

그러나 문제는 정부정책을 신뢰하고 그 지속성과 일관성을 보장하기 위해서는 정부가 폐쇄정책을 분명히 세워 지자체와 함께 대책을 수립하는 것이 우선되어야 한다. 그렇지 않는 상태에서 집결지시범사업만을 확대하게 되면 마치 성매매정책의 모든 대책이 집결지역에만 있는 것처럼 오해되어질 뿐만 아니라, 현재 지자체별로 각기 다르게 대응하면서 행정처분을 통해 성매매업소를 줄여나가는 등의 집결지폐쇄를 위한 지자체의 대응은 효과도 없고 또 다른 형태로 확산되는 성매매업소에 대응하기도 어렵게 된다는 것이다. 그러므로 집결지시범사업에 대한 확대방안 역시 폐쇄정책의 큰 계획 하에 지자체가 적극 나서서 책임을 다할 수 있도록 정책을 추진해 나가면서, 성매매여성에 대한 보호·지원 대책방안을 확대 강화하여 종합적이고 지속적인 자활과정을 제공하도록 해야 한다.

다음으로 성매매피해여성에 대한 보호지원대책의 주요내용을 평가해 보면 실제로 여성부는 법 시행 이후 긴급하게 여성에 대한 지원 대책을 확대하기 위해 당정협의 등을 통해 예산을 확대해왔다. 문제는 성매매여성에 대한 지원 대책은 분절적이거나 단기적으로 이루어 질 수 없다는 점이다. 성매매여성이 자립, 자활에 이르러 탈성매매 하기까지의 전 과정은 짧게는 몇 개월에서 길게는 수년이 걸릴 수도 있는 문제

7) 정부의 지원대책을 살펴보면

- (1) 성매매피해상담소 현재 22개 설치, 지원시설 35개소 설치, 추후 공공임대주택 확보하여 그룹홈 추가 활용 계획 중
- (2) 탈 성매매자 증가에 대비하여 상담인력 양성·증원 배치
- (3) 의료·법률·직업훈련 등 1인당 총액 한도 내에서 선택적 사용가능한 지원
- (4) 심층상담·정서회복 등을 위한 치료회복 프로그램 운영
- (5) 집결지 등 시설 비입소 여성의 탈성매매를 위한 지원 강화 - 중간평가결과 토대로 집결지역에 대한 탈성매매 지원 시범사업을 전국적으로 확대(인천, 부산 시범사업 실시 지역 외 4곳 추가 지정), 긴급생계비 지원기간을 선별적으로 6월에서 1년까지 확대
- (6) 신용회복지원사업 착수·확대 추진
 - 신용회복위원회와 업무협약 체결(3. 16) 지원시설 입소자중 금융기관 채무자(76명)에 대하여 이자 면제, 상환기간유예, 신용불량 신분해제 등 특별조치, 개인부채 문제 해결을 위한 전문상담 실시, 신용회복 지원사업 비입소 여성까지 확대 추진 계획
- (7) 복권기금 운용(의료, 법률 지원, 직업, 자활 지원 활동 등)

이다. 따라서 이들에게 효과적인 지원이 되기 위해서는 종합적인 지원대책이 장기적인 대안을 가지고 진행되어야 한다. 이를 위해 정부는 단기적으로 가시적인 효과만을 내놓는 정책이 아닌 장기적인 대책을 마련해야 한다. 지원대책의 현실화와 일자리제공 및 일자리창출을 통해 성매매로 재 유입되지 않도록 하는 대책이 나와야 한다. 피해자에 대한 지원대책의 확대와 구조에서 지원, 탈 성매매에 이르는 전 과정을 원스톱으로 지원받을 수 있도록 하는 체계를 정부주도하에 진행해 나가는 것이 절실하다. 이는 성매매문제에 대한 국가책임을 보다 명확히 함과 동시에 조직범죄에 대응하기 위해서는 정부주도의 정책과 시스템을 확보해 강력하게 집행해 나갈 필요가 있기 때문이다.

