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**Submission by the Catholic Archdiocese of
Canberra and Goulburn**

**Inquiry into the Operation of the
Prostitution Act 1992 (ACT)**

Submitted on the 22 March 2011

1. Overview

The Archdiocese of Canberra and Goulburn (**Archdiocese**) covers an area of 88,000 square kilometres and comprises 59 parishes and 165,000 Catholics within its borders. The faithful of the Archdiocese reside in 22 parishes located within the Australian Capital Territory (population 90,000) and 35 parishes located within the territory of New South Wales (population 70,000).

The original Diocese of Goulburn was created on 17 November 1862. The Archdiocese of Canberra and Goulburn was created on 11 February 1948. It is now one of 11 Catholic dioceses within the boundaries of the State of New South Wales.

From its extensive Pacific Ocean coastline, to the Western Plains, from the Southern Tablelands to the Snowy Mountains, the geographical diversity of the Archdiocese reflects the Catholic Church's self-understanding of 'unity in diversity'.

2. Definitions

In this submission the term '*prostitute*' refers to a person who, for a fee or in kind, provides a '*prostitution service*' being a sexual service of any kind including:

- an act of sexual intercourse as defined in the Crimes Act 1900 (ACT) Section 50;¹ or

¹ Section 50 of the Crime Act 1900 (ACT) states:
Meaning of sexual intercourse in pt 3 - In this part:
"sexual intercourse" means:

- the masturbation of one person by another; or
- any activity that involves the use of one person by another for his or her sexual gratification.

This definition also covers a so-called 'massage' service where a prostitution service is provided to the user.

3. Catholic Church Teaching

The Catechism of the Catholic Church (**Catechism**) summarises the Church's teaching on the issue of prostitution. The Catechism states as follows:

"Prostitution does injury to the dignity of the person who engages in it, reducing the person to an instrument of sexual pleasure. The one who pays sins gravely against himself: he violates the chastity to which his Baptism pledged him and defiles his body, the temple of the Holy Spirit.² Prostitution is a social scourge. It usually involves women, but also men, children, and adolescents (The latter two cases involve the added sin of scandal). While it is always gravely sinful to engage

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- (a) the penetration, to any extent, of the vagina or anus of a person by any part of the body of another person, except if that penetration is carried out for a proper medical purpose or is otherwise authorised by law; or
 - (b) the penetration, to any extent, of the vagina or anus of a person by an object, being penetration carried out by another person, except if that penetration is carried out for a proper medical purpose or is otherwise authorised by law; or
 - (c) the introduction of any part of the penis of a person into the mouth of another person; or
 - (d) cunnilingus; or
 - (e) the continuation of sexual intercourse as defined in paragraph (a), (b), (c) or (d).

² Cf. 1 Cor 6:15-20.

in prostitution, the imputability of the offense can be attenuated by destitution, blackmail, or social pressure."³

The Church has placed particular emphasis on prostitution being a violation of human dignity. Those involved in providing such services injure their dignity, as they are reduced to being 'instruments' of sexual pleasure, and those who pay for sexual services are guilty of grave offence.

The Second Vatican Council, in its Pastoral Constitution entitled '*Gaudium et Spes*'⁴ listed a series of offences against life and the integrity of the human person, among which prostitution is specifically named. It states that such offences '*poison human society*.'⁵

In the Encyclical '*Veritatis Splendor*',⁶ promulgated in August 1993, Pope John Paul II mentioned the list of offences set out in '*Gaudium et Spes*' and placed them in the context of acts that are by their nature "*intrinsically evil*" and, as a consequence, always seriously wrong.⁷ The Pope returned to the same list of offences in his Encyclical '*Evangelium Vitae*'⁸ and repeated their '*condemnation in*

³ Catechism of the Catholic Church, No 2355.

⁴ '*Gaudium et Spes*' (Latin for 'Joy and Hope') – The Pastoral Constitution On The Church in the Modern World - promulgated by His Holiness, Pope Paul VI on 7 December 1965.

⁵ '*Gaudium et Spes*', Paragraph 27.

⁶ Latin for '*The Splendor of Truth*'.

⁷ '*Veritatis Splendor*', Paragraph 80.

⁸ '*Evangelium Vitae*' - To the Bishops, Priests and Deacons, Men and Women religious, lay Faithful and all People of Good Will on the Value and Inviolability of Human Life,' (1995).

*the name of the whole Church.*⁹

On 13 December 2007, in his address to new ambassadors presenting themselves to the Holy See from Thailand, Namibia, Singapore, Kuwait, Seychelles, Gambia and Suriname, Pope Benedict XVI raised particular challenges to hope is threatened in their respective countries. In his address to the Ambassador from Thailand, Pope Benedict XVI expressed his concern over:

"the scourge of AIDS, prostitution and the trafficking of women and children which continue to afflict the countries of the region." He located the cause of these afflictions in "the decline in moral values, fueled by the trivialisation of sexuality in the media and entertainment industries, [which] leads to the degradation of women and even the abuse of children."

In light of the *"complexity of this unspeakable human exploitation"*, the Pope then called for *"a concerted international response"* to deal with this serious societal problem.

4. International Instruments

4.1. Convention to Suppress the Slave Trade and Slavery (1926)¹⁰

Article 1 of the Convention to Suppress the Slave Trade and Slavery states:

⁹ 'Evangelium Vitae', Paragraph 3.

¹⁰ The Convention to Suppress the Slave Trade and Slavery was an international treaty created under the auspices of the League of Nations and first signed on 25 September 1926. It was registered in League of Nations Treaty Series on 9 March 1927, the same day it went into effect.

"For the purpose of the present Convention, the following definitions are agreed upon:

- (a) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.*

- (b) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."*

4.2. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)¹¹

The preamble to this Convention states:

"Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community"

¹¹ The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is a resolution of the UN General Assembly. It was approved by the UN General Assembly on 2 December 1949 and came into effect on 25 July 1951. In 2007, 74 states were party to the convention. Additionally, 5 states signed the convention but have not yet ratified it.

The Convention requires state signatories to punish any person who:

“(a) procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

(b) exploits the prostitution of another person, even with the consent of that person;

(c) runs brothels or rents accommodations for prostitution purposes.”

It also prescribes procedures for combating international traffic for the purpose of prostitution, including extradition of offenders.

