



Prostitution is based on multiple forms of inequalities: men's domination over women, rich over poor, North over South, majority groups over minorities. Women from minorities, poor, migrant and marginalised groups form nearly the totality of the prostituted persons in prostitution all over the world.

These realities also apply to Queensland State. By reframing prostitution as a form of «work», by normalising the endless exploitation of women's bodies as an acceptable income alternative, the Attorney-General is sending an extremely sad message to its most vulnerable population, in particular women : if you are marginalised, we have nothing better to offer than being exploited in prostitution.

### **A disastrous impact observed in countries where the prostitution system has been fully decriminalised and legalised**

In all countries that have fully decriminalised and legalised the prostitution system, the same consequences have emerged. In Germany for instance, a country which legalised prostitution in 2002, the results are unequivocal:

- The highest estimates put the number of persons in prostitution in the country at 400 000,<sup>1</sup> of which only 23 000 were registered for the official “sex worker” status in 2021.<sup>2</sup>
- 81% of registered women were foreigners in 2021<sup>3</sup>
- Pimps use the legislation as a façade to exploit the most vulnerable: since the war started in Ukraine, the number of Ukrainian women fleeing war registered in Berlin's red-light district has increased fivefold. <sup>4</sup>
- The decriminalisation of the purchase of sexual acts has led to an explosion of the demand: in Germany, 26% of men declared that they have bought sex at least once in their lives, compared to 7% in Sweden. <sup>5</sup>
- To meet this demand, brothels are selling women on an industrial scale in “mega-brothels” offering €70 packages including a woman, a beer and a sausage, or " all you can fuck " deals.

The disastrous results of the German approach are leading to a collective awakening and paradigm shift in the country: both the CDU/CSU parliamentary group and the Chancellor (SPD) have recently taken a stance to put an end to the “sex work” approach. <sup>6</sup>

The explosion and normalisation of the purchase of sexual acts has an impact on all women and girls and increases the pressure on the most marginalised among them. In the Netherlands, a country that legalised prostitution in 2000, it is now legal for driving instructors to propose sexual acts to their students as a means of payment. This practice is commonly called “a ride for a ride”.<sup>7</sup>

In Belgium, in the Brussels' Aerschot street, known for its window prostitution, “each person in prostitution pays an average of €250 a day to brothel managers to rent a window. This rent is equivalent to €7,500/month

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<sup>1</sup> *Germany Has Become the Cut-Rate Prostitution Capital of the World*, Time, 2013

<https://business.time.com/2013/06/18/germany-has-become-the-cut-rate-prostitution-capital-of-the-world/>

<sup>2</sup> [https://www.destatis.de/EN/Press/2022/07/PE22\\_277\\_228.html](https://www.destatis.de/EN/Press/2022/07/PE22_277_228.html)

<sup>3</sup> [https://www.destatis.de/DE/Presse/Pressemitteilungen/2019/11/PD19\\_451\\_228.html](https://www.destatis.de/DE/Presse/Pressemitteilungen/2019/11/PD19_451_228.html).

<sup>4</sup> [https://www.theguardian.com/world/2023/mar/26/ukrainian-refugees-increasingly-targeted-for-sexual-exploitation-research-finds?utm\\_term=Autofeed&CMP=tw\\_t b-gdnnews&utm\\_medium=Social&utm\\_source=Twitter#Echobox=1679822347](https://www.theguardian.com/world/2023/mar/26/ukrainian-refugees-increasingly-targeted-for-sexual-exploitation-research-finds?utm_term=Autofeed&CMP=tw_t b-gdnnews&utm_medium=Social&utm_source=Twitter#Echobox=1679822347)

<sup>5</sup> <https://sverigeskvinnoorganisationer.se/wp-content/uploads/2023/12/Sex-prurchase-in-Sweden-Germany-Fact-sheet.pdf>

<sup>6</sup> <https://www.xn--bndnis-nordischesmodell-cpc.de/>

<sup>7</sup> *Dutch driving instructors can trade lessons for sex*, CNN, 2015 <https://edition.cnn.com/2015/12/21/europe/driving-lessons-sex-netherlands/index.html>

for a person paying these costs every day. This means that the person has to endure 150 “free” sexual acts before receiving a single euro for herself” according to the grassroots NGO isala.<sup>8</sup>

Under the guise of improving conditions for prostituted persons, the regulatory model of prostitution strengthens the stranglehold of pimps. They benefit from various legal statuses, such as “brothel owners” or “entrepreneurs” and perpetuate the sexual and economic exploitation of the most vulnerable with complete impunity.

