



Speech by

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MEMBER FOR MARYBOROUGH

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PROSTITUTION AND OTHER ACTS AMENDMENT BILL

Mr FOLEY (Maryborough—Ind) (7.45 pm): I rise to participate in the debate on this very important piece of legislation. First, let me set the scene by saying that I find prostitution in general absolutely repugnant. I cannot imagine how demeaning it must be for a young woman to be trapped in a cycle of dehumanising employment like that. Certainly that is not a career option any of us would want for our children.

The member for Burdekin spoke about Bronwen Healy and the Hope Foundation. Bronwen Healy is a very close friend of our family and her PA, Emma Nainby, who is also a close friend, has worked for her for some time. Bronwen and the work that she does to support people and give them options to get out of this filthy industry are shining lights in the darkness. I could not speak too highly of their work and the job that they do. Bronwen Healy, as other members have mentioned, drifted into prostitution by drug abuse when she was a university student. I also have a close friend whom I grew up with, one of my best mates, and his sister was working as an illegal prostitute and was murdered some years ago. I have seen the absolute terror that that wreaks on a family.

On a global scale, the US President himself has stated that prostitution contributes to trafficking. Prostitution is the driving force behind sex trafficking. The demand itself fuels the industry. Women trafficked to Australia are indentured by a \$15,000 to \$18,000 debt which they must work off before they are freed. Last year my wife and I, our doctor and his wife and a group of other people travelled to Cambodia, where we saw firsthand the absolute horror of prostitution. We spent a week going around working with an organisation called No More Traffick. We saw girls as young as eight who were being sold by their parents into prostitution for the satisfaction of dirty Johns. It was an absolutely heartbreaking trip. We met with police, we met with Australian Embassy officials and the Australian Federal Police. The briefings that they gave us indicated that there is a tremendous amount of trafficking of young Asian girls into Queensland, particularly through Papua New Guinea because it has not been a signatory to the Palermo Protocol. I will talk a little bit more about that in a moment.

Australia is a source and destination country for women subjected to trafficking in person, specifically exploitation in forced prostitution and, to a lesser extent, women and men in forced labour and children in commercial sexual exploitation. It is also a source country for child victims of sex trafficking. Primarily teenage girls but also some boys are forced into prostitution by pimps. One in 40 Cambodian girls are sold into sexual slavery. Human trafficking is the second largest organised crime in the world, even bigger than the drug trade. Two million to four million women and girls will be sold into prostitution worldwide over the next 12 months. I guess in some ways it is very easy to find ourselves in some sort of intellectual disconnect between prostitution here in Brisbane and some of the illegal sex trafficking worldwide. It is very clear that those links are there. The desire feeds the industry.

A great quote is, 'Any existence deprived of freedom is a kind of death.' When I speak to Bronwen Healy, who works with prostitutes here in Brisbane, she tells me some of the stories of the girls who are trapped in that lifestyle. I can see that that is absolutely true. We spend a great deal of time talking about prostitution and women but I would call on the men of Queensland to stand up and be counted and stop contributing to the cycle of legalised and illegal sex abuse in Queensland which is prostitution.

Ms Grace: You'd be surprised.

Mr FOLEY: Absolutely. The *Courier-Mail* and *Sunday Mail* have published a number of very insightful articles on prostitution and people trafficking yet they continue—and here is today's paper—to publish ad after ad for young Asian women. A friend of mine did some research on that. That person added up the number of ads that talk about young Asian women. They are usually called students. In my experience, young Asian women who come to Queensland to study usually come from fairly wealthy families. They would not exactly need to turn to prostitution to get through university. The paper that writes insightful articles about the evils of prostitution sells advertising space for it. I think this piece of legislation will go a long way to stamping out some of those very unsavoury advertising practices. Domestic sex trafficking is a huge issue worldwide. Regulating the manner in which social escorts advertise for business I believe is a great start. I am very supportive of how this legislation will tighten that up.

