, and they may have access to exciting and esoteric practices to attract jaded male palates. The authors note in passing that trafficking victims at times turn into traffickers—which also raises the question of whether people with an intimate knowledge of trafficking are going to prefer to operate transparently and legally.

The authors say, “The murders of sex workers are often unreported or the women are not recorded as missing persons. According to Helen Pringle from the University of New South Wales this occurs because the victims’ work stigmatises them as dirty and worthless. To those who loved them, these sex workers were mothers, daughters, sisters and friends. To the people who murdered and dumped their bodies, they were disposable. And their sex-worker colleagues are often afraid to go to the authorities because they may be working illegally or have fears for their own safety.”

Fiddling around with the visa system is not really the answer. Rather, we need to be asking tough questions of a culture which makes trafficking a lucrative option. Why do we as a society believe that we have a right to buy sex, no questions asked, and why do we believe that one person's body should be for sale to another person, usually a stranger. Equally questions about the numbers of trafficking victims aren't really the issue. One trafficked woman in an Australian brothel is one too many. One Australian male taking advantage of that trafficked woman is one too many.

Sex Trafficking is a horrifying book and, more so, given Australia's much-vaunted belief in freedom, openness, fair play, and respect for human rights. It is also a useful place to start looking into this important issue. But because of its limited brief, the attempt to prosecute traffickers in Australian courts, don't treat it as the only book you need to read about trafficking.

# Red-Green Politics Retrograde on Prostitution

***Matthew Holloway***

<http://tasmaniantimes.com/index.php/article/red-green-politics-retrograde-on-prostitution>

So far three Australian states and one territory have liberalised sex laws through brothel legalization, in each case these laws have been passed by Labor governments.

The ALP is affiliated to the Socialist International 'SI' comprising socialist, social democrat and labour political parties from across the world.

The rationale of the left in Australia has looked at the issue of prostitution from a free market, economic approach to the sex industry backed by libertarian arguments which rebadge prostitution as another form of employment and promote user access to the sex industry.

By contrast many of the ALP's sister parties in the SI have taken a broad based community approach to the issue of prostitution and have sought legislation to end exploitation, commodification and sex trafficking.

The Swedish Social Democratic Party, the Labour Party of Norway and Iceland's Social Democratic Alliance have all introduced legislation criminalising the purchase of sexual services while decriminalising prostitution and offering women genuine choices for exiting the industry including support education and retraining.

A number of SI affiliated parties are pushing similar legislation to bring their countries laws in line with the Nordic model. These include the Socialist Party of France, the Labour party of Ireland, the Scottish Labour party and Denmark's Social Democrats.

The ALP has taken a superficial approach to the issue and failed to respond to the wider social problems which are symptomatic of prostitution. Such problems have included the expansion of the illegal sector alongside the legalised sex industry, as well as the problem of human trafficking and sexual slavery.

According to a German study by the University of Göttingen of 2012, Australia is rated as a high trafficking nation. The report examining trafficking in over 150 countries found that countries with legalised prostitution did have an expansion

of the prostitution market and larger inflows of human trafficking. ([http://www2.vwl.wiso.uni-goettingen.de/courant-papers/CRC-PEG\\_DP\\_96.pdf](http://www2.vwl.wiso.uni-goettingen.de/courant-papers/CRC-PEG_DP_96.pdf))

This shows the failures of the Australian Left to step back from the pro-legalisation mantra and examine the broader human rights issues at play in the prostitution debate.

The ALP has ignored the voices of prostituted and trafficked people and consistently opposed examining the Nordic model stating their belief that it pushes the sex industry underground.

The Greens are also out of touch with many of their sister parties through their international affiliation to the Global Greens. The charter of the Global Greens states that affiliates 'will work to ensure that all men, women and children can achieve economic security, without recourse to personally damaging activities such as pornography, prostitution or the sale of organs.' (<http://www.globalgreens.info/globalcharter.html>)

The Australian Greens policies have often appeared out of line with this aim, specifically in states like Western Australia where the Greens have pushed for the establishment of red light districts. WA Greens leader, Giz Watson also attacked state Liberal MP's for what she called 'holding notions of perceived third party exploitation in prostitution'. (<http://www.giz-watson.net/2011/http://www.giz-watson.net/2011/archives/2011/08/03/sex-worker-law-reform-29-july-2011/>)

The Australian Greens also use the term 'sex work' in their policy detail and support a push to end criminalisation of consensual adult sex work and support the purchasers of sexual services. The question which this policy does not address is how much sex work is actually consensual? And how they plan to do to help prostitutes who are not consensually working in the sex industry? (<http://greens.org.au/policies/care-for-people/women>)

Other international Greens oppose 'sex work' terminology used by the left in Australia; The Greens USA believe this terminology masks violent and illegal trafficking and state that research is continuing to show that only a minority of prostitutes genuinely choose to work in the sex industry. (<http://www.gp.org/committees/platform/2010/social-justice.php>)

Equally The French Green Party make an interesting point that free choice in prostitution is relative, in a society where gender inequality is institutionalised. ([http://en.wikipedia.org/wiki/The\\_Greens\\_%28France%29](http://en.wikipedia.org/wiki/The_Greens_%28France%29))

While the debate rages on in Australia, what's striking is the major disconnect in policy between Australia's mainstream left with their international counterparts.

Through adopting a libertarian approach to prostitution, Australia's left have promoted a belief that access to sexual gratification is a human right and that the trade of sex consists of an equal and consensual power dynamic.

