

Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

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In Relation to the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

AUSTRALIAN CHRISTIAN LOBBY

About Australian Christian Lobby

Australian Christian Lobby's vision is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 250,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

acl.org.au



The Committee Secretary
Housing, Big Build and Manufacturing Committee
Parliament House
George Street
Brisbane Qld 4000
By email: HBBMC@parliament.qld.gov.au

6th March, 2024

Dear Committee Secretary,

On behalf of the Australian Christian Lobby (ACL), I welcome the opportunity to make this submission in response to the ***Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024***.

The ACL would be very willing to meet with the Committee Secretary of Housing, Big Build and Manufacturing Committee to discuss this submission.

Yours Sincerely,

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Rob Norman
State Director | QLD

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Australian Christian Lobby's Submission in relation to the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024*

Introduction

The Australian Christian Lobby (ACL) is a grassroots political movement. The ACL has a nationwide support base of over 250,000 individuals, with approximately 45,000 residing in Queensland.

The ACL respectfully submits that this Bill will promote sex trafficking and the exploitation of vulnerable people (especially women) in Queensland. In this submission we demonstrate that decriminalisation is a model that has caused harm wherever it has been implemented. The Bill should be rejected.

Analysis of the Bill

Part Two: Amendment of the *Anti-Discrimination Act 1991*

Clauses 4 & 5: In these sections, amendments are proposed to the *Anti-Discrimination Act 1991*, including to Section 7(1) (*Discrimination on the basis of certain attributes prohibited*) to make sex work activity a protected attribute, and to section 106C which currently makes it lawful for landlords to refuse accommodation on the grounds that the accommodation will be used for prostitution, to make it instead, unlawful.

The effect of these provisions is that prostitution will be a privileged activity. Schools, universities etc will be compelled to allow pimps to present prostitution as a career at career nights, and further landlords will be compelled to lease their premises for use as a brothel. Airbnb owners will be compelled to rent premises for pop up brothels and any employer will be required to permit an employee to canvas for work as a prostituted person in their breaks. Councils (because of this and other provisions referred to below) will not be able to stop prostituted persons and their pimps, soliciting for work at schools drop off zones, outside Parliament or kindergartens.

The definition of sex work activity is wide:

sex work activity— (a) means the provision by an adult person of the following services for payment or reward— (i) services that involve the person participating in a sexual activity with another person; (ii) services that involve the use or display of the person's body for the sexual arousal or gratification of another person; and (b) includes being or having been a person who provides services mentioned in paragraph (a).

The definition means that prostituted women, at the behest of their pimps can present themselves in various states of undress designed to sexually arouse potential clients at places like school drop off zones, outside Parliament, council chambers, libraries and the like.

Part Three: Amendment of the *City of Brisbane Act 2010*

Clause 8: In this clause, the Brisbane City Council is prohibited from making local laws to prohibit or regulate prostitution. This means that the Council will have no control over where industrial scale pimping and prostitution may occur.

Part Four: Amendment of the *Criminal Code*

Clause 10: In this clause, the definitions of approved manager, brothel licence, licensed brothel, licensee and prostitution are omitted. These omissions show that the Bill does not merely decriminalise the women and men who are prostituted, but it decriminalises the profiteers like pimps and brothel owners. The people who will benefit are the profiteers from the use and abuse of vulnerable women.

Clause 13: In this clause, three new sections are inserted:

s217A allows the obtaining of a commercial sexual services from a person who is not an adult. While this is an offence, if the person is under 12 there is a defence if the buyer believes on reasonable grounds that the seller (say a 13-year-old girl) was an adult. This section gives the green light to the commercial use of children in the sex trade;

S217B includes an offence to allow a person who is not an adult to take part in commercial sexual services. However, it will be permitted to employ a child as a cleaner or receptionist or waiter in a brothel;

S217C includes an offence to cause or induce a person who is not an adult to provide commercial sexual services. Again, it is a defence if the seller-seller is over 12 and the pimp believes on reasonable grounds that the child as an adult. The Bill provides a green light for pimps to recruit older children for work in prostitution.

Clause 15: Chapter 22A of the Code, which deals with prostitution, is omitted. Some of the provisions that are deleted are:

229FA Obtaining prostitution from person who is not an adult

229G Procuring engagement in prostitution

229H Knowingly participating in provision of prostitution

2229HB Carrying on business of providing unlawful prostitution

229HC Persons engaging in or obtaining prostitution through unlawful prostitution business

229I Persons found in places reasonably suspected of being used for prostitution etc.

229K Having an interest in premises used for prostitution etc.

229L Permitting young person etc. to be at place used for prostitution

229M Evidence that business of prostitution is being carried on

229N Evidence that place is being used for prostitution

These deletions eliminate offences concerning the criminalisation of sex work outside licensed brothels or mandates requiring sex workers to operate independently.