Full-decriminalisation & legalisation have provided a legal facade used by international trafficking networks, as described among others by Manfred Paulus, a German police officer in charge of the fight against human trafficking for 30 years in Ulm, and now an EU expert:<sup>9</sup>

*In Germany we now have up to 100% of women imported from abroad for prostitution. It should be clear that a Belarusian woman from the Chernobyl area or a Roma from the ghetto in Romania can never make her way alone to Germany to work in prostitution. (...) The women are trafficked into the country, and in this sector, highly criminal structures have developed. Organised crime controls the business. The demanded distinction [between prostitution and human trafficking] gives reason for fearing the worst. There are obviously people involved who are not at all or too little informed about the milieu, and who, consciously or not, give in to the myth of “free” Prostitution, whispered to them by lobbyists. (...) But “voluntary” is just a magic word. If prostitution takes place “voluntarily”, then the brothel operator, the bar owner and the john no longer have a problem. And then the police, judiciary and political systems are helpless. That is why many people really love this word. But the truth is quite different. Speaking of voluntariness is frankly, to my mind, quite cynical.*

*Today we have “noble” brothels, decorated in marble and stainless steel. This does not exclude pimps hiding behind this facade, and behind them some mysterious company...(but) if we look behind this letter-box company, then we discover (Eastern European) clans and mafia or (well-known gangs).*

Far from improving the conditions of women and girls in prostitution, the decriminalisation of the purchase of sexual acts has on the contrary increased their exposure to violence. In Spain, Doctors of the World describes the situation as follows: *In the 30 years that we have been working with this group, we have assisted more than 100,000 people in prostitution and have found that this situation violates the human rights of the women involved and has a very negative impact on their physical, psychological and social health. They suffer social stigma and systematic violence, as we verified in our fieldwork: testimonies of sex-buyers who resort to emotional blackmail for the obtention of risky practices and physically and verbally assault them are alarmingly frequent. The mental health consequences of prostitution are similar to those suffered by people subjected to torture.*<sup>10</sup>

In New Zealand, Ally-Marie Diamond, survivor of the prostitution system, describes the situation as follows: *In fully decriminalised Aotearoa New Zealand, girls as young as 9 are being sold on the streets of Auckland, and 12-year olds are being bought in licensed massage parlours. Police are powerless to act, powerless to do raids, powerless to ask for ID, since these commercial sex establishments are legal businesses, and because women are independent contractors no paperwork on each woman or child is required. Sex tourism flourishes, as does sex trafficking to replenish the brothels and the market of flesh.*<sup>11</sup>

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<sup>8</sup> <https://www.isalaasbl.be/prostitution-associations-feministes-expriment-leur-profonde-inquietude-quand-a-laproche-de-la-belgique/>

<sup>9</sup> <https://www.emma.de/artikel/prostitution-menschenhandel-sind-untrennbar-317541>

<sup>10</sup> <https://www.medicosdelmundo.org/que-hacemos/espana/prostitucion-y-trata-de-seres-humanos-con-fines-de-explotacion-sexual>

<sup>11</sup> Survivor Explains: New Zealand’s Decriminalized Prostitution is Dangerous, Harmful, and Humiliating , PRE, 2019  
<https://prostitutionresearch.com/survivor-explains-new-zealands-decriminalized-prostitution-is-dangerous-harmful-and-humiliating/>

Instead of fighting the patterns of sexist, racist, and socioeconomic oppression that drive the most marginalized individuals into prostitution, the policy proposed by the Attorney General actually helps normalizing and sanitizing of their exploitation.

### **The worsening of a situation of legal inconstancy towards international Human Rights standards**

The government of Queensland seems unaware of international Human-Rights standards on prostitution and trafficking in persons.

**The UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others**, which states in its preamble that 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.

Article 1: The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

(1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; (2) Exploits the prostitution of another person, even with the consent of that person.