International evidence consistently shows the belief of equality in the sex trade to be false with the majority of prostitutes having faced higher instances of disadvantage, trauma, sexual abuse and mental health disorders.

The attitudes of Australia's left are not only blind the international problems of trafficking but are a broader betrayal of traditional left values of solidarity with those who are disadvantaged or oppressed.

This belief also fails to recognise that consent provided through vulnerability is exploitative and something which many of Australia's progressive counterparts consider a form of slavery.



# Prostitution laws - Towards a coherent philosophical underpinning

***Isla MacGregor***

<http://tasmaniantimes.com/index.php?/article/prostitution-laws-towards-a-coherent-philosophical-underpinning-/>

*"Some of the questions about prostitution cannot be resolved by research because they are fundamental questions about the kind of society one wishes to see, how one understands gender equality and what it means to sell sex. ....most approaches to prostitution lack a coherent philosophical underpinning .....The most coherent approach in terms of philosophy and implementation is that adopted by Sweden, and interestingly it is the only one where no one who sells sex is subject to the criminal law."*

The 2003 Review by Julie Bindel and Liz Kelly from London Metropolitan University commissioned by the Scottish Government 'Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia; Ireland; the Netherlands; and Sweden' sums up some of the key issues which need to be tackled by the Tasmanian community and Government in the lead up to the Tasmanian Government's review into decriminalisation of prostitution in Tasmania.

One of the problems associated with the debate on prostitution here and in most other jurisdictions is the highly polarised nature of the debate.

Like many controversies in Tasmania this has impeded the development of a strong philosophical understanding of the broad context of the issues in question.

In the Introduction of the Bindel and Kelly Review they describe this problem very simply...*"Some of the questions about prostitution cannot be resolved by research, since they are fundamental questions about the kind of society one wishes to see, how one understands gender equality and what it means to sell sex."*

The Review concludes...

*"What emerged strongly from this review even with the limitations of time and resources, is that most approaches to prostitution lack a coherent philosophical underpinning, from which specific short and long term aims could be drawn out and evaluated. Virtually no evaluation of overall approach has been undertaken,*

*and until recently very little was done on localised experiments and pilots. As a consequence, much discussion and debate reverts to rhetoric and anecdote, rather than being informed by a strong evidence base. We acknowledge that the evidence base is, to date, still weak, but the little that does exist does not commend a legalisation approach. Anyone contemplating such a move has to accept that it means an expansion of the sex industry - both the legal and illegal sectors - and does nothing to address the key issue of street prostitution. There is probably more room for development in regulatory regimes than is currently the case, but for this to emerge law and policy needs to focus on sex businesses and customers rather than targeting women. To be more innovative and effective regulatory approaches need a stronger underpinning, in which the potential harms and costs of prostitution - to those within it - and to local communities - are acknowledged and addressed. In this way the rationale, and targets, for regulation would be more transparent. They also need a coherent basket of measures, linked to a sense of desired outcomes, rather than patchy, re-active and unsustainable measures that tend to be associated with this model. The most coherent approach in terms of philosophy and implementation is that adopted by Sweden, and interestingly it is the only one where no one who sells sex is subject to the criminal law."*

Max Waltman's essay published in the Michigan Journal of International Law (Vol.33.133 Fall 2011) on the Swedish model laws on prostitution also provides recent research outcomes both from within Sweden and internationally.

Interestingly the Swedish legislation has made very effective impacts on cross jurisdictional trafficking in women and children which is a significant problem in Europe, South East Asia and increasingly in Australia.

Max Waltman's essay provides useful background to the development of the Swedish model and its successes:

Sigma Huda, the UN Special Rapporteur on Trafficking (2004-2008) said in her report that prostitution is a form of trafficking. (UN Doc.E/CN.4/2006/62 Feb 20. 2006)....

*"For the most part, prostitution as actually practiced in the world usually does satisfy the elements of trafficking. 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 and or an abuse of vulnerability. Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity and poverty. Put simply, the road to prostitution and life within 'the life' is rarely one marked by empowerment or adequate options."*

Max Waltman has placed prostitution in the broad context within which it operates and has "situated prostitution and the new law in the context of sex inequality, rather than - as has been common around the world - among crimes against morality, decency or the public order."

The research cited exposes some devastating consequences for the majority of sex workers...

*"Regarding traumatic experiences, a nine country study by Melissa Farley and others found that sixty eight percent of 840 prostituted persons met the clinical criteria for post traumatic stress disorder (PTSD), symptoms at levels equal to or higher than the levels of symptoms found in the treatment seeking Vietnam Veterans, battered women seeking shelter, or refugees fleeing from state organised torture, regardless of whether prostitution was legalised or criminalised, and regardless of whether prostitution took place indoors, in brothels, or in the streets, or in developing as opposed to fully industrialised countries."*

He goes on to make the links between prostitution and trafficking an issue cutting more deeply into the social fabric in Europe and South East Asia than in Australia to date...

*"From the perspective of international jurisdictions, the Swedish law's effects are notable. Studies suggest that with legislation comes an increased demand for more prostituted persons. Indeed, legalisation appears to be associated with a culture in which prostitution and sexual coercion are more normalised. Moreover, to meet the increased demand for prostitute, there is often an increase in cross jurisdictional trafficking."*

In summarising Waltman quoted the UN Rapporteur on Trafficking who said; *"State parties that maintain legalised prostitution industries have a heavy responsibility to ensure that...(they) are not simply perpetuating widespread and systemic trafficking."*

The Bindel/Kelly Review and Max Waltman's paper provides some important information which the community need to access to enable a more informed and much needed community debate on the prostitution legislation debate.