정부정책방향은 법에 근거하여 성매매산업규모를 축소시켜보려는 의지를 가지는 있으나 구체적인 중장기 계획과 이를 확고하게 집행해 나갈 수 있는 저변을 확대해 나가지 못하고 있다. 물론 법제정이전부터 성매매방지기획단을 구성하고 법제정 이후 종합대책을 확정, 발표하면서 다시 한 번 정부의지를 확실히 표명하고 이후 점검단을 가동하는 등 적극적으로 대응하려는 진일보한 접근을 한 것은 그나마 다행스러운 일이다. 그러나 법시행이후의 대응과 정책생산능력 등을 볼 때 여성부에게만 맡겨 놓는 형태로 성매매문제에 접근하는 것은 여전히 성매매알선등 범죄에 대한 심각성에 강력대응하고 있지 못하다고 보인다. 성매매구조와 그 심각성에 비추어 볼 때 국가적인 차원의 보다 적극적인 대응이 반드시 필요하다.

성매매문제해결은 정부 어느 한부처의 업무는 결코 아니다. 각 부처가 충분히 내용을 파악하고 대국민 홍보와 계도, 정책의 일관성으로 국민이 신뢰할 수 있는 정책을 세우고 강력하게 추진해 나가는 것이 절실히 요구된다. 이를 위해 정부는 중장기적인 계획과 대책마련 및 집행력을 충분히 담보할 수 있는 체계와 시스템을 구축하는 것이 급선무이다. 이는 현재와 같은 단순한 조정업무를 넘어서 종합적 정책시스템을

- (8) 창업지원금 대출을 통한 지원활동 등이 주요한 내용이다.

구축할 것을 필요로 하는 만큼 성매매전담기구의 설치가 반드시 필요하다.

나. 법집행과정에 대한 평가와 과제

경찰은 그간의 국민적 불신과 유착비리를 근절하고 성매매알선등 범죄에 강력대응 하면서 피해여성을 적극 보호하기 위해 자체적으로 성매매여성조사 및 인권보호지침을 제작, 배포하면서 공권력에 대한 신뢰를 회복하기 위해 노력해왔다. 성매매방지법을 집행하는 최 일선에 선 경찰은 성매매 피해여성 긴급지원센터, 117 개통, 성매매 여성 조사시 여경 참여제도 활성화, 성매매 전담반 여성청소년계 활용, 신뢰관계에 있는 자 동석 인정, 진술 녹화실 이용, 출장조사 실시 등 피해자 보호와 조사시 인권침해가 발생하지 않도록 하면서 수사과정에서도 많은 변화가 있었다. 또한 전국적으로 특별 단속과 유형별 테마별 단속 등을 통해 성매매알선등 범죄에 강력 대응 하는 등 많은 성과를 가지고 있다. 법무부 또한 일선 검찰에서 성매매사범 관련한 여성에 대한 인권보호와 피해자보호, 업주들에 대한 엄중처벌방침을 가지고 대응하였으며 속칭 '대딸방'업주에 대한 기소 등 적극적인 법적대응을 진행하였다.

그럼에도 불구하고 여전히 제기되는 문제점을 살펴보면 먼저 경찰단속의 일관성과 지속성의 부재이다. 이는 여러 사안에 밀려 성매매알선등 범죄에 경찰력이 대응하는 역량이 약하고 문제가 있을 경우만 단속을 한다거나 하는 양태로 나타나고 있다. 그러면서 결국 신종, 변종 및 일명 음성적 성매매의 확산차단에 효과적으로 대응하지 못한 상황이 되고 있다는 점이다. 성매매알선등 범죄는 일시적이거나 단순한 개별적인 범죄가 아니므로 특별전담반을 설치하여 전문적인 수사능력을 가지고 대응해야만 한다.

다음으로는 법무부는 처벌법을 관장하는 주무부처로 성매매알선등 범죄와 피해자의 인권보호에 대한 명확한 방향을 가지고 있어야 함에도 불구하고 여전히 성매매여성

에 대한 인권보호는 미약하고, 여성들은 성매매행위자로 처벌되고 있는 실정이다.

반면 성구매자에 대한 처벌은 상대적으로 약하고 보호처분 활용도도 매우 낮아 성구매자에 대해서는 보호처분이 전무했다. 최근 법무부는 성구매 사범 대상 재범방지 교육인 '존스쿨'을 도입하여 성구매 혐의로 기소유예처분을 받은 사람을 대상으로 보호 관찰소에서 진행하고 전국으로 확대하겠다고 하였다. 그러나 '존스쿨' 모형을 도입하는 것이 성매매알선등 범죄를 줄이는 것은 아니다. 확실한 법 집행력을 담보하고 프로그램 및 운영방식을 민간단체와 충분히 논의하여 의견수렴 과정을 거쳐 정책을 실시하는 것이 필요하다. 또한 해외 원정 성매매(베트남, 중국, 키바라시 등)에 대한 강력한 대응과 철저한 국내법적응으로 법 집행력을 확고히 해야 할 것이다. 나아가 해외로 여성을 송출하는 인신매매조직에 대한 추적조사 및 국제공조 등으로 이 부분에 대한 대응책을 마련해야 한다.