4.3. Convention for the Elimination of Discrimination against Women (CEDAW) (1979).¹²

Article 6 of the CEDAW states:

“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

The CEDAW defines discrimination against women in the

¹² The CEDAW is an international convention adopted in 1979 by the United Nations General Assembly. Described as an international bill of rights for women, it came into force on 3 September 1981. The United States is the only developed nation that has not ratified the CEDAW. Several countries have ratified the Convention subject to certain declarations, reservations and objections It has been signed and ratified by the Commonwealth of Australia.

following terms:

*"Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."*¹³

Pursuant to the CEDAW, States must take measures to seek to eliminate prejudices and customs based on the idea of the inferiority are required to enshrine gender equality into their domestic legislation.

4.4. Rome Statute of the International Criminal Court (1998)¹⁴

The Rome Statute of the International Criminal Court, which entered into force in 2002, defined 'enslavement', a crime against humanity, as:

*'the exercise of any or all of the powers attaching to the right of ownership over a person ... include[ing] the exercise of such power in the course of trafficking in persons.'*¹⁵

¹³ CEDAW Art 1.

¹⁴ The Rome Statute of the International Criminal Court is often referred to as the 'International Criminal Court Statute' or the 'Rome Statute' being the treaty establishing the International Criminal Court. It was adopted in Rome on 17 July 1998 and entered into force on 1 July 2002.

¹⁵ 2187 UNTS 90, Art 7(2) (c).

4.5. United Nations Convention on Transnational Organised Crime (1998)¹⁶

The Protocol to the United Nations Convention on Transnational Organised Crime states, inter alia:

"At the Millennium Summit, world leaders proclaimed freedom—from fear and from want—as one of the essential values in the twenty-first century. Yet the right to live in dignity, free from fear and want, is still denied to millions of people around the world. It is denied to the child who is working as an indentured labourer in a sweatshop; to the father who must pay a bribe to get medical care for his son or daughter; to the woman who is condemned to a life of forced prostitution and enact domestic legislation to put into effect the Protocol on Trafficking e.g. women trafficked into prostitution, with or without their consent, should be provided with residence visas, protection and other services."

Article 3(a) of the Convention states:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or

¹⁶ The United Nations Convention against Transnational Organized Crime was signed in Palermo, Italy, in December 2000.

receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, 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."

4.6. United Nations Convention against Transnational Organised Crime (2000)

In his foreword to the United Nations Convention against Transnational Organised Crime,¹⁷ the then United Nations Secretary-General, Mr Kofi Annan, stated:

"I believe the trafficking of persons, particularly women and children, for forced and exploitative labor, including for sexual exploitation, is one of the most egregious violations of human rights that the United Nations now confronts. It is widespread and growing. It is rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide. The fate of these most

¹⁷ The Convention against Transnational Organised Crime is a United Nations-sponsored multilateral treaty against transnational organised crime, adopted in 2000. It is also called the Palermo Convention, and its two protocols (the Palermo Protocols) are:

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and
- The Protocol against the Smuggling of Migrants by Land, Sea and Air.

vulnerable people in our world is an affront to human dignity and a challenge to every State, every people and every community."

4.7. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

In the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) "*trafficking in persons*" is defined as follows:

"...the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs."¹⁸

4.8. Abolishing Slavery and its Contemporary Forms (2002)

The 2002 Report prepared for the Office of the United Nations High Commissioner for Human Rights, entitled 'Abolishing

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime – Art 3.

Slavery and its Contemporary Forms',¹⁹ states as follows:

"Prostitution takes various forms and involves women, children and also men. As noted in the previous section, it is very closely related to trafficking. The Suppression of Traffic Convention requires States to punish "any person who, to gratify the passions of another . . . procures, entices or leads away, for purposes of prostitution, another person . . . [or] otherwise exploits the prostitution of another person" (art. 1 (1) and (2)). The prohibition refers both to cases in which the prostitute is subjected to some form of coercion and to acts carried out "with the consent of that person" (art. 1(2)).²⁰"

5. Problems with Prostitution

5.1. Prostitution leads to the physical abuse of women

Prostitutes are easy targets for violent crimes and are at risk of physical harm from clients and pimps.

It is also a well-known fact that many women involved in the prostitution industry do so to support a drug habit or to find money for other pressing needs.

The use of sadomasochistic sexual practices including violence

¹⁹ Prepared by David Weissbrodt and Anti-Slavery International, Paragraph 93.

²⁰ See also International Convention for the Suppression of the Traffic of Women of Full Age, League of Nations Treaty Series, Volume 150, Page 431; entered into force on 24 August 1934, art. 1 (similarly banning traffic in women "even with [their] own consent").

performed against women using whips, canes and torture is particularly degrading of women. In an article headed 'Love Hurts: Sadomasochism's Dangers' appearing in ABC News (USA) on 14 February 2008,²¹ Russell Graham writes:

"In addition to pain, (she said) many masochists find pleasure in choking themselves or being choked, because the sudden rush of blood to the head can produce a euphoric high and enhance orgasm. Benjamin told the Post that the experience of being comatose was enough to scare him off from dangerous sex in the future." It's like when you crave turkey," he told the paper. "You eat it and you it and eat it, but you still want it. But now I've had enough. I don't want turkey anymore. I'm full ... I don't want to go to clubs anymore. I'm trying to learn to control myself and my emotions." But simply having a wake-up call, no matter how startling, is not always enough. Kuriansky said it was rare for a masochist to finally become capable of associating sex with pleasure and love instead of pain and danger. "There is a triumvirate of guilt, embarrassment and fear of intimacy for these people," she said. "It is rare that all of a sudden they can give up on being interested in pain and suddenly be capable of being loved."

Women must be protected from these grave physical dangers.

²¹ Russell Graham, 'Love Hurts: Sadomasochism's Dangers - Man Spends Three Days in a Coma After Kinky Sex - but Unsafe Play Can Result in Death', ABC News, 14 February 2008, <http://abcnews.go.com/Health/story?id=4285958&page=1>.

5.2. Prostitution leads to a significant increase in serious health risks to women

In addition, prostitutes risk contracting sexually transmitted diseases such as HIV, herpes and hepatitis C. If infected, prostitutes may transfer the same diseases to their numerous sexual partners.