Bindel and Kelly's three fundamental questions in addition to legal options and their advantages or disadvantages will provide useful contributions to inform the necessary discussions. This is not an issue that should be rushed through Parliament without thorough community consultation and informed discussion.

Last week I wrote to Attorney General and Minister for Justice, Brian Wightman and requested that he ask the Tasmanian Law Reform Institute to produce a

Report on the broad context of the issues and the current legal frameworks that exist internationally and that this report be made publicly available so that the community can make more informed decisions on the issues regarding prostitution.

I explained to Mr Wightman that considering “the high level of community outrage over recent cases of child sexual abuse, child prostitution, failed prosecutions, sentencing, problems with the legal system in maximising safe working conditions for sex workers and in light of the major failure of Government Departments to adequately cope with the crisis in child protection, it is important for the Attorney General to be encouraging of the widest possible debate on the decriminalisation legislation issue in its broadest context.”

For several of Waltman’s papers this is the link to Waltman’s homepage - [http://www.statsvet.su.se/homepages/max\\_waltman.htm](http://www.statsvet.su.se/homepages/max_waltman.htm)

or for the paper referenced in Michigan Journal of Law - <http://students.law.umich.edu/mjil/>

Also link to and attached the excellent report commissioned by the Scottish Government from the London University on review of prostitution laws - <http://www.glasgow.gov.uk/nr/rdonlyres/c19e010b.../0/mainreport.pdf>

# Prostitution - exit strategies first

***Jennie Herrera***

<http://tasmaniantimes.com/index.php?/article/prostitution-exit-strategies-first/>

The other day someone said to me that the disabled have a right to sex. In fact, legally, this is not correct. There is no across-the-board right to sex. But I have noticed more and more people using this as a way of saying prostitution is a wonderful boon to the disabled and therefore, by extension, prostitutes are wonderful caring people. Many prostitutes are undoubtedly wonderful caring people but this claim is fast becoming the Trojan Horse of the sex industry.

Though it must be pointed out that sexual services to the disabled are on offer only to a miniscule number of disabled men. It is not being offered to disabled women, mentally ill people, the elderly.

And it is on offer only so long as it is paid for. If disabled men decide to put that money into buying a model railway or taking swimming lessons then we hear no more about the right of the disabled to sex. It is not being volunteered by groups of women with a long term commitment to the disabled in the way that volunteers who go in regularly to help in institutions are sharing respect, affection, and commitment.

In fact prostitutes' groups like the Scarlet Alliance and various Prostitutes' Collectives are not progressive social groups like WEL or Amnesty. They didn't speak out on the horrific abuse of women in East Timor during the Indonesian Occupation. They didn't speak up when 12 year-old-girls were prostituted to hundreds of men in NSW and Tasmania.

They act as unions and therefore their job is to promote better pay and conditions, focus on questions of health and safety, and to promote the reputation and profile of their members. Some unions, the BLF with its Green Bans, come to mind as working for the wider good of the community.

But in general unions exist for their members and no one else. This is what members' dues pay for and what they can expect to receive. How well these groups represent and support their members is up to their members to decide.

Down through the ages work practices have changed. Hundreds of thousands of men working with horse-drawn vehicles lost their jobs as motorised vehicles came in. Some were able to retrain as drivers and mechanics.

Others descended into poverty and destitution. Hundreds of thousands of women lost their jobs as computers took over from typing pools.

Watchmakers and clockmakers lost work as digital clocks and watches came in. We can go back to the handloom weavers losing out to machines in factories. We can go forward to the changes and decline coming to the tobacco industry. Printers and reporters and journalists are facing a difficult future. In general unions have tried to keep jobs for their members for as long as possible but in the end work changes and people need support and help to retrain, to get out of one industry and into another, or to take state-funded retirement.

Because the Nordic Model has brought about a sharp decline in the numbers of prostitutes in the countries where it now exists (Sweden, Norway, Iceland, South Korea) and will have a big impact in those countries where it is likely to be introduced such as Ireland and Israel, it is important to look at this question of changing work-patterns. The Nordic Model does not prevent people who love sex from having all the sex they want. But it criminalises the demand for paid sex and therefore the demand has dropped.

The countries which have instituted this model have found that it decreases trafficking, reduces violence, and decreases the involvement of organised crime in the sex industry.

Australia does provide a small amount of support, financial, medical, counselling, to women found to have been trafficked. But if Australia were to introduce this progressive model of legislation then we would need to make sure that an industry-wide program of support and help was in place to help large numbers of prostitutes to exit the industry. Currently, prostitution is the only job that Centrelink can't require anyone to take up. Equally people leaving the industry have an automatic right to the dole while they seek other work. They can't be forced to continue as prostitutes. But I believe this needs to be done not on an ad hoc basis but as a properly planned strategy which includes health support, counselling, income support and retraining. After all most prostitutes work in other areas later in life, or live on Centrelink benefits.

Men are not notable for demanding sixty-year-old prostitutes. But a clear exit strategy needs to be planned for now. And then we will see an orderly and dignified decline of an industry which had no place in Australia before 1788 and should not have a multi-billion place in 21st century Australia.