다. 민간지원역량의 강화와 활동과정

윤락행위등방지법 하에서 힘들고 어려운 여건에서 오랜 기간 활동해온 성매매관련 현장 활동단체와 민간단체들의 활동은 성매매방지법제정과 시행으로 인해 물적, 인적기반이 확대되어 활동영역과 활동력이 더욱 강화되었다. 특히 개별적인 차원에서 진행된 활동들은 전국적인 네트워크를 구성하여 보다 전문화 되었으며 인프라 구축으로 인하여 보다 신속하고 양질의 서비스를 제공할 수 있도록 전문 인력에 대한 교육과 양성, 훈련을 통해 더욱 강화되었다. 또한 지자체를 추동하여 성매매관련 대책을 수립하게 함과 동시에 지자체와 민간단체가 유기적으로 결합하여 구성된 기관 모형이 성매매피해여성지원에 효율성을 기하고 있고 민간단체들이 정부의 정책에도 적극 관여하여 정책건의 및 모니터링, 감시 및 비판활동을 진행해 오고 있다.

구체적으로 살펴보면

- (1) 법적, 의료적, 심리적 지원과 쉼터 연계, 자활에 필요한 다양한 프로그램 제공 등 성매매 여성에 대한 종합적인 지원방식을 개발하여 적용하고 있는 점
- (2) 한 지역에 집중됐던 상담소와 시설이 전국적으로 확산되면서 접근성의 용이함과 빠른 지원을 받을 수 있게 된 점
- (3) 전국에 확산된 상담소와 시설은 다양한 활동 등을 통해 지역 사회 의식에 영향을 미치고 지역사회 보호지원의 인프라를 구축하고 있는 점
- (4) 전문적인 상담원들에 의한 경·검 조사환경의 변화를 추동하고 다양한 법적 지원방법 개발과 전향적인 판결을 이끌어 내고 있는 점
- (5) 법률, 의료 전문가의 네트워크를 구성하여 보다 높은 서비스를 지원하고 있는 점
- (6) 법 실효성을 높이기 위한 다양한 방식의 사업, 법 개정안 제출 등의 활동을 하고 있는 점 등이다.

라. 새로운 법적용과 판례를 만들기 위한 민간의 활동과 사법부의 과제

성매매 피해여성에 대한 민간단체의 집요하고 다양한 방식의 지원과 새로운 판례를 만들기 위한 과정을 통해 법의 실효성을 확보하기위한 활동이 진행되었다. 법률지원단이 구성된 지역이나 성매매여성을 지원하는 단체별로 전문변호인단을 구성하여 성매매여성들은 전문적인 법적지원을 받으면서 법정에서 당당하게 자신의 주장을 할 수 있게 되었다. 이런 과정을 통해 성매매문제에 대한 국가 책임을 분명히 하고 성매매로 인한 피해에 대해 업주는 물론 국가와 자치단체 등의 책임까지도 분명히

하려는 많은 활동들이 진행되고 있다. 성매매여성들이 그동안 힘들고 어려워했던 법률지원⁸⁾은 여성들에게 성매매로부터 벗어나게 할 뿐만 아니라 자신이 받은 피해를 보상 받을 수 있는 길이 있다는 점에서 여성들에게 많은 용기와 희망을 주게 되었다. 나아가 법적서비스와 법집행과정에 대한 신뢰도를 높임으로써 여성들에게 자신감과 국가 정책에 대한 신뢰를 회복하도록 하는데 많은 기여를⁹⁾ 하고 있다. 그러나 반면 재판부의 일관되지 않은 판결(예: 유사성교행위에 대한 서로 다른 판결)과 여전히 성매매문제를 개인의 문제나 선불금에 대해 개인재산권으로 보는 관행 등은 시급히 해결되어야 할 과제이다.

