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*Fighting For
Justice
Foundation*

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Submission 044

[REDUCING HUMAN TRAFFICKING IN AUSTRALIA THROUGH CRIMINALISING THE DEMAND FOR PROSTITUTION]

I wish to also submit that we need to move towards a fit for purpose Nordic Model approach to our prostitution laws across all jurisdictions in Australia, recognizing that the exchange of money for sex is gender inequality, and often leaves women vulnerable to other forms of abuses, such as physical violence, rape and even murder. The Nordic Model has been successfully implemented by various States across the world who have consequently seen a reduction of trafficking in their country.

Biography:

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With a 10 year background in family therapy and counseling, more recently working as a Government Lawyer, as well as for International Organisation for Migration, and as a trained international human rights advocate, I wish to make the following submission.

As a legal researcher and speaker, I have been engaged in legal research and advocacy on the international crime of human trafficking in the Austral-Asia region in the last four years.

The following information is a sample of various research papers that I have completed in this area of law and policy.

As a refugee who escaped a Communist regime with my family, I have experienced firsthand various human rights abuses, and therefore I am a human rights advocate for vulnerable and marginalized peoples today.

I support the protection of the rights of women, of their dignity and their autonomy.

I would be happy to provide further data, as required, or conduct a presentation of my findings.

***NOTE:** *The phrases ‘Swedish Model’ and ‘Nordic Model’ are used interchangeably within this submission, but are referring to the same legislation model, which originated in Sweden, and has been taken up in various states, including Iceland, Finland, the Netherlands, Germany, Korea, Bulgaria and most recently France.*

Executive Summary:

The international crime of human trafficking is on the rise in our region and globally.

Human trafficking takes various forms, including labor trafficking, trafficking for sexual servitude, for forced marriage, through adoption and for organ harvesting.

In this submission, I will be focused on the trafficking for sexual purposes, in the Austral-Asia region.

Human trafficking denies hundreds of thousands of people their basic human rights, it poses a serious public health risk, is a threat to our national security through transnational crimes and trafficking feeds organized crime around the world.

The international crime of human trafficking victimises the vulnerable, tears families apart, it degrades and devalues a woman's dignity, and threatens the basic human rights of an individual by subjecting them to repeated torturous acts such as rape.

The international crime of human trafficking also threatens the national security of many states, with the transnational crime of trafficking reportedly behind the kidnapping and selling off of girls in parts of the world which have being linked to funding terrorist organisations by US intelligence¹.

Human trafficking is a crime against humanity, involving an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them. Contrary to smuggling, human trafficking targets the trafficked person as an object of criminal exploitation.

Trafficking in humans is one of the fastest growing criminal activities in the world today, and has overtaken the international arms trade.

I wish to submit that there is strong international precedent to suggest that human trafficking needs to attract high sentencing which is to be used as a form of deterrence, similarly to the USA and UK jurisdictions, which have moved to life imprisonment for such offences. I argue that we are creating a safe harbor for traffickers here in Australia by virtue of our inadequate sentencing practices for trafficking offences.

¹ According to Christine Dolan, a Panellist at the 'Terrorism Nexus' seminar hosted by The world Affairs Council of Washington, DC, there is a clear link between terrorism and human trafficking.

Reducing Human Trafficking in Australia through Criminalizing the demand for Prostitution

I wish to also submit that we need to move towards a fit for purpose Nordic Model approach to our prostitution laws across all jurisdictions in Australia, recognizing that the exchange of money for sex is gender inequality, and often leaves women vulnerable to other forms of abuses, such as physical violence, rape and even murder. The Nordic Model has been successfully implemented by various States across the world who have consequently seen a reduction of trafficking in their country.

This evidence is also backed up by a collaborative international academic study that directly links the legalization of prostitution to the trafficking of persons and to criminal activity that fuels this act. UNICEF has reported that every 60 seconds, a child is trafficked. In 2008, UNICEF stated that child trafficking represents a "failure to protect the rights of the most vulnerable children".

Given the severity of this international crime, and in light of the inadequate sentencing of the first convicted child sex trafficker in Australia, I wish to make the following links in my submission, in an effort to encourage the Australian government, and the Queensland government in particular to seek to fight against the international crime of human trafficking in the following ways.

Human trafficking is a very complex area of national and international law, and it is often the result of various push and pull factors, including the push of poverty and the pull of deceptive employment offers.

Men's demand for pornography and prostitution has been identified as the *number one factor* that leads to the promotion of sex tourism and creates a demand for the trafficking of both women and children into the sex industry. Sex trafficking is fuelled by a demand industry from 'Johns' who use the adult industry services, including on line such as live web cam sex shows, and the demand from sex tourists and pedophiles in general. The demand for sexual servitude is also fuelled by the pornography industry. In my research, I link the viewing of pornography, to the use of the sex industry to the prevalence and demand for sex trafficking of women and minors.

Using the data that we currently have, I point out that the international crime of human trafficking targets the most vulnerable, which is driven by demand and sheer greed. The international crime of human trafficking affects predominantly vulnerable women and children in low socio economic situations, targeting those who do not have access to education or legal forms of work across the globe.

I therefore argue that sincere voluntariness to participate in the sex industry is very limited. Studies have found that 80% of women working in the sex industry have been sexually abused as

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children; they often come from low socio economic situations and are unlikely to have access to education. Women working in the sex industry have a 400% higher chance of being assaulted, raped, or murdered at their place of work. An international study interviewed many women working in the sex industry and identified a large proportion – almost all the women interviewed - would do something else for work, if given the chance.

I also argue that the social, emotional and welfare costs for victims is much higher and more long term than we realize. Psychologists have linked child sexual abuse to long term social, psychological, emotional traumas and mental health problems for victims such as substance abuse, eating disorders, and anxiety related disorders. There is also a growing body of evidence indicating that there is a relationship between childhood trauma and psychosis.

Retrospective self-reporting studies of child sex offenders indicated that up to 75% of child sex offenders report a history of child sexual abuse. The statistics speak for themselves - the abused often abuse.

In my research, I note that Australia, as a demand nation, is currently part of the problem. Australia has been reported as being a destination country for human trafficking, with victims being trafficked from predominantly China, Korea and Thailand, with many being coerced into exploitative conditions.

The Australian Crime Commission reports that deceptive practices in contract terms and conditions appeared to be increasing among women in prostitution. Project Respect, an Australian NGO conservatively estimates up to 1,000 victims are currently under debt bondage in Australia. Further to this, Australians have been identified as child sex tourists in 25 tourist destinations worldwide, predominantly in the Asia pacific countries.

In my research, I argue that prostitution needs to be criminalised to curb trafficking - I advocate for the Nordic model - which states that to exchange money for sex is violence against women and it seeks to criminalise the user of the service while protecting the victim.

The legalisation of prostitution results in the normalising of the intrinsically harmful treatment of the exploitation and practice of violence against women and children, evidenced in Victoria and New Zealand by the exponential rise in illegal brothels and child trafficking after the decriminalization of prostitution in these jurisdictions, and further evidenced in the 2012 international academic study published in World Development titled 'Does legalised prostitution increase human trafficking'.

This international study concluded that the evidence overwhelmingly showed that countries with legalised prostitution reported a greater incidence of human trafficking inflows. The study also noted

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that the criminalisation of prostitution in Sweden resulted in the shrinking of the prostitution market and the decline of human trafficking inflows.

I therefore wish to advocate for clear changes to our legislation to our prostitution laws in all states and territories in Australia. Legislative change, community education, awareness advocacy which seeks to curb the demand for trafficked persons will hopefully lead to a shift in social expectations and norms in eradicating the current dysfunctional behavior towards women and children, that sees 'Johns' not only take part in violent acts against women and children, but sees them not reporting such incidences.

Human trafficking would not continue if there was no demand for such vile abuses. Human trafficking would also reduce in rate if there was an increase in the rate of reporting acts of violence against women in the sex industry, and immediate reporting of under aged sex workers.

My recommendations include:

1. Australia needs to implement a relevant form of the Nordic model - fit for purpose nationally and in cooperation with our regional partners;
2. Australia needs to criminalise the demand for the violent and destructive abuse of women in the sex industry and protect the victims of sex trafficking in our laws;
3. Prostitution laws need to be reviewed in light of the recent international research linking the legalisation of prostitution with the rise in human trafficking and the rise in criminal activity in general;
4. Exit program's for women working in prostitution should be made available to all;
5. More rehabilitation centers need to be funded and set up within Australia for victims, ensuring psychological support, skills training and alternate and transitional living options;
6. Greater national and international cooperation to address the crime of trafficking, the investigation and prosecution of trafficking and in supporting victims is required;
7. Inter jurisdictional legislative consistency needs to be implemented, and sentencing is to be used as a form of deterrence;
8. The proceeds of crime should be utilised for the rehabilitation of victims, for exit program's and for compensation schemes for the victims of trafficking;
9. More in depth study and analysis of the operations of traffickers and the organised crime and their links with transnational crimes should be undertaken;
10. Police officers in all jurisdictions should be trained to identify trafficking of all kinds, including forced marriage and domestic servitude when entering a domestic violence situation;
11. All Police officers should also be provided with the adequate training to be able to further investigate, and to refer on a suspicious behavior to the Australian Federal Police Task forces on Trafficking and Child Protection;
12. The legislative, investigative, procedural and service provision disconnects between the Federal and State and Territory counterparts should be eradicated in a move towards further consistency, inter jurisdictional cooperation and victim support.

