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The Koreanization of the Australian Sex Industry: A Policy and Legislative Challenge

Caroline Norma*

Abstract: South Korea enacted legislation in 2004 that penalizes pimps, traffickers, and sex industry customers while decriminalizing people in prostitution and offering assistance to leave the sex industry. In contrast, Australia legally recognizes most sex industry activities. This article argues that Australia's laissez-faire approach to the sex industry hampers South Korean government efforts to prevent the crime of sex trafficking. Since 2004, pimps and traffickers have moved their activities from South Korea to countries like Australia and the US that maintain relatively hospitable operating environments for the sex industry. The Australian government should reconsider its approach to prostitution on the basis of its diplomatic obligations to countries like South Korea and the need to uphold the human rights of women in Asia who are being trafficked and murdered as a result of sexual demand emanating from Australia. Australia should coordinate its policy on prostitution with South Korea to strengthen the region's transnational anti-trafficking response.

Keywords: prostitution, trafficking, South Korea, Australia, policy, legislation, feminism

INTRODUCTION

In this article I argue that Australian prostitution legislation hampers South Korean efforts to tackle transnational sex trafficking. There is potential for friction in the

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diplomatic relationship between Australia and South Korea (hereafter Korea) over their vastly different approaches to prostitution. The Korean government in 2004 criminalized the activities of pimps, traffickers, and sex industry customers (Dasi Hamkke Center, 2010; WHRCK, 2009; Farley & Seo, 2005), but Australia has furnished the sex industry and its customers with a relatively hospitable environment since 1994 (S. Jeffreys, 1997; S. Jeffreys, 2009b; Sullivan, 2007; Maltzahn, 2008).¹ The development of the Australian legislative regime was discussed in detail by Sullivan (2007), who called it a “failed experiment in legalized prostitution”; the results of the experiment today include brothels, outcall (escort) prostitution businesses, strip clubs, pornography distribution companies operating legally,² and the advertising of women for prostitution through local newspapers and Web sites.³

In contrast, the Korean government in 2004 passed two laws against the sex industry, prostitution, and trafficking. The *Act on the Punishment of Procuring Prostitution and Associated Acts* establishes legal penalties for pimps and traffickers who attempt to sell people for prostitution, as well as for those who seek to buy a person for the purpose of prostitution. The *Act on the Prevention of Prostitution and Protection of Victims Thereof* outlines social education and awareness-raising measures for the prevention of prostitution, as well as requirements for the protection and social reintegration of people leaving the sex industry.⁴

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1. The Australian state of Victoria legalized prostitution in 1984, and the Australian Capital Territory followed suit in 1992. Queensland legalized prostitution in 1999 (brothels only), and the New South Wales government decriminalized prostitution in the late 1990s. As at November 2011, it appears likely that the Western Australian government will also legalize prostitution in that state.
 2. Brothels and outcall businesses in the Australian Capital Territory, Victoria, and New South Wales, brothels in Queensland, and brothels, escort agencies, and pornography distribution companies in the Australian Capital Territory.
 3. In Victoria, “adult services” classified advertisements in municipal newspapers feature numerous pictures of and references to Asian women. Asian women are also advertised through a number of Australia-based sex industry websites, including Just for Adults (<http://www.justforadults.com.au>), which includes advertisements that refer specifically to Korean women.
 4. Unlike the laws in Sweden, Norway, and Iceland, Korean legislation still allows for punishment of a prostituted person if he or she is deemed by police to not have been trafficked into the sex industry. While the definition of trafficking in Korean law is very broad, and would technically allow police to designate all people in the sex industry as trafficking victims, the effectiveness of the legislation is still constrained by the extent to which police are educated in the principles underpinning it. Women’s organizations in Korea are currently campaigning to have this loophole in the law closed.

I argue that the divergence between Australian and Korean policy on prostitution that has opened up since 2004 is a factor facilitating sex trafficking from Korea to Australia. Most of the literature on cross-country sex trafficking sees poverty push factors as causing Asian women to enter Australia's sex industry (see Pickering, 2009; Piper, 2005). My argument, in contrast, is that Australian laws on prostitution act as a policy pull factor for trafficking. This article presents a theoretical discussion of issues to be investigated in later empirical research.

The trafficking of Korean women into Australia's sex industry has been recognized as a problem by both the Australian Federal Police and the Australian Commonwealth Government for more than five years. A government report on non-Australian citizens caught working in the sex industry in 2004-2005 showed that the largest number were Korean (Australian National Audit Office, 2006, p. 75).

This article first discusses the recent "Koreanization" of Australia's sex industry. It then reviews explanations of the trafficking problem offered by Australian commentators, which tend to place blame on the Korean side and fail to see the problem as a policy and legislative challenge for Australia. I contend that the prominent presence of Korean women in Australia's sex industry reflects a legislative weakness in Australia that requires remedy, and further, that Australian government inaction on the Korean traffic is underpinned in part by misogynistic ideas about Asian women circulating in Australian society. I compare the Australian and Korean policy and legislative regimes, and assert that Korean efforts against prostitution as a practice of social harm are being undermined by Australia's *laissez-faire* approach to the sex industry. Lastly, I outline the need for reconsideration of Australia's prostitution policy and legislation on the basis of the government's obligations under the United Nations (UN) 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol), as well as Australia's diplomatic relationship with Korea.