다. 법의 정착과 집행력강화를 위해 해결 되어야 할 과제

성매매방지법 시행 1년 동안 여러 민간단체와 정부가 힘을 합하여 성매매방지법의

- 8) 그간 이뤄낸 법률적 성과들은
- (1) 군산 대명동 화재사건에 대한 국가 책임 인정/군산 개복동화재참사관련 항소심에서 국가책임 일부인정
 - (2) 성매매를 전제로 한 선불금 무효 인정, 당사자 뿐 아니라 그 보증인에 대해서도 동일하게 적용
 - (3) 선불금 사기 인정된 성매매 여성에 대한 대법원 무죄판결
 - (4) 성매매에 제공된 사체에 대한 채무부존재 확인 소송 승소
 - (5) 성매매 강요, 강제에 대한 업주상대 손해배상소송 승소
 - (6) 성매매 여성 화대 갈취에 대한 업주 사기 인정
 - (7) 성매매 여성에 대한 업주의 강간 인정
 - (8) 성매매 여성의 파산과 면책 결정 등 많은 사례들이 있다.

- 9) 법 시행 이후 성매매 여성들은
- 1) 당당해 졌으며
 - 2) 자신의 권리를 잘 알고 있으면서, 수사기관에서 자신의 권리를 요구하고 있으며
 - 3) 법적, 의료적, 심리적 지원을 받음으로 성매매로 인한 피해로부터 벗어날 수 있는 길이 열리면서
 - 4) 대안이 주어진다면 성매매를 벗어날 수 있다는 확신과 자신감, 정부정책에 대한 신뢰감 회복
 - 5) 진학, 취업, 창업 등 전업 성공 사례 증가
 - 6) 성매매 업소로의 재유입을 감소하는 효과가 있다.

안정적 정착과 실효성을 높일 수 있는 여러 가지 정책과 방안을 마련하고 실천하였다. 그간 온갖 우려와 공격에도 성매매방지법의 시행은 성매매는 약자에 대한 폭력으로 범죄행위라는 인식을 확실히 하는 성과가 있었다. 그러나 아직은 성매매방지법이 우리 사회에 안정적으로 정착했다고 보기는 이르며, 아직도 해결해야 할 과제는 많이 남아 있다.

이를 위해 함께 노력하고 해결해 나가야 할 과제를 살펴보면,

1) 성매매알선행위와 관련된 범죄에 대한 강력한 법적응과 업소에 대한 행정처분 강화, 업주들에 대한 몰수, 추징 등 적극적인 법집행이 뒤따라야 한다. *법집행의 중요성*

2) 성매매여성들에 대한 불처벌과 보호 및 지원강화이다. 성매매여성은 성적착취와 폭력, 범죄의 피해자로 이들을 처벌해서는 안 된다. 그리고 이들 여성들이 일자리를 가지고 재유입 되지 않고 성매매로부터 벗어날 수 있는 대안을 마련하여야 한다.

우선, 성매매 여성에 대한 보호, 지원 대책에 대한 확대와 강화방안을 살펴보면 성매매여성지원과 보호의 효율성 확보, 성공적 자활과 전업을 위한 지원을 위해 현재 시설 증가 등의 하드웨어 구축과 더불어 전문적이고 체계적인 지원 내용과 방법을 연구 마련해야 한다.

너무 '서비스'에만 집중된 것은 아닌...?
또한 성매매여성지원의 서비스 전달체계의 방향에 대해 제안하면,

(1) 획일적인 지원시설 설치에서 주거지원시설형태의 다양화와 특성화된 시설로 안정적이고 장기적인 주거권을 확보할 수 있도록 해야 한다.

(2) 여성들의 다양한 욕구에 부응하는 지원서비스의 개발로 서비스의 질을 향상시켜야 한다.

(3) 비입소자들이 다양한 정보 제공과 지원을 받을 수 있도록 하는 이용시설 확대, 프로그램 개발 운영을 통한 다양한 활동을 진행하고, 나아가 지원 시설간 서비스의

질적 차이를 극복하기 위한 다양한 매뉴얼 제작과 배포, 다양한 정보를 모을 수 있는 정보센터 등을 설치, 특성화를 위한 가이드라인 및 프로그램 제공과 전문 인력양성과 훈련이 필요하다.

3) 성구매자에 대한 강력한 처벌과 보호처분의 강화 등을 통해 성매매알선등 범죄를 줄여나갈 수 있도록 해야 한다.

4) 성매매정책을 일관된 방향으로 추진해 나갈 수 있는 범정부적차원의 전담기구설치와 이를 통한 장기적인 대응방안 모색이 필요하다. 지자체, 시민단체, 기업 및 언론과의 공조를 통한 책임을 공유하고, 성매매예방 및 방지를 위한 정책이 뿌리내리도록 하는 시스템을 구축하여 정책의 일관성과 지속성을 보장해야 한다.