The above should all be policy priorities in the fight against the international crime of human trafficking. Human trafficking denies hundreds of thousands of people their basic human rights, poses a serious public health risk, it is a threat to our national security through transnational crimes and trafficking feeds organised crime around the world.

Governments that tolerate this form of trade are tolerating slavery.

1. TRENDS OF CRIMINAL ACTIVITY:

How prevalent is trafficking Globally?

The Global Slavery Index has estimated that there are 30 million slaves in the world today, of which 2 million are children. 79% of these slaves are from the Austral-Asia region. Sex Trafficking encompasses 80% of the slaves in the world today, and human trafficking has overtaken the arms trade as the second highest form of international criminal activity in the world today. The average age of girls forced into the sex trade is 12 to 14.

Trading in flesh has now become more lucrative than trading in arms for international criminals. A UNODC report points out the fact that human trafficking for sexual purposes is organized crime's fastest growing source of income. Since the United Nations adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2000, global efforts have been made by the international community to address the growing problem.

Challenges remain significant, however, in particular because of its profitability: According to the International Labor Organization, human trafficking is a \$39 billion industry, second only to illicit drugs. A 2011 paper in the Human Rights Review found that sex slaves cost on average \$1,895 each while generating \$29,210 annually, leading to "stark predictions about the likely growth in commercial sex slavery in the future."

Trafficking Regionally: Trafficking in Thailand

Thailand is a source, transit and destination country for human trafficking, including trafficking for purposes of sexual exploitation.²

Thailand is particularly notorious for sex trafficking and for the trafficking of minors. Thailand is considered a hub for sexual exploitation in the Greater Mekong Sub-Region. Trafficking in persons for this purpose takes place both within Thailand and across its various borders.

According to the US Department of State Trafficking in Persons Report 2013, many Thais are lured by labor recruiting agencies and are forced into involuntary servitude or sexual exploitation using debt bondage.

² *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

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Most cases of people trafficking detected in Australia involved young women from Thailand. Over 40% of trafficked victims identified by Federal authorities as having being trafficked into Australia for the purposes of sexual exploitation were identified as being from Thailand. One in three clients receiving support from the AFP support programs between 2010 and 2011 were reported as originating from Thailand.³

Although Australians can be prosecuted under the Child Sex Tourism Act for traveling abroad to engage in sex with minors under the age of 16, it is unfortunately a common practice, particularly to the sex capital of the world, Bangkok.⁴

The trafficking of persons for the purpose of sexual servitude needs to be looked at in the context of international crime, and the protection, prevention and international cooperation that would contribute to combating this crime.

Trafficking has unfortunately been reported repeatedly as being on the rise. There are various factors that contribute to the rise of trafficking in South-East Asia, including the organized crime nature of sex trafficking, amongst the Russian organized crime syndicates, the Thai and Singaporean organized crime syndicates and other local organized crime groups, which seek to work together.

There is a prediction of future growth of trafficking cross-border, to and in Thailand, given the ASEAN Trade agreement that is to take effect in 2015, signifying the opening up of borders, for the purpose of trade in the region. This should highlight the severity of the current issue, and the need to forearm for a future international increase in trafficking.

Trafficking in Papua New Guinea:

Various news articles have highlighted the corruption that exists in the Papua New Guinean government in relation to human trafficking, which is used as bribery and victims are traded for political favors.⁵

Asian crime rings, foreign logging companies and foreign business people were found to fraudulently-issue tourist or business visas for foreign women, from Malaysia, Thailand, China and the Philippines

³ Australian Institute of Criminology Reports: 19, *Trafficking in Persons Monitoring Report: 2009-2011*.

⁴ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/australia

⁵ Liam Cochrane, 'PNG officials trading in trafficking victims: US Report', Australian Network News, 24 June 2013; This article reflects on the Trafficking In Persons Report put out by the US State Department in 2013 for PNG:
<http://www.abc.net.au/news/2013-06-24/an-png-officials-trading-in-trafficking-victims/4775790>

who were then turned over to traffickers who transported them to logging and mining camps, fisheries and entertainment sites within Papua New Guinea. These women were declared to be exploited in forced prostitution and domestic servitude situations.⁶

Papua New Guinea is ranked as a Tier 3 by the US State Department, which is the highest tier. The TIP Report 2013 declared that the Government of Papua New Guinea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so.

Papua New Guinea was declared by the TIP Report as a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Women and children are subjected to sex trafficking and domestic servitude. Teenagers, particularly underage girls, were reported as being employed in night clubs as hostesses, dancers, and bartenders. The vulnerability to human trafficking of “Mosko Girls”—young girls who are employed in bars to provide companionship to male patrons and sell an alcoholic drink called mosko—emerged as a new trend around major cities in Papua New Guinea in 2012.⁷

There were also reports of internal trafficking involving children, including girls from tribal areas as young as five, being subjected to commercial sexual exploitation or forced labor by members of their immediate family or tribe. Tribal leaders sometimes trade with each other the exploitative labor and service of girls and women for guns and political advantage.⁸

Despite an overall low level of awareness of trafficking among many government officials in PNG, the government acknowledged that human trafficking was a problem in the country and expressed its commitment to increasing law enforcement’s capacity to address it. However, it has not yet enacted draft legislation that would criminalize all forms of trafficking, nor has it investigated or prosecuted suspected trafficking offenders under existing laws, or identified or assisted any trafficking victims.⁹

Australia’s Role: A Destination Country

⁶ Ibid.

⁷ US State Department’s Trafficking in Persons Report 2013, p 295: <http://www.state.gov/documents/organization/210741.pdf>

⁸ Ibid.

⁹ Ibid.

Australia has been reported as being a destination country for human trafficking, with victims being trafficked from predominantly China, Korea and Thailand, with many being coerced into exploitative conditions. The Australian Crime Commission reports that deceptive practices in contract terms and conditions appeared to be increasing among women in prostitution. Project Respect, an Australian NGO estimates up to 1,000 victims are currently under debt bondage in Australia.¹⁰

Project Respect argues that the demand for women in Australia from South-East Asia is fueled by a lack of women in Australia prepared to be prostitutes, and the customer demand for women who are compliant to violent sex.¹¹

The Australian Federal Police's Transnational Sexual Exploitation and Trafficking Teams have undertaken over 270 investigations and assessments of human trafficking allegations within Australia since 2004. These investigations have led to only 35 charges and seven convictions on trafficking-related offences, in five years.¹²

Trafficking in New Zealand:

Trafficking is most prevalent wherever prostitution is legal or decriminalised. When prostitution is legal, pimps operate with impunity and johns are welcomed. Trafficking of children has increased in New Zealand since decriminalisation, especially the trafficking of ethnic minority Maori children.

Reflecting increased organised crime since decriminalisation, Auckland gangs have waged turf wars over control of prostitution. Since decriminalisation, street prostitution has spiralled out of control, especially in New Zealand's largest city, Auckland.

A 200-400% increase in street prostitution has been reported. Staff at a New Zealand agency providing prostitution exit strategies observed that there were twice as many 'Johns' in the street since

¹⁰ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/australia

¹¹ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/australia

¹² Child Wise, *Stop Sex Trafficking of Children and Young People*, The Body Shop Campaign 2010 www.childwise.net/stop-sex-trafficking-of-children-young-people.

decriminalisation. The johns were more aggressive after prostitution was decriminalised, soliciting the agency's women staff members.¹³

Trafficking in Australia:

After legalisation of prostitution in Victoria, Australia, the number of legal brothels doubled. But the greatest expansion was in *illegal* prostitution. In one year there was a 300% increase in illegal brothels.

I am extremely concerned about the recent inadequate sentencing for Australia's first ever child sex trafficking offence, handed down to the Thai mother who trafficked her own daughter at the age of 9 to work in her own Brisbane Brothel for 7 years before she was reported/arrested. From a possible maximum sentence of 25 years, she received 9 years, eligible for parole after only 4 years. Her sentence was handed down in April 2013¹⁴. This raises the jurisprudential debate of sentencing used as a form of deterrence.

I argue that this is creating a safe harbor for traffickers, as this sets a low threshold for sentencing and it is a terrible precedent for Australia's first child sex trafficking conviction.

The US and the UK have reported to move towards life imprisonment for such offences.

My most recent research highlights a growth in trafficking activities, fueled by Australian sex tourists and pedophile tourists, and a change in sex tourist's MO which sees them accessing children more and more in places such as Papua New Guinea as an alternative to Thailand, asserting that the Trafficking Protocol needs to be further implemented into our domestic legislation, particularly with the view of amending our prostitution laws.

Sex Tourists: The rate of Australian Sex tourists and Australian Pedophiles caught with illicit on line child porn materials overseas is on the rise. Websites set up by child sex offenders are being used to share information on how to find victims, evade police and cloak online profiles.¹⁵

¹³ Melissa Farley PhD, Author: Prostitution Research and Education, http://prostitutionresearch.com/pub_author/melissa-farley/

¹⁴ *R v GD, PK, Baxter & Barnes.*

¹⁵ Queensland News.com, 2 June 2013; <http://www.news.com.au/national/queensland/pedophiles-prepare-how-to-guides-and-share-tips-on-the-web/story-fnii5v6w-1226655153206>

Reducing Human Trafficking in Australia through Criminalizing the demand for Prostitution

The Australian Federal Police say the number of child abuse websites has quadrupled between 2006 and 2013, driven by demand from pedophiles who "compulsively collect child exploitation material".