Part Six: *Amendment to Liquor Act 1992*

Clause 24: In this clause, a person with an interest in a sex work business cannot apply for a hotel licence. This restriction reveals the flawed logic of the entire proposal. If prostitution is an activity which deserves the protection of the law, over and above other occupations, then there is no reason for this provision. That it is in the Bill, indicates that the drafters know that there is a problem with prostitution and that linking it to an alcohol license will only further the abuse of women. Of course, the provision does not stop drunk men turning up at brothels.

Part Seven: *Amendment to Local Government Act 2009*

Clause 28: This clause proposes the insertion of a new section 37A into the Amendment of *Local Government Act 2009* as follows:

(a) A local government is prohibited from enacting a local law that prohibits or regulates sex work or the conduct of a sex work business.

(b) Any local law conflicting with this section shall be void to the extent of such contradiction.

Therefore, as with the Brisbane City Council, councils will have no power to regulate prostitution in their communities.

Part Nine: *Amendment of Work Health and Safety Act 2011*

Clause 34: In this clause, the Prostitution Licensing Authority will be abolished. The grand sounding aims of the PLA that it "administers brothel licences and manager certificates with a focus on community health and safety"¹ will lie in rubble.

Implications of the Bill

The Bill removes all controls and regulation of prostitution. Therefore, its effects will be as follows:

- Facilitate the grooming of children into prostitution before they are adults, as the legislation allows the employment of children in brothels in non sex sale situations;
- Enable explicit solicitation in public places, which will in turn expose women and young girls to unwanted sexual advances. This is because there are no bars to public solicitation or advertisement;
- Allow anyone to set up a brothel anywhere without a fit and proper person test. There will be no controls over who operates a brothel;
- Prohibit landlords and motel/hotel owners from refusing to lease or hire premises because they are used for prostitution. The amendments to the Anti—Discrimination Act will mean that landlords cannot refuse to lease premises for the purposes of prostitution;
- Enable brothel owners to recruit workers at schools and university career events. Again it will be unlawful discrimination to attempt to exclude brothel owners from such event;
- Permit street soliciting anywhere and at any time;
- Allow prostitution advertising of any manner to occur, including the display of prostituted women in shop windows and in the streets;
- Expose children to sexually explicit activities and materials in inappropriate locations, impacting their innocence and emotional well-being. That prostitution can take place anywhere and that advertising will be unrestricted means such exposure will occur;
- Make it easier for human traffickers to operate. There being no control over the operation of brothels, the organised crime syndicates which have operated before decriminalisation (see below) will only proliferate;
- Perpetuate economic exploitation as prostituted women and men face pressure to accept unsafe conditions and exploitative arrangements with brothel owners.

¹ <https://www.pla.qld.gov.au/>

Decriminalisation is a failed model

Decriminalisation leads to a significant increase in prostitution. A comparison of Sweden's Nordic legislation with Denmark, Germany, and New South Wales illustrates this effect. Sweden, with a population of approximately 10 million, had around 600 individuals engaged in prostitution², compared to 2500-3000 before the legal change. In contrast, Denmark, operating under a legalised regime, is estimated to have approximately 15 times more individuals engaged in prostitution per capita than Sweden³. Germany, with a population of about 80 million, hosts around 400,000 individuals engaged in prostitution.⁴ There have been 84 murders and 47 attempted murders of people in prostitution in Germany since their law was passed in 2002.⁵ France, which has the Equality or Nordic Model of prostitution law reform, and also has a population of about 70 million people, has only about 33,000-40,000 people in prostitution.⁶ Since the French Equality Model law was passed in 2016 to the year 2019 there have been 10 murders of prostituted women in France. In Germany at the same time there have been 18 murders of women in prostitution.⁷ In Sweden, which has had the Equality Model for the longest period, there have been no murders.

New South Wales, with a population of approximately 6 million and partial decriminalisation, reports around 6,000 individuals engaged in prostitution. The evidence indicates a clear correlation between decriminalisation and increased rates of prostitution.

Proponents of decriminalisations often cite New Zealand as an example where prostitution rates have not increased⁸. However, an in-depth analysis of the New Zealand Prostitution Law Review Committee report reveals that the Committee only concluded that the number of licensed brothels had not increased. Notably, brothels with fewer than five workers are not required to be licensed, rendering the report inconclusive regarding the actual scale of prostitution post-decriminalisation. Additionally, the report acknowledges a doubling of street

² Charlotta Holmström, "Prostitution och människohandel för sexuella ändamål i Sverige: Omfattning, förekomst och kunskapsproduktion," in *Prostitution i Norden: Forskningsrapport*, ed. Charlotta Holmström and May-Len Ski brei (Copenhagen: Nordic Council of Ministers, 2008), 314.