Between April 2007 and March 2008 a review of the health status of sex worker attendees at sexual health clinics in the Western Suburbs of Sydney was conducted by a team of 7 health researchers²² to consider the nature and extent of sexually transmitted infections contracted by them. This report states:

'Sex workers (SWs) are globally recognised to be at high risk for the acquisition and transmission of sexually transmissible infections (STIs). There is a paucity of published data concerning SWs from the western suburbs of Sydney, with the last published study conducted in 1988. Therefore, we conducted a study to determine the demographics, sexual practices and health care needs of SWs attending Sexual Health Clinics (SHCs) in the region.'

²² Sheena Rajesh Kakar, Karen Biggs, Charles Chung, Shailendra Sawleshwarkar, Adrian Mindel, Katerina Lagios and Richard J. Hillman, 'A retrospective case note review of sex worker attendees at sexual health clinics in the western suburbs of Sydney,' CSIRO Publishing Research Paper, *Sexual Health*, 2010, 7, 3-7, www.publish.csiro.au/?nid=164.

The result of the study was summarised as follows:

"One hundred and eighty-five female SWs were included in the analysis. Ninety-eight (54.5%) were born overseas (predominantly China) and 82 (45.6%) were born in Australia. One hundred and seventeen (68%) were from English speaking backgrounds (ESB), while 55 (32%) were from non-English speaking backgrounds (NESB). Seventy-two (38.9%) were symptomatic on attendance, with vaginal discharge the most common symptom. Chlamydia was the most commonly reported STI in the previous 12 months with 28 cases (15.1%). SWs from NESB were significantly more likely to be older, symptomatic, have a hepatitis B diagnosis in the previous year and work more shifts per week, compared with SWs from ESB. SWs born overseas were more likely to be symptomatic than Australian born SWs who, in turn, were more likely to have a hepatitis C diagnosis in the previous year. Conclusion: SWs from NESB would potentially benefit from evidenced-based, culturally and linguistically appropriate interventions and targeted health promotion."

There is a need to protect women from such diseases. Health-screening of both prostitutes and users of prostitution is thus essential.

5.3. Prostitution is inextricably linked to the slavery and sex trafficking of women

In August 2008 the High Court of Australia handed down its

historic decision in *R v Tang*²³. This decision has seen a redefinition of the crime of slavery in Australia.

The case dealt with the issue of a modern form of slavery. Five Thai women came to Australia to work as prostitutes and were contracted by Tang to work in her licensed brothel in Fitzroy in Melbourne. All of them consented to come to Australia to work, on the understanding that, once they had paid off their 'debt', they would have the opportunity to earn money on their own account as prostitutes. Upon their arrival the women had very little money and spoke little, if any, English, and knew no-one. While on 'contract', the women's passports and return airfares were retained by their 'employer.'

The High Court appeal in part focussed on the question of the intention necessary in order to commit the offence of slavery. Gleeson CJ focussed chiefly on factors which would indicate a relationship of slavery (that is, ownership of one person by another). He referred to a 2002 case decided by the International Criminal Tribunal for the Former Yugoslavia²⁴ entitled *Prosecutor v Dragoljub Kunarac, Radomir Kovac & Zoran Vukovic*.²⁵ In this case, the various factors indicative of a relationship of slavery were identified as including:

²³ *R v Tang* [2008] HCA 39.

²⁴ International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

²⁵ *Prosecutor v Kunarac, Kovac & Vukovic* Case No IT-96023 & IT-96-23/1-A, 12 June 2002.

*"control of movement , control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labour."*²⁶

Gleeson CJ further stated that the following may be described as exercises of powers attaching to a right of ownership:

- The commodification of an individual by treating him or her as an object of sale and purchase;²⁷
- The exercise of powers of control over movement which extend well beyond powers exercised even in the most exploitative of employment circumstances;²⁸
- The power to use services without commensurate compensation;²⁹ and
- The power to use the complainants and their labour in a substantially unrestricted manner.³⁰

Using these identifiers, it was clear that the women were subject to a modern form of slavery.

As regards trafficking of women per se, in Lara Fergus' 2005

²⁶ Tang, Paragraph 48 Page 14, referring to quotation from Prosecutor v Kunarac, Kovac & Vukovic Case No IT-96-23-T & IT-96-23/1-T, 22 February 2001 at 194 [543]. Ibid; Paragraph 119, Page 36.

²⁷ Tang, Paragraph 35 page 17

²⁸ Tang, Paragraph 44 page 20.

²⁹ Tang, Paragraph 50, Page 22.

³⁰ Tang, Paragraph 50, Page 22.

paper entitled 'Trafficking in women for sexual exploitation'³¹
it is stated:

"Comprehensive research on trafficking in women for sexual exploitation to, or within, Australia is lacking, but a rough picture has been drawn over the last decade by various non-government organisations (NGOs) and academics. A 1994 study indicated that significant numbers of Asian women (mostly Thai) started entering the Sydney sex industry in the mid-1980s (Brockett and Murray 1994). The same research estimated that over 90 per cent of these women were trafficked, arriving debt-bonded, with "debts" having increased greatly over the previous few years. A Thai woman, Jane, described how, in 1989, her "debt" had been for \$12,000, but that just three years later she knew other Thai women being forced to have sex with "clients" to pay back "debts" of \$25,000-\$30,000 (Brockett and Murray 1994: 191-2). In 1995, the head of the Australian Federal Police (AFP) investigation into sex trafficking, Chris Payne, estimated that there were up to 500 trafficked women in debt-bonded prostitution in Sydney at any one time (Sullivan and Jeffreys 2002: 1145). Anti-trafficking NGO Project Respect's more recent research indicates that this figure is now far higher, and that the "debt" continues to increase, with women currently arriving in Australia with "debts" of up to \$50,000 (Project Respect 2004)."

³¹ Lara Fergus, 'Trafficking in women for sexual exploitation - Briefing No. 5,' Australian Institute of Family Studies, Hune 2005 - www.aifs.gov.au/acssa/pubs/briefing/b5.html.

The same report indicates that there was very little research to reveal the scale of trafficking in Australia up until the late 1990s - except for the Department of Immigration, Multicultural and Indigenous Affairs' Immigration Compliance records. The available records thereafter reveal the following:

- In 1998-1999, 243 people (of which 237 were women) were deported from Australia after having been located in brothels.
- In 1996-1997 this number was only 56 (Maltzahn 2002a, cited in DIMIA 2000, Chapter 4).
- Immigration officials were not, at that stage, required to question the women to ascertain if they had been trafficked before deporting them.