More of these sites are being discovered by law enforcement agencies in Australia and overseas. AFP Detective Superintendent Todd Hunter said: "The AFP's experience is that there appears to be an increase in websites with child exploitation material (CEM) being published."¹⁶

Pedophiles: 32 Western Australian pedophiles named on the national child offenders register were busted in one year alone for taking overseas sex trips and moving into new neighborhoods without notifying police.

I call for a stringent register of pedophiles, which disallows them to travel overseas.

Australian Federal Police statistics show that one quarter of offenders on the Australian National Child Offender Register who travelled overseas visited Denpasar. That's nearly double the second most visited location, Singapore.

Only one offender has been charged since highly touted law reforms were introduced in 2010 that were meant to clamp down on child sex tourism. This has prompted a call for convicted pedophiles to be banned from travelling overseas. Bernadette McMennamin, the chief executive of Australia's leading international child protection charity Child Wise, said sex offenders should not be allowed to travel if the Government could not guarantee that they would be monitored.¹⁷

The MO of sex tourists is changing - they are taking their business to places like PNG as an alternative to Thailand, given the medical uncertainty of the sex workers in Thailand, as they do not require to get regular Medical clearance for HIV. There is therefore greater demand in our region for trafficked persons, and there has been a notable increase in trafficking activities in our region, partly due to criminal traffickers and partly due to sex tourism.

If there is a rise in trafficking and criminality in our region, what are the courts doing about it?

Is sentencing used as a form of deterrence?

¹⁶ The Australian online, Miles Godfrey, 18 January 2013; <http://www.theaustralian.com.au/news/latest-news/number-of-child-sex-abuse-sites-quadruples/story-fn3dxiwe-1226556602192>

¹⁷ The Sunday Times, Anthony Decgeglie, 9 June 2012; <http://www.perthnow.com.au/news/western-australia/call-for-child-sex-offenders-to-be-banned-from-travel/story-e6frg143-1226389873067>

1. TRENDS OF CRIMINAL ACTIVITY RECOMMENDATIONS:

Crimes related to trafficking in persons are often transnational in nature, which is why comprehensive, multiagency and flexible cross-border cooperation is essential to ensure the appropriate prosecution of traffickers and to improve and fine-tune measures for protecting victims.

The Organized Crime Convention provides a framework for international cooperation aimed at combating organized crime in general; the Trafficking in Persons Protocol provides a more specific framework for international cooperation, for combating trafficking in persons. The Convention encourages transnational judicial and law enforcement cooperation in the prosecution and investigation of organized crime.

This can be accomplished at bilateral, regional, transregional and international levels. An important element of international cooperation is the harmonization of national legal frameworks that criminalize trafficking in persons, a transparent delineation of the respective criminal procedures that fall under national sovereignty, established mandated communication channels and the political will to prevent and combat trafficking in persons.

- Inter jurisdictional legislative consistency needs to be implemented and sentencing is to be used as a form of deterrence;

- The legislative, investigative, procedural and service provision disconnects between the Federal and State and Territory counterparts should be eradicated in a move towards further consistency, inter jurisdictional cooperation and victim support.

- I call for a stringent register of pedophiles, which disallows them to travel overseas.

2. SOCIAL AND ECONOMIC CONTRIBUTORS

Demand Drives Supply:

Although there are various economic, social, cultural and other extenuating push and pull factors such as poverty that lead to the crime of human trafficking, the trafficking of persons would not be required if there was no demand for a service which sees consistent violence against women and children, and encourages gender inequality.

The demand for children prostitutes from the West is a major driving factor of the industry in South East Asia, although this trend is slightly changing, as tourists from Asian countries such as South Korea, Malaysia and Singapore are increased users, and have set up on-line ordering systems, where a child or young girl can be referred on line for as little as B 500, which equates to a mere \$15.60, to countries such as Malaysia, Singapore and South Korea.¹⁸

Australians have been identified as child sex tourists in 25 tourist destinations worldwide, predominantly in the Asian and Pacific countries, and have been identified as the largest group of sex tourists prosecuted in Thailand. Australians are consumers of child pornography, the majority of which is produced overseas. Between 1995 and 2006, Australians made up the largest percentage of perpetrators arrested and prosecuted for Child Sex tourism in Thailand.¹⁹

The low detection rates of Australians traveling for child sexual exploitation allows offenders to continue to offend in both Australia and overseas. Australians involved in child sex tourism overseas pose an increased risk to Australian children being abused upon the offenders return.²⁰

Australian children are therefore not free of such predatory behaviour and the grooming that can often take place between victim and perpetrator.

Although the Thai government has strong Anti-Trafficking laws, and strong Child Protection Laws, and Thailand adheres to the Convention on the Rights of the Child, which they ratified in 1992, the enforcement of these laws are inconsistent, and in fact they are often not upheld. The rule of law or the

¹⁸ Taken from the conversations with Duean Wongsa, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

¹⁹ John Hopkins University and The Protection Project, International Child Sex Tourism, 2007.

²⁰ Child Wise, in Partnership with The Body Shop Community Education Campaign, *Community Attitudes on Sex Trafficking of Children and Young People Survey Report*, July 2010.

basic human rights of the victims are not valued. Cultural practices and corruption take precedent over law. This can be seen in the gender inequality that exists through Thailand that is based on the Philosophical beliefs of the nation, which leads to the way women²¹ are viewed and treated in their society.²² This philosophy and world view leads to the vulnerable being further victimized, exposed and unprotected, heightening the risk of children being abused.

Human trafficking is driven by demand:

The Report commissioned by the Minister for Integration and Gender Equality in Sweden states that ‘prostitution and human trafficking are sustained by demand, and that prostitution and human trafficking for sexual purposes represent a serious obstacle to social equality, to gender equality and to the enjoyment of human rights. Trafficking profoundly violates human dignity and the right of individuals to decide over their own lives and their own bodies.’²³

Human trafficking for sexual purposes has been widely described as the slavery of our times. There is a clear link between prostitution and human trafficking for sexual purposes. What primarily sustains trafficking and prostitution is demand, the fact that people – mostly men – buy sex.

The Swedish law which has placed a ban on buying sex- seeing it as a gender inequality and violence against woman and therefore making it a criminal offence is based on the UN Convention against Transnational Organised Crime, known as the Palermo Protocol. In this policy model, those working in the sex industry are protected, and selling sexual services is not seen as an offence.

Prostitution and human trafficking for sexual purposes represent a serious obstacle to both social equality and gender equality. It is unacceptable that people – mostly women and children – are being purchased and exploited like merchandise. Victims of human trafficking and prostitution lose power over their lives and their bodies. They are robbed of the chance to enjoy their human rights.

Nyamko Sabuni Swedish Minister for Integration and Gender Equality

²¹ Various times, while doing my research in Thailand, I was informed by the locals that if born a girl, it was your punishment for what you had done in your previous life, and the only way to ensure that you are born a man in your next life is to live out your punishment in the existing life. This punishment included being a sex worker.

²² Taken from the conversations with Duean Wongsu, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

²³ Government of Sweden report, against Prostitution and Human Trafficking for Sexual Purposes:

<http://projectrespect.org.au/system/files/Against+Prostitution+and+human+trafficking+for+sexual+purposes+Sweden.pdf>

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The Federal Bureau of Investigation in the United States has stated that ‘human sex trafficking victims equate to modern day slaves’. In their FBI Law Enforcement Bulletin, they reported that after much investigation, profiling and data analysis, and in realising the links between prostitution and trafficking, their goal became rescuing women from their pimps and redirecting their lives, reducing prostitution one life at a time.

The FBI have made a very important paradigm shift, which means that prostitutes are considered as potential victims and now the FBI identify pimps as suspects. Prostitution activity was viewed as potential human sex trafficking. The department adopted new strategies to assist women to escape prostitution, to help the women realize their situations and the circumstances, to provide services to assist with redirecting their lives in a positive direction, and to seek cooperation in pursuing the pimps who trafficked them as prostitutes.²⁴

Global research into the links between the legalization of Prostitution and human trafficking:

There have been international studies conducted by a collaboration of Professors from various Universities, looking at both the legalised and criminalised models of legislation for prostitution across 116 countries showing conclusive evidence that the legislation of prostitution in developed nations leads to an increase in the trafficking of persons and a rise in criminal activity in this area.²⁵

A 2012 study published in World Development, “Does Legalized Prostitution Increase Human Trafficking?” investigates the effect of legalized prostitution on human trafficking inflows into high-income countries. The researchers analyzed cross-sectional data of 116 countries to determine the effect of legalized prostitution on human trafficking inflows. In addition, they reviewed case studies of Denmark, Germany and Switzerland to examine the longitudinal effects of legalizing or criminalizing prostitution.²⁶

²⁴ Steve Marcin, ‘Prostitution and human trafficking: A Paradigm Shift’, FBI Law Enforcement Bulletin: <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2013/March/prostitution-and-human-trafficking>

²⁵ Article for World Development, ‘Does Legalized Prostitution Increase Human Trafficking?’ German Institute for Economic Research-DIW Berlin, Germany, SEO-YOUNG CHO, SEO-YOUNG CHO, German Institute for Economic Research-DIW Berlin, Germany, AXEL DREHER, University of Goettingen, Germany, and ERIC NEUMAYER, London School of Economics and Political Science, UK;

<http://journalistsresource.org/studies/international/human-rights/legalized-prostitution-human-trafficking-inflows>

²⁶ Seo-Yeong Cho, Axel Dreher, Eric Neumayer, “Does Legalized Prostitution Increase Human Trafficking?”, World Development, 2012.