³ For a breakdown of the Nordic study's figures and general population statistics, see Waltman, "Sweden's Prohibition of Purchase of Sex," 458–59; Waltman, "Prohibiting Sex Purchasing and Ending Trafficking," 146–47; and Waltman, *The Politics of Legal Challenges*, 479–80.

⁴ <https://www.bbc.com/news/world-europe-26261221>

⁵ <http://prostitutionresearch.com/wp-content/uploads/2019/04/Murders-of-prostituted-women-in-Germany-since-legal-prostitution-in-2002.pdf>

⁶ Ministère de l'Égalité, France, 2021. <https://www.egalite-femmes-hommes.gouv.fr/sites/efh/files/migration/2021/12/Chiffres-cles-Egalite-femmes-hommes-02-12-2021.pdf>

⁷ (21) <http://prostitutionresearch.com/wp-content/uploads/2019/04/Murders-of-prostituted-women-in-Germany-since-legal-prostitution-in-2002.pdf>

⁸ The Report is available at <http://www.justice.govt.nz/prostitution-law-review-committee/publications/plrcreport/index.html>.

prostitution in Auckland after decriminalisation⁹, with a potential fourfold increase in street workers in Manukau City since June 2003.¹⁰

The implications of the Bill would be profoundly detrimental for all residents of Queensland, with a particularly adverse impact on the State's female population. In a climate marked by heightened awareness and concern regarding instances of sexual harassment against women¹¹, the Bill represents a regressive measure and should be unequivocally rejected.

An alternative human rights model

The ACL advocates for Queensland to adopt the Nordic model of prostitution legislation, emphasizing its potential to lead the nation in this regard. This model also referred to as the Human Rights or Equality model prioritizes the reduction of violence and trafficking inherent in prostitution. Numerous progressive countries globally are embracing this approach to address these issues, shifting away from industry expansion.

This model of prostitution legislation was initially introduced in:

- 1999 in Sweden, as part of the Violence Against Women Act;
- 2009 in Norway;
- 2009 in Iceland;
- 2014 in Canada as part of the *Protection of Communities and Exploited Persons Act*;
- 2015 in Northern Ireland;
- 2016 in France;
- 2017 in Ireland as part of the *Sexual Offences Act*;
- 2018 in Israel, where the *Prohibition of Consumption of Prostitution Services Act* became effective on 10 July 2020;¹²
- In January 2021, Labour MP Dame Diana Johnson introduced the Sexual Exploitation Bill in the United Kingdom Parliament, with the long title "A Bill to

⁹ Ibid., p. 118.

¹⁰ Manukau City Council, *Report of Manukau City Council on Street Prostitution Control*, available at [http://www.manukau.govt.nz/uploadedFiles/manukau.govt.nz/Publications/Plans_ & Policies/mcc-report-on-streetprostitution-aug-2005.pdf](http://www.manukau.govt.nz/uploadedFiles/manukau.govt.nz/Publications/Plans_&Policies/mcc-report-on-streetprostitution-aug-2005.pdf).

¹¹ https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020?mc_cid=1065707e3c&mc_eid=%5bUNIQID%5d (Accessed 21 February 2024)

¹² <https://nordicmodelnow.org/2020/06/29/israel-becomes-the-8th-nordic-model-country-as-it-implements-its-prohibition-of-consumption-of-prostitution-services-act/?fbclid=IwAR0FZg8fx1mae> (accessed 21 February 2024).

criminalise paying for sex; to decriminalise selling sex; to create offences relating to enabling or profiting from another person's sexual exploitation; to make associated provision about sexual exploitation online; to make provision for support services for victims of sexual exploitation; and for connected purposes";¹³

- In 2023 the State of Maine in the USA adopted the Nordic of Equality Model;¹⁴
- South Australia currently has a Bill before the Upper House to enact an Equality Model type law in SA.¹⁵

Prostitution and trafficking

There is an indisputable correlation between the legalisation of prostitution and the incidence of human trafficking.¹⁶ According to the 2019 Trafficking in Persons Report, traffickers in Australia predominantly exploit women and girls in sex trafficking, subjecting them to physical and sexual violence, intimidation, and manipulation through illegal drugs. Victims are often coerced into paying off unexpected or inflated debts. Traffickers employ tactics to elude authorities, such as allowing victims to retain their passports while in brothels and frequently relocating them to different areas.¹⁷

The Australian evidence is compelling. We cite the following examples:

In April 2020, a brothel in Melbourne's northeast was raided for allegedly using a child as a sex worker, with three adults facing several charges over the minor's alleged employment.¹⁸

In June 2020, there was another trafficking incident in a Melbourne brothel at Frederick St Doncaster.¹⁹

¹³ https://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/8117610/upload_binary/8117610.pdf (accessed 21 February 2024).