# **Adding insult to the injury of prostitution**

***Dr Caroline Norma***

<http://tasmaniantimes.com/index.php?/article/adding-insult-to-the-injury-of-prostitution/>

The Tasmanian Supreme Court on Thursday expressed its sympathy for convicted sex offender Terry Martin's allergic reaction to Parkinson's disease medication.<sup>1</sup> Judge Blow attributed Martin's possession of child exploitation material, and the fact he "engaged the services of 162 different sex workers on a total of 506 occasions", to the side effects of the drugs. The medication caused 'compulsive' behaviours, including buying a 12-year-old girl for prostitution, sexually using her, and then snapping 100 photos. On Thursday the Supreme Court excused Martin's possession of these child pornography shots with a suspended sentence, and noted its concern he no longer had a job, and looks set to leave the state. In the court's view, this is a shame, because Martin has 'made an enormous contribution to the Tasmanian community'.

The court thinks Martin might leave the state because he can no longer continue with his Parkinson's disease medication, which got him into all this strife in the first place. The court laments the fact Martin will have to leave Tasmania to seek other medical treatment options. But, given its concern, why didn't the court alternatively consider guiding Martin toward a legal outlet for his drug-induced compulsions, something that could be pursued while remaining in Tasmania? Martin could continue his present medication, but simply undertake to confine himself to the 'compulsive behaviour' of using hundreds of adult women in prostitution, like he did over the years 2006-2009. With this solution, his Parkinson disease could be kept in check, and children could be kept safe from its treatment effects.

It looks like Tasmania's Attorney General is, as usual, two steps ahead of the courts in finding solutions to curly problems like this one faced by the state's citizens. Brian Wightman earlier this month released a 'discussion paper' proposing to legalise brothel prostitution in Tasmania. This must have come as good news to Terry Martin. With the change, Martin will be able to visit government-endorsed brothels as much as is required to continue his medication and stave off the degenerative effects of Parkinson's disease. With the money collected from legal brothels, perhaps the Tasmanian government could set up a support fund for him and other men needing to sexually access women to stay physically healthy.

The 12-year-old girl who was bought by Martin and (at least) a hundred other men for prostitution is surely a good candidate for entry into a legal Tasmanian sex industry in 2015 when she turns eighteen. She'll feel right at home with all

the other women in the industry who've been sexually abused as children. She's certainly got work experience in the area—Judge Blow recognised this when he called her a 'prostitute' in his sentencing comments on Thursday. Thanks to Attorney General Wightman's proposal, instead of the unprofessional pimping of Gary Devine out of his back room, the girl may come to enjoy all the advantages of a legalised sex industry—monthly genital checks, registration with government authorities, brothels in shopping districts, oversight by businessman pimps, and 'independent contractor' employment status.

With the legalisation of the sex industry, and government endorsement of pimps, Tasmanian society will come to accept prostitution as a legitimate economic sector, and women in prostitution as 'sex workers'. By the time Martin's victim turns eighteen, she'll have the industrial 'right' to enter the sex industry, and this decision will be attributed to her free 'choice' of employment. With the social acceptance of prostitution that legalisation brings, questions will no longer be asked about the social and psychological vulnerability that caused her to enter the sex industry. Her new 'sex worker' status will allay any concerns anyone might have formerly had about factors in her background paving her way into male sexual service.

Attorney General Wightman's proposal will also allay any public concern about choices exercised by men like Martin who decide to buy women for prostitution. Legalising the sex industry turns prostitution into a mere leisure activity or personal service. Never again need Martin steel himself against social opprobrium for using women in prostitution. On the contrary, when the sex industry is legalised, its customers are seen as helpfully contributing to government tax coffers, as well as the state's economy in the form of sex tourism and demand for female 'employment'. Victoria demonstrates this well—it's had legalised prostitution for over fifteen years now, and is awash with sex industry businesses earning millions of dollars from the pimping of women, particularly Asian women. Brothels are everywhere—next to McDonalds in Clifton Hill, and The University of Melbourne on Swanston Street.

Legalising the sex industry brings one more advantage to Tasmania. It stops men like Martin joining the ranks of men in Sweden, South Korea, Norway, and Iceland who no longer have the right to buy women for prostitution, or pimp them to other men. Men in these countries are imprisoned, fined, or sent to 'John School' where they learn about the physical, psychological, and social harm that is visited on women and children when they become customers of the sex industry. If Sweden's law had been in force when hundreds of Tasmanian men bought the 12-year-old girl for prostitution, Tim Ellis would have had no choice but to bring them before the courts. In Sweden, it doesn't matter how old someone might believe a prostituted person to be. The girl who Martin victimised, if she had been in Sweden, would have been eligible for intensive

social services and facilities to assist her recovery from the violence of prostitution, and her integration back into mainstream society.

The Attorney General's proposal to legalise the sex industry in Tasmania adds insult to the overwhelming emotional and psychological injury that Martin's 12-year-old victim suffered due to prostitution. If nothing else, the proposal is obscene in its timing, and should be rejected out of respect for her. Tasmania's government, judiciary, and society failed to protect a 12-year-old girl from the harms of prostitution, and legalising the sex industry would compound this failure and leave the state's women and children vulnerable to a proliferating number of men who, like Martin, feel emboldened to perpetrate prostitution, by the backing of the state government.



# Tasmanian Sex Laws Paper is a Sham Poll

*Isla MacGregor*

<http://tasmaniantimes.com/index.php?/article/tasmanian-sex-laws-paper-is-a-sham-poll/>

Last week was the deadline for public submissions on potential reforms to the Tasmanian Sex Industry Offences Act 2005 in response to the Government's Discussion Paper: Review into the Sex Industry in Tasmania 2012.