5) 인신매매방지법을 제정하여야 한다. 여성들을 해외로 송출하거나 해외로부터 여성들을 인신매매하는 범죄에 대해 국가는 강력 대응해야 한다. 성매매가 국제적이고 조직적으로 이루어지고 있는데 비해 법적정비가 미비한데 실제로

- ① 해외송출을 통한 성매매 알선행위
- ② 성구매자들을 해외로 이동시키면서 제공하는 성매매 알선행위
- ③ 국가에 의해 외국 주둔군에게 여성의 성을 알선하는 행위
- ④ 외국인 여성의 성을 알선하는 행위
- ⑤ 장애인 여성의 성을 알선하는 행위

이런 유형의 알선 행위에 대한 강력한 단속방안과 처벌의 적용이 있어야 하며, 피해자 보호에 대한 구체적 방안이 마련되어야 하며, 이를 위해 이런 문제에 대응하는 인신매매방지법이 조속히 제정되어 인신매매에 대한 포괄적이고 구체적인 내용으로 법집행이 될 수 있도록 해야 한다.

6) 정부정책과 집행력에 대한 민간단체의 모니터링과 지속적인 정책대안을 제시하는 것이 필요하다. 성매매예방과 방지를 위한 홍보 및 교육활동의 강화와 시민의식 개혁을 위한 활동 등도 보다 적극적이고 구체적으로 추진되어야 한다.

3. 마무리 하면서

성매매방지법시행 1년은 법제정을 위해 활동했던 시기보다 정부와 민간의 더 많은 활동과 노력이 요구되는 기간이었다. 정부와 민간단체들은 새로운 법적용을 위한 활동과 피해여성들의 구조, 지원요청에 전국적인 지원활동을 하였고 자활에 이르는 전 과정을 마련하여 작지만 소기의 성과도 있었다. 이러한 활동과 노력에도 불구하고 피해여성들의 자살과 질병으로 인한 사망, 화재참사 등 성매매 관련 사건은 여전히 그대로인 듯 했다. 그러나 우리는 성매매방지법의 시행으로 성매매근절을 위한 활동과 성매매여성의 인권을 보장하는 길에 한걸음 다가가고 있음을 확신한다. 오랜 세월 우리를 지배해 온 가부장적 남성중심의 의식을 바꿔내면서 국가책임을 분명히 하여 국가로 하여금 확실한 정책을 세우도록 하는 등 성매매알선등 범죄에 대응하는 국가 대응력을 높인 긍정적인 효과가 있었기 때문이다. 그러나 여전히 해결해야 할 과제도 산적해 있다. 법집행과정에 대한 문제와 성매매여성에 대한 보호, 지원대책의 확대 및 성매매방지법의 강력한 집행력확보 및 의식개혁등과 함께 유예기간 요구나 '성노동자'를 주장하는 성매매여성들의 문제에 접근하여 대책을 내놓아야 하는 것들이 당면한 과제이기도 하다.

성매매방지법의 제정과 시행은 이미 되었고 과거로의 회귀는 당치않다. 현재 우리에게 놓인 과제는 이 법이 얼마나 실효성을 갖추고 안정적이고 지속적으로 시행되는가의 문제이다. 이를 위해 국민, 정부, 모두가 힘을 합해야 한다. 우리는 성매매방지법으로 더 이상 성매매산업이 확대되지 않도록 막고, 성매매근절을 위한 활동과 성

매매여성들에 대한 지원 대책을 확대하여 성매매여성들의 인권이 보호되고 궁극적으로 약자에 대한 폭력인 성적 착취가 근절될 수 있도록 하는 일에 성매매된 여성들과 함께 우리의 행진을 계속해 나갈 것이다.

한국여성단체연합회 창간 20주년 기념 특집

- ← 2005년 - 성매매방지법 시행 100주년 51집.
- ← 신혜숙 - 여성단체들의 노력에 95집.