¹⁴ <https://msmagazine.com/2023/08/09/maine-prostitution-laws-women/#:~:text=These%20laws%20make%20Maine%20the,prostituted%20individuals%20and%20hold%20exploiters>

¹⁵ [https://www.legislation.sa.gov.au/lz/path=/b/current/summary%20offences%20\(prostitution%20law%20reform\)%20amendment%20bill%202023_hon%20nicola%20centofanti%20mlc](https://www.legislation.sa.gov.au/lz/path=/b/current/summary%20offences%20(prostitution%20law%20reform)%20amendment%20bill%202023_hon%20nicola%20centofanti%20mlc)

¹⁶ Seo-Young Cho, University of Marburg - School of Business & Economics; Axel Dreher, University of Heidelberg; Eric Neumayer, London School of Economics and Political Science (LSE), "Does Legalised Prostitution Increase Human Trafficking?" *World Development*, 41(1), 2013, pp. 67-82, Date Written: January 16, 2012. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1986065

¹⁷ The US Department of State, "Trafficking in Persons Report" 2019 p. 77

¹⁸ <https://www.theage.com.au/national/victoria/child-allegedly-worked-as-a-sex-worker-in-melbourne-brothel-20200415-p54k7v.html>

¹⁹ <https://www.heraldsun.com.au/leader/east/manningham-detectives-shut-down-brothel-at-fredrick-st-doncaster-apartment-complex/news-story/42f6ea6eef286af044f9c099ea34697f>

On 5 February 2021, a man and woman were charged with drugging several women and holding them as sex slaves for clients at two residences in Brisbane. This was a particularly disturbing case. Women aged 17 to 24 were allegedly drugged, tattooed, and held as sex slaves at two Brisbane properties. Detective Inspector Juliet Hancock described the crimes as "horrendous" and cited them as an example of modern-day slavery. The police alleged that the women were secretly filmed engaging in sexual activities with clients. The police further stated that 35-year-old Matthew James Markcrow provided the women with stupefying drugs, controlled their finances and work conditions, and tattooed them as "being his property."

Officer-in-charge of the Prostitution Enforcement Taskforce, Detective Inspector Juliet Hancock, said the crimes were an example of modern-day slavery. "We've been shocked by this, we didn't think this was happening in Australia, let alone Brisbane," she said.²⁰

Prostitution contradicts human rights

Melbourne woman Rita Therese's book "Come" offers a raw account of her life in prostitution. Her narrative portrays a young woman exhausted by her personal struggles, seeking companionship rather than clientele. Throughout the book, Rita recounts encounters a diverse range of customers, describing them as sympathetic, grotesque, or forgettable. She shares experiences of being tortured by a sadist in a luxury hotel, earning hundreds of dollars from a double booking at 10 am, and then seeking solace with Xanax at lunchtime. The book concludes with a section titled "When a client rapes you," shedding light on the distressing and traumatic aspects of her work. Additionally, Rita provides glimpses into her personal life, marked by family suicides, isolation, drug use, self-starvation, and nervous breakdowns. She expresses feelings of fear, exhaustion, and disgust, describing herself as a woman living with dualities and confined to the shadows due to fear of the consequences on her life and income if she were to reveal her true self.²¹

Prostitution is a predominantly male-driven industry, with over 90% of prostitutes being female and 98 to 99% of sex buyers being men.²² Those who primarily turn to prostitution, both women and men, often do so due to poverty, financial hardship, isolation, and

²⁰ <https://www.abc.net.au/news/2021-02-05/brisbane-prostitution-charges-sex-slaves-mount-gravatt/13125336> (accessed 21 February 2024).

²¹ <https://www.theaustralian.com.au/arts/review/sex-stripper-heels-lipgloss-and-cash-the-life-of-a-sex-worker/news-story/a93eb8cc598a114cc8fe2c34654730dd?btr=036eeddcd26601aa4e7abaf3800b3f72>, (accessed 21 February 2024)

²² [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET\(2014\)493040_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET(2014)493040_EN.pdf)

homelessness²³. For many, prostitution becomes a last resort, with over 80% of sex workers expressing a desire to leave the industry.²⁴

New Zealand studies, such as the one conducted by Abel, Fitzgerald, and Brunton²⁵, support the notion that women enter the sex industry due to factors such as poverty, drug use, or trafficking. These studies advocate for a dual approach from the state: one that aims to reduce harm to sex workers while simultaneously working towards eliminating the industry. According to the study, many individuals begin sex work for financial reasons, with 73% citing the need to cover household expenses.²⁶

Global reports suggest that up to 60% of prostituted individuals experienced sexual assault during childhood, with 75% having experienced homelessness at some point in their lives²⁷. Women engaged in the sex industry have historically been vulnerable to various forms of abuse and exploitation, including assault, rape, and murder²⁸. Studies conducted across nine countries indicate that 68% of individuals in prostitution meet the criteria for post-traumatic stress disorder, enduring daily physical and sexual abuse and violence in their workplaces²⁹. Their symptoms parallel those of battered women, rape survivors, and combat veterans. Given these grim realities, how can we justify the growth of an industry that inflicts such harm?