The Study's findings include the unavoidable, and overwhelming evidence that on average, countries with legalized prostitution report a greater incidence of human trafficking inflows. The study also concluded that the effect of legal prostitution on human trafficking inflows is stronger in high-income countries than middle-income countries.

The study conclusively found that Democracies have a higher probability of increased human-trafficking inflows than non-democratic countries. There is a 13.4% higher probability of receiving higher inflows in a democratic country than otherwise.

It was also discovered that Criminalization of prostitution in Sweden resulted in the shrinking of the prostitution market and the decline of human trafficking inflows, and that the type of legalization of prostitution does not matter — it only matters whether prostitution is legal or not.²⁷

Exploitation in Prostitution:

Coerced prostitution is one of the primary forms of exploitation that trafficked women and girls are subjected to in the developed world. Legalized prostitution allows traffickers to hide victims in plain sight as consenting sex workers. Legal or decriminalized pandering makes a portion of a sex trafficking victims venture legitimate. In recent decades, several countries have changed their policies and laws on prostitution, because there is a positive correlation between commercial sex work, human trafficking and organized crime. When 'johns' (or customers of sex workers) fear the loss of their privacy, prostitution becomes less profitable for traffickers. Sweden's model shows that criminalizing everything about prostitution except for the prostitutes themselves, works.

I therefore submit that violence against women needs to be criminalized in prostitution laws across all jurisdictions, to avoid absconding of offenders, and further trafficking of victims inter-state.

The fight against global sex trafficking is counterproductive if countries label prostitution as degrading work, while attempting to normalize and regulate the process. Legitimized prostitution increases the demand for human trafficking, a contemporary form of slavery, and it must be condemned.

²⁷ Ibid.

“We think that prostitution is one of the worst expressions of the unequal division of powers between men and women and this does not only bear on the prostitutes or those who buy the prostitutes’ services but the whole of society. This is why we are now suggesting a criminalisation of the sex buyers. We are convinced that it will change attitudes and decrease violence in society. We are convinced that it will also decrease prostitution.”

Anne Maria Holli 2004

The link between pornography and prostitution, which creates a demand for trafficked persons:

In further fighting sex trafficking, laws and policy must focus on combating the “root cause” of pornography, because of its role in creating a demand for prostitution. Pornography is ubiquitous and self-perpetuating, and results in a system that is both creating and supplying demand for commercial sex and thus sex trafficking through its addictive effects on the brain.

In addition, pornography is filmed prostitution and oftentimes human trafficking itself. Victims of human trafficking are often recorded during sexual acts, such as in live web-cam pornography, and the growing medium of child pornography is always a form of sexual trafficking. Live web cam child sex pornography is particularly high between Australian offenders and Pilipino child victims, as stated by a member of the AFP Child Protection Unit in a recent conversation.

The rate of Australian Sex tourists and Australian Pedophiles caught with illicit on line child porn materials overseas is on the rise. Websites set up by child sex offenders are being used to share information on how to find victims, evade police and cloak online profiles.²⁸

The Australian Federal Police say the number of child abuse websites has quadrupled between 2006 and 2013, driven by demand from pedophiles who "compulsively collect child exploitation material".

More of these sites are being discovered by law enforcement agencies in Australia and overseas. AFP Detective Superintendent Todd Hunter said: "The AFP's experience is that there appears to be an increase in websites with child exploitation material (CEM) being published."²⁹

²⁸ Queensland News.com, 2 June 2013; <http://www.news.com.au/national/queensland/pedophiles-prepare-how-to-guides-and-share-tips-on-the-web/story-fni5v6w-1226655153206>

²⁹ The Australian online, Miles Godfrey, 18 January 2013; <http://www.theaustralian.com.au/news/latest-news/number-of-child-sex-abuse-sites-quadruples/story-fn3dxiwe-1226556602192>

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Australian Federal Police statistics show that one quarter of offenders on the Australian National Child Offender Register who travelled overseas visited Denpasar. That's nearly double the second most visited location, Singapore.

Only one offender has been charged since highly touted law reforms were introduced in 2010 that were meant to clamp down on child sex tourism. This has prompted a call for convicted pedophiles to be banned from travelling overseas.

Bernadette McMenammin, the chief executive of Australia's leading international child protection charity Child Wise, said sex offenders should not be allowed to travel if the Government could not guarantee that they would be monitored.³⁰

There is therefore greater demand in our region for trafficked persons.

³⁰ The Sunday Times, Anthony Decgeglie, 9 June 2012; <http://www.perthnow.com.au/news/western-australia/call-for-child-sex-offenders-to-be-banned-from-travel/story-e6frg143-1226389873067>

2. SOCIAL AND ECENOMIC CONTRIBUTORS RECCOMNEDATIONS:

Coerced prostitution is one of the primary forms of exploitation that trafficked women and girls are subjected to in the developed world.

Legalized prostitution allows traffickers to hide victims in plain sight as consenting sex workers.

Legal or decriminalized pandering makes a portion of a sex trafficking victims venture legitimate. In recent decades, several countries have changed their policies and laws on prostitution, because there is a positive correlation between commercial sex work, human trafficking and organized crime.

When 'johns' (or customers of sex workers) fear the loss of their privacy, prostitution becomes less profitable for traffickers.

Sweden's model shows that criminalizing everything about prostitution except for the prostitutes themselves, works.

The fight against global sex trafficking is counterproductive if countries label prostitution as degrading work, while attempting to normalize and regulate the process.

Legitimized prostitution increases the demand for human trafficking, a contemporary form of slavery, and it must be condemned.

- Australia needs to implement a relevant form of the Nordic model - fit for purpose nationally and in cooperation with our regional partners;**
- Australia needs to criminalise the demand for the violent and destructive abuse of women in the sex industry and protect the victims of sex trafficking in our laws;**
- Prostitution laws need to be reviewed in light of the recent international research linking the legalisation of prostitution with the rise in human trafficking and the rise in criminal activity in general.**

3. EFFECTIVENESS OF CRIME PREVENTION STRATEGIES:

The need to criminalise violence against women and protect the dignity of women:

Reducing the demand for commercial sex is built on a simple, solid foundation: Societal change requires legislative change, community education, awareness and advocacy with the purpose of it leading to a shift in social expectations and norms in an effort to combat current gender inequality and practiced violence against women and children in sexual servitude.

The Swedish prostitution laws depenalises the victims of sexual exploitation, hence it is not illegal to be a prostitute but it is illegal to exploit them, thus criminalizing the profiteers and customers. This approach is not just simply about punishing demand but is part of a programme of raising awareness in society and improving gender equality; *“The Swedish regime is not simply a piece of ideological legislation, but a holistic approach to the problems of prostitution. There is as much emphasis on raising awareness about the realities and consequences of prostitution as there is on enforcing the criminal law”*.³¹

The Nordic Model is a holistic approach to the issue of prostitution placing the victim and their needs at the centre of all initiatives.

According to Chapter 6s.8 of the Swedish Penal Code, anyone who “promotes or encourages or improperly exploits for commercial purposes casual sexual relations entered into by another person in exchange for payment is guilty of a criminal offence and shall be sentenced for procuring to imprisonment for at most four years”.³²

“In Sweden it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold and sexually exploited by men” Ekberg

Can this model work in Australia? Could we modify the Swedish model, or now referred to as the Nordic Model and see the the criminalisation of prostitution which has led to a significant decrease of trafficking in States that have implemented it?

³¹ See Julilie Bindel and Liz Kelly (2003) ‘A Critical Examination of Responses to Prostitution in Four Countries : Victoria, Australia, Ireland, the Netherlands and Sweden’ at 25

³² See Swedish factsheet at <http://www.sweden.gov.se/content/1/c6/01/87/74/6bc6c972.pdf>

Australia's Federal Legislation:

Australia recently modified our Federal Legislation to ensure further compliance with the Trafficking Protocol under the UNOCD.

The purpose of the *CRIMES LEGISLATION AMENDMENT (SLAVERY, SLAVERY-LIKE CONDITIONS AND PEOPLE TRAFFICKING) BILL 2012* was to make amendments to existing Divisions of the Criminal Code Act 1995 and section 21B of the Crimes Act 1914.

The Bill established new offences of forced labour, forced marriage, organ trafficking and harbouring a victim. The Bill also modified the scope and application of previous offences of slavery, deceptive recruiting, sexual servitude and trafficking in persons, and increased the penalty for the offence of debt bondage.

This has been a great step in the right direction, but is this enough? There is a clear disconnect between our Federal anti-trafficking and anti-slavery legislation and where victims of trafficking are often found – namely in Brothels, governed by state-based laws such as the Prostitution Act. This makes it easy for perpetrators to abscond cross-jurisdictionally, to avoid prosecution and to continue their illegal activities. Traffickers also re-traffic their victims within Australia to avoid detection or to discourage the victim from accessing and seeking assistance.

Inconsistencies in legislation also lead to difficulties in regional cooperation. There needs to be further regional cooperation under the UNOCD's Trafficking Protocol, ensuring not only legislative and investigative consistency, but also sentencing consistency, which is to be used as a form of deterrence.