The UN, European Parliament, and US Department of State view sex trafficking as fundamentally linked to prostitution via (male) sexual demand, which is met through the activities of the global sex industry.⁵ Thus, an examination of domestic prostitution policy and legislation is relevant to a discussion of government approaches to transna-

5. See, for example, European Parliament, "Parliament approves tougher rules to combat trafficking in human beings," at http://www.europarl.europa.eu/en/pressroom/content/20101214_IPR09488/html/Parliament-approves-tougher-rules-to-combat-trafficking-in-human-beings (accessed 29 July 2011); US Department of State, Victims of trafficking and violence protection act of 2000: Trafficking in persons report (Office of the Under Secretary for Global Affairs, 2000) at <http://www.state.gov/documents/organization/34158.pdf> (accessed 29 July 2011).

tional sex trafficking. Governmental response to this problem is urged by the UN; Article 6 of the Palermo Protocol requires member states to take “all appropriate legislative and other measures” to suppress the “exploitation of the prostitution of women.”⁶ Accordingly, the UN is critical of states that maintain licensed systems of prostitution, as conveyed by the former UN Special Rapporteur on Human Trafficking, Sigma Huda, in 2006:

State parties with legalized prostitution industries have a heavy responsibility to ensure that the conditions which actually pertain to the practice of prostitution within their borders are free from the illicit means delineated in subparagraph (a) of the Protocol definition, so as to ensure that their legalized prostitution regimes are not simply perpetuating widespread and systematic trafficking. As current conditions throughout the world attest, State parties that maintain legalized prostitution are far from satisfying this obligation. (Dasi Hamkke Center, 2010, n.p.)

This understanding of trafficking as a practice arising mainly from the activities of the global sex industry has long been advocated by feminists, including the former director of the Coalition Against Trafficking in Women, Dorchen Leidholdt (2003). This view is generally supported by the Korean government, for example in the Act on the *Punishment of Procuring Prostitution and Associated Acts*.⁷

In contrast, Australian Commonwealth law distinguishes between forced and free prostitution, with only the former category attracting anti-trafficking protections (Australian Government, 2005). In Australia, people can be convicted of trafficking only if they use deception, force, or debt in bringing someone into the country for the sake of providing sexual services. Bringing a woman in through the “abuse of power or condition of vulnerability,” which Article 3(a) of the Palermo Protocol recognizes as a strategy of traffickers, is not necessarily penalized.

This narrow definition of trafficking limits the possibility of sexual slavery convictions in Australia’s courts. It also makes it more difficult for judges to accurately perceive the crime. In a 2008 high court case involving a number of Thai women trafficked into a Melbourne brothel, a judge recorded a dissenting opinion on the grounds

6. Office of the United Nations High Commissioner for Human Rights, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 2000.

7. The preamble to the Act on the Punishment of Procuring Prostitution and Associated Acts states that it “aims at eradication of procuring prostitution and trafficking for prostitution, and also at protection of human rights of the victims of prostitution. In order to do so, the Act stipulates harsh punishment to the owners of prostitution businesses, scaling down of prostitution industry, and protection of the victims of prostitution” (CWHR, n.d.).

that, when he was an articulated clerk, there were many elements of his employment that were “very similar to slavery: long hours, lack of food and various forms of oppression” (Kissane, 2008). This comment is reflective of the nature of policy debate on trafficking in Australia, which remains bogged down in ideas about prostitution as work (for example, Segrave, 2009; Sullivan, 2010). These ideas prevent policy progress on the crime of trafficking because its fundamental cause—male demand for the prostitution of women mediated through the sex industry—is papered over by rhetoric that sees an equivalent level of individual free choice between women debt-bonded to brothels and upper class male university graduates in their first year of work with inner-city law firms.

Given the unsophisticated nature of the policy discussion that surrounds prostitution and trafficking in Australia,⁸ this article approaches the problem from the policy perspective of the Korean government. It draws on published materials from the Women’s Human Rights Commission of Korea (WHRCK), the Center for Women’s Human Rights (CWHR), and the Dasi Hamkke Center, which are organizations funded by the Korean government, as well as English-language newspaper reports.

This article is situated within a body of scholarship that compares policy and legislative approaches to prostitution and trafficking across countries. Australia features in this scholarship as a country that has both a well-developed anti-trafficking strategy and a legalized prostitution regime. An example of this research is Munro’s 2005 comparison of the trafficking policy regimes of Australia and the UK. Munro observed that the Australian government emphasizes the presence or absence of individual consent in its implementation of anti-trafficking initiatives, whereas the UK government frames the problem primarily as one of exploitation, and de-emphasizes the relevance of victim consent (Munro, 2005). Munro does not criticize the Australian government for failing to understand trafficking as a crime that is not contingent on individual consent (as the UN maintains). Rather, she seeks to show how little effect different ideological perspectives on prostitution have on the implementation of anti-trafficking

8. The lack of sophistication that surrounds this issue in Australia can be seen in a filmed public service message produced by academics at the University of Queensland in 2011, which fails to make any distinction between sex trafficking and other forms of trafficking. See ‘Be careful what you pay for’ at <http://www.law.uq.edu.au/awareness-and-education> (accessed 17 September 2011). See also the Drugs and Crime Prevention Committee’s report *Inquiry into People Trafficking for Sex Work* (2010), which repeatedly claims that the crime of trafficking is difficult to define, in spite of the fact that the Australian government has ratified the Palermo Protocol, which defines trafficking specifically and concretely. At http://www.parliament.vic.gov.au/images/stories/committees/dpcp/Trafficking_Final_full_report_with_cover.pdf (accessed 17 September 2011).

initiatives. Munro is able to make this argument, which minimizes the importance of the feminist abolitionist viewpoint on prostitution in anti-trafficking policymaking, only because she does not consider legislative approaches to prostitution as practically crucial to the ability of governments to achieve their anti-trafficking objectives. Munro does not consider the fact that the implementation of Australia's trafficking legislation is being hindered by its legalization of prostitution as a policy pull factor.