Legalising outcall prostitution in Queensland has always been a very difficult area. The frequency and profitability of outcall prostitution prompted the CMC to conduct an inquiry into regulating outcall prostitution and a report was published in 2006. Representatives of legal brothels argued that to maintain their competitiveness and financial viability, licensed brothels should be allowed to offer outcall prostitution services. They also argued that this would add to greater transparency and control by rendering many illegal operations legal. The CMC, however, felt that these proposals would ultimately lead to an increased demand in the provision of illegal services. As much as this legislation is absolutely a step in the right direction, it is also living proof that demand has increased. This may add to the number of trafficked and under-age workers in this illegal industry. Such an occurrence was considered too great a risk to justify modification of what was generally seen as a successful system.

Common arguments put forward for legalising outcall prostitution services in Queensland are that the legalisation of these services elsewhere—nationally or internationally—has either improved the health and safety of the workers or has minimised the size of the illegal industry. The CMC found no evidence, and none has been submitted to it, to support those arguments. In fact, available evidence tends to point to the contrary. Internationally, few countries have legalised outcall prostitution services and those that have, including the Netherlands and Germany, now appear to be recognising the difficulties associated with monitoring and policing such services. There also appear to have been significant increases in sex trafficking and child prostitution as a result.

There is some international evidence that both illegal and legal prostitution expand when legalised prostitution becomes a more acceptable social activity. This is more than a simple reflection of how service providers are counted when they change from illegal, and previously unknown, to legal, and therefore known, activity. The risks of sex trafficking and child prostitution often increase when the relatively static supply of local sex workers cannot accommodate the increased demand that results from legalising or decriminalising prostitution. We can see when there are large sporting events worldwide that a lot of prostitution is concentrated in that particular area and they will often be trafficked people.

What we really have to do is have a look at the core of this problem. Men who purchase girls for sex are mostly committing child abuse. They are not simply paying for sex; they are instead perpetrating brutal acts of rape against vulnerable children and women who are there pretty much against their will and do not choose to sell their bodies. No child, for instance, wants to be sold for sex.

We all tend to think of this as an industry of willing participants of legal age. I did some research on when women across the world enter prostitution. In Chicago a study of 222 prostitutes found that 35 per cent of those girls entered prostitution before the age of 15. Some 62 per cent entered prostitution before the age of 18. In Seattle, Washington, a study carried out by Boyer, Chapman and Marshall found that in that location 100 per cent entered prostitution between the ages of 12 and 14. Silbert and Pines' study of 200 women and children in prostitution in San Francisco found that 68 per cent entered prostitution before the age of 16.

What we have is a situation where dirty Johns want younger and younger girls. I blame it on the men. We can belt the women all we like for it but if there were not the dirty Johns wanting younger and kinkier sex all the time then the demand would not be there and the industry would not be created as it is.

Ms Grace interjected.

Mr FOLEY: Often wealthy men, that is exactly right. It is time to prosecute those who sell and purchase girls. If they are subject to punishment for their criminal acts against children, pimps and Johns will be less interested in the marketplace of very young girls. The laws already exist, but there is minimal political will at the state or federal level to prosecute them, especially the Johns. Despite all the political jingoism about being tough on crime or protecting our children, law makers are remarkably indifferent to prosecuting these child abusers.

How is it that in our nation in the 21st century any one of our daughters can be bought and sold for the purposes of sexual exploitation and without a severe threat of punishment? What is happening that girls' lives are worth so little? In the context of a civilised society, this level of tolerated violence against girls

is an irreconcilable contradiction. No girl should be purchased, sold, raped, abused or exploited and with impunity. Where there is a growing demand there is a growing market.

So instead of continuing on the slippery slope of caving in to the demands of the prostitution industry, which clearly is an industry that gains from the exploitation of young women, Queensland should be investigating the Swedish model if it is really serious about reducing the harm of prostitution. That model, rather than prosecuting and punishing the prostitute, restricts the demand for prostitution services by prosecuting the purchaser of the illegal service. Amongst the positive outcomes from the Swedish model, which was adopted in 1999, is that Sweden is no longer seen as an attractive market for sex traffickers. That is a very significant finding.