한국여성단체연합회 창간 20주년 기념 특집

한국여성단체연합회 창간 20주년 기념 특집

한국여성단체연합회 창간 20주년 기념 특집

International Symposium

*Experiences and Lessons of the Legislations for
Combating Sexual Exploitation in Asia-Pacific and
Europe*

Date: September 21, 2005 (1:00pm ~5:00pm)

Venue: 20th floor International Conference Room, Seoul Press Center

Organized by: Korea Women's Associations United, National Solidarity for
the Solution Against Sexual Exploitation, "Hansoriho" One
Voice, for the Eradication of the Sexual Exploitation

Co-Sponsored by: The Asia Foundation, Bom-Bit Women's Foundation

PROGRAM

Moderator: Heisoo Shin, Vice Chair of UN CEDAW Committee

Time	Theme
13:00~13:20	Registration
13:20~13:40	Welcoming Remarks and Congratulatory Speech
13:40~14:00	「Keynote Speech」 Challenges and Accomplishments of Korean Women's Movement for Combating Sexual Exploitation Against Women - Youngsook Cho, Secretary General of Korea Women's Associations United
14:00~14:30	「Session 1: Pacific Cases」 The Consequences of the Legalization of Prostitution in Australia and the Violation of Victims of Sexual Exploitation - Caroline Spencer, Member of the Coalition Against Trafficking in Women - Australia
14:30~15:10	「Session 2: Asian Cases」 1) Implementation of Legal Measures for Combating Sexual Exploitation and Trafficking in Persons in the Philippine - Jean Enriquez, Deputy Director of Coalition Against Trafficking in Women - Asia Pacific 2) Growing Network of Counter-Trafficking NGOs in Japan - Keiko Tamai, Senior Program Officer of Asia Foundation, Japan
15:10~15:20	Break
15:20~15:50	「Session 3: European Cases」 Negative Impacts of the Legalizing Prostitution in European Countries - Malka Marcovich, Representative of Movement against Pornography and Prostitution/ Representative of the Coalition Against Trafficking in Women -Europe
15:50~16:20	「Session 4: Korean Case」 Achievements and Tasks after a Year of Enforcing the New Acts - Mirae Jung, National Solidarity for the Solution Against Sexual Exploitation, Citizen Solidarity for the Solution Against Sexual Exploitation - Jinkyung Cho, "Hansorihoe" One Voice, for the Eradication of the Sexual Exploitation, Dasi Hamkke Center
16:20~17:00	Discussion

PROGRAM

Time	Theme
13:00-13:20	Registration
13:20-13:40	Welcoming Remarks and Congratulatory Speech
13:40-14:00	Keynote speech Challenges and Accomplishments of Korean Women's Movement for Combating Sexual Exploitation Against Women - Younsook Choo, Secretary General of Korea Women's Association, United States
14:00-14:30	Session 1: Pacific Cases The Consequences of the Legislation of Prostitution in Australia and the Violation of Victims of Sexual Exploitation - Caroline Spenser, Member of the Coalition Against Trafficking in Women - Australia
14:30-15:10	Session 2: Asian Cases 1) Implementation of Legal Measures for Combating Sexual Exploitation and Trafficking in Persons in the Philippines - Jean Barquet, Deputy Director of Coalition Against Trafficking in Women - Asia Pacific 2) Growing Network of Civil Society Organizations in Japan - Keiko Tamai, Senior Program Officer of Asia Foundation, Japan
15:10-15:20	Break
15:20-15:50	Session 3: European Cases Positive Impact of the Legalizing Prostitution in European Countries - Katalin Marovits, Representative of Movement against Prostitution and Prostitution Representative of the Coalition Against Trafficking in Women - Europe
15:50-16:20	Session 4: Korean Case Achievements and Tasks after a Year of Enforcing the New Act - Jinyoung Cho, "Hansohoe" One-voice for the Eradication of the Sexual Exploitation, Daejeon Hankuk Center - Jinae Jung, National Solidarity for the Solution Against Sexual Exploitation, Citizen Solidarity for the Solution Against Sexual Exploitation
16:20-17:00	Discussion

Keynote Speech

Challenges and Accomplishments of Korean Women's Movement for Combating Sexual Exploitation against Women - Challenges and Problems ahead for Changing Korea -

*Challenges and Accomplishments of Korean Women's Movement for
Combating Sexual Exploitation against Women
-Challenges and Problems ahead for Changing Korea-*

Cho, Youngsook (Korean Women's Associations United, General Secretary)

1. A YEAR SINCE THE IMPLEMENTATION OF THE NEW ACTS

'Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime' and Sweden's 'Act on the Punishment of Purchasing Sexual Services' as a model and based on 'draft bills' petitioned by Korean Women's Associations United in November, 2001, 'Act on the Punishment of Procuring Prostitution and Associated Acts' and 'Act on the Prevention of Prostitution and Protection of Victims thereof' were proposed by 86 lawmakers and passed unanimously (1 abstention) by participated lawmakers in Sep, 2002. It has been almost a year since the implementation of these two laws in Sep. 23rd, 2004.