This poorly disguised Discussion Paper is nothing more than a Directions paper which asks the public to 'vote' for one of three different models of legislation.

This Directions Paper is appallingly biased, misleading and flawed. It amounts to nothing more than sham polling. The Government hopes that the 'votes' cast in response will give them the 'social licence' to fast track legislation that was previously rejected by the Legislative Council in 2005.

The paper omits to include the basis for the philosophical and policy perspectives that underpin the different models. The bias is shown by the great lengths the Directions Paper takes to single out for criticism the Swedish model while excluding any criticism of other models including its own preferred option. There is no mention of the major expansion to both legal and especially illegal sectors in the sex industry in all other jurisdictions who have taken a legalisation approach. The list of criticisms of the Swedish model amount to nothing more than bogus fantasies about a model that has been successful with its intended aims.

In addition, key words, like 'belief' and 'presumption' have been deployed specifically to undermine and devalue the views of those who support the philosophical and policy basis which underpins the Swedish model. The paper goes on to imply that the Swedish model is not evidenced based and only motivated by 'ideological and moral' perspectives.

The paper omits to mention the Swedish model has also been implemented in Iceland, Norway and South Korea. The Israeli Senate has passed the first reading of this model and Boston in the US is also modeling their new laws on the Swedish model as are the French. It has been suggested Cuba is also looking to follow suit. The impact of sex trafficking and its connections with legal and illegal sectors of the sex industry globally has highlighted in many countries in Europe and South East Asia the need for a progressive new legislative approach that will tackle these issues from the perspective of gender inequality.

The Paper has relied heavily on views expressed by the Prostitution Licensing Authority in Queensland which has used repeatedly discredited research by Petra Ostergren. Copycat shortcuts are not what the public's taxes are intended to pay public servants to do in producing Discussion Papers on options for important pieces of legislative reform such as this.

The Tasmanian Integrity Commission Act 2009 and Public Interest Disclosure Act 2005 are two good examples of why copycat legislation won't work for any new laws for the sex industry in Tasmania. The Whistleblower protection laws have never worked in Tasmania and it is no wonder, as a result, that the Integrity Commission has been unable to find any systemic corruption in the Tasmanian Government.

While public debate around reform to the sex industry will continue to be polarised, the Government's capacity to restrict discussion, to peddle misleading information and conduct sham polls through bogus discussion papers exposes just how far politicisation of the public sector has progressed in this state.

It is unacceptable that this Government has attempted to subvert proper community consultation process's and manipulate public opinion through this Discussion Paper.

The Attorney General Brian Wightman and public servants in his Department have their salaries paid for by the taxpayer and need to be accountable for their actions. The Directions Paper fails to show any due diligence to present the arguments for all the various options available.

Aside from Whistleblowers Tasmania's own view on the best legislative approach to take, we are appalled at this fake 'Discussion Paper'. We consider that it is in the public interest for the Tasmanian Law Reform Institute to conduct an independent community consultation process, report on the communities views and opinions and include a thorough discussion on the philosophical and policy perspectives underpinning the various legislative approaches. Only then, can the general public provide an informed input to any government consideration for a 'social licence' for expansion of the sex industry in Tasmania.

Submission on potential reforms to the Sex Industry Offences Act 2005. From Whistleblowers Tasmania 23rd March 2012 Response to the Directions Paper: Review into the Sex Industry in Tasmania 2012 "When men's belts and shoelaces and ties and cigarette lighters have to be confiscated at the door, when lamps and phones can't have cords, johns who want to use those for sex – and they do – have to go elsewhere..... The upshot is, far from making life safer, across-the-board decriminalisation can make it even more dangerous, and certainly no less so, for those women who have the fewest options to begin with." Catharine

Mackinnon: Trafficking, Prostitution and Inequality Harvard Civil Rights Civil Liberties Law Review [Vol 46]

THE DIRECTIONS PAPER IS A FLAWED AND BIASED DOCUMENT:

Whistleblowers Tasmania wrote to the Attorney General Brian Wightman on the 13th February 2012 asking that he request the Tasmanian Law Reform Institute (TLRI) to produce an independent Report on Prostitution and alternative policy and legal frameworks.

Although we received no reply from Brian Wightman he responded to our request in an article on the issues in the Tasmanian Mercury on 13 March 2012. The article stated that he had 'ruled out' our request and that he said "Given the extensive review previously undertaken and the current consultation, I don't currently see a need to refer the matter to the Tasmanian Law Reform Institute for further consideration." The article went on to say that "...Former Labor attorney-general Judy Jackson introduced a Bill to legalise brothels in 2004 before it was watered down when it got to the Legislative Council."

We had written to the Attorney General Brian Wightman because we were dissatisfied with the Directions Paper produced by his Department. The Directions Paper contains flawed terminology, targets one particular legal framework for criticism, omits important references to international reviews, research and new legal approaches which are essential for public consideration of the options for policy and legal frameworks. In addition, there is no discussion in the report about the different philosophical underpinnings that have been used in policy development for different legal frameworks. As a consequence the Directions Paper is a biased document clearly advocating for the overturning of the Sex Industry Offences Act 2005 and the reintroduction of legislation more based on Judy Jackson's 2004 Bill.