However, Fergus' report proceeds to state that:

"While these figures suggest an increase in the number of women being trafficked into prostitution in the late nineties, they cannot be said to represent exact numbers of women being trafficked, for two reasons. The first is that it cannot be assumed, according to sex industry representatives, that all foreigners without visas located in brothels had originally been trafficked (Scarlet Alliance 2003). Secondly, international research indicates that approximately 90 per cent of trafficked women go undetected by immigration authorities (Maltzahn 2002a, cited in Dillon 2000)."

However, Fergus then makes reference to more specific detail relating to trafficking in Australia in the late 1990s - made available thanks to the trial of a Melbourne trafficker, Gary Glazner. The report states:

"Glazner was tried for, and found guilty of, violations of the Victorian Prostitution Control Act for the period 1997-1998.³² Glazner had bought Thai women from agents in Thailand for between \$15,000 and \$18,000, and they had knowingly come to Australia to work as prostitutes (McKinney 2001). Evidence was presented at an initial committal hearing showing that the women feared Glazner and that he withheld their passports, restricted their movements, and kept them in debt bondage (Police v Gary Galzner and Paul Donato Marino 1999)."

The study published by the Australian Institute of Criminology and entitled 'A Cross-Analysis Report into Smuggling and Trafficking between the Philippines and Australia'³³ states:

*"Australia - the majority of foreign women entering for sex work are recruited from South East Asia and fly in (on tourist visas) bonded to verbal contracts....."*³⁴

³² Commonwealth slavery and sexual servitude legislation had not yet been introduced.

³³ Rebecca Tailby (for the Australian Institute of Criminology), 'A Cross-Analysis Report into Smuggling and Trafficking between the Philippines and Australia', United Nations Global Program against Trafficking in Human Beings, www.unodc.org/pdf/crime/human_trafficking/Exec_Summary_AIC.pdf.

³⁴ Personal communication, Sex Workers Outreach Project, Sydney. See also Brockett, L. & Murray, A. 1994, 'Thai sex workers in

In its report on Australia contained in the '1999 Country Reports on Human Rights Practices,'³⁵ the US Department of State states as follows:

*"Trafficking in East Asian women for the sex trade is a growing problem."*³⁶

This report continues:

"Trafficking in East Asian women for the sex trade is a growing problem. Immigration and federal police have developed profiles and identified trends in the industry, but lax laws--including legalized prostitution in parts of the country--make enforcement difficult at the working level. Australian Federal Police (AFP) and the Department of Immigration and Multicultural Affairs (DIMA) have determined that women and children from Thailand, the

Sydney,' in R. Perkins, G. Prestage, R. Sharp & F. Lovejoy (eds.), *Sex Work and Sex Workers in Australia*, University of New South Wales Press, Sydney.

³⁵ 'Australia -1999 Country Reports on Human Rights Practices,' Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2000, www.state.gov/www/global/human_rights/1999_hrp_report/australi.html.

³⁶ 'Australia -1999 Country Reports on Human Rights Practices,' Bureau of Democracy, Human Rights, and Labor, US Department of State, 25 February 2000, 'Respect for Human Rights, - Section 5 -- Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status: Women,' www.state.gov/www/global/human_rights/1999_hrp_report/australi.html.

Philippines, Malaysia, China, Indonesia, and South Korea are trafficked into the country for purposes of prostitution. Some of the brothels that employ these prostitutes are owned and operated by prominent organized crime figures, and connections have been made to triad societies (ethnic Chinese gangs historically headquartered in Hong Kong) such as the 14k. (These groups also are suspected of involvement in international heroin trafficking and money laundering.) The high profit potential, combined with the difficulty of detection and previously low penalties when prosecuted, has resulted in the spread of groups engaged in these activities. While the numbers of women being brought into the country are relatively small (in the hundreds per year), they are subjected to what is essentially indentured sexual servitude. Recent investigations by DIMA found women locked in safe houses with barred windows, with no access to medical care or the outside world. These women have been lured either by the idea that they would be waitresses in restaurants or, in some cases, coerced to come by criminal elements operating in their home countries. Their movements often are controlled strictly. Some women are escorted to the various brothels and later collected and taken back to their residences until their next shift. To reduce the likelihood of all their workers being apprehended in one raid (as occurred in Sydney in 1992, with the mass arrest of 16 Asian women living at one address) organizers sometimes house the prostitutes in separate residential premises. Women have been charged up to approximately \$25,000

*(A\$40,000) to come to the country and pay off the cost of their smuggling by performing sexual "services." Some women also are obliged to pay off additional hidden assessments for clothing and lodging fees, and thereby are forced into continued indentured sex work. There are unconfirmed reports of punishments for women who try to escape, including executions, beatings, and transfers to more secure brothels. Anecdotal evidence suggests that an increasing number of children, mainly from Asia, are entering the country as sex workers. The numbers of children involved and whether their entry into the sex industry is coerced is unknown. Under the laws of the various states it is illegal for an adult to have sex with a minor.*³⁷

In the study of Western Sydney 'sex workers' referred to in Paragraph 5.2 above³⁸ it was stated that in the relevant period (April 2007 to March 2008) Sydney had witnessed an increase in the proportion of sex workers from China. The study claimed that the same observation had been made in studies in the

³⁷ 'Australia -1999 Country Reports on Human Rights Practices,' Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2000, Section 6 (f), Worker Rights: Trafficking in Persons, www.state.gov/www/global/human_rights/1999_hrp_report/australi.html.

³⁸ Sheena Rajesh Kakar, Karen Biggs, Charles Chung, Shailendra Sawleshwarkar, Adrian Mindel, Katerina Lagios and Richard J. Hillman, 'A retrospective case note review of sex worker attendees at sexual health clinics in the western suburbs of Sydney,' CSIRO Publishing Research Paper, Sexual Health, 2010, 7, 3-7, www.publish.csiro.au/?nid=164.

Sydney's eastern and central suburbs.³⁹ The Western Sydney study indicated a change in the ethnic profile of sex workers from those who attended the Parramatta Sexual Health Clinic in the period 1999 to 2000.⁴⁰

The study further states that the proportion of Chinese sex workers had substantially increased from 3% to 33% and the proportion of Thai workers remained approximately the same.⁴¹

This study states further:

"In 2003, a majority of south-east Asian SWs in the eastern and central suburbs of Sydney were from China (58.2%), a substantial increase from the 25.3% Chinese SWs in 1993."