Before these laws were enacted, Korean society was witnessing a growing number of brothels across the country and sex purchases being ordinary behaviors for males involved in business activities even though the Korean government attempted to prohibit purchases of sexual services through enactment of 'Act on the Prevention of Morally Degrading Behavior' in 1961. As prostitution was considered as a kind of sub-culture for males, prostitution rapidly expanded into broad sex industry.

However, Korean law enforcement authorities failed to apply 'Act on the Prevention of Morally Degrading Behavior' to procurers and purchasers by letting them act with impunity. As a result, purchase of sexual services came to be regarded as 'necessary evil' of Korean society. For instance, a judge in Daejeon branch who was in charge of a procuring prostitution case in Aug, 2001 admitted that "present Korean society tacitly approve purchases of sexual services through brothels and room saloon. If negative elements such as interconnection with organized criminal rings and approach to minors are eradicated, assuming purchase of sexual services as a necessary evil can be accepted and possibly play a positive role in society."

Under the influence of 'Act on the Prevention of Morally Degrading Behavior,' law enforcement authorities concentrated on 'contract' issues between prostituted women and procurers and turned a blind eye to issues concerning sexual exploitation of women. Most of the cases were perceived as indebtedness cases, so women in prostitution became the offenders and were punished for fraud or debt default in some cases.

It can be admitted that major framework of 'Act on the Prevention of Morally Degrading Behavior' didn't perceive prostitution as human trafficking and disregards the fact that procuring prostitution means the combination of 'unreasonable price' and 'exploitative control.'

Due to this perception, procurers and intermediators received minor punishments like fine or probation. In fact, under the previous law, sexual services procurers are fined a maximum of 2.59 million won (1 US \$ is about 1,000 won). However, if the procurers hire one prostituted woman, they could earn from 1 million to 10 million won per month. It means that fine is just an insignificant part of operating the procuring crimes. As a result, systematic collusion and bribe connection between sexual services procurers and government officials is formed, result in flourishing irregularities and corruption concerning prostitution.

In addition, article 20 of 'Act on the Prevention of Morally Degrading Behavior' states 'bonds owned by pimps and procurers, which are for profit-making prostitution procurements, are invalid regardless of the types of contract', however, law enforcement authorities disregarded the human rights of women in prostitution by neglecting the importance of this article.

For 40 years, Korean society condoned contradiction between acts on the prevention of prostitution and reality, the expansion of prostitution industry through profit-making prostitution, social practice and culture of perceiving prostitution as 'necessary evil,' and generous attitude toward sexual services procurers and purchasers while stigmatizing prostituted women.

In consequence, a series of fires in scattered brothels occurring from year 2000 to present, took the lives of 30 women, who were burned to death because their rooms were locked from the outside by brothel owners and they could not escape. The tragedy of these incidents shocked and jolted women's human rights groups into action and the women's movement in Korea started to focus on the issue of countering society's toleration of prostitution. Through two years of discussion and debate, women in prostitution support groups, experts on violence against women and legal experts came to stipulate prostitution as a type of 'violence against women' and 'sexual exploitation of women,' and eventually came to enact 'Act on the Prevention of Prostitution and the Protection of Victims thereof' and 'Act Punishing the Procuring of Prostitution and Associated Acts' within five years.

It has been a year since the acts were enacted and implemented, but it was not an easy task to completely change the dominant prostitution culture in Korea. After the laws were enacted, some public officials, economists and businessmen criticized the law of causing economic loss by dampening the sex industry and relevant businesses like whiskey manufacturing factory, motels and credit banks. Furthermore, issues concerning the rights to survival of small business owners working in beauty parlors, laundries, stores and restaurants near the brothels were raised, so the attempt to 'prevent sexual violence against women' had to confront the issue of 'the rights to survival of people relying on businesses that cause sexual exploitation and violence against women.'

Economic loss due to decrease in sex industry was predicted to reach 4.1% of the national GDP (2002, Korean Institute of Criminology) and it was well-known fact that the loss can influence other businesses as well. In addition, decrease and decline of sex industry may root out illegal and negative industry, which can undermine the establishment of soundness in the industrial structure, so it is evident that the problems occurring during the process can be inevitable.