The Report produced by the TLRI 'A Charter of Rights for Tasmania' Final Report No 10 October 2007 is the type of report that is necessary to inform public discussion on the issues of prostitution and the philosophical underpinnings to policy and legal frameworks that might be used in Tasmania.

Included in a TLRI report will need to be Human Rights Impact Statements for the various legal frameworks.

In 'A Charter of Rights for Tasmania' Part 4 'What model of human rights should Tasmania adopt? ...The Tasmanian Law Reform Institute's view' it states:

"Recommendation 13 - Role of the Executive The Tasmanian Law Reform Institute recommends that processes be developed to ensure that all policy formulation is undertaken in a manner that takes account of human rights.

Accordingly, the Institute recommends that Human Rights Impact Statements be prepared in relation to all policy and legislation proposals and that these statements be provided to Cabinet to ensure that the Government is aware of the human rights implications of all new proposals.”

and .....

"4.14.18 For the purpose of a Tasmanian Charter, the Tasmanian Law Reform Institute is of the view that only those rights that are not subject to limitations or qualifications in the International Covenant on Civil and Political Rights should be considered to fall within the concept of truly absolute rights. These rights are the right to recognition as a person before the law, freedom from slavery, genocide, torture and cruel, inhuman or degrading treatment or punishment and retrospective criminal punishment.”

The Tasmanian community have a 'right to know' what these Human Rights Impact Statements will include before being asked to 'vote' for any legislative approach as a response to a flawed and misleading Directions Paper.

#### LEGALISATION HAS NO 'SOCIAL LICENCE' FROM COMMUNITY:

"State parties that maintain legalised prostitution industries have a heavy responsibility to ensure that...(they) are not simply perpetuating widespread and systemic trafficking.....For the most part, prostitution as actually practiced in the world usually does satisfy the elements of trafficking. 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 and or an abuse of vulnerability. Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity and poverty. Put simply, the road to prostitution and life within 'the life' is rarely one marked by empowerment or adequate options." Sigma Huda, the UN Special Rapporteur on Trafficking (2004-2008)(UN Doc.E/CN.4/2006/62, Feb 20.2006)

In 2005 the Legislative Council decided not to support the Government's 2004 bill and it was 'watered down'. Some members of the Legislative Council had acknowledged in their decision not to support this Bill, the concerns and views from many in the community that a legalisation approach, considering the mounting evidence from other jurisdictions in Australia and internationally, will only lead to expansion of the legal and especially illegal sectors of the sex industry in Tasmania. The community do not support the exploitation of people, mainly women in the sex industry in Tasmania.

For Government to move down the road to legalisation of the sex industry it will have to show that the community have given it a clear 'Social Licence' to do so. A 'Social Licence' takes into account a society's needs and well being and how

this might be best achieved. In developing a more informed understanding of the philosophy, policy and legal frameworks, the Tasmanian community are not likely to give this 'Social Licence' to any Government which will give a green light to expansion of the sex industry.

The data on socio-economic disadvantage in Tasmania is relevant in this discussion as the precondition for many women entering work in the sex industry stems most often from serious sexual, physical, or emotional abuse in childhood, homelessness, poverty and/or mental health disorders:

Saul Eslake from the Grattan Institute gave the third annual Dorothy Pearce address for the Tasmanian Council of Social Services on 19th October 2005. In this address, *Poverty In Tasmania: An Economists Perspective* he said... "Tasmania continues to rank poorly in comparison with other parts of Australia:

- Tasmanians earn 20% less, on average than their mainland counterparts;
- The net worth of Tasmanian households is nearly 31% less, on average, than that of mainland households;
- Fewer than 57% of Tasmanians of working age (15 and over) are employed, compared with nearly 62% of mainlanders, and of those Tasmanians who are employed, 68% have a full-time job compared with over 71% of mainlanders;
- Of those Tasmanians who are unemployed, nearly one-third have been unemployed for more than a year, compared with just over one-fifth of unemployed mainlanders;
- Tasmanian children are more likely to be born to a teenage mother (7.2% of all births) or without an acknowledged father (6.8% of all births outside marriage) than children in any other part of the country except the Northern Territory, are more likely to die in infancy (7.0 per 1 000 live births) than anywhere else except the Northern Territory, are more likely to have a natural parent living elsewhere (29.5% of all Tasmanian children) than anywhere else in Australia (23.3% of all Australian children) and significantly more likely to be living in a household where no resident parent is employed (21.1% of Tasmanian children under 15) than in any other State or Territory;
- Tasmanians are less likely to make it to 70 (76.3% of men and 84.5% of women) than residents of any other State (78.7% of all Australian men and 87.1% of women), are more likely to have a disability (22.6% of Tasmanians) than Australians as a whole (20.0%), and are more likely to commit suicide (15 deaths per 100,000 of Tasmania's population as against 23 for Australia as a whole);"

What the Tasmanian community want the Government do is to get on with solving the problems for the many seriously socio-economically disadvantaged people in our community rather than provide avenues within the legal and illegal sectors of a sex industry which will keep them poor, disadvantaged and subjected to cruel and inhumane treatment and less able to find safer options to survive.

THE LEGISLATIVE OPTIONS/TERMINOLOGIES ARE FLAWED:

The Terminologies used in the Directions Paper are confusing and misleading:

"PART 1 - Legislative approaches to the sex industry (terminology): Legislative approaches to the sex industry are generally described in terms of criminalisation, decriminalisation, or licensing...."