Whilst these studies do not confirm that the change in ethnicity of these 'sex workers' is as result of trafficking in women, serious questions do need to be asked about the way in which they have entered Australia. Particular attention must also be given to the link between trafficking of women and organised crime.

It is likewise obvious that women servicing the prostitution industry, as well as the people of the Territory in general, are

³⁹ Pell C, Dabbhadatta J, Harcourt C, Tribe K, O'Connor C., 'Demographic, migration status, and work-related changes in Asian female sex workers surveyed in Sydney, 1993 and 2003. *Aust N Z J Public Health* 2006; 30: 157-62. doi:10.1111/j.1467-842X.2006.tb00110.x.

⁴⁰ Fox J, Weerasinghe D, Lagios K, Hillman R. 'Sex in the suburbs,' *Aust Fam Physician* 2003; 32: 358-63.

⁴¹ 15% in the Kaker et ors study compared with 13% in the period 1999 to 2000.

entitled to be protected from the practice of slavery and sex trafficking.

5.4. Prostitution causes confusion as regards legitimate providers of therapeutic massage services

The prostitution industry is in constant search for creative ways to hide their '*product*' - i.e. women and '*sex for hire*'. Much of the prostitution industry operates, in a semi-veiled fashion, under the guise of providing '*massage services*.' Licensed massage therapists are rarely used in provision of these prostitution services. For one thing, providers of authentic therapeutic massage are usually trained for their service.

In an article entitled '*When Massage Isn't Legitimate*' appearing in the July 2006 edition of *Massage Today*, Dixie Wall states:⁴²

"Enormous amounts of illegal activities are conducted and advertised under the guise of massage therapy in publications for all types of races, genders and even sexual preferences. This is a multi-million dollar business and massage seems to be one of the most common ways to cover up the operations of these prostitution rings."

In support of the benefits to society provided by legitimate massage therapists Wall states:

⁴² Dixie Wall, '*When Massage Isn't Legitimate*,' *Massage Today*, July, 2006, Volume 06, Issue 07 - www.massagetoday.com/mpacms/mt/article.php?id=13449.

".. therapeutic massage practitioners deserve to be seen as professionals. This leaves the responsibility to dispute the connection of massage with prostitution to the therapists.This lack of distinction between bodywork and prostitution causes more suffering to the public as well as massage therapists. Every day, more people are experiencing the health benefits that come with receiving regular massage. However, many are still skeptical due to the common perception that massage somehow is linked to prostitution. By making the significant difference clear in the public eye, these hesitations and embarrassing situations might be prevented from happening. The public would more likely be open to trying massage if they knew they were in a legit situation, where they could feel comfortable and safe in the hands of an educated and professional therapist."

Legitimate massage therapists in the Territory, as well as the public in general, are entitled to access authentic massage services without the risk of encountering the prostitution industry. The enacting of proper advertising standards and the protection of legitimate service providers are thus called for.

5.5. Presence of an increasing danger of 'normalisation' of the prostitution industry

When prostitution is legalised or decriminalised, a culture of prostitution is created which has harmful effects upon the lives not just of the prostituted women but of all women who

live within that culture.

Prostitution becomes 'normalised' in the following fashion:

- brothels are allowed to be present on many streets;
- children may walk past brothels on their way to school;
- the prostitution industry grows;
- new groups of young men are introduced to the prostitution industry and its dehumanising attitude to women.

Janice Turner, in her article entitled '*Brothels are booming. Ban them*' which appeared in The Times (London) on 23 February 2008,⁴³ commented that the vast majority of women involved in prostitution wish to escape it. She described the legalised brothels in The Netherlands as "*magnets for organised crime, drug dealers and traffickers.*"

Turner then states:

"One thing is certainly true: criminalising the buying of sex at least states categorically that it is not normal or acceptable, but, since it is incompatible with human dignity, morally wrong. And that is what we need to tell our young men but never do. Why are we hand-wringing moral relativists about women but not chickens?"

⁴³ Janice Turner, The Times, 23 February 2008, www.timesonline.co.uk/tol/comment/columnists/janice_turner/article3419819.ece.

Meanwhile, Barbara Kay, in an article entitled '*When it comes to hookers, let's keep it hypocritical*' which appeared in Canada's National Post in March 2008⁴⁴, proceeded to refute a story by Jeet Heer.⁴⁵ Kay rejected Heer's claims that prostitution was "*just like another job*" and stated:

"Prostitutes are doing something that is fundamentally dehumanizing in order to accommodate instincts that in a truly 'better world,' would be channeled into more fruitful and dignified relationships..."

Kay continues:

"Selling your body is not a behavior to take pride in, for as we humans are psychologically constructed, a woman's sense of self-respect is invariably tied up with her sexual behavior."

Kay states that prostitution is not like '*every other job*,'
Prostitutes carry out activities that are '*fundamentally*

⁴⁴ Barbara Kay, National Post, 13 March 2008: '*When it comes to hookers, let's keep it hypocritical*,'
<http://network.nationalpost.com/np/blogs/fullcomment/archive/2008/03/13/barbara-kay-when-it-comes-to-hookers-let-s-stay-hypocritical.aspx>.

⁴⁵ Jeet Heer, in his column in Canada's National Post on 13 March 2008, entitled '*Jeet Heer on the Eliot Spitzer prostitution scandal: what it tells us about the oldest (and unfairly maligned) profession*', made reference to the public scandal involving the public disgrace experience by the Governor of New York, Eliot Spitzer, as a member of an elite prostitution ring. Heer made a claim for decriminalising prostitution,
<http://network.nationalpost.com/np/blogs/fullcomment/archive/2008/03/12/jeet-heer-on-the-eliot-spitzer-prostitution-scandal-what-it-tells-us-about-the-oldest-and-unfairly-maligned-profession.aspx>.

dehumanizing' in order to accommodate instincts that 'in a truly 'better world,' would be channeled into more fruitful and dignified relationships.'

Kay continues:

"Prostitutes are not the moral equivalent of dental hygienists. Selling your body is not a behavior to take pride in, for as we humans are psychologically constructed, a woman's sense of self-respect is invariably tied up with her sexual behavior."

