

***INPUT TO THE REPORT
OF THE SPECIAL RAPPOREUR
ON VIOLENCE AGAINST WOMEN AND GIRLS
TO THE HUMAN RIGHTS COUNCIL ON
PROSTITUTION AND VIOLENCE
AGAINST WOMEN AND GIRLS***

Prepared by

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I am an elected member of the Legislative Council of South Australia and Leader of the Liberal Party in the Council.

I refer to the Call for Input to the Report of the Special Rapporteur on Violence Against Women and Girls to the Human Rights Council on prostitution against women and girls (“the Call for Input”).

This Submission seeks to address the questions raised in paragraphs 4, 9, 11 and 15 of the Call for Input.

Prostitution and Violence (Ref. to Paragraph 4 of the Call for Input)

In my role as a member of Parliament, I have been deeply concerned with the rates of violence and abuse that are prevalent within the sex industry. Sex work has been categorised as one of the most dangerous occupations a woman can ever be engaged in.⁽¹⁾ According to many reports, sex-buyers are more likely than non-sex buyers to commit crimes associated with violence against women. Homicide rates are significantly higher than in any other industry. One study showed that the murder rate for sex workers is 50 times higher than the next nearest category (204 per 100,000).⁽²⁾

Another report found that 50% of prostituted women had experienced violence such as being punched, kicked, or attempted rape in the previous 6 months.⁽³⁾

Aside from the results of numerous studies, there is also strong anecdotal evidence of violence. Constituents have contacted my office to share their stories. One woman (who has now left the industry), wrote to me about her experience prior to leaving:

“I had received continuous death threats because I wouldn’t let them take off the condom. I had to have sex with ugly old men...I had to deal with those stinky old men, often abusive and demanding”.

A Proposal for Prostitution Law Reform in South Australia (Ref. to Paragraph 15 of the Call for Input)

Given the clear link between prostitution and violence against women, I was keen to consider law reform in South Australia that would serve the dual objectives of reducing the prevalence of prostitution and providing women with exit strategies should they wish to leave the industry. After consulting

thoroughly with various stakeholders and local community groups, and conducting extensive research into effective international models, I concluded that the Nordic or Equality Model of Prostitution achieves those objectives.

In September 2023, I introduced a Private Member's Bill into the Legislative Council, entitled the *Summary Offences (Prostitution Law Reform) Amendment Bill* (copy attached).

My Bill is based on an "asymmetrical" decriminalisation model. If passed, South Australia will be the first State in Australia with this type of legislation.

The Bill achieves the following:

- Decriminalises the selling of sex, thereby allowing prostituted people (who are predominately women and girls) to seek help.
- Criminalises the buying of sex.
- Criminalises third party profiteering from the selling of sex (pimps)
- Creates measures to assist women to exit the trade.

As mentioned, the Nordic Model has been proven in other countries to reduce the prevalence of prostitution. Sweden has seen a significant decrease in both the purchase of sex and the number of prostituted people since the introduction of the model in 1997. Other countries, such as Canada, Norway, Israel, South Korea, and France have had similar outcomes.

I am thoroughly persuaded that the only internationally proven way to reduce the selling of sex is through the implementation of the Nordic Model.

Exit Strategies (Ref. to Paragraph 11 of the Call for Input)

Safe exit strategies play an important part of my proposed reforms. South Australia does not currently have any regulations in place to assist women and girls who wish to leave the industry. One constituent wrote to me, pointing out that leaving the industry would have been so much easier if there had been assistance given to her. She writes as follows:

"When I was in the industry, I defended it – like a lot of other women who are currently in the industry do. My self-esteem was so low I did not believe I deserved anything better. I was suffering from the after-effects of trauma, and I truly believed there was no other way for me to earn money. It was impossible for me to criticise the only thing paying my rent. If the financial pressure had been lessened though, I would not have kept on doing it. That's

why the exit services you talk about and that are part of the Equality Model are so crucial, as you know”.

My bill will provide the requisite support to the women who so desperately need it. It states that a person who wishes to exit the industry may apply to the Minister for assistance, such as finding accommodation, employment and accessing legal and medical services.

I believe that if we can provide comprehensive support services, women are more likely to leave the industry and begin their journey towards physical, mental, and emotional recovery.

Blanket decriminalisation: the link to increased prostitution, sex trafficking and organised crime (Ref. to Paragraphs 9 and 15 of the Call for Input)

Decriminalising the *purchase* of sex (including the users, pimps and brothel owners), legitimises the industry, leaving women exploited and vulnerable and void of pathways to exit the trade. It is linked to increases of prostitution, sex-trafficking and organised crime.

NSW (the State with the largest population in Australia), decriminalised brothels in 1995. Four years later, the number of brothels in Sydney had tripled. (4)

Full decriminalisation has been very detrimental in countries such as New Zealand, Germany and Belgium, where they have seen a greater prevalence of prostitution and an increase in trafficking.

New Zealand has seen a significant increase in the size of the industry since decriminalisation, with the number of prostitutes more than doubling. Germany is styled as the “Brothel of Europe”. Belgium is ranked as a “Tier 1” trafficking country.

The evidence clearly points to the inextricable link between sex-trafficking and prostitution and that the Nordic Model serves to decrease the incidents of sex-trafficking.

In a resolution of the European Parliament passed on September 14, 2023, the Parliament stated that “countries that follow approaches like the Nordic/Equality model are no longer big markets for human trafficking for that purpose.” (5)

According to the U.S. Department of State in its “Trafficking Persons Report”,

“Australia is primarily a destination country for women and girls subjected to sex trafficking...some foreign women – and sometimes girls – are held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, obliged to pay off unexpected or inflated debts to traffickers, or otherwise deceived about working arrangements” (6)

The U.S Report also observed that “the (Australian) Government (is not making) efforts to reduce the demand for commercial sex acts”.

My Bill is this Nation’s first evidence-based attempt to “reduce the demand for commercial services”. I am hopeful that its passing will eventually lead to less violence against women and girls and a reduction of sex-trafficking in our State.

Should you wish to discuss any aspect of this Submission, please feel free to contact my office on +61 08 8237 9350 or email me at centofanti.office@parliament.sa.gov.au.

Yours faithfully,



Hon Nicola Centofanti MLC

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References

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3. Church, S., Henderson, M., Barnard, M., & Hart, G. (2001). "Violence by clients towards female prostitutes in different work settings: questionnaire survey". *British Medical Journal*, 322 (7285), 524 – 525.
4. Sullivan, M. and Jeffreys, S., "Legalising prostitution is not the answer: The example of Victoria, Australia".
5. European Parliament resolution of 14 September 2023 on "The Regulation of Prostitution in the EU: its Cross-Border Implications and Impact on Gender Equality and Women's Rights".
6. Country Narratives, "U.S. Department of State Trafficking Persons Report 2017", pp 71 – 73.