"Criminalisation involves outlawing or prohibiting the sex industry by making sex work a criminal offence for either the client or the sex worker, or both, or by making it a criminal offence to operate a sex industry business. Sex work may be either wholly criminalised: for example in Sweden brothels are prohibited and the purchase of sexual services is a crime, or partially criminalised as is the case in Tasmania, where it is lawful to be a sex worker, but it is an offence to work as a street worker or run a business that employs sex workers."

The terminology used to describe criminalisation is misleading with regard to the Swedish model. The Swedish model is unique in that selling sex is not a criminal offence but buying or attempting to buy sex is a criminal offence.

Greater than the problem of definitions used in the terminologies is the failure to provide the philosophical and policy rationale underpinning a legislative approach.

Based on these fundamental flaws and deficiencies in the Directions Paper it then asks that 'Submissions should indicate which regulatory model (decriminalisation, criminalisation or licensing) would be preferable for Tasmania'.

The use of this Directions Paper is a highly unethical and questionable process for the Government to be engaging in an attempt to gather 'votes' for their preferred option.

THE DIRECTIONS PAPER IS 'LOADED' WITH BIAS:

The Government has asked the general public to respond to its Directions Paper with the question 'Are there any other options for Tasmania which you feel government should consider?'

The authors of the Directions Paper have used words, chosen definitions, selected information or used copycat citations to reinforce the Government's preferred choice of decriminalisation. This determines what 'is' knowledge' and what is 'not knowledge'.

Language - Through the use of particular words the Directions Paper has predetermined what the correct philosophical and policy underpinning for any Tasmanian legislation will be.

On Page 16 it states "The Swedish law is based on the belief that prostitution is a form of male sexual violence against women" and again on Page 17 ".....*belief* that criminalisation is chiefly supplementary...."

The Macquarie Dictionary defines belief in this context as "conviction of the truth or reality of a thing, based on insufficient grounds to afford positive knowledge".

It is common to find in Government reports from inquiries or reviews the word 'belief'. It is routinely used to influence readers and devalue 'views' and 'opinions' from opponents in this case whose 'beliefs' are simply based on as the report states "ideological and moral" perspectives Again on Page 16 when attempting to describe the Swedish model it states..... "but the underlying philosophy .....The *presumption* is that the industry is innately an expression of male violence and exploitation of women."

The use of the word 'presumption' is used here in opposition to the Government's unstated but implied philosophy which is not based on a 'presumption' at all but rather on an 'objectively' reached position.

Unlike the Tasmanian Government's piecemeal approach to the problems of prostitution, Julie Bindell and Liz Kelly have said "The Swedish regime is not simply a piece of ideological legislation but a holistic approach to the problems of prostitution." It is of interest that the Swedish Women's Sanctuary or Women's Peace Bill 1998 was only enacted after twenty years of public discussion and debate.

Importantly the Directions Paper fails to include any discussion about the Government's responsibility to fully fund and resource Exit Programs and the associated services that go with them to support people wanting to get out of the sex industry. Exit Programs were promised by other Governments in Australia but never materialised.

The criticism of the New Zealand model by Melissa Farley could have been included in the Directions Paper's detailed considerations of this model:

What Really Happened in New Zealand After Prostitution was Decriminalised in 2003?

1. Violence in prostitution continued after prostitution was decriminalized in New Zealand, according to the New Zealand Law Review Committee.
2. The Report is available at <http://www.justice.govt.nz/prostitution-law-review-committee/publications/plrcreport/index.html>.
3. Stigma and prejudice against prostitution, and the shame associated with prostitution, continued since decriminalization of prostitution in NZ.
4. Street prostitution in New Zealand's cities increased dramatically after prostitution was decriminalized in 2003.
5. There is inadequate protection for children against prostitution in New Zealand since decriminalization. The US State Department has noted trafficking of women and children since prostitution was decriminalized in New Zealand. (<http://www.prostitutionresearch.com/c-laws-about-prostitution.html>)  
The Directions Paper could also have chosen to look at the Report by the German Federal Government on the Impact of the Act Regulating the Legal Situation of Prostitutes 79 (2007)

"The Prostitution Act has....up until now....not been able to make actual, measurable improvements to prostitutes' social protection. As regards improving [their] working condition, hardly any measurable, positive impact has been observed in practice....The Prostitution Act has not recognisably improved the prostitutes" means for leaving prostitution. There are as yet no viable indications that [it] has reduced crime [or] contributed...transparency in the world of prostitution....118

There is an enormous amount of research available on the negative results from many other jurisdictions that have taken a legalisation approach to the sex industry. Increased sex trafficking and a boom in the illegal sector has been a major consequence in these jurisdictions.

#### IMPORTANT RESEARCH REFERENCES EXCLUDED:

The links and references to information or research provided in the Directions paper are limited to those used to support the Government's push for legalisation of the sex industry.

There are many useful research papers which are available online that could have been included in the list provided in the Directions Paper if people being

well informed about the issues was important for the Government in seeking their 'vote'.

Just a few that have been especially useful to Whistleblowers Tasmania are:

Bindell, J and Kelly, S, 2003 - A Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia; Ireland; the Netherlands; and Sweden, For the Routes Out Partnership Board.