The Territory Government must take immediate steps to reverse this trend whereby prostitution becomes 'normalised'.

5.6. Prostitution is not 'classy'

In the article previously referred to in Paragraph 5.5 above, Barbara Kay considers the city of Amsterdam in The Netherlands, a place known for its liberalised laws on all aspects of the prostitution (and other) industries. She states:

"As for squalor being reduced when prostitution is legal, has Jeet Heer been to Amsterdam lately? There both drugs and prostitution are well tolerated, but the squalor around the areas in which both are a feature have escalated dramatically."

Kay states:

"What legalization will do is to dumb deviancy down, validating the behavior of those least committed to a high

quality of family and civic life, and demoralizing those who struggle to meet that ideal. When you inform the most aspirational people in a society that their discipline, rectitude and honor are no more socially desirable than venality, promiscuity and duplicity, then eventually a loss of social confidence will follow."

The prostitution industry does not add to the quality of life and attractiveness of the Territory. In fact, quite the reverse is true.

5.7. Prostitution is not 'respectable business'

In recent years Australia has witnessed a push from the prostitution industry to market itself as a respectable business.

Sheila Jeffreys, in her work entitled '*Prostitution as a Harmful Cultural Practice*',⁴⁶ states:

"The Age newspaper devoted the front page of its business section to SEXPO in 1998 alongside a profile of Australia's sex industry, said to have an estimated annual turnover of \$A1.2 billion."

In the '*Shadow Report for the CEDAW committee on Australia*

⁴⁶ Sheila Jeffreys, '*Prostitution as a harmful cultural practice*,' '*Not for Sale: Feminists Resisting Prostitution and Pornography*' by Rebecca Whisnant and Christine Stark, Spinifex, North Melbourne, 2004 - Page 386.

from the *Coalition against Trafficking in Women Australia*⁴⁷
we read the following:

"One example of how respectable pimping has become is the featuring of a brothel owner in the My Diary section of the Sunday Age newspaper on 13 October 2002 The Sunday Age Agenda 13/10/02:2). This regular feature covers the working life of prominent Melbourne citizens, usually women. On one occasion it was the Headmistress of famous private girls' school and last week it was a milliner who made hats for women to go to the horse racing. The brothel owner is a Thai woman named Chailai Richardson,⁴⁸ described as 'the owner and manager of Top of the Town brothel in Flinders St'. The diary gives an introduction to the featured woman and then details what she does on each day of the week."

In February 2003, a Melbourne brothel, The Daily Planet, was launched on the Australian Stock Exchange.⁴⁹ A brothel in Sydney is currently considering a similar move.⁵⁰

⁴⁷ Prepared by Sheila Jeffreys, Kathy Chambers, Caroline Spencer
<http://mc2.vicnet.net.au/home/catwaust/web/myfiles/shadowrep.htm>.

⁴⁸ 3 December 2004, 'Madam's links to alleged drug boss; Brothel owner fights for licence,' *Herald Sun*, Page 9.

⁴⁹ Daily Planet is a licensed brothel in Melbourne, Australia. It entered the news in 2003 when it became one of the first brothels listed on a stock exchange. The brothel won the Australian Adult Industry Award for 'Best Brothel Overall' in the years 2004 to 2008, www.dailyplanet.com.au.

⁵⁰ Stiletto brothel – see Chris Gardiner. 'We must not list brothels on the stock market', *The Punch*, 6 January 2011

In his article entitled '*We must not list brothels on the stock market*' appearing in The Punch on 6 January 2011,⁵¹

Chris Gardiner states:

"Even the hard-nosed readers of The Australian business section must have felt some moral disquiet when they read over the holiday break that the Sydney brothel, Stiletto, could be on the stock market in 2011. There is something dystopian about a society where mum and dad investors and Super Fund bosses could monitor the stock market on their iPhones to see if their CEO has been working prostitutes productively enough. We will know what kind of society we have become if the stock is reported in the market round-up at the end of the 6pm news each night. If you accept a harm minimisation approach to a social problem like prostitution you have to maintain your moral sensitivity to know when and where policy tweaking and intervention are needed. Now is the time for intervention in this policy area."

It is essential that the prostitution industry not be recognised by the Government of the Territory as '*respectable business*.' It is not.

www.thepunch.com.au/articles/we-must-not-list-brothels-on-the-stock-market, *could be on the stock market in 2011*.

⁵¹ Chris Gardiner. '*We must not list brothels on the stock market*', The Punch, 6 January 2011 www.thepunch.com.au/articles/we-must-not-list-brothels-on-the-stock-market.

5.8. Prostitution damages heterosexual relationships and families

Many men who use prostitutes have a female partner, that is, a wife or a girlfriend. The use of prostitution by such men obviously has an effect upon the quality of these men's relationships with their wife or girlfriend.

If the man's use of prostitution services is kept a secret from his wife or girlfriend society witnesses, at the very least, a basic breach of trust and honesty in their relationship.

If the wife or girlfriend is informed of her husband or boyfriend's use of prostitution (either directly from the man himself or otherwise) the woman is required to process this information and to work out for herself a way in which she is now to relate to him. This may result in the breakdown of their relationship.

The presence of the prostitution industry damages relationships, damages the ideal of egalitarian relationships between men and women and thus negatively impacts upon the family and life in society in general.

Steps must be taken to prevent the expansion of the prostitution industry in the Territory.

5.9. Prostitution damages the status of women

Prostitution cannot be separated from the issue of the status and dignity of women. .Legalisation of the prostitution

industry signifies that the Government and society in general are willing to accept the use of prostitution by men. This signifies an acceptance of a dehumanisation and objectification of women. Women thus become '*objects*' for the '*use*' of men.

The access by men to prostitution services severely damages the aim of equal relationships between men and women.

The existence of the prostitution industry affects the status of all women.

Prostitution is not good for the status of women.