Many scholars similarly compare different policy environments surrounding trafficking without referring to prostitution legislation (see for example Segrave, 2009). They see trafficking as a (distorted) practice of migration, rather than a trade in women and children carried out by the global prostitution industry (see Agustin, 2007; Davidson, 2005). This "migration" viewpoint operates from the premise that individuals seeking to migrate, rather than organized sex industry agents, are driving the bulk of the global traffic.

This perspective is evident in the scholarship produced by Schloenhardt and his research team on the law faculty of the University of Queensland. These researchers broadly examine trafficking policy and legislation in Australia, but are quick to remind readers that there are "women who actively pursue a career in this field [the sex industry] in Australia, but are exploited by their employers" (Schloenhardt, Beirne, & Corsbie, 2009, p. 37). Schloenhardt and his team generally think of trafficking as a phenomenon of independent travellers ending up with bad employers, rather than an activity of pimps and traffickers in organizing women to come to Australia so the business of prostitution can continue.

A tendency to minimize the role of sex industry agents in organizing the global traffic is evident in most recent work on the issue, including that of Agustin and Davidson, who claim that radical feminists and human rights nongovernmental organizations (NGOs) exaggerate the incidence of trafficking by mislabeling women and children who have simply migrated for sex work (Agustin, 2007; Davidson, 2005; Davidson, 2011). Davidson writes that "agents who facilitate children's voluntary and consensual migration into sex work" (2011, p. 458) are not traffickers, and academics shouldn't necessarily think that "children in prostitution are necessarily vulnerable and non-agential" (2011, 464). In her view, trafficking is not a central part of the operations of the sex industry; indeed there is little need for trafficking to take place because there are impoverished women—and even children—who independently and willingly cross borders to work in the sex industry.

This viewpoint is challenged by Australia-based researchers Carson and Edwards (2011), who compare the different legislative regimes governing prostitution in Victoria (Australia) and Sweden in order to evaluate their effectiveness against trafficking. They concluded that Australia's legalization of prostitution is less effective than

Sweden's abolitionist legislation as a policy framework for reducing trafficking.

I share Carson and Edwards's theoretical perspective, which derives from the radical feminist understanding of trafficking as the "supply chain for prostitution" (S. Jeffreys, 2009b, p. 155). In this view, trafficking is understood as the means by which the global sex industry procures and recruits people for prostitution. It is an industry practice that "expands and markets women's sexual exploitation" (Farley, 2009, p. 311). This perspective contrasts with the view that trafficking is largely incidental to the activities of the sex industry and should be addressed separately as a marginal problem of rogue elements. Farley wrote skeptically about this de-emphasizing of trafficking as a practice of the global sex industry. She noted that such

theoretical distinctions between prostitution and trafficking simply do not exist in the real world. Men's demand for trafficked women cannot be distinguished from the demand for prostitution. The same qualities in women that are sought by men who buy sex are also risk factors for trafficking; for example young age, low price, foreigner or "exotic", and inability to speak the local language. (Farley, 2009, p. 314)

MacKinnon agreed with Farley that "traffickers are incentivized to grab girls when they are most desirable to the market place" (2011, p. 306). The personal vulnerability that makes women and children desirable in the eyes of prostitution buyers is the same vulnerability that makes them the target of traffickers. A profit motive therefore guides their recruitment, and in the radical feminist view, this makes the practice of trafficking a central and necessary part of the sex industry worldwide.

Traffickers' selection of victims on the basis of their vulnerability is replicated in their choice of recruitment setting. Farley and Seo note that traffickers "exploit opportunities created by erratic enforcement of laws against prostitution and trafficking" (2005, p. 10). In other words, traffickers are attracted to jurisdictions that weakly regulate prostitution and trafficking. Traffickers now see Sweden, where the sex industry has been criminalized since 1999, as an "unattractive market," because they can no longer "earn as much money as they want to." In a phone-tap recorded by Swedish police, a trafficker told a pimp he wanted to bring 15 young Estonian women to Stockholm for a couple of weeks to make money. The pimp replied: "Don't do that. It's too expensive for you. Bring the women to . . . Denmark or even better, Germany or Holland" (Swedish Institute, n.d.). Germany and Holland, of course, are (in)famous for their systems of legalized prostitution.

Similarly, since the Korean government took action against pimps and traffickers in 2004, these sex industry agents have partly moved their activities abroad. Jang Joon-Oh at the Korean Institute of Criminology, in conjunction with two US-based

researchers, Choo Kyung-Seok and Choi Kyung-Shick, examined the trafficking of women from Korea into the US sex industry (Jang, Choo & Choi, 2009). Their research was prompted by statistics like those indicating that, between 2004 and 2006, 8,000 Koreans entered prostitution in the US (Rahn, 2008). Jang, Choo, and Choi questioned the traditional understanding of trafficking as caused by poverty push factors. Instead, they wrote, “South Korea’s relatively high level of development . . . demands, a shift in analytical focus to legal and policy-based factors” that influence trafficking (Jang, Choo & Choi, 2009). Australian policy currently provides a business refuge allowing Korean pimps and traffickers to continue to profit from prostitution. The next section describes the extent of Korean sex entrepreneur activity in Australia.