Germany's prostitution laws, intended to offer welfare protection for sex workers, have led to a surge in drug use, violence, and coercion³⁰. Notably, a significant portion of these sex

²³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/303927/A_Review_of_the_Literature_on_sex_workers_and_social_exclusion.pdf

²⁴ <https://2001-2009.state.gov/r/pa/ei/rls/38790.htm>

²⁵ <https://www.cambridge.org/core/journals/journal-of-social-policy/article/impact-of-decriminalisation-on-the-number-of-sex-workers-in-new-zealand/E5240A985923A0884B2B620973E7410C>

²⁶ <https://www.otago.ac.nz/christchurch/otago018607.pdf>

²⁷ <https://www.thoughtco.com/prostitution-statistics-rape-physical-abuse-3534139> https://pcar.org/sites/default/files/pages-pdf/the_intersection_between_prostitution_and_sexual_violence.pdf

²⁸ https://en.wikipedia.org/wiki/Violence_against_prostitutes

²⁹ Melissa Farley, PhD Howard Barkan, Dr PH, Prostitution, Violence and Post Traumatic Stress Disorder, Women 8: Health, Vol. 27(3), 1998 by The Haworth Press, Inc. at <https://prostitutionresearch.com/prostitution-violence-and-post-traumatic-stress-disorder/>

³⁰ In 2008 the head of the German police stated that “the brothels are run by pimps or criminal gangs and almost always have close ties to organized crime”, see Bayerl, Vortrag in Donezk, 2008, zitiert nach Rahel Gugel: Das Spannungsverhältnis zwischen Prostitutionsgesetz und Art. 3 II Grundgesetz – eine rechtspolitische Untersuchung. Dissertation. Bremen 2008.

workers hail from Eastern Europe, predominantly from Romania and Bulgaria, the European Union's poorest nations.³¹

There are now moves to change the law in Germany as the German Chancellor has called for the banning of the buying of sex.³²

In the Netherlands, the national police force reports that 50-90% of women in prostitution are victims of trafficking, and legalization has not curbed the rise of "hidden" or "illegal" prostitution³³. Traffickers import women from Africa, Eastern Europe, and Asia to satisfy the growing demand³⁴. Notably, there is a burgeoning movement advocating for the adoption of Nordic legislation on prostitution, evidenced by a petition with over 42,000 signatures urging the government to embrace this human rights-oriented approach.

Prostitution is linked to criminal activity

The 2015 final report of the NSW Parliamentary Legislative Assembly Select Committee on the Regulation of Brothels highlighted significant criminal involvement and instances of sex slavery within the sex services industry. The inquiry revealed connections to outlaw motorcycle gangs in NSW Police intelligence holdings, with approximately 40 brothels implicated. Additionally, reports indicated ties to Asian organized crime. Notably, the NSW government did not refute the presence of organized crime within the industry in its response to the Committee's findings³⁵.

In the same report (p. 48), NSW Police Deputy Commissioner Kaldas highlighted issues within the industry, including servitude, the employment of illegal workers, and extortion by or involvement of organized crime and outlaw motorcycle gang groups. Approximately 40 brothels were identified as having recorded connections or ties to outlaw motorcycle gang groups in police intelligence holdings.

³¹ "Final Report TAMPEP 8, Germany" (PDF), TAMPEP reports, October 2009, archived from the original (PDF) on 20 July 2011

³² <https://www.dw.com/en/germanys-olaf-scholz-sex-work-is-not-acceptable/a-67409429>;

³³ KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche, Schone schijn, "de signalering van mensenhandel in de vergunde prostitutiesector". Driebergen, (2008), p. 14

³⁴ <https://www.refworld.org/docid/5959ec80c.html>

³⁵ <https://www.parliament.nsw.gov.au/ladocs/inquiries/1703/Final%20Report%20-%20Inquiry%20into%20the%20Regulation%20of%20Brot.pdf>, p. 47.

The Victorian *Sex Work Act of 2011* was amended to address concerns regarding organized crime within the lawful sex industry. According to the Victorian Law Reform Commission, various agencies have indicated that organized crime groups may be involved in the sex work industry. Victoria Police confirmed the presence of organized crime activity within both lawful and unlawful sectors of the sex work industry³⁶. Victoria has now decriminalised prostitution. The results will be the same as in other places.