6. Way Forward

- 6.1.** The Archdiocese recommends that the Government of the Territory implement a suite of measures including:
- legislation in respect to prostitution similar to that which was implemented in Sweden in 1998;
 - the establishment of new health programmes;
 - the provision of public education aimed at informing people and changing attitudes; and
 - the provision of specific training for police, regulatory authorities, prosecutors, magistrates and judges etc.
- 6.2.** In addition to the proposals set out in Paragraph 6.1 above, the Archdiocese recommends, as regards those situations

where persons have been trafficked into the Territory for the purpose of the prostitution industry, that the Government of the Territory enact a strict liability offence for all persons falling within the 'chain of responsibility', excepting the trafficked person him/herself. A strict liability offence would thus apply to any person who:

- traffics a trafficked person into the Territory;
- owns or leases the premises where the trafficked person is located;
- owns or leases the premises where the prostitution activity is carried out by the trafficked person;
- 'uses' the prostitution services provided by the trafficked person;
- is the landlord of premises where the trafficked person is located or where the prostitution activity is carried out by the trafficked person;
- is a director of a company who carries out any of the above.

Similar to the provisions of the Sexual Offences Act 2003 (UK),⁵² this strict liability offence should not require that a person be trafficked for prostitution against his or her will or with the use of coercion or force. Simply arranging or facilitating the arrival in the Territory of a trafficked person for the purpose of prostitution is to be considered as human trafficking attracting this new strict liability offence.

⁵² www.legislation.gov.uk/ukpga/2003/42/contents.

7. Swedish Model

Sweden became the first country in the world to introduce legislation criminalising the purchase, but not the sale, of sexual services. The penal provision – the prohibition of the purchase of sexual services – is currently found in Chapter 6, Section 11 of the Swedish Penal Code which states:⁵³

"A person who, in other cases than previously stated in this chapter, obtains a casual sexual relation in exchange for payment shall be sentenced for the purchase of a sexual service to a fine or imprisonment for at most six months. That which is stated in the first section also applies if the payment has been promised or made by someone else."

In an April 2005 Fact Sheet issued by the Swedish Ministry of Industry, Employment and Communications⁵⁴ it is stated as follows:

"In Sweden, prostitution is regarded as an aspect of male violence against women and children. It is officially acknowledged as a form of exploitation of women and children that constitutes a significant social problem, which is harmful not only to the individual prostituted woman or child, but also to society at large. The Swedish Government has long given priority to combating prostitution and trafficking in human beings for sexual purposes. This objective is an important part of

53 English Translation courtesy of the Swedish Ministry of Industry, Employment and Communications in 'Prostitution and trafficking in human beings' Fact Sheet No 5, April 2005.

54 'Prostitution and trafficking in women 0401', Fact Sheet - Ministry of Industry, Employment and Communications. April 2005, www.legislationline.org/download/action/.../ee4eb3cbfa0adeec87ad87067a6f.pdf .

Sweden's goal of achieving equality between women and men, at the national level as well as internationally. Gender equality will remain unattainable as long as men buy, sell and exploit women and children by prostituting them.

In the legislation on gross violation of a woman's integrity (Kvinnofridslagstiftningen), the Swedish Government and the Riksdag (Parliament) defined prostitution as a form of male violence against women and children. Since 1 January 1999, the purchase or attempt to purchase 'sexual services' has become a criminal offence punishable by fines or up to six months imprisonment. The women and child victims of prostitution and trafficking do not risk any legal repercussions.

This legislation was part of a raft of measures concerned with ending violence against women.

In August 2002, the Swedish Minister for Gender Equality, Margareta Winberg, stated as follows:⁵⁵

'In the Arctic region as in the rest of the world, the prostitution industry is rapidly expanding. Pimps, individual traffickers and organized crime networks are constantly looking for new profitable markets. This, combined with the increasing demand for prostituted women or girls by local men, has resulted in women and girls being trafficked for prostitution purposes from countries outside our region to communities all round the Arctic.'

⁵⁵ Margareta Winberg, Swedish Minister for Gender Equality Affairs, Address at the Conference on Gender Equality and Women, 6 August 2002, www.regeringen.se/sb/d/1105/a/4125.

Women and girls from our local communities are also domestically trafficked from village to village across the circumpolar region, as well as to large cities in the south.'

Winberg continues:

"All markets depend on customers for their operation. Without men who regard it as their self-assumed right to buy other people's bodies and use them for their own pleasure we would not have prostitution. The sexual exploitation of women, girls and boys would cease..... Some countries, like Sweden, acknowledge that prostitution is male violence against women and that not only the pimps and the traffickers should be criminalized, but also the buyers of prostituted women. In 1999, the Swedish law prohibiting the purchase of sexual services came into force as part of a large Violence Against Women Bill. This Bill included several changes to laws relating to male violence against women, including a strengthened sexual harassment law and a new offence where repeated instances of male violence against a woman in an intimate relationship are punishable."

Winberg makes the following points in her address:

- In Sweden it is now the man who 'buys' women for sexual purposes who is criminalised - not the woman herself;
- Offences under this law are punishable by a fine or a maximum of six months imprisonment;
- Since the introduction of the law the incidence of street prostitution has fallen sharply;
- The Swedish law has also made it easier for the police to take

action against brothels and other prostitution markets.

Winberg adds that no woman or child exploited in the prostitution industry has chosen to be there voluntarily. Accordingly, prostituted women must be given the opportunity and support to leave prostitution, and they should be provided access to shelters, counselling, education and job training.

In addition she recognises the need to give help to the 'buyers' to stop regarding and using women and children as objects.

Whilst Winberg is aware that some countries have decided to legalise prostitution, or plan to do so, she remains of the view that such a move is:

"tantamount to giving up and bowing to pressure from the international sex industry."

Winberg expresses the pertinent questions as follows:

- "- Should a democratic state legalize the sexual exploitation of women by men?*
- In doing so are the government and parliament of that state not really saying that it's OK, that it is quite all right, to put the bodies of women and children up for sale just like any other commodity?*
- Is the state in question not playing the role of pimp by collecting taxes and thus making money from the sex trade?"*

In her articles for entitled 'Sweden's Prostitution Solution – Why Hasn't Anyone Tried This Before?'⁵⁶ Marie De Santis declares:

"This Swedish experiment is the single, solitary example in a significant sized population of a prostitution policy that works. In 2003, the Scottish government in looking to revamp its own approach to prostitution enlisted the University of London to do a comprehensive analysis of outcomes of prostitution policies in other countries. In addition to reviewing Sweden's program, the researchers chose Australia, Ireland, and the Netherlands to represent various strategies of legalizing and/or regulating prostitution. the outcomes, as revealed in the Univ. of London study, in the states under review that had legalized or regulated prostitution were found to be just as discouraging or even more discouraging than the traditional all round criminalization. In each case the results were dramatic in the negative.

