

An open letter to all WA Members of Parliament from the Catholic Archbishop of Perth

August 29, 2007

The State Government has confirmed its intention to legalise prostitution in Western Australia. There are many reasons for opposing the legalisation of prostitution, but my biggest concern is the damage done to the girls and women who are enticed into the trade. The Government and its Working Party appear to have made the assumption that if you say there's nothing wrong with prostitution, there will be nothing wrong with it. All the problems that have been known for centuries will simply go away.

It is known in every State in Australia and around the world that prostitution is physically, emotionally, mentally, morally and spiritually destructive of human personality even if modern medicine can minimise some of the physical problems. It was the universal awareness of the degradation of women in prostitution that led the world to adopt one of the first of the UN Conventions: For the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949). Nothing has changed since then, except that modern research has detailed the harm done to women. For example, a 2003 research paper covering nine countries and published in the scientifically rigorous Journal of Trauma Practice reported that 60-75 per cent of women in prostitution were raped, 70-95 per cent were physically assaulted and 68 per cent met the criteria for post traumatic stress disorder.

That report and others confirm that prostitution is still as destructive as it ever was, but now the Government is proposing to give people certificates so they can freely exploit the prostitution of others. The Working Party made no attempt to quantify the level of suffering prostitution causes to women in this State, and it appears that the Government will introduce its legislation without even acknowledging that harm is done.

The Working Party estimated that there are up to 1700 'sex workers' in WA, most of them in the metropolitan area, and that there are about 38 'commercial sexual services premises', 30 in Perth and 8 in regional WA. In addition, according to Immigration Department figures for 2004-05, there are 290 "unlawful non-citizen sex workers" in Australia, with 5 per cent (15) in WA. Surely that sounds like trafficking in women and the exploitation of the prostitution of others.

Sadly, the Working Party's report makes no attempt to describe the turnover in prostitutes or the rate at which women involved in prostitution are affected by drugs, alcohol, illness, depression, breakdowns and suicide. The information may not be easy to obtain, but surely some effort should be made before Parliament is asked to give certificates of approval to some owner/managers of brothels but not others.

Research into the effects of prostitution and the difficulties for women trying to escape from the trade was done at Royal Perth Hospital some years ago. I know from the personal experience of supporting Linda's House of Hope and of speaking to the women who go to Linda Watson for help to escape from prostitution and create a new life for themselves that the suffering and harm I speak of are real.

I urge Members of Parliament to demand from the Government a comprehensive report on the nature of the industry it is seeking to present as a suitable avenue of employment for your constituents and their daughters. There is ample evidence from New South Wales and Victoria that the legalisation of prostitution has led to a huge increase in illegal prostitution, with more illegal brothels than legal ones; sharp increases in under-age and child prostitution; and rapid growth in trafficking in women through illegal migration for purposes of prostitution. The failure of the Working Party to produce a substantial report on the nature and effects of prostitution does not absolve the Government of its responsibility to communicate openly with Parliament and the community about what it is seeking to do.

Community interest

My second major concern is the question of community interest. While it is obvious that some people use brothels, it can hardly be said that there is community demand for more of them or for the legalisation of them.

Nobody has ever produced either realistic theory or empirical evidence that the presence of brothels produces any benefit for any community. Attempts have been made to argue that they are some sort of safety valve and therefore protect women and girls from sexual assault, but the only evidence we have in Western Australia is to the contrary. In his 1959 report, the WA Commissioner of Police published figures that showed there was a 25 per cent reduction in sexual crimes in the 12 months after the closure of the Roe Street brothels compared with the 12 months before their closure.

On the other hand, there is considerable research evidence to show that males, and particularly young males, who use prostitutes have greater tendencies towards domination of women and violence towards them. These behaviours by men, together with physical and sexual abuse of girls, are causal factors in more than half of all prostitutes being led into brothels and street prostitution. Therefore there is no community interest in the proliferation of brothels and prostitution.