SEX TRAFFICKING IN THE AUSTRALIA-KOREA RELATIONSHIP

Korea is currently Australia’s fourth largest export market, and negotiations for a free trade agreement between the two countries are expected to be concluded soon. The year 2011 was the official Korea-Australia Year of Friendship, and Australian Prime Minister Julia Gillard made a diplomatic visit to the country in April. While trafficking was not on the agenda of the visit, Australia is vulnerable to criticism from the Korean government over the trafficking of Korean women into its sex industry.

The Korean government is aware of the problem; the Ministry of Foreign Affairs and Trade has hosted pre-departure training for Koreans participating in working holiday programs in Australia on their vulnerability to sex trafficking (US Department of State, 2011, p. 218). The Ambassador for Overseas Koreans within the Consular Affairs division of the Korean Ministry of Foreign Affairs and Trade, Hayong Moon, visited Canberra in November 2011 to discuss the trafficking problem, after a series of news reports in *The Age* newspaper on the trafficking of Asian women into legal brothels in Melbourne and a television program on the national broadcast network in October 2011 (see McKenzie & Beck, 2011; Australian Broadcasting Corporation, 2011). After the visit by Moon, it was decided that the Korean government would send a public prosecutor to be stationed at the Korean consulate in Sydney from January 2012 to review working holiday visa applications in an effort to combat their misuse by traffickers.

Korean police are alert to the trade between Korea and Australia. In 2005, the Seoul Metropolitan Police arrested seven people on charges of arranging travel and employment for 38 women. One of these women, a 28-year-old, told police that brothel owners in Australia had exploited her throughout her stay, and she had been trafficked to pay a KRW70 million debt to her pimp in Seoul. She told police she was used by

five customers a day in Australia (Sohn, 2005). Six years later, the situation of Korean women in Australia's sex industry doesn't appear to have improved. It was reported in October 2011, for example, that an "inner-city Sydney brothel . . . specializes in Korean prostitutes and is closely linked to the Comancheros outlaw motorcycle club and senior Asian organised crime figures" (McKenzie & Beck, 2011).

The Australian government is also aware of the problem. The minister for home affairs and justice, Brendan O'Connor, in 2010 acknowledged that South Korea was close to overtaking Thailand as the source of the most women trafficked into Australia's sex industry (Bucci, 2010, p. 13; see also Schloenhardt & Loong, 2011). The Australian Federal Police first acknowledged the problem of trafficking from Korea in 2006 (Smiles, 2006). A number of incidents had brought the problem to Australian public attention before this. In 2004, two people were charged with trafficking offences in relation to five South Korean women (O'Brien & Wynhausen, 2005, p. 11); in March 2008, three people were arrested in Sydney for sexually enslaving 10 Korean women, and in December 2008, a Korean woman thought to have been involved in Sydney's sex industry was found dead in an apartment (Ramachandran, 2008). In the same year, a 32-year-old Korean woman was stabbed to death in Queensland "by a client angry she was aged over eighteen" (Thomson, 2011, p. 4).

Despite widespread acknowledgment of the problem of Korean sex trafficking, the Australian government has yet to conclude any agreement with Korea to combat the problem. This is despite it pledging US\$5.4 million to fight human trafficking in Southeast Asia in 2003 (Lovering, 2003), securing an anti-trafficking agreement with Indonesia in 2007 ("Australia combats human trafficking through Indonesian partnership," 2007), and signing a bilateral agreement with Malaysia to combat human trafficking and smuggling in 2010 ("Anti-Human Trafficking Effort Lauded," 2010, p. 13). While racism expressed in the form of public concern about Australia's migration regime and border control capabilities might be a feature of these agreements with Southeast Asian countries, sex trafficking is nonetheless addressed in the measures. The failure of the Australian government to take even token steps to quell the Korean traffic is surprising, especially given Australia's trade dependency on Korea and the strong diplomatic ties maintained between the two countries.

A lack of research on the Korean traffic is not preventing the government taking action. In 2009, Jang, Jung, and Dalton published an article (followed by a book in 2010) based on surveys and interviews with 21 Korean women in Sydney's sex industry. They found that more than half the women "felt that they were deceived about their eventual working conditions [in Australia] and found their working conditions to be either worse or much worse than what they expected or heard" (2009, p. 255). Interviewees experienced "surveillance or [being] in captivity" and had their "physical

appearance or . . . daily activities controlled” while in Australia at rates of more than 80 percent (2009, p. 940). The researchers also heard from the Commonwealth Attorney General’s Department that “between 1 March 2004 and 31 March 2007, 530 Korean nationals were found working [un]lawfully in the sex industry” (2009, p. 254).

In 2002-2005, Korean women were not at the top of the list, but they still accounted for 239 women charged with prostitution-related offences in Australia (Lee, 2006). It would be optimistic to think they entered Australia independently. The Australian international human rights lawyer Anne Gallagher, who works on AusAID-funded trafficking projects in Asia, commented in 2003 that “the great proportion of the Australian sex industry is made up of Asian workers, and it’s probably safe to say that a significant percentage of them have been trafficked” (Baker, 2003, p. 5). This observation was confirmed in a 2009 report, which cited testimony from brothel operators in Melbourne that they were regularly “offered groups of workers by brokers or agents who approached them,” mainly comprising workers from Korea, China, and Thailand (Pickering, 2009, p. 43).