A specific form of infiltration observed is human trafficking, slavery, and servitude offences within licensed brothels. This misconduct may implicate existing industry participants, such as brothel licensees, managers, and other employees, as well as individuals external to the industry.³⁷

Queensland's Crime and Misconduct Commission stated, after legalising prostitution, "sex trafficking was one of the unfortunate consequences of an industry driven by excessive demand."³⁸

Under decriminalisation, it is evident that both demand and trafficking increase. The vestiges of control provided by a licensing regime will be removed. Those who flouted the legalised system will now continue to oppress women with the imprimatur of the State.

The New Zealand experience

In 2003, New Zealand decriminalized prostitution with the Prostitution Reform Act. During the bill's first reading, the introducing MP, Tim Barnett, emphasized Parliament on the "dangers in the sex industry" related to health and power abuse. The bill aimed to address these concerns by imposing safer-sex obligations on brothel owners, prohibiting coercion, granting sex workers the right to refuse commercial sexual services, and setting a minimum age of 18³⁹. Despite these measures, seventeen years later, the health and safety risks for prostitutes persist, and power abuse remains prevalent.

³⁶ <https://www.lawreform.vic.gov.au/content/3-infiltration-organised-crime-groups-lawful-occupations-and-industries>

³⁷ <https://www.lawreform.vic.gov.au/content/3-infiltration-organised-crime-groups-lawful-occupations-and-industries>

³⁸ The Queensland Crime and Misconduct Commission (2004), "Regulating *Prostitution: An Evaluation of the Prostitution Act 1999 (QLD)*", p. 27

³⁹ Abel, G; Fitzgerald, L, Brunton, C (2007) 'The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers: Report to the Prostitution Law Review Committee', University of Otago, pg 23.

The Prostitute's Collective's biannual reports to the Minister of Health offer candid insights into the prostitution landscape beyond their public presentations. These reports highlight recurring challenges faced by prostitutes seeking assistance, including instances of violence, coercion, substance abuse, mental health issues, and financial strain. However, these problems are often described anecdotally rather than quantified in detail. Prostitution continues to pose significant risks to both physical and mental well-being.⁴⁰

Brothel owners are mandated by law to promote safe sex practices, yet many fail to comply. Despite prostitutes having the legal right to refuse clients or specific acts, coercion persists, often exerted by brothel management, clients, pimps, and gang members. Additionally, despite age restrictions, individuals under 18 years old still enter or are coerced into the sex industry, with some becoming involved while still attending school.⁴¹

Since the implementation of the *Prostitution Reform Act* in New Zealand in 2003, at least five prostituted women have been murdered⁴². Contrasting the murder rates of prostituted women in New Zealand with those in Sweden, the pioneer of criminalizing sex buyers, Penny White, observed, “New Zealand has half the population of Sweden. And not one prostitute has been murdered by a john in Sweden since the Nordic model passed in 1999. Not one in 16 years.”⁴³

Despite a significant lack of information about many aspects resulting from the decriminalization of prostitution in New Zealand, the 2008 New Zealand government review of the *Prostitution Reform Act* raised significant doubts about the handling of exploited children in the Kiwi sex trade, exacerbated by the “harm reduction” and “minimized police presence” policy. The review refers to children as “underage workers,”⁴⁴ and the report describes the paid rape of a minor as “persons under 18 providing commercial sexual services⁴⁵.” Furthermore, the report admits that data gathering on exploited children was difficult prior to decriminalization, but post-decriminalization, it has become even more challenging as police are compelled to take a hands-off approach to the industry without any systematic efforts to collect data. “Police report difficulties bringing prosecutions relating to the use of underage people in prostitution.”⁴⁶ The 2012 U.S. State Department’s “Trafficking

⁴⁰ https://www.nswp.org/sites/nswp.org/files/en_cedaw_new_zealand_shadow_report_final.pdf

⁴¹ https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11468043

⁴² Some research puts the number higher- personal research by survivor 2019.

⁴³ <https://www.feministcurrent.com/2015/11/03/remembering-the-murdered-women-erased-by-the-pro-sex-work-agenda/>

⁴⁴The 2008 New Zealand government review of the Prostitution Reform Act (PRA), <https://prostitutescollective.net/wp-content/uploads/2016/10/report-of-the-nz-prostitution-law-committee-2008.pdf> (Accessed 21 February 2024, p. 109.)

⁴⁵ Ibid, p. 99ff.