Our Federal AFP's Trafficking Taskforce needs further funding and support to enable them to identify, investigate and follow up on various trafficking claims. AFP also requires funding to ensure all Police across Australia are trained to identify incidences of trafficking when called out to domestic violence scenarios, where domestic servitude, or forced marriage or under aged marriage may exist.

Regulating Prostitution:

The paid abuse of women is intolerable. It is the duty of Governments and societies to be brave enough to implement the Swedish model which sees prostitution for what it is; a particularly lethal form of

violence against women. Adopting the Swedish model is a holistic human rights approach to prostitution which recognises prostituted women as subjects of rights.³³

The goal of the Nordic Model is twofold: to convince people to abstain from committing the crime of buying sex and to establish norms under which no woman, man, girl or boy can be sold and no one has the right to sexually exploit another human being. This is a question of values. More and more people are gaining insight into how prostitution and human trafficking are part of organized crime. This is a societal problem that touches all of us, not just the women and children who are victimized.³⁴

A study conducted by the New York University School of Law on *Human Trafficking and Regulating Prostitution*³⁵ reveals that if the regulator aims to eradicate trafficking and restore the equilibrium that would arise in an unregulated market without traffickers, then the optimal regulatory framework combines licensed prostitution with severe criminal penalties on 'Johns' who purchase sex from unlicensed prostitutes.

So far this model has not been implemented by any country, even though it is a combination of two existing regulatory frameworks. The study also concluded that criminalizing johns is always superior to criminalizing prostitutes, and is more effective against trafficking and comes without the by-product of inflicting criminal penalties on trafficking victims.³⁶

Cooperation agreements between law enforcement agencies and victim service providers should take into account the different interests of the two stakeholders while also aiming to protect victims—an obligation of the State—and sentencing perpetrators. This includes Articles 6 and 7 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Prevention of trafficking:

A multitude of different measures can be employed to prevent trafficking in persons. During the past two decades, most prevention strategies have focused on raising awareness among groups of people

³³ "We must be honest about prostitution reality: Amsterdam official", DutchNews.nl, 14 October 2011

http://www.dutchnews.nl/news/archives/2011/10/we_must_be_honest_about_prosti.php

³⁴ Kajsa Claude, *Targeting the Sex Buyer, the Swedish Example: Stopping Prostitution and Trafficking where it all begins*, The Swedish Institute, 2010.

³⁵ Samuel Lee and Petra Persson, 'Human trafficking and Regulating Prostitution', New York University School of Law, December 2013: http://lsr.nellco.org/cgi/viewcontent.cgi?article=1303&context=nyu_lewp

³⁶ Ibid.

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suspected of being vulnerable to being trafficked in order to warn them about the risk of trafficking. Other prevention strategies have aimed at collecting and evaluating information as well as at researching the root causes of trafficking in persons by looking at migration, the increasingly informal and deregulated nature of labour, gender-specific aspects and social exclusion mechanisms.

Another approach to preventing trafficking in persons addresses supply chains and demand factors that facilitate exploitative conditions.

The Organized Crime Convention and its Trafficking in Persons Protocol define measures to prevent trafficking in persons, and including the following:

- (a) Protect victims so as to prevent their revictimization;
- (b) Conduct research, information and mass media campaigns;
- (c) Carry out social and economic initiatives;
- (d) Alleviate poverty and addressing underdevelopment and the lack of equal opportunities;
- (e) Discourage the demand for goods and services acquired through the exploitation of others.

Pursuant to article 9, paragraphs 3 and 4 of the Trafficking in Persons Protocol³⁷, measures should, whenever possible, be carried out in cooperation with non-governmental organizations and other elements of civil society, as well as in the framework of bilateral and multilateral cooperation initiatives.

The Association of South East Asian Nations:

Over the past several years, ASEAN and its Member States have affirmed the importance of stronger and more effective regional and international cooperation in the area of trafficking in persons - recognizing that such cooperation is vital to successful domestic prosecutions as well as to eliminating safe havens for traffickers and their accomplices.

A number of instruments have been developed that support such cooperation.

³⁷ Articles 5 and 9-11 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

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These include the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, Nov. 29, 2004, and the ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims (ASEAN, 2006 (Supplement and Update, 2007)).³⁸

Another concern is to ensure that coordination mechanisms are effective in cases where more than one State may have grounds to assert jurisdiction.³⁹

The mandatory and optional schema setup under UNTOC regarding territorial and personality jurisdiction are based on what is generally allowable under different legal systems. Territorial jurisdiction is universally recognized. However, in common law States passive personality jurisdiction is generally not allowed, and therefore it was made optional under UNTOC.⁴⁰

The importance of eliminating jurisdictional gaps has also been emphasised by intergovernmental organisations and other policy-making bodies.⁴¹

³⁸ Association of the Southeast Asian Nations, *'ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases'*, UNODC and Australian Government Aid Program, Indonesia, August 2010.

³⁹ UNODC, *Legislative Guides to the Organized Crime Convention and its Protocols*, p. 104, para.210.

⁴⁰ Association of the Southeast Asian Nations, *'ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases'*, UNODC and Australian Government Aid Program, Indonesia, August 2010.

⁴¹ ASEAN Practitioner Guidelines, Part 2.B.2, noted that: "where possible, extra-territorial provisions should be attached to trafficking in persons laws and related statutes as a further measure to remove safe havens for traffickers."

4. EFFECTIVENESS OF CRIME PREVENTION STRATEGIES RECOMMENDATIONS:

The rules related to the exercise of criminal jurisdiction are an important aspect of international cooperation. These rules identify the circumstances under which a State may, or is required to assert its criminal justice authority over a particular situation.

The application of these rules to trafficking crimes may be more complicated than for many other crimes because of the fact that trafficking often involves the commission of multiple offences in two or more States.

The international legal rules on jurisdiction in trafficking situations are set out in the major international and regional treaties. Their objective is to reduce or eliminate jurisdictional safe havens for traffickers by ensuring that all parts of the crime can be punished wherever they took place.

- Police officers in all jurisdictions should be trained to identify trafficking of all kinds, including forced marriage and domestic servitude when entering a domestic violence situation;***
- All Police officers should also be provided with the adequate training to be able to further investigate, and to refer on a suspicious behavior to the Australian Federal Police Task forces on Trafficking and Child Protection.***
- the eradication of jurisdictional gaps should take precedent for combatting trafficking regionally and nationally***
- International actors such as Interpol are to be utilized in investigative and prosecutor purposes cross-jurisdictionally***

4. THE EXPERIENCE OF VICTIMS:

The harms sex workers face:

Documented research has uncovered that for women working in prostitution, physical and sexual violence is the normative experience.

Violence is pervasive and endemic in the sex industry and for prostituted women involves, “a lifelong continuum of sexual exploitation and violence which begins with sexual assault or prostitution in childhood”.⁴²

It could be surmised that besides from Post-Traumatic Stress Disorder and STD’s, other damaging effects include rape, beatings, torture, pregnancy, infertility, organ damage from addictions, as well as psychological damage such as anxiety and depression. Women in the sex industry were found to have been “...subjected to sexual torture in the guise of particular sexual practices such as sadomasochism, systematically humiliated, sexual harassed, threatened, raped, beaten, and sometimes kidnapped”.⁴³

The violence experienced by prostitutes can be so grievous as to often violate the most fundamental human right, that of the right to life, as “a Canadian Commission found that the death rate of women in prostitution was 40 times higher than that of the general population”⁴⁴

The rights of trafficked persons:

The existing international human rights framework ensures a specific set of rights for trafficked persons, including through the application of the principle of non-discrimination, safe and fair treatment, access to justice, access to private action and repatriation, residence status, access to health and other services, safe and dignified return, and social inclusion.

An enforcement of these rights can be seen through Article 6, paragraphs 2-4 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 25 of the United Nations Convention

⁴² See Farley and Kelly, 2000. “Prostitution: A Critical Review of the Medical and Social Sciences Literature”, *Women and Criminal Justice*, vol. 11 (4): 29-64

⁴³ Ibid. See also Holsopple, 1999. *Fundamentals of Prostitution Community Learning Curriculum*, www.angelfire.com/mn/fjc.learningpacket.html, 22/12/2004.

⁴⁴ See n 19, (Special Committee on Pornography and Prostitution, 1985), Farley, Melissa, (2004)

against Transnational Organized Crime, and Articles 11-17 of the Council of Europe Convention on Action against Trafficking in Human Beings.

Many anti-human trafficking policies focus on returning persons to their respective country of origin once all criminal and administrative procedures have begun or have been pursued. Upon returning to the same situation from which they were originally recruited into exploitative situations, however, might result in the trafficked persons being re-trafficked. Therefore, great emphasis should be put on the social inclusion of trafficked persons in order to achieve durable solutions. The decision to pursue social inclusion strategies in origin, destination or third countries should be based on a sound risk assessment. Complementary elements of a comprehensive social inclusion strategy are the establishment of residence rights, data protection provisions and compensation and remuneration mechanisms.

The mechanisms to ensure social inclusion and support include Articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Convention Relating to the Status of Refugees (United Nations, Treaty Series, vol. 189, No. 2545), articles 1 (a) and 33 and Articles 14-16 of the Council of Europe Convention on Action against Trafficking in Human Beings.