Australia has a good reputation in Southeast Asia for its anti-trafficking efforts (Derks, 2000, p. 29), but no similarly positive endorsement of Australia’s approach to trafficking is heard in Korea. On the contrary, the Center for Women’s Human Rights (now the Women’s Human Rights Commission of Korea), which is funded by the Korean Ministry of Gender Equality and Family to oversee national efforts to prevent and redress the harms of prostitution and trafficking, sponsored political scientist Sheila Jeffreys, a well-known critic of Australia’s prostitution legislation (see S. Jeffreys, 2009a), to speak at its 2008 conference. The CWHR sponsored me to address its 2006 conference as a representative of the Coalition Against Trafficking in Women Australia, a research NGO that lobbies governments in Australia to change their prostitution policies. While neither of these visits were arranged or sponsored directly by the Korean government, they do reflect the antagonistic policy positions currently held by the two countries, given that members of the Coalition Against Trafficking in Women Australia have never been sponsored to speak to any government agency in Australia and are unlikely to be invited to do so while prostitution remains legal.

The subsidized travel of anti-prostitution academics and activists to Korea since 2004 takes place in the context of Korean government efforts to publicize its approach to prostitution at the international level. Lee Hwayoung, the former director of the WHRCK, made the following call for greater international engagement on the issue: “It is well known that prostitution has become a global issue. Contrary to the general consensus that international solidarity is essential to root it out, communication channels on the prevention of prostitution are very few” (WHRCK, 2009, p. 5).

Lee nominated prostitution as an issue for international engagement, rather than

trafficking, as would usually be expected in English-language documents produced for international consumption. Her comment reflected the stance of the WHRCK that cross-border trafficking is caused by transnational demand for the prostitution of women. The WHRCK accordingly has the stated aim to “network with overseas anti-prostitution groups” (WHRCK, 2009, p. 8) to tackle trafficking.

Advocating this policy at the international level is carried out through the WHRCK’s fully translated English website and its translated annual reports. It produces a yearly DVD of anti-prostitution short films that are subtitled in English, and publishes a regular webzine that is also translated. While the Korean government has not yet directly commented on Australia’s prostitution legislation, if the trafficking of its nationals into Australia’s sex industry continues—and causes more deaths—it is conceivable that friction between the two countries could arise. In international fora, the two governments advocate very different ideas about prostitution, and these ideas clash at the point where Korean women are trafficked into Australia and murdered in the local sex industry.

BLAMING KOREA FOR SEX TRAFFICKING

Statements by academics and bureaucrats in Australia that responsibility for the trafficking problem resides on the Korean side currently shield the Australian government from criticism over the issue. Paradoxically, commentators blame Korea’s 2004 anti-prostitution laws for the problem. As mentioned, these laws criminalize the business of the sex industry and the activity of prostitution customers, and enact society-wide measures to prevent prostitution through public education programs as well as social services for women leaving the sex industry (see CWHR, n.d.).

Korea was the second country in the world after Sweden to introduce this type of legislation, and since 2004 Norway and Iceland have followed suit. The legislative model is generally referred to as the “Nordic model” in policy circles, and the WHRCK refers to it frequently in its publications. There is empirical evidence from both Korea and Sweden that legislation is effective in reducing trafficking and suppressing sex industry expansion (Waltman, 2011; Claude, 2010; Government Offices of Sweden, 2009; CWHR, 2008). The law has brought significant changes to the environment in which men buy women for prostitution in Korea; 12,562 prostitution customers were arrested from 2004 to the end of June 2007 (CWHR, 2008). Farley and Seo noted the law had been credited with a 37 percent reduction in the number of brothels in the country, a 30-40 percent decrease in the number of bars and clubs, and a 52 percent drop-off in the number of women being prostituted (Farley & Seo, 2006, p. 11).

Despite the fact that the “Nordic model” is achieving significant results in Sweden and Korea, information about its progress is almost absent from the policy discussion on prostitution taking place in Australia. In a 2010 report published by the Drugs and Crime Prevention Committee of the Victoria Parliament, Korea’s anti-prostitution laws are blamed for the traffic of women into Australia’s sex industry:

Pressures on trafficked women may be particularly acute in countries where prostitution is criminalised and women for whom sex work is the only trade they know feel they have no choice but to leave the country of origin. . . . This may be especially true of women from South Korea (where prostitution was made illegal in 2004) who come to Australia. Often such women have not had equal access to education and training opportunities and lack the skills of their male counterparts required for other forms of employment. (Drugs and Crime Prevention Committee, 2010, p. 53)⁹

A number of dubious assumptions underpin this statement. First, the Committee assumes that sexism reduces female education and employment opportunities in Korea. While sex discrimination in education and employment certainly does occur in Korea, a 2010 UNESCO report found that Korea had the highest rate of female tertiary enrolment in the Asia-Pacific region (Ramachandran, 2010, p. 12).

The Committee might have been more circumspect in making these kinds of claims, particularly because South Korea is the world’s 15th largest economy in GDP terms, as compared to Thailand (the other major source of women trafficked into Australia’s sex industry) at number 30. Korea’s economy in absolute terms is almost three times the size of Thailand’s, and it is only two places behind Australia on the list of the world’s largest economies. The Committee also failed to note that the Korean government since 2004 has offered women leaving the sex industry 18 months of assistance, including subsidized accommodation and legal, medical, counseling, and retraining programs, to help them reintegrate into mainstream society (Dasi Hamkke Center, 2010; WHRCK, 2009). The claim that women have “no choice but to leave their country of origin” is exaggerated in light of research by the CWHR at the end of 2008 indicating that 60 percent of women who participated in the government-sponsored support programs between 2004 and 2008 remained out of the sex industry (Dasi Hamkke Center, 2010, n.p.).