⁴⁶ Ibid. p. 101 and 109

in Persons Report” calls out New Zealand for lax laws regarding human trafficking and warns about domestic sexual exploitation of children – especially of indigenous descent.⁴⁷

Street prostitution in New Zealand saw a significant surge following the decriminalization of prostitution. Mama Tere Strickland, a Maori street outreach worker, reported a staggering 400% increase in the number of individuals engaged in street prostitution in Auckland post-decriminalization, likening New Zealand's prostitution system to "apartheid."⁴⁸ The segmentation of the New Zealand sex industry is evident, with statistics showing that while Maori constitute 7% of the Christchurch population, they represent 19% of those involved in prostitution in the area.⁴⁹ According to the New Zealand Prostitution Review Committee, street prostitution in Auckland more than doubled within a single year from 2006 to 2007.⁵⁰ Estimates suggest that the number of street workers in Manukau City may have quadrupled since June 2003.⁵¹ Comparative analysis reveals that Maori and Pacific Islander individuals in New Zealand prostitution were disproportionately affected, with higher rates of homelessness and earlier entry into prostitution compared to their European-origin counterparts.⁵² There are now moves to change the law in Germany as the German Chancellor has called for the banning of the buying of sex.⁵³

Prostitution reforms globally

The European Parliament has highlighted the intimate link between procuring or pimping and organised crime, noting that organised crime, human trafficking, extremely violent crime, and corruption thrive within the realm of prostitution. It emphasizes that any legalisation framework primarily empowers pimps, enabling them to transition into perceived "businessmen."⁵⁴

It is often claimed that the United Nations, the World Health Organization, and Amnesty International endorse decriminalisation. However, these endorsements are based on a comparison between decriminalisation and criminalisation (where police target sex workers) rather than with the human rights or Nordic model. To date, the UN, the WHO, and Amnesty

⁴⁷ The 2012 U.S. State Department's "Trafficking in Persons Report", p. 265.

⁴⁸ (Farley, 2003a).

⁴⁹ Plumridge and Abel (2001)

⁵⁰ The New Zealand Prostitution Review Committee, 2006-7. p.118.

⁵¹ Manukau City Council, Report of Manukau City Council on Street Prostitution Control available at http://www.manukau.govt.nz/uploadedFiles/manukau.govt.nz/Publications/Plans_&Policies/mcc-report-on-streetprostitution-aug-2005.pdf

⁵² P120 – NZ Report – street workers more likely to be Maori or Pasif k

⁵³ <https://www.dw.com/en/germanys-olaf-scholz-sex-work-is-not-acceptable/a-67409429>;

⁵⁴ The European Parliament, Directorate-General, Policy Department, 26 February 2014, "Sexual Exploitation and Prostitution and its impact on gender equality" (2013/2103(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP/TEXT+REPORT+A7-2014-0071+0+DOC+XML+V0/EN>, reviewed 4 June 2020

have not conducted a comparison between decriminalisation and the Nordic “anti-trafficking”-model⁵⁵. The Council of Europe, which has undertaken the latter comparison, now advocates for all its member states to adopt the Nordic "anti-trafficking" model. This recommendation was made in 2014 following extensive research by the Council on the effects of the Nordic approach compared to the legalisation of prostitution. The report concludes that “legalisation has proved ineffective, unable to either protect the victims involved or to break the ties between prostitution and organised crime”.⁵⁶

In September 2023 the European Parliament passed a resolution against the decriminalisation of prostitution.⁵⁷

Australian academic Dr Helen Pringle's submission to the European Parliament was co-signed by a global network of nearly 100 academic researchers into the prostitution and sex industries, with expertise covering empirical and practice-based evidence as well as conceptual and historical perspectives on prostitution. The human rights model works to uphold the human rights of women, whether they are currently in the prostitution system, survivors of the system, or women affected by it.⁵⁸

A 2014 Harvard study examining the effects of legalising prostitution concluded that the Swedish model of criminalising the purchase of sex resulted in a shrinking of the prostitution market and a decline in human trafficking inflows. Cross-country comparisons between Sweden and Denmark (where prostitution is decriminalised) and Germany (with expanded legalisation of prostitution) revealed that trafficking inflows decreased with the Swedish legislation and increased with legalisation and decriminalisation.⁵⁹

The human rights or equality model, with its focus on respecting women and addressing the human rights violations associated with prostitution, emerges as the most appropriate model of prostitution law reform for Queensland. It offers exit strategies for those seeking to leave the sex industry and grants freedom to report abuse with immunity. Moreover, it promotes a culture that respects women and combats violence against them, reflecting a commitment to cultural change.

⁵⁵ Resolution 1983 (2014) Final version: Prostitution, trafficking and modern slavery in Europe. Para 12.1.1, <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=20716&lang=EN>.