Legalization and/or regulation of prostitution, according to the study, led to:

- *A dramatic increase in all facets of the sex industry,*
- *A dramatic increase in the involvement of organized crime in the sex industry,*
- *A dramatic increase in child prostitution,*
- *An explosion in the number of foreign women and girls trafficked into the region, and*

⁵⁶ Marie De Santis, 'Sweden's Prostitution Solution – Why Hasn't Anyone Tried This Before?', Women's Justice Center, California, www.justicewomen.com/cj_sweden.html.

- *Indications of an increase in violence against women."*

De Santis then makes reference to the situation in the State of Victoria where she states:

" a system of legalized, regulated brothels was established, there was such an explosion in the number of brothels that it immediately overwhelmed the system's ability to regulate them, and just as quickly these brothels became a mire of organized crime, corruption, and related crimes. In addition, surveys of the prostitutes working under systems of legalization and regulation find that the prostitutes themselves continue to feel coerced, forced, and unsafe in the business."

She continues:

"A survey of legal prostitutes under the showcase Netherlands legalization policy finds that 79% say they want to get out of the sex business. And though each of the legalization/regulation programs promised help for prostitutes who want to leave prostitution, that help never materialized to any meaningful degree. In contrast, in Sweden the government followed through with ample social services funds to help those prostitutes who wanted to get out. 60% of the prostitutes in Sweden took advantage of the well funded programs and succeeded in exiting prostitution."

In relation to the Swedish law, De Santis states:

"Sweden's prostitution policy was first designed and lobbied for by Sweden's organization of women's shelters and was then fostered and fought for by a bipartisan effort of Sweden's

uniquely powerful and numerous female parliamentarians. Nor has Sweden stopped there. In 2002, Sweden passed additional legislation bolstering the original prostitution legislation. The 2002 Act Prohibiting Human Trafficking for the Purpose of Sexual Exploitation closed some of the loopholes in the earlier legislation and further strengthened the government's ability to go after the network of persons that surround and support prostitution, such as the recruiters, the transporters, and the hosts."

De Santis concludes her article with these words:

"..... there's no reason we can't push now for the policy changes that Sweden has made. The beauty of it is that once the ground has been broken and the proof of success has been established, it should be ever much easier to convince others to go down that path."

It is important to note that Sweden did not only change its law in relation to the prostitution industry, it changed in its 'culture'. Accordingly, any similar amendment to the laws of the Territory must be accompanied by well-considered training programmes for all agencies dealing with women and prostitution in the Territory, including, but not limited to, the following:

- police;
- regulatory authorities;
- judges and magistrates;
- health workers;
- immigration officers; and

- the Australian Tax Office.⁵⁷

8. Recommendations

- 8.1.** The Archdiocese urges the Government of the Territory not to endorse any proposed legislation which will serve to increase the harm done to the dignity of woman through the prostitution industry.
- 8.2.** The Archdiocese recommends that the Government of the Territory proceed to enact legislation which:
- 8.2.1.** Recognises that women as the victims of the prostitution industry and, as such, should not be penalised;
- 8.2.2.** Recognises that men are the principal perpetrators of this abuse and that their behaviours must be criminalised;
- 8.2.3.** Requires that all men accessing prostitutes be subject to regular health checks;
- 8.2.4.** Requires the conducting of research into the harmful effects of prostitution, particularly in relation to gender equality, the effects on men and families and human trafficking;

⁵⁷ Given the strong links between the prostitution industry and the practices of money-laundering and tax avoidance.

- 8.2.5.** Requires the education of men and boys and men against the practice of prostitution;
- 8.2.6.** Develops comprehensive exit programmes, welfare services, retraining facilities and housing to assist women to leave the prostitution industry;
- 8.2.7.** Condemns and penalises the trafficking in women for the purposes of the prostitution industry;
- 8.2.8.** Prohibits political parties from accepting donations from the prostitution industry;
- 8.2.9.** Recognises that it is unacceptable from a public policy perspective for the territory Government to profit in any from the prostitution industry through revenue gained from taxation or other financial imposition;
- 8.2.10.** Requires that, as a prerequisite to operating in the Territory, all massage therapists or bodyworkers be registered members of nominated approved professional therapeutic massage/bodywork associations;
- 8.2.11.** Prohibits any person other than a registered massage therapists or bodyworker (see Paragraph 8.2.12 below) from using the title 'massage therapist', 'bodyworker', 'registered massage

therapist,' 'massage practitioner', 'masseur,' or 'masseur' etc;

8.2.12. Requires that these nominated approved professional therapeutic massage/bodywork associations:

- Establish registration systems for legitimate massage therapists/bodyworkers in the Territory who wish to join the association;
- Establish appropriate standards for membership including educational qualifications and the acceptance of a strict code of ethics;
- Establish a system of discipline any licensed massage therapist/bodyworker in the Territory who performs prostitution services of any kind (including the possibility of license revocation);
- Provides information to the public on the definition of registered massage therapy/bodywork; and
 - Establishes a consumer complaint system.

7.2.13 Establishes training programmes for all agencies whose officers relate to women and prostitution in the Territory, such a programme to ensure that such

officers are trained in the new 'culture' for prostitution in the Territory:

- police;
- regulatory authorities;
- judges and magistrates;
- health workers;
- immigration officers; and
- the Australian Tax Office.

8.2.13. As regards persons trafficked into the Territory for the purposes of prostitution, establishes a strict liability offence for all persons involved in the 'chain of responsibility' as described in detail in Paragraph 6.2 above.

8.2.14. Creates a Commission for the Prostitution Industry whose role shall be to implement monitor and enforce the new laws including:

- The creation, monitoring and enforcement of a system of individual registration for men using prostitutes (whether or not such men are residents of the Territory);

- The creation, monitoring and enforcement of a system of individual health checks for all men accessing prostitutes in the Territory (whether or not such men are residents of the Territory);
- The creation, monitoring and enforcement of a system of individual registration for prostitutes that requires education, health checks, counselling and support before a prostitute accepts to enter the prostitution industry in the Territory;
- The creation, monitoring and enforcement of a system of compulsory registration numbers for all advertising by individual prostitutes; and
- The carrying out of ongoing research into the harmful effects of prostitution in the Territory, particularly in relation to violence against women, gender equality and then effect of prostitution on families and society at large.