The Committee further assumed that the criminalization of the sex industry in Korea is forcing women to travel to Australia to pursue their only means of income

9. A similar opinion was offered by Pickering (2009, p. 44): “The arrival of Korean workers... was linked to changes in the enforcement of sex work laws in Korea.”

generation. In this assertion, it appears to believe that Australia's regime of legalized prostitution operates as a safety net for prostituted people fleeing their home countries as economic refugees. The Committee makes no mention, however, of the role of pimps and traffickers in bringing women to Australia. As mentioned, the Seoul Metropolitan Police uncovered a syndicate of Australia-bound traffickers in 2005 (Sohn, 2005). The Dasi Hamkke Center, which is the organization funded by the Seoul Metropolitan government to provide grassroots assistance to women exiting the sex industry, confirmed that "traffickers [in Korea] are searching for new ways to conduct business without facing state regulations within Korea's borders and abroad" (Dasi Hamkke Center, 2010, n.p.).

Korean traffickers face little such regulation when they enter Australia. So while the Committee might have correctly pointed to the 2004 laws as being a catalyst for trafficking out of Korea, it failed to see that ultimate responsibility for this lies not on the Korean side, but with Australian policymakers who have failed to synchronize their prostitution laws to establish a coordinated transnational policy environment that is hostile to the business of traffickers and pimps. The fact that Korean sex industry agents are able to circumvent domestic laws by transferring their activities to Australia is surely no cause for self-congratulation by Australian policymakers.

Pimps and traffickers are largely ignored in reports by government-funded organizations in Australia that discuss the situation of migrant sex workers. It is generally imagined that Asian women independently and autonomously organize their own transit into the Australian sex industry; this idea holds particularly strongly for Korean women, because Australia maintains a working holiday visa arrangement with Korea. A 2011 report commissioned by RhED (Resourcing Health & Education in the Sex Industry), a Melbourne-based organization funded by the Victorian government as a unit of the state health service, claimed that "although South Korean sex workers can legally enter Australia, a lack of awareness of this option, and the perception that sex work is illegal in Australia, results in people opting for contracts rather than entering independently through working visas" (Rowe, 2011, p. 99).

The report used the euphemistic term contract to refer to the inflated or fabricated debt that traffickers commonly use to entrap women in sexual servitude (see Maltzahn, 2008). In using this term, it implied that Korean women are individually free to decide to accept or reject offers of transit made by traffickers, as if the transaction might be one of mutual benefit in which a woman gets to travel and a pimp gets an overseas contract worker. The alternative feminist understanding that trafficking involves the trading of a prostituted person between a pimp and a broker (see O'Connor & Healy, 2006) is lost in this formulation.

Attributing the phenomenon of trafficking to the ignorance of individual Korean

women who are uneducated about Australia's legal prostitution industry further underestimates the profit motive that exists for sex industry entrepreneurs to traffic women. In fact, Korean pimps use the legality of Australia's sex industry as a marketing pitch to get women to acquiesce to being moved to Australia. In 2006 it was reported that a 36-year-old woman was detained at the Songpa Police Station in Seoul for successfully recruiting 50 women for trafficking into prostitution in Sydney. She had been undertaking this activity since April 2004. The newspaper reporter noted she "lured women by telling them that the sex trade is legal in Australia" ("Women Lured into Australian Sex Trade," 2006).

The report also underestimated the extent to which Korean pimps and traffickers are active in the Australian sex industry, and the profit incentive that drives them to liaise with networks in Korea for trafficking purposes. Jang, Jung, and Dalton noted that "international employment networks based in Korea . . . may have played a significant role in the entry of Korean women into the Australian entertainment and sex industry," and a "large number of recruiters in Korea [are] working as agents for Australia-based Korean recruiters of entertainment and sex workers" (Jang, Jung, & Dalton, 2009, p. 258). The women they recruit are extremely vulnerable. A large proportion of women in prostitution in Korea are in the sex industry as a result of debt coercion. Farley and Seo note that "prostituted women and their families [in Korea] are threatened with bodily harm if they escape without paying off . . . coerced debts" (2006, p. 10).

Commentators generally acknowledge that the majority of Asian women in Australia's sex industry are likely to have been in prostitution in their home countries (see Pickering, 2009; Schloenhardt, 2008, p. 4). On the basis of this understanding, however, they imagine Australia's sex industry to offer better "working" conditions, and women to autonomously travel to Australia on this basis. There is no evidence for this.

Alternatively, commentators imagine abstracted causes for Korean women's entry into prostitution in Australia. A 2009 report commissioned by Consumer Affairs Victoria, the government agency that oversees legal brothels in the state, explained sex trafficking on the basis that "working women move in response to global and political patterns" (Pickering, 2009, p. 26). According to the report, the "Korean Government tried to make the US happy" after September 11, 2001 (Pickering, 2009, p. 26) by criminalizing prostitution. (It did not actually criminalize the sex industry until 2004.) This assertion reflects a lack of awareness among Australian commentators of the difference between the US and Korean legislative models on prostitution. It doesn't make clear sense to suggest that the Korean government felt obliged to introduce a model of prostitution legislation that is not in operation in the US. The US legislation is very different from the Nordic model; most US states criminalize victims of prostitution,

and do not offer services for women to exit the industry (see Farley, 2007). The Korean model, on the other hand, decriminalizes prostituted people and makes them eligible for a range of social services. Also, this model of legislation was introduced during a time when Korea was led by a progressive, left-leaning government that wasn't always on the best terms with the US government (Shin, 2010).