Article 2: The Parties to the present Convention further agree to punish any person who:

(1) Keeps or manages, or knowingly finances or takes part in the financing of a brothel;  
(2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

Article 6 : prohibits the implementation of a registration / regulation system on prostituted persons: Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

**The (Palermo) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, in particular its Article 9(5)**, that includes to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

**The CEDAW Convention**, Article 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Recently, the **UN Resolution 77/194** on Trafficking in women and girls adopted on 15 December 2022 in plenary session of the UN General Assembly by all Member States including Australia calls upon Governments to *intensify their efforts to prevent and address, with a view to eliminating, the demand that fosters the trafficking of women and girls for all forms of exploitation and in this regard to put in place or to enhance preventive measures, including legislative and punitive measures to deter exploiters of trafficked persons, as well as ensure their accountability.*

### **There is a Third Way between the criminalisation of prostituted persons and the legalisation of their exploitation**

Between the prohibitionist model that unfairly criminalises prostituted persons, and the regulationist model that normalises their exploitation, there is third way: the Equality Model, which allows for the decriminalisation

and protection of prostituted persons, while repressing their exploiters. This model, adopted by countries such as France, Sweden, Norway, Ireland, Northern Ireland, Canada and Israel. The government of Spain also announced its desire to adopt such a model last week.<sup>12</sup>

In 2023, this approach was adopted by the European Parliament, which called all EU Member States to adopt all its pillars<sup>13</sup>. The approach was also praised by the UN Special Rapporteur on Violence Against Women in 2024.<sup>14</sup>

It is based on 5 pillars:

1. Full decriminalisation of all prostituted persons;
2. Access to an exit programme, including socio-economic, psychological and legal support;
3. Criminalisation of the demand for the purchase of sexual acts, which is the sole purpose of the sex trade,
4. Criminalisation of all forms of pimping;
5. Sensitisation on the realities of prostitution, in particular among the youth and the male population, and training frontline professionals.

The implementation of this model in the above-mentioned countries has had extremely positive effects compared to other models. It has reduced the demand for the purchase of sex acts, decreased the size of the sex trade, and enabled hundreds of prostituted persons to emancipate themselves from the prostitution system in a sustainable way.

#### **In Sweden, which adopted an Abolitionist model in 1999:**

- the demand has halved as a result of the criminalisation of the purchase of sexual acts. 13.6% of men in Sweden said they had bought a sex act once in their lives in 1996, compared to 7% in 2023.<sup>15</sup>
- The drop in demand has made Sweden an unattractive territory for trafficking networks, which have moved away from it.<sup>16</sup>
- The law has also had a normative effect: while ¾ of Swedish people were against penalising sex buyers in 1996, less than 10 years later, in 2008, this measure was widely supported by 70% of the population.<sup>17</sup>
- Since the adoption of the law, 0 prostituted person has been killed in Sweden, against at least 84 in Germany.<sup>18</sup>

#### **In France, a country that adopted the Equality Model in 2016:**

- 0 persons in prostitution have been penalised since the law was adopted.

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<sup>12</sup> <https://twitter.com/IgualdadGob/status/1763238222975344919>

<sup>13</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328_EN.html)

<sup>14</sup> <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/2023-10-27-sr-vawg-commentary-france-law-prostitution.pdf>

<sup>15</sup> <https://sverigeskvinnoorganisationer.se/wp-content/uploads/2023/12/Sex-pruchase-in-Sweden-Germany-Fact-sheet.pdf>

<sup>16</sup> Sweden Ban on the purchase of a sexual act, an assessment" 2008.

<sup>17</sup> Ibid

<sup>18</sup> <https://prostitutionresearch.com/wp-content/uploads/2019/04/Murders-of-prostituted-women-in-Germany-since-legal-prostitution-in2002.pdf>

- 1 247 people have benefited from an exit programme in March 2023, providing psychosocial support, a residence permit for foreign victims, accommodation, monthly financial support, and vocational training with a 95% success rate.<sup>19</sup>
- More than 8,000 sex buyers have been fined or had to attend a mandatory awareness-raising course on the realities of prostitution.<sup>20</sup>
- An increase of 54% in proceedings against pimps was observed between 2016 and 2019 as well as 7x more compensation for victims.<sup>21</sup>

**We therefore call upon the Attorney General to adopt a Human-Rights and fact-based approach to prostitution rather than an ideological one. We call for the withdrawal of the bill and the launch of an initiative to adopt the Equality Model in Queensland State.**

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<sup>19</sup> <https://www.causette.fr/societe/en-france/isabelle-lonvis-rome-je-souhaite-porter-une-nouvelle-strategie-nationale-de-lutte-contre-la-prostitution-a-la-rentree/>.

<sup>20</sup> IGAS, Evaluation of the law of April 13, 2016 aimed at strengthening the fight against the prostitutional system and supporting prostituted persons, V.Gervais et Dr. P.Loulergue (IGAS) – P.Willaert et A.Puccinelli (IGA) – P.Steinmetz et C.Gay (IGJ), 2020 <https://www.igas.gouv.fr/IMG/pdf/2019-032r-prostitution-d.pdf>

<sup>21</sup> Ibid