Waltman, M, Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential, Women's Studies international Forum 34 (2011) 449-474

MacKinnon, K, 2009, 2010, 2011 Trafficking, Prostitution, and Inequality, Harvard Civil Rights-Civil Liberties Law Review Vol 46

In addition there are a number of local, national and international organisations that have excellent data bases for information and links on these issues ie the Coalition Against Trafficking in Women Australia at <http://catwa.org.au/>

NO CAPABILITY TO PROPERLY REGULATE THE SEX INDUSTRY:

Confronting the Australian politics of resignation on prostitution, ACT committee misses opportunity to address harms: 'normalises prostitution, cuts back on regulation, waters down health safeguards'

ACT Shadow Attorney General Vicki Dunne, in her recent 9 page dissenting view on the ACT Review committee Report, criticised her colleagues of "trying to depict prostitution as normal and inevitable' and therefore failing to take an opportunity to 'take a fresh look at the harms of prostitution and innovative ways of ameliorate those harms..... Committee members 'did not want to engage in...discussion' about the Swedish model, despite the fact information about its successful implementation in Sweden, Norway, Iceland and South Korea was made available to them....."

and

"played down' the 'significant human rights problems' that arise in relation to prostitution. They refused, for example, to recognise any criminality in the ACT sex industry, and were 'unwilling to support...[an] extension of police powers', even with the death of a 17-year-old girl in a legal Fyshwick brothel in 2008, and a sex trafficking case involving Thai women before the ACT courts..... heard from ACT Police that no check was done on any brothel in the ACT for a period of five years, but didn't think to question the government's ability to oversee the legal sex industry it created in 1992.....Adherence to ideas about 'harm minimisation' in relation to prostitution appear to have led Committee members

to believe any form of sex industry regulation to be injurious to women's 'right' to become prostitutes. This line of thinking seriously underestimates the threat posed by the sex industry to the status of women and children, especially when government endorses a business sector that makes profits through organising society's most vulnerable people to sexually serve men with money." Dr Caroline Norma at <http://melindatankardreist.com/nkardreist.com/>

Tasmanians have seen successive Governments' failure to provide numerous oversight or regulatory bodies with effective regulatory guidelines and powers for investigations, adequate funding for monitoring and resources and commitment to policing and enforcement for compliance. Many officials working in oversight bodies, i.e. Children's Commissioner, Ombudsman, Anti-Discrimination Commissioner, Chairman and expert witnesses with the Resource Planning and Development Commission or the Integrity Commission, have at one time or another, spoken out about the need for more powers, resources and funding or against attempts at interference by Government with their independent role or functions.

In addition, the Workplace Standards Authority, Department of Health and Human Services, Child Protection Services, Hospitals and Tasmania Police have recently suffered a raft of serious cutbacks in funding and staffing levels, which has also impacted on training, and has left these public good services in a critical and potentially dangerous state for the health and safety of both public sector employees and the general public.

The Tasmanian Government is not in a position to allocate funds from the cash strapped State Budget to fund any new services that will be required with an expansion of the legal and illegal sectors of the sex industry in Tasmania.

#### THE PROBLEM OF COPYCAT LEGISLATION

The Tasmanian community have already seen the failure of copycat legislation with problems in the Public Interest Disclosure Act 2002(whistleblower protection laws) and Integrity Commission Act 2009(anti-corruption laws). Much within these Acts was based on 'repeatedly' flawed and unworkable legislation from other states.

The Directions Papers targeted the Swedish model with a detailed critique of their laws but failed to include any critique at all for other jurisdictions that had opened the gates to a legalised sex industry.

The Tasmanian Government's Directions paper has relied heavily on the recent submission of the Queensland Prostitution Licensing Authority to the Crime and Misconduct Commission's review of the Queensland Prostitution Act . The review

included a detailed critique of the Swedish model at Appendix 2.28 and is found at (<http://www.cmc.qld.gov.au/asp/index.asp?pgid=10911>)

Some of this critique is based on the now discredited work of Petra Ostergren. Max Waltman said "The fact that Ostergren as well as other sources of biased information have so often been uncritically cited without noticing their obvious flaws, particularly outside Sweden, is symptomatic. Prostitution is a powerful industry supported by apologists such as researchers and social commentators, who in turn influence public opinion whether their information is accurate or not. This also happened to the 1985 Attorney General's Commission on Pornography in the U.S., which was surrounded by false rumours that were repeatedly parroted in the media until they became so-called conventional wisdom." (see, e.g., MacKinnon, 1997, 14, 21-22; McManaus, 1986, xlv-xlvi)

Whistleblowers Tasmania do not support the Government's fast tracking of any new legislation that will give the green light to expansion of the legal and illegal sectors of the sex industry in Tasmania.

Whistleblowers Tasmania support the approach taken by the Swedish model. We urge the Tasmanian Government to think before they sanction and promote any legislation of the sex industry which will inevitably cause more already disadvantaged and poor women, children and men to be subjected to violence from mainly men in Tasmania.

It remains our view that the Government needs to ask the Tasmanian Law Reform Institute to produce a Report on issues regarding prostitution including the underpinning philosophical and policy aspects for the various legislative approaches. As with the Report 'A Charter of Rights for Tasmania', this Report needs to be widely disseminated in the community prior to any public consultations being held in all regions of the state. Any new legislative approach to prostituted persons or the sex industry in Tasmania needs to be supported by a Social Licence from the community.

Download: Whistleblowers Tasmania's Submission to Review of the Sex Industry in Tasmania  
([http://tasmaniantimes.com/images/uploads/WBT\\_Submission\\_to\\_Tasmanian\\_Sex\\_Industry\\_Review.doc](http://tasmaniantimes.com/images/uploads/WBT_Submission_to_Tasmanian_Sex_Industry_Review.doc))