The Nordic Model is a Victim Centered approach to combatting trafficking:

Prostitution and human trafficking can mean serious consequences for the victims, such as humiliation, violence, sexual encroachment and abusive work and living circumstances. The victims may also experience posttraumatic stress, anxiety and depression and find it difficult to build social relationships based on trust.⁴⁵

*“The effects of control and victimization during procurement or human trafficking can be so powerful that it is reasonable to speak of a traumatic bond, by which the victim perceives the perpetrator as their only safe haven. In these situations, the perpetrator also has the power to manipulate his victim when ‘rescue’ is near” says Gudrun Nordborg.*⁴⁶

“Based on government data and research in 1997, it was found that prostitution was one of the worst expressions of the unequal division of powers between men and women and this does not only bear on

⁴⁵ Kajsa Claude, *Targeting the Sex Buyer, the Swedish Example: Stopping Prostitution and Trafficking where it all begins*, The Swedish Institute, 2010.

⁴⁶ Gudrun Nordborg, information manager at the Criminal Victim Compensation and Support Authority In Sweden.

the prostitutes or those who buy the prostitutes' services but the whole of society. On this basis, the Finish and Swedish governments suggested a criminalisation of the sex buyers, convinced that it will change attitudes and decrease violence in society, as well as leading to a decrease in prostitution.”⁴⁷

The Nordic Model acknowledged that legislation repressing the demand would not alone solve this complex issue. A fundamental part of the Swedish Model was to implement initiatives and empowerment strategies that aim to support the women concerned and to provide them with genuine opportunities and alternatives to exit the industry. Furthermore, to reinforce all elements of the law the Government provided additional funding to educate society to provide greater awareness and understanding about this harmful practice. As a result in Sweden today over 80% of the population “supports the law and the principles behind its development”⁴⁸

The Nordic Model is a holistic approach to the issue of prostitution placing the victim and their needs at the centre of all initiatives.

The benefits of exit programs and rehabilitation services for those trafficked:

The lifelong debilitating effects of prostitution are immeasurable, the trauma of repeated beatings and unwanted sex takes its physical and psychological toll in their past, present and future lives. Due to their marginalized histories and present helplessness prostituted women are enslaved by the industry and cannot escape without adequate support.

In addition to funding the successful implementation of the legislation and what is referred to as the Nordic Model, the Swedish Model ensured provisions for funding realistic exit strategies for prostituted women. They included research into addressing the root causes for entry into prostitution and factors which can inhibit permanent exit, for example, “monies were made available to NGOs and statutory agencies for drug rehabilitation programmes, exit strategies and longer term reintegration.” As aforementioned other approaches to prostitution such as legalization do not support women to

⁴⁷ See Anne Maria Holli ,(2004) ‘Debating prostitution and trafficking in Sweden and Finland’ at <http://www.jhubc.it/ecpr-bologna/docs/561.pdf>. Equality Minister’s Ulrica Messing, the Social Democratic Party, Protokoll 1997/98: 114, 41.) description of the situation in Sweden.

⁴⁸ See Ekberg, Gunilla (2005) ‘The Swedish law that prohibits the purchase of a sexual service: Best practice for prevention of prostitution and trafficking in human beings’(update of article in journal of Violence Against Women 2004) at 15

empower them to exit prostitution. This is in contrast to the Swedish model where, “the government followed through with ample social service funds to help those prostitutes who wanted to get out.”⁴⁹

The results were that, “60% of the prostitutes in Sweden took advantage of the well-funded programs and succeeded in exiting prostitution”.⁵⁰

The law is a catalyst for changes in societal attitudes and by eradicating the social prejudice it facilitates women in prostitution accessing societal and medical services. This is demonstrated in Sweden where 80% of the population support the law and “the issue today is more about how the law is enforced, than questioning the existence of the law itself”.⁵¹

The Safe Harbour Policy Model- Supporting Voluntariness in prostitution:

It has been proposed that providing a “safe harbor” for voluntary sex workers is the most effective way to eradicate trafficking by: regulated prostitution with the criminalization of ‘johns’ who purchase sex elsewhere. This policy restores the free market outcome that arises in the absence of trafficking.

If the aim is to combat prostitution in general, the optimal policy criminalizes all johns. Within this model, cross-border trafficking, sex tourism, social norms, and political support for prostitution laws are considered. The model predicts that the female-male income ratio is a key determinant of what share of prostitutes is trafficked, the political will to enact or enforce prostitution laws, and whether such laws increase or decrease trafficking.⁵²

The design of a regulatory framework that protects the safety and wellbeing of voluntary prostitutes while minimizing the scope for traffickers to exploit women and girls in involuntary prostitution is advocated⁵³. There is, however, evidence to suggest that sex workers often come from low socio-economic situations, are less educated, have less family support, often have a drug or alcohol dependence, and that 80% of sex workers were sexually abused as children. Given these statistics and data, I would argue that these factors contribute and often cause anxiety, depression, post traumatic stress disorder and other symptoms related to experienced and ongoing trauma, substance abuse and various other coping mechanisms in a person’s life. I would therefore argue that the frame of mind of

⁴⁹ See www.peaceworkmagazine.org

⁵⁰ *ibid*

⁵¹ See n 29 Ekberg,(2005) at 15

⁵² Samuel Lee & Petra Persson, *Human Trafficking and Regulating Prostitution*, New York University School of Law, 7-1-2012.

⁵³ This model builds on the seminal work of Edlund and Korn (2002) on voluntary prostitution.

these women are not often conducive to a 'voluntary' act, particularly that which seeks to encourage an environment of physical and psychological harm, abuse, exploitation and further trauma.

In our policy response in addressing the international crime of human trafficking, standing against the violence against women in the sex industry, regulatory policy that restores the free market outcome that would result, under legality, in the absence of traffickers should not be our sole aim.

Establishing such a policy would help spare some of the 600,000 individuals who are estimated to be trafficked each year for commercial sexual purposes, within and across borders throughout the world, a figure that corresponds to one woman or child every 60 seconds (Kara 2009) ⁵⁴

Policy considerations should also extend to the ongoing protection of sex workers in the industry, which includes the provision of sufficient rehabilitation services, health and mental health care services on an ongoing basis, as well as access to holistic service providers such as Red Cross, but also to legal representation, including visa services and compensatory mechanisms, if there was found to be an abuse of the person's rights, dignity, or harm has been caused to the sex worker.

Members of the Australian Lawyers Alliance represent people who have been victims of crime, including domestic violence, and human trafficking. On 30 May 2013, the NSW Government abolished the Victims Compensation Scheme and created a new Victims Support Scheme. Community Legal Centres NSW led a campaign advocating against the changes, which the Australian Lawyers Alliance joined. ⁵⁵ Slavery victims in Britain are to be eligible for reparations from their traffickers, the Home Secretary Theresa May has recently announced. ⁵⁶

In 2014, the final annual report for the old scheme showed that domestic violence and sexual assault were the most common claims, at 40 per cent and 27 per cent respectively. There were nearly 23,700 victims' applications pending in the system when the retrospective changes were introduced amid government warnings of a cost blow-out. ⁵⁷

⁵⁴ Samuel Lee & Petra Persson, *Human Trafficking and Regulating Prostitution*, New York University School of Law, 7-1-2012.

⁵⁵ Australian Lawyers Alliance; <http://www.lawyersalliance.com.au/ourwork/victims-of-crimeNSW>

⁵⁶ The Guardian, Alan Travis, 4 June 2014; <http://www.theguardian.com/world/2014/jun/04/modern-slavery-victims-reparations-traffickers-theresa-may>

⁵⁷ Ibid.

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Regional political, legal and support mechanisms and services should be emphasised and further developed. The use of Interpol data⁵⁸, consistent legislative frameworks criminalising violence against women in the sex industry is crucial to ensure that criminal traffickers do not abscond jurisdictionally, and trafficking victims are not further trafficked on.

There needs to be better data collection of victims of trafficking nationally and globally. This poses the issue of the fact that victims do not often self identify as victims. Victims of trafficking often do not have access to assistance, such as a help line or an exit program they can utilise. There is also a lack of coordination of resources and knowledge between various actors addressing the need to support trafficked persons. The AFP Anti-Trafficking teams and the AFP Child Protection teams are under-funded and under resourced.

If we are truly dedicated to combating this horrific crime and wanting to reduce the ever growing criminal industry, we need a collaborative, holistic approach to reducing the demand through criminalisation of prostitution, to educate the average punter on the criminalisation model, to dedicate resources to training front line personnel and to protecting sex workers by introducing violence against women legislation for workers and providing them with holistic exit programs. Australia needs to take a regional approach to combating the rise in Australian child sex tourists and Australian child sex paedophiles, ensuring cross-jurisdictional legislative consistency and prosecution.

⁵⁸ INTERPOL, supports national police in tactical deployments in the field, aimed at breaking up the criminal networks behind trafficking in human beings and people smuggling. <http://www.interpol.int/Crime-areas/Trafficking-in-human-beings/Operations>

5. THE EXPERIENCE OF VICTIMS RECOMMENDATIONS:

The social, economic and long term societal and psychological damage to individuals abused or who become victims to this horrific crime is too significant to ignore, and is much higher and more long term than we realize. .

The international crime of human trafficking targets the most vulnerable, which is driven by demand and financial greed. Traffickers victimise predominantly vulnerable women and children.

Sincere voluntariness to participate in the sex industry is very limited. Studies have found that 80% of women working in the sex industry have been sexually abused as children; they often come from low socio economic situations and are unlikely to have access to education.