Rather than engage with the substantial differences between Australian and Korean policy on prostitution, policymakers tend to rehash “oriental” cultural stereotypes to explain the trafficking problem. In the aforementioned 2009 report, a brothel “support worker” based in Australia was quoted as saying that prostitution has been a “cultural status for women for hundreds of years” in Korea, and is “very generational” (Pickering, 2009, p. 26).

The idea that Korean culture, history, and ancestry might be behind the trafficking of women into Australia does not necessarily align with historical fact. Prostitution has been legalized in Korea only once in modern history—when the country came under Japanese colonial rule. The law was quickly overturned after liberation (see Song, 1997). Australia, on the other hand, has maintained systems of licensed prostitution since 1984, and has a long history of trafficking Asian women into the country for prostitution (Frances, 1994). Australian policymakers’ belief that they hold the moral high ground over the Korean government with regards to enlightened policymaking on prostitution may impede the Australian government from appropriately responding to the trafficking problem.

KOREA’S APPROACH TO PROSTITUTION

In the Australian policymaking world, the prostitution-related laws and policies that structure the Korean government’s alternative approach to trafficking and the sex industry are largely unheard of. This is in spite of the fact it has been nearly seven years since the Korean government took legislative and policy action against prostitution. The Korean government has committed substantial funding and resources to pursuing its new legislative regime. In 2005, it established the CWHR, which was succeeded by the WHRCK, which now oversees 26 support centers for women exiting the sex industry, 28 counseling centers, 14 victim support centers for teenagers, seven “self-reliance” or rehabilitation facilities, three support centers for foreign women (Dasi Hammke Center, 2010), and two residential high schools for underage girls exiting prostitution in Seoul (WHRKC, 2008).

The organization funded by the Seoul metropolitan government to run these programs at the grassroots level published in English an extensive account of its activities

in 2010 (Dasi Hamkke Center, 2010). Dasi Hamkke Center, also helps women formerly in the sex industry to pursue civil cases against pimps and traffickers, and conducts public education campaigns to combat ideas about prostitution being a victimless crime or a legitimate occupation for women.

In addition to extensive English-language documentation of the implementation of the legislation in Korea, there has also been knowledge transfer on prostitution policy between Korea and Australia through human exchange. I spent six months as an intern with the CWHR in 2008. In 2009, an executive director of one of Korea's 26 support centers (the Salim Center in Pusan) received funding to travel to Melbourne for six months to research legalized prostitution in the state. This woman undertook brothel-outreach activity with a women's NGO (Project Respect) and recorded the presence of 28 Korean women in six legal brothels in one eastern Melbourne municipality (Yunmi Lee, Salim Center, personal communication, 2011). A year after she returned to Korea, a staff member of the Melbourne NGO commented publicly on her visit. She noted that

the trend in the last few years has been Korean women with trafficking. But that has been a lot harder for us to break into as well. It is just a little bit different culturally in the sense that they are quite afraid of social workers. Culturally, we have found it quite difficult. The interesting thing was that we had a student [*sic*] here for six months from Korea and she was doing outreach. Of course, because she was a social worker, it was quite difficult and the women were not really engaging and she left after being here for six months. Within about a month of her leaving, we started getting phone calls here from Korean women who had finally got up the nerve to ring and say, "You have someone there who speaks Korean," and it was too late. (Legislative Assembly for the Australian Capital Territory, 2011, p. 89)

This testimony is poignant from a transnational policymaking viewpoint. Korean women in Melbourne's sex industry are apparently in need of assistance—as evidenced by their efforts to seek help by phone from the outreach organization. In reality, little assistance is currently available for these women in Australia. Had they been in Korea and sought similar help, women like the social worker from the Salim Center may have been able to offer assistance.

The fact that the social worker in Korea is funded by her government to assist such women (and even funded to travel to Australia to do an internship with an outreach organization) contrasts starkly with the stance of the Australian government, which barely offers any support to local women in its domestic sex industry, let alone foreign women.¹⁰ Korean women, who have the opportunity to benefit from government

assistance to leave prostitution in their own country, are deprived of this opportunity when they are trafficked to Australia. The sad picture of Korean women making futile phone calls to a local organization with no resources to help them should surely prompt Australian policymakers, at the very least, to bar foreign nationals from entering the sex industry. This kind of policy action on prostitution is needed so that the human rights of Asian women in the region can be protected.

AUSTRALIAN INACTION ON THE KOREAN TRAFFIC

Asian women have become a major part of the Australian sex industry over the last 10 years. Over 54 percent of women in prostitution in Western Sydney were born overseas (Kakar et al, 2010). A study done in Western Australia in the same year found 29 percent of women in prostitution were from non-English-speaking countries (Donovan et al., 2010). In Sydney's brothels, 53 percent of women are from Asia (Kakar et al, 2010). The Korean Consulate General in Australia in November 2011 estimated there were 23,000 people in Australia's sex industry, of which 25 percent were foreign nationals. Of these, the Consulate estimated that 1,000 Korean women were employed illegally in the sex industry in Australia (personal communication, Jason Koh, *Korea Times Australia*, November 25, 2011).