Government integrity

The licensing (or certification, which is no different) of operators of brothels and similar businesses will call into question the integrity of the whole process of government, starting with the decisions of Parliament. For example:

- A licensing system at least implies that the Government will eliminate unlicensed operators. This raises the question: If, under a licensing system, the police will be able to eliminate unlicensed operators, why are they unable to eliminate illegal operations now? If illegal brothels and similar businesses increase as they have elsewhere, police will be forced into exactly the same situation as they have now. Legalisation will not solve the problem.
- If the DPP will support the Police by prosecuting unlicensed operators, why is his office currently operating under a ruling that it is not in the community's interest to prosecute illegal brothel operators?
- If the Police continue to avoid their responsibility and pass it over to local governments (as in Victoria), why is it that local government staff are capable of and can be trusted with administering licensed and unlicensed operations while the Police are not capable and cannot be trusted?

- The Working Party says it “makes no value judgement about the sex industry”, but then makes a massive value judgement by recommending that no local government should be allowed to make any sort of value judgement about whether it is in its community’s interest to have brothels in its midst. It would be an extraordinary value judgement for Parliament to rule that no Local Government will be able to avoid having organised prostitution in its community. It is hard to understand why, in the context of the Bill, what are now illegal brothels will be allowed to operate in local domestic neighbourhoods.
- Furthermore, the claim that the buying and selling of women and girls for the sexual gratification of men is value-free or value-neutral is so arbitrary and unsubstantiated that if adopted by Parliament it would bring into question the foundation of any value judgement enshrined in law.

An alternative view

Historically, the major problem with systems of allowing, forbidding, limiting, controlling or administering prostitution has been that the systems have been administered almost entirely from a male point of view. Under this often undefined male point of view, prostitutes are criminalised and their clients are, for the most part, ignored or treated as ‘value-free’.

There is an alternative view. It is that prostitution is another form of male violence and domination over women and children, and that in any form of prostitution the prostitute is the victim and the client is the predator.

After years of research – and possibly because they achieved almost 50 per cent representation by women in Parliament – Sweden enshrined this understanding in law. In 1999, they criminalised the buying of sex and decriminalised the selling of sex. Their legislation also provides comprehensive funding to help women trying to get out of prostitution, and further funding for public education to ensure that the community understood the real meaning of prostitution.

For the first couple of years, there were few significant results, but when the government provided the money for extensive training of the entire police service, and made it clear that it meant business in its attempt to eliminate violence against women and children, the results began to flow.

According to reports, the number of street prostitutes dropped by two-thirds, the number of clients by 80 per cent, and Sweden’s once-renowned brothels and massage parlours have rapidly dwindled.

Compared with its neighbours and most other European nations, Sweden has virtually no trafficking of foreign women for sexual purposes.

Sweden’s Police not only administer the law, but are enthusiastic supporters because they find that it helps them to deal with all sex crimes and to virtually eliminate the organised crime elements that plague prostitution.

Public opinion surveys run at about 80 per cent in favour of the new law.

Sweden's experience to date is in sharp contrast to other forms of legalisation or regulation which inevitably result in a dramatic increase in all aspects of the sex industry; an increase in the involvement of organised crime; increase in child prostitution; increase in the trafficking of foreign women and girls; and indications of a general increase in violence against women. This is the Australian and international experience.

The Working Party was made aware of the Swedish model, but dismissed it in a couple of lines based on a comment from someone in New Zealand. It has all the appearances of someone trying to push through legislation before the results of the Swedish model become widely known and understood. It is also noteworthy that the Government is trying to rush through legislation before the results of the New Zealand model (introduced in 2004) are clear. New Zealand is the only jurisdiction the Working Party was specifically asked to examine and that is the one it has recommended without any information about how well or badly it is working.

Members of Parliament in Western Australia should not allow themselves to be stampeded into legislation until a serious assessment of the results in Sweden are presented. The biggest advantage of the Swedish model is that it is based on a clear understanding of the observable truth about prostitution – namely, that it seriously harms the women who are enticed or coerced into it. While our Government is trying to adopt 'value-neutral' definitions for prostitution, the Swedes had the good sense to declare that prostitution is not the oldest profession, it is the oldest oppression.

Conclusion

There is ample evidence from around the world as well as in Australia that prostitution harms women and girls. There is no evidence that it brings benefit to any community. I therefore most sincerely ask all Members of Parliament to oppose this legislation.

+Barry Hickey
Catholic Archbishop of Perth