Women working in the sex industry have a 400% higher chance of being assaulted, raped, or murdered at their place of work. An international study interviewed many women working in the sex industry and identified a large proportion – almost all the women interviewed - would do something else for work, if given the chance.

Psychologists have linked child sexual abuse to long term social, psychological, emotional traumas and mental health problems for victims such as substance abuse, eating disorders, and anxiety related disorders. There is also a growing body of evidence indicating that there is a relationship between childhood trauma and psychosis.

Retrospective self-reporting studies of child sex offenders indicated that up to 75% of child sex offenders report a history of child sexual abuse. The statistics speak for themselves - the abused often abuse.

- ***The proceeds of crime should be utilised for the rehabilitation of victims, for exit program's and for compensation schemes for the victims of trafficking;***
- ***Exit program's for women working in prostitution should be made available to all;***
- ***More rehabilitation centers need to be funded and set up within Australia for victims, ensuring psychological support, skills training and alternate and transitional living options;***
- ***Greater national and international cooperation to address the crime of trafficking, the investigation and prosecution of trafficking and in supporting victims is required.***

5. STRATEGIES TO INCREASE COLLABORATION AND COOPERATION:

The importance of international agreements:

International agreements play a vital role in combating human trafficking, because these crimes are frequently transnational in nature. The UN, the Council of Europe and the EU all have a number of mechanisms at their disposal with regard to the work against human trafficking. At the global level, the United Nations Convention against Transnational Organized Crime and its supplementary protocol, the Palermo Protocol, on the prevention, control and punishment of human trafficking, in particular, of women and children, represented an important milestone in the combat against the trafficking of persons globally.

A comprehensive, internationally accepted definition of the crime of human trafficking was established in the Palermo Protocol, which only sets a minimum standard. This requires that national measures are to be more extensive and stringent.

Several international conventions and other instruments deal with human trafficking and the issue of the sexual exploitation of children. They include:

- The Palermo Protocol, the United Nations' supplementary protocol on the prevention, control and punishment of human trafficking, in particular, of women and children (ratified by Sweden in 2004).
- The United Nations Convention on the Rights of the Child and its supplementary protocol on the sale of children, child prostitution and child pornography (ratified by Sweden in 1990 and 2006, respectively).
- The United Nations Convention on the Elimination of all Forms of Discrimination against Women (ratified by Sweden in 1980, the first country in the world to do so).
- The Council of Europe Convention on Action against Trafficking in Human Beings (will be ratified in spring 2010).
- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (ratified by Sweden in 2005).
- The European Union Framework Decision on Combating Human Trafficking (adopted by Sweden in 2002).
- The European Community directive on temporary residence permits for victims of human trafficking (went into effect in Sweden in 2007).

Human trafficking is a global problem, one that requires global and interregional collaboration, as well as a sector-comprehensive plan of attack that involves administrative agencies, NGOs, researchers, opinion makers and the general public.

Organized crime is always finding new ways and tactics to carry out trafficking with human beings. Therefore, it is crucial that the international collaboration among countries continue and be further developed in terms of preventive measures, which include the legal and social aspects as well as transnational cooperation. In this regard, measures to raise levels of expertise and knowledge sharing among countries play vital roles.⁵⁹

There is a notable lack of existing data and a lack of data collaboration of global and national trafficking offences. This makes policy research and crime prevention much more difficult. There is much more research and collaborative joint investigatory and prosecutory efforts that should be made in the Austral-Asia region in relation to the international crime of human trafficking.

Agencies such as the Australian Federal Police, the Department of Immigration, Red Cross Australia, the Salvation Army in Australia and other NGO support services such as Project Respect all have unique data specific to the scope of their assistance and powers in relation to investigating and support cases of trafficking of persons. This data is often recorded at an ad hoc basis, depending on the ways in which the trafficked person came to the attention of the agency or organisation. There is a strong need for this data to be collated and centralised not only state by state, but also nationally and regionally, to better combat the international criminals operations and to understand their movements and the way in which the victims are being trafficked.

Legal Frameworks:

The international legal and regulatory framework against trafficking in persons has emerged from a complex set of legal developments and has undergone a multitude of changes during the past century. In the early years of the twentieth century, trafficking in persons was referred to as “white slave traffic” and was defined as “the procuring of women or girls for immoral purposes abroad”. During the following decades, trafficking in persons was addressed in different ways through different treaties,

⁵⁹ Kajsa Claude, *Targeting the Sex Buyer, the Swedish Example: Stopping Prostitution and Trafficking where it all begins*, The Swedish Institute, 2010.

each with its own focus. This included conventions on forced labour, sexual exploitation and prostitution, discrimination and violence against women, children, migration and transnational organized crime.⁶⁰

By ratifying the Organized Crime Convention and the Trafficking in Persons Protocol, the international community agreed on the first international, legally binding definition of trafficking in persons. The definition recognizes that women, men and children can be trafficked and that trafficking takes place for a wide range of forms of exploitation, including, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁶¹

The Trafficking in Persons Protocol was the first international instrument establishing trafficking in persons as a criminal offence.⁶²

In addition to the international legal instruments, various regional legal instruments have been formulated over the past decades. It is essential that States ratify and implement relevant regional instruments covering their State and addressing the various elements of prevention and prosecution of trafficking in persons and protection of the victims of that crime.

A Regional approach is mandatory to combating human trafficking:

The Swedish Police, along with the police and customs in the other Nordic countries, have liaisons in about 20 countries—from the Baltic and Eastern Europe to Thailand. They operate against organized, transnational crime, with a focus on, among other matters, human trafficking and child sex tourism.⁶³

The Nordic Police and Customs Collaboration is an advisory, coordinating and collaborating organ. The collaboration takes place primarily in joint Nordic programs for combating serious crime of a transnational character and through the stationing of liaisons to other countries. These liaisons can

⁶⁰ United Nations Office of Drugs and Crime 'The Criminal Justice Response to Human Trafficking' New York, 2010; http://www.unodc.org/documents/human-trafficking/Needs_Assessment_Toolkit_ebook_09-87518_June_2010.pdf

⁶¹ Ibid.

⁶² Ibid.

⁶³ since 1997, kajsja wahlberg, an employee of the Swedish National Police Board, has been the national rapporteur on human trafficking to the Swedish government. She was appointed to this mission at the request of the EU. In her previous position as a detective inspector, she specialized in sex crime investigations.

collaborate with and support the crime-fighting authorities in those countries in which they are accredited and with crime fighting authorities in the Nordic countries.⁶⁴

“A fundamental, joint knowledge base within the field is an invaluable tool for achieving effective collaboration, which is essential if one wants to prevent and combat these problems as efficiently as possible,” says Patrik Cederlöf.⁶⁵

He describes the multi-faceted collaboration that is going on with many authorities around the country.

Together with the United Nations Development Fund for Women, the method support team and the Stockholm County Administrative Board have produced educational material designed to convey information on prostitution. The team is also collaborating with the Council of Baltic States Task Force against Trafficking in Human Beings and the National Centre for Knowledge on Men’s Violence against Women to expand the reach of Sweden’s national hotline, which would make it easier to contact the victims of human trafficking.⁶⁶

The police and civil servants of Sweden are of the opinion that certain groups that sell women for sexual purposes now avoid Sweden because of its sex purchase law. The evidence also shows that the law has had positive preventive effects on the behaviour of male sex buyers and has markedly decreased their numbers.⁶⁷

“In Sweden it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold and sexually exploited by men”⁶⁸

⁶⁴ Since 1997, kajsa wahlberg, an employee of the Swedish National Police Board, has been the national rapporteur on human trafficking to the Swedish government. She was appointed to this mission at the request of the EU. In her previous position as a detective inspector, she specialized in sex crime investigations.

⁶⁵ Patrik Cederlöf was the process leader for Cooperation against Trafficking and is now the national coordinator for combating prostitution and human trafficking in Sweden.

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⁶⁸ See n 29 Ekberg at 2.

The Association of the South east Asian Nations (ASEAN) Declaration Against Trafficking in Persons Particularly Women and Children reaffirms the Organized Crime Convention and Trafficking Protocol and declares that its member states should 'undertake concerted efforts' to address the human trafficking problem and work toward regional solutions.⁶⁹

The fight against human trafficking is a core element of the government's long-term strategy for combating serious organized crime. It is particularly important that this strategy make a pronounced impact on the legal system.

Collaborative adherence to the implementation and enforcement of various treaties:

The trafficking in Persons Protocol requires the criminalization of trafficking in persons. Article 5 of the Trafficking in Persons Protocol requires State parties to criminalise the trafficking in persons as defined in Article 3 of the Protocol. It is therefore not sufficient to criminalise some of the offence underlying human trafficking; human trafficking needs to be criminalised as such.

In addition to the criminalisation of trafficking, the Trafficking in Person Protocol requires criminalisation of:

- Attempts to commit a trafficking offence
- Participation as an accomplice in such an offence
- Organizing or directing others to commit trafficking.

The trafficking in Persons Protocol supplements the Organised Crime Convention. Compliance with international standards to combat trafficking requires implementation of both international legal instruments.

⁶⁹ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

In accordance with its definition, the crime of trafficking in person has three constituent elements of:

1. ***an act*** (WHAT)– recruitment, transportation, transfer, harbouring or receipt of persons;
2. ***the means*** (HOW) – threat, use of force, or other forms of coercion, of abduction, of fraud, 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; and
3. ***an exploitative purpose*** (WHY) – this includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Trafficking in Persons Protocol requires that the crime of trafficking be defined through a combination of the three constituent elements, though in some instances, these individual elements will constitute criminal offences independently.