Increased regulation, including registration of private workers, will also lead to increased police harassment and police corruption. The CMC stated in its report—

The aim is to create a more equitable situation for legal operators, who are currently impeded by the Prostitution Act and illegal competitors—and not damage an industry that is clearly trying to do the right thing.

The proposal for increased regulation, including registration of private sex workers, in order to combat an illegal escort sector will potentially damage the business and legality of private sex workers. This is by comparison to the threat of concerns either legally or not.

I have received some information from the Scarlet Alliance which believes that the evidence of illegal workplaces in Queensland is not strong. However, we do hear regular reports of police harassment of individual private workers who believed they were working within the law.

It is a very interesting situation we find ourselves with. This is such a multilayered problem. Some of the areas where trafficking for the purposes of prostitution are prevalent are places like Greece which we would not think about. Greece becomes an avenue for a lot of the Eastern bloc countries. Around the time of the Olympics this became a major problem.

I have story after story of illegal people trafficking and some of the horror that it introduces into the lives of children. There is a very interesting book titled *Best Practices to Address the Demand Side of Sex Trafficking* written by Professor Donna Hughes from the University of Rhode Island. I want to make a couple of quick points while I still have the time, and that is to again focus on the demand side of prostitution. We have done to death the other side of prostitution and what needs to be done, and I believe that this bill is certainly a step in the right direction. If we want to really be serious about kicking a hole in this heinous industry, we need to look at the criminalisation of purchasers of sex acts, because worldwide that is the thing that has had the greatest impact on this vile industry.

To address the demand side of sex trafficking and prostitution, several countries have recently passed new laws that criminalise men who purchase the sex acts. Macedonia, Croatia—as I said, there are incredible problems in Europe in terms of people trafficking and exploitation—and the countries of the Balkans are sending, transit and destination countries for victims of sex trafficking. The presence of soldiers and peacekeepers has created an environment in which prostitution and trafficking have flourished. Macedonia and Croatia have passed laws criminalising buyers of sex acts if they know that the woman has been trafficked. The Macedonian law reads that a person who uses or procures the sexual services of a person with the knowledge that that person is a victim of trafficking in human beings shall be punished with imprisonment of up to five years. The Croatian law reads that whoever uses or makes it possible for another person to use sexual favours or uses the person known to be a trafficked victim for illicit purposes shall be sentenced to imprisonment of one to five years. The shortcoming of these laws is that in order to have committed a criminal act the man must know that the woman is a victim of trafficking.

I prefer the Swedish system—and it has been having a huge impact on prostitution worldwide since 1998—because it is unique in that under the act prohibiting the purchase of sexual services which was passed in 1998 prostitution was defined as a form of male violence against women. The harmful effects of prostitution are considered gross violations of women's and girls' integrity, their dignity and their rights as human beings. Sweden considers prostitution to be a serious form of oppression of women, and I totally agree with that. Sweden's action is also noteworthy because it is going against the trend in the European Union to legalise prostitution. In 2000 the Netherlands and Germany legalised prostitution and brothels. Although the Swedish law was controversial when it was passed, a survey in 2002 found that 80 per cent of the general public were very satisfied with the law.

The Swedish law came into effect in 1999. After 33 months of enforcement, 249 men were charged with buying sex. Most were arrested for buying sex in the street. The Swedish government has reported the following numbers of arrests and convictions: in 1999, 94 cases were prosecuted with 10 convictions; in 2000, 92 cases were prosecuted with 29 convictions; and in 2001, 86 cases were prosecuted with 38 convictions. So clearly there is a trend line of success in the prosecution of people. According to the Swedish government, there has been a dramatic drop in the number of women in street prostitution and a decrease in the number of men who buy sexual services because this is creating an environment of naming and shaming people. Without the dirty Johns to buy the services of demeaned women, there would be no prostitution industry.

I want to conclude my remarks by saying that I was very interested to read the Scrutiny of Legislation Committee report and the letter it wrote to the Hon. Neil Roberts. I read the reply that the minister wrote. Some of those things are really a step in the right direction in identifying where the illegal side of the industry is. It is also implicit that there is a recognition of the disgusting practice and the lifelong effect that it has on the women who are trapped in this cycle of child abuse.