These numbers arise because the Australian sex industry has boomed in recent years, and has needed to secure an expanded source of women for sexual sale. IBIS Business Information in a 2010 prediction nominated "sexual services" as the highest earning personal service industry in Australia. It predicted that the sector's revenues would increase to about A\$2.475 billion by the end of the decade. This equates to a 6.8 percent annual rise at a time when the Australian GDP growth rate is around 3 percent (quoted in Sullivan, 2007, p. 138).

The success of the sex industry in selling Asian women in Australia is underpinned by pop cultural views of Asian women. A "comic" scene in a well-known Australian film involves a Filipina ejecting ping pong balls from her vagina in front of a pub audience of Australian men (see Laforteza, 2006). The national coordinator of the Centre for Philippine Concerns in Australia, Melba Marginson, said that Australian men typically see Asian women as "manipulative, sexually adventurous, whore, prostitute, gold-digger, [and] materialistic" and likely to "use foreign men as a 'passport' out of their destitute lives" (Marginson, 1996, p. 18).

10. In 2011 the Victorian government allocated a small amount of funding to RhED to develop a pilot exit program, but it is extremely limited in scope.

Men in Australia openly express a preference for prostituting Asian women (Maltzahn, 2001), and have been prostituting women in tourism to Southeast Asia for decades. The Australian government has intervened in this prostitution activity only in relation to child sex tourism. It has also done little about the traffic of Asian women into Australia for marriage to local men, even when these men have been violent serial “sponsors” of women (Fredericks, 1993).

Intellectuals in Australia generally fail to criticize the presence of Asian women in the sex industry. Even among socially progressive groups in Australia, there exists very little awareness of the phenomenon of sex trafficking, let alone an understanding of it as a practice that is violating the human rights of Asian women in particular. Even the director of Anti-Slavery International in Australia, Jennifer Burn, has spoken in ambivalent terms about the prevalence of trafficking. In a radio interview in 2008 she said that “most foreign workers who are coming to Australia are working in legitimate industries,” when asked to comment on a case in which 10 Korean women had been found by police debt bonded in a Sydney brothel (see Kruger, 2008). University of New South Wales researcher Christine Harcourt told the Australian print media in 2011 that Asian women are “very much in demand” for prostitution in Australia because they are “very attractive” and “very good at their work” (see Marriner, 2011). Harcourt’s comments were widely reported to explain a Queensland Crime and Misconduct Commission finding that 20 percent of the state’s legal brothels were staffed exclusively by Asian-born women (Marriner, 2011).

The Australian Commonwealth Government has advocated a whole-of-government approach to trafficking since 2003 (Attorney General’s Department, 2008). A barrier to the government taking steps in this direction, however, is the lobbying of sex industry advocate groups for the enactment of a “sex work” visa scheme. In 2008, Elena Jeffreys, the executive director of the sex-worker-rights group Scarlet Alliance, was invited to the high-profile Australia 2020 Summit (a citizen consultation event held in Canberra and hosted by the prime minister), at which she proposed the introduction of a sex work visa, which she argued would “pull the rug out from under the trafficking nexus” by making agents and other third parties redundant (E. Jeffreys, 2008). Scarlet Alliance proposes both the introduction of the visa (Bell, 2011) and the inclusion of prostitution as a skilled occupation in the migration jobs list, to fill what the Australian Women’s Electoral Lobby refers to as a labor shortage in the Australian sex industry (Eva Cox, Women’s Electoral Lobby, undated document on file with author).

These measures would effectively legalize sex trafficking. In the current public policy discussion in Australia, therefore, the issue of sex trafficking is approached in the same libertarian way as prostitution—the proposal to introduce visas for sex work is seen as a solution on the same grounds of “harm minimization” that caused

prostitution to be legalized. In promoting such approaches, Australian policymakers and commentators continue to distance themselves from their Korean counterparts and from the sociological and policy research that shows any form of sex industry legalization to place women and children at further risk of the harm of prostitution. In Australia, Korean and other Asian women are left vulnerable and exposed to the sex industry in a policy and intellectual climate that fails to perceive the human rights threat of prostitution.

CONCLUSION

Australian policy neglect of the problem of sex trafficking may become increasingly difficult for the Korean government to ignore. The difference in approach to prostitution of the two countries is not a matter of trivia; it has a real impact on the lives of Korean women abroad. I have argued that it facilitates the trafficking of Korean women into Australia's sex industry, and so the Australian government should reconsider its legislative approach to prostitution in order to fulfill its obligations under the Palermo Protocol, as well as out of respect for its longstanding diplomatic relationship with Korea. Strong policy action on prostitution is needed in order that the human rights of women in the Asia-Pacific region are better protected.

Through involvement in interregional bodies like APEC, the Australian government likes to take a leading role in the region, but this role is being undermined by its failure to protect women's human rights in Asia. Australia's policy approach needs to be coordinated with that of Korea, which has maintained a progressive human rights stance on the issue for more than seven years. If the Australian government is committed to a whole-of-government approach to trafficking, then transnational policy coordination is a necessary step, especially because the "Nordic model" of legislation has now been empirically shown to be effective in combating trafficking in a number of countries. The Australian government can learn from the expertise of the Korean government and Korean NGOs in implementing the legislation, and capitalize on an opportunity to collaborate with one of its largest trading partners on an issue of crucial importance to women and children in the region.

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