⁵⁶ The European Parliament, Directorate-General, Policy Department, 26 February 2014, “Sexual Exploitation and Prostitution and its impact on gender equality” (2013/2103(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0071+0+DOC+XML+V0//EN>, reviewed 16 Oct 2019

⁵⁷ <https://www.jurist.org/news/2023/09/eu-parliament-adopts-resolution-against-decriminalization-of-prostitution/#:~:text=This%20model%20criminalizes%20the%20purchase,of%20violence%20against%20sex%20workers.>

⁵⁸ https://www.troubleandstrife.org/wp-content/uploads/Honeyball_support_letter_FINAL.pdf

⁵⁹ <https://orgs.law.harvard.edu/lids/2014/06/12/does-legalized-prostitution-increase-human-trafficking/>, visited 16 Oct 2019

UK report: *How to stop sex trafficking and sexual exploitation in the UK*

On 13 April 2021 the United Kingdom All-Party Parliamentary Group on Commercial Sexual Exploitation published the report, *How to stop sex trafficking and sexual exploitation in the UK*. It may be accessed online.⁶⁰ It is the most recent and authoritative report on the issue of prostitution law reform. For the assistance of the Committee, we quote the Executive Summary in full:⁶¹

About commercial sexual exploitation in the UK

What is sexual exploitation?

The exchange of money, food, accommodation, employment, services, or other goods in return for sex acts is sexual exploitation and abuse, which is never acceptable.

Commercial sexual exploitation, encompassing prostitution and sex trafficking, is highly gendered and rooted in historically unequal power dynamics between women and men, constituting a form of violence against women.

The scale and nature of sexual exploitation:

- *3.6% of men in the UK report having paid for sex in the previous five years.*
- *Organised sexual exploitation is occurring on an industrial scale in the UK.*
- *The most prevalent model used by organised crime groups in sexual exploitation involves advertising women on pimping websites and exploiting victims in 'pop-up' brothels, hotel rooms, and private residences.*
- *Trafficking for sexual exploitation is the most detected form of human trafficking and the most profitable form of modern slavery.*

Current UK law

In England, Wales, and Scotland, it is legal to pay for sex and to sell sex. However, soliciting to buy or sell sex in a public place is illegal. Third-party facilitation or financial gain from the prostitution of others is illegal in some, but not all, circumstances. In Northern Ireland, it is illegal to pay for sex in any circumstance, although it is not illegal to solicit in a public place to 'sell' sex.

“This is a classic case of ‘the pretty ones don’t have to

⁶⁰ <https://www.appg-cse.uk/wp-content/uploads/2021/04/Bust-the-Business-Model.pdf>

⁶¹ https://ed350c1e-1e83-439d-bb07-2b27598bfb10.filesusr.com/ugd/43b7aa_0f396b7c4d9149538c8c006bc31df39b.pdf accessed 21 April 2021.

work hard'. ...She's Polish, and her English is not good... I was reminded of the Smiths' song 'Girlfriend in a Coma'... All the while she seemed completely disinterested and mechanical... I finally decided to xxxx her, in mish. ...All the while she kept her face turned to one side."

– Online review by a sex buyer. Amount paid: £100.5

International obligations to reduce demand for sexual exploitation

The UK has international obligations to reduce demand for sexual exploitation under the following treaties:

- *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (The Palermo Protocol)*
- *Convention on the Elimination of Discrimination Against Women (CEDAW)*
- *Council of Europe Convention on Action against Trafficking in Human Beings*

Combatting commercial sexual exploitation

Demand reduction legislation aims to reduce and ultimately end the demand from sex buyers and third parties that drives the 'supply' of women into sexual exploitation and sex trafficking.

A demand reduction approach entails: deterring demand from sex buyers by criminalising paying for sex; supporting victims of sexual exploitation by removing sanctions for soliciting and providing exiting services; and holding exploiters to account by criminalising facilitating and/or profiting from the prostitution of others.

The need for demand reduction legislation

- *Reducing sex trafficking because it requires reducing demand for it*
- *Demand reduction legislation works*
- *Sexual exploitation is not inevitable, and the Government has a duty to prevent it*
- *Victims of sexual exploitation should be supported, not sanctioned*
- *Pimping websites facilitate and incentivise sex trafficking*
- *Demand for sexual exploitation is a barrier to women's equality*

Recommendations

The UK Government and Scottish Governments should urgently adopt comprehensive demand reduction legislation to prevent sexual exploitation, hold perpetrators accountable, and support victims in recover. This requires the introduction of the following measures:

- 1. Criminalise the act of offering or providing money or other benefit (including accommodation) in return for a person performing sex acts.*
- 2. Remove criminal sanctions currently applied to sexual exploitation victims for soliciting in a public place.*
- 3. Criminalise the acts of enabling and profiting from the prostitution of another person.*
- 4. Provide a comprehensive, resourced network of support and exiting services for victims of sexual exploitation.*

The UK report provides cogent evidence that the proposed full decriminalisation model in the Queensland Bill will be harmful to Queensland, in that it supports traffickers and promotes the interests of pimps.

Conclusion

It is imperative that the Queensland Parliament reject this bill and adopt a human rights model of prostitution law reform. That is the way forward. The Bill is an outdated model that has been proved to cause significant harm.