The Trafficking in Persons Protocol provides a broad definition of means, which are not limited to force, fraud or coercion, such as in a case of trafficking which involves the deception or abuse of a position of vulnerability.

The Convention on the Rights of the Child stipulates that the State Parties ‘shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or the traffic of children for any purpose or in any form’ in Article 35 and that the State ‘shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare’ in Article 36.

A Regional Approach:

The Association of the South East Asian Nations (ASEAN) Declaration Against Trafficking in Persons Particularly Women and Children reaffirms the Organized Crime Convention and Trafficking Protocol and declares that its member states should ‘undertake concerted efforts’ to address the human trafficking problem and work toward regional solutions.⁷⁰

In relation to multi lateral treaty obligations and the operationalising treaties, the issue of self regulation behaviour by states, effective compliance regimes, the departmental and management and implementation of the Protocol, the monitoring and enforcement, and the strategic management of the

⁷⁰ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

implementation, monitoring and enforcement are all real considerations in relation to the capacity to which the State has to commit resources, whether sufficient data and research is done to instruct modifications in future procedures and prioritisations, and strategic approaches to managing and upholding treaty obligations.

This will also depend on the capacity of the State, given the fact that in our region, we are dealing with many developing nations, the question of the capacity of regional state's resources arises - is it fair or proper for us as the Regional leader to rely on the developing States to ensure the Trafficking Protocol is upheld, correctly implemented and enforced?

Given that the trafficking of persons and the tourism industry makes up a large part of the developing nation's economy, such as Thailand, is this a reasonable request – one that would be considered with weight and respect? Is it just as equally fair to expect the regional leader to provide the economic, training and program resources that such a task requires?

In recognizing that reform is never linear, and for the Trafficking Protocol to continue having a greater impact in our region, it would require better management, stronger prioritisation and a more strategic regional approach. This is not only due to customary international law obligations, but also moral and legal obligations, seeking to free and support the victim, see the perpetrators be called to justice and in good faith, to seek a reduction in the criminal activity that surrounds this horrific international crime.

There is no doubt that these regional obligations present multiple challenges to developing countries, including an inequality in resource capacity and the challenges that arise from a non-universal cultural approach to such issues.

There is also no doubt, however, that neglecting such moral and legal responsibilities will, and do lead to an increase in criminal activity in our region, affecting State stability, leading to a rise in corruption and the compromise of national safety and the rule of law and basic human rights being upheld and afforded to all concerned. This needs to be driven by a good will commitment to change, seen by the follow through of investing resources into such initiatives. Therefore, there has to occur an ongoing process of legitimization through dialogue, diplomacy and administrative mechanisms, through ongoing public debate and through media and social engagement and exchange.

Reducing Human Trafficking in Australia through Criminalizing the demand for Prostitution

Our work is not yet done. For the sake of victims of trafficking in persons and of states plagued by transnational organised crime, all actors have to continue working together to achieve the goal set out by the General Assembly to end the horrific crime of human trafficking.

Any comprehensive approach design to protect the internationally recognised human rights of victims trafficking requires the adoption of domestic legislation incorporating the provisions of international human rights and other international conventions.

The Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the United Nations High Commissioner for Human Rights provide important guidance for the criminalisation of trafficking in persons and the development of a legislative framework.

The Global Alliance against Traffic in Women (GAATW) has created a range of resources specific to the human rights dimensions of trafficking in persons.

The Organized Crime Convention provides a framework for international cooperation in combating organized crime in general and trafficking in persons specifically. The Organized Crime Convention provides a framework for international cooperation in combating organized crime in general and trafficking in persons specifically.

The challenges in the fight against trafficking:

The United Nations Trafficking Protocol entered into force on 25 December 2003. Since then, while there has been progress in the number of ratifications generating amendments to national legislation, there has been less evidence of its effective implementation.

The growing number of State Parties to the United Nations Trafficking Protocol is an expression of the Political will of Member States to combat human trafficking. Ratification itself is not sufficient to ensure its effective implementation and impact on the ground.

The relevant reports of the Secretariat to the Conference of Parties to the Convention, an analysis of existing regional and national action plans and corresponding evaluation reports and recent publications such as the Global Report on Trafficking in Persons all serve to highlight key cross-cutting challenges in

the response to trafficking in persons. A consistent challenge in the practical implementation of anti-human trafficking activities is allocation of sufficient financial resources.⁷¹

Research into the specific national, regional and international trafficking in persons context is a prerequisite for the elaboration, implementation and evaluation of anti-human trafficking strategies and development of evidence-based policies.

Although most countries have adopted a specific offence on trafficking in persons, there is still a diversity of interpretations of and approaches to the Protocol and the definition of trafficking in persons used by Member States. Some only acknowledge certain forms of exploitation or certain categories of victims or criminals, thereby limiting the scope and effectiveness of the response and hindering international cooperation among countries.⁷²

As noted by the International Organisation for Migration in its 2008 Handbook on performance indicators for counter trafficking projects: 'To date, global monitoring and evaluation of counter-trafficking projects has generally been non-standardised and not impact focused'.⁷³

The International Framework for Action to Implement the Trafficking in Persons Protocol provides a basis for Member States to review their policy and assess the progress made in their implementation of a comprehensive response to trafficking in persons taking into consideration the requirements of the Protocol as well as other relevant international instruments.⁷⁴

⁷¹ United Nations Office on Drugs and Crime, 'International Framework for Action to Implement the Trafficking in Persons Protocol', New York, 2009.

⁷² United Nations Office on Drugs and Crime, 'International Framework for action to Implement the Trafficking in Persons Protocol', New York, 2009.

⁷³ United Nations Office on Drugs and Crime, 'Global Report on Trafficking in Persons, New York, 2012.

⁷⁴ Ibid.

The Framework for Action:

The framework for action focuses on five key pillars of intervention needed to ensure an effective and comprehensive anti trafficking response:

1. prosecution
2. protection
3. prevention
4. national coordination and cooperation, and
5. international coordination and cooperation.

The guiding principles applicable to all aspects of a comprehensive anti human trafficking response includes:

- a human rights based approach
- the principle of non discrimination practiced
- a gender sensitive approach
- a child rights and a child participation approach
- a comprehensive international approach
- an interdisciplinary, coordinated, integrated approach
- an evidence-based approach
- a sustainable approach, and
- an incorporation of the United Nations Trafficking Protocol and other international approach-ensuring consistency cross-jurisdictionally.

6. STRATEGIES TO INCREASE COLLABORATION AND COOPERATION RECOMMENDATIONS:

Any comprehensive approach design to protect the internationally recognised human rights of victims trafficked requires the adoption of domestic legislation incorporating the provisions of international human rights and other international conventions.

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Research into the specific national, regional and international trafficking in persons context is a prerequisite for the elaboration, implementation and evaluation of anti-human trafficking strategies and development of evidence-based policies.

- ***More in depth study and analysis of the operations of traffickers and the organised crime and their links with transnational crimes should be undertaken.***

Reducing Human Trafficking in Australia through Criminalizing the demand for Prostitution

Based on the principle of harm reduction, the elimination of violence against women and exploitation, I submit that international research has shown that in order to reduce trafficking of persons, the sex worker needs to be protected by law, with the demand for the trafficked person criminalised.

I put to you that all states must all take appropriate measures in preventing violence and exploitation of women and children who are trafficked, and states must also all take collaborative part in reducing the ongoing violence, rape, murder and harm experienced by women in sex worker.

This protection is to support the basic human rights of women and children, without discrimination.

The Convention on the Elimination of all Forms of Discrimination Against Women requires states to protect women and girls against exploitation in the context of sex work, which includes protecting their dignity, protecting their physical and mental health, protecting their autonomy, their right to choose and their right leave their place of work and access support services or an exit program at any time during their employment.

In criminalizing the very act which demands that women be exploited, we, as human rights compliant states declare that we do not agree with violence against women, that we see it as a criminal act, and that we are willing to support victims of horrific crimes with physically and psychologically rehabilitative, social support, legal and compensatory mechanisms, in further acknowledging the wrong that had been done to them. These criminal measures are to be put into place to protect women in the adult industry in general, but particularly victims of trafficking.

The criminalization of violence against women therefore is not only a human rights issue, but also a criminal one, which is to be addressed through regulatory and sanction regimes.

In order to improve the quality of life for sex workers, further protective mechanisms need to be in place in the sex industry to ensure these protections are afforded to women exposed to harm and exploitation on a daily basis. This includes the insertion of stringent criminal penalties for those who cause harm, abuse, violence, exploit or restrict a woman's autonomy, freedom of movement or in the instance where a woman's dignity is compromised. Legislation that criminalises violence against women seeks to ensure that the sex worker's rights and dignity are enjoyed, upheld and enforceable through a due process of law.

These rights are not only reflected in the Universal Declaration of Human Rights under Article 3 right to life, liberty and security of persons, Article 4 which prohibits all forms of slavery, but also under the International Covenant on Civil and Political Rights Article 7 where the non derogable right against degrading treatment is found.

The International Covenant on Economic, Social and Cultural Rights is also relevant here, as sex workers have a right to the enjoyment and favorable conditions of work.

I therefore submit that violence against women needs to be criminalized in prostitution laws across all jurisdictions, to avoid absconding of offenders, and further trafficking of victims inter-state.