In particular, since the implementation of the laws, problems related to 'the rights to survival through prostitution' and 'the rights of sex workers' were continuously raised. This question was first raised in a rally conducted with the help of a brothel owners and procurers group called 'Hantoe.' People who witnessed the rally insisted that the voices of prostituted women were not heard, but the media report triggered negative ripple effect across the country. Currently, Korean women's movement is harshly criticizing the demands of this procuring group, as it denied the rights of women, who can live 'beyond prostitution,' and tacitly accepted sexual exploitation and violence against women. Even the claim that prostitution is for the survival of 'sex workers' and it is acceptable to demand 'the legalization of prostitution' can end up justifying systematic violence and sexual exploitation against women, which go against the international efforts to root out prostitution and human trafficking.

Most of the criticisms on the enacted laws were concerned about the downturn of sex industry. Moreover, some claims were antisocial so as to justify pursuing interests through sexual exploitation against women. This implies that their arguments only can be dwarfed with the demand of civil society.

This optimistic expectation on the eradication of prostitution cannot bear fruits without the government's thorough implementation of the law, efforts to prevent prostitution and strong and flexible support policies for women in prostitution. Therefore, the government and law enforcement authorities alike should make efforts to implement the law in a comprehensive way and establish relevant national and local machineries. In addition, it is important to conduct

diverse awareness campaigns so that the general public can embrace the challenges left ahead and form sound sex culture and consciousness.

2. URGENT NEED FOR PARADIGM SHIFT TO ERADICATE THE PROSTITUTION DEMANDS

According to a survey conducted by Korean Institute of Criminology in 2002, Korea's annual prostitution transactions were roughly 170 million and annual profits amounted to 24 trillion won. There were about 80,100 sexual services businesses across the country, which were equivalent to 2.8% of 2.854 million small and medium sized companies (2000) in Korea. Also, there were at least 330,000 full time prostituted women population. This amounted to 4.1% of 8.09 million women in their 20s and 30s and 8.0% of 4.124 million working women in the same age group. In particular, the scale of the sex industry profits, which reached 24.0712 trillion won, was equivalent to 4.4% of 578.8 trillion national GDP in 2002 and was almost the same as the profits from agriculture and fishery industry (4.4%, 2001). These figures showed that the scale of sex industry in Korea was beyond imagination.

Mobilization of Korean women as sex slaves by the Japanese military during the Japanese occupation of Korea, which lasted from 1910 to 1945, and sexual exploitation of Korean women by so-called "camp town prostitution" for young American soldiers since the Korean War from 1950 to 1953 served as the root causes of justifying exploitation of female human rights. 'Act on the Prevention of Morally Degrading Behavior,' which was enacted by the military government after the coup d'etat in 1961 in the name of moral cleansing, prohibited prostitution but at the same time the government policy focused on protecting and regulating camp town prostitution. As a result, prostitution spread into everyday lives of Korean people.

The military government, in particular, was involved in irregularities corruption resulted from 'secret room politics' and 'parlor house politics,' so prostitution rapidly expanded through the government power. From the military government in the late 1960s to export-oriented industrialization process until 1980s, prostitution was a way to attract Japanese tourists and facilitate economic activities in Korea. In the process, one Korean lawmaker even commented that 'women in prostitution are patriots as to earn foreign currencies' without hesitation. Naturally, a great number of people came to think that prostitution is an inevitable option to promote economic growth in Korea.

At first, prostitution stemmed from demands of foreign military stationed in Korea, but since 1980s the scale of sex industry ballooned together with consumer capitalism and entertainment industry. It was perceived that entertainment industry guarantee relatively high profits, facilitate the flow of capital and can easily avoid tax burden. Entertainment industry enlarged the scale of underground economy by triggering collusion between politicians and businessmen, irregularities and corruption and various kinds of illegal transactions. In the 1980s, Korean enterprises spent 100 times higher than foreign countries in entertainment expenses. Especially in the late 1990s after the Asian economic crisis, sanctions on business activities were alleviated and the entertainment industry permit system was transformed into report system. Consequently, limits on business hours were abolished and the number of unlicensed procurement prostitution businesses grew enormously. In other words, unproductive entertainment industry expanded as it faced relatively low risks and created high added value.

For the past 40 years, the government authority and business activities alike played major roles in expanding prostitution by violating the law, so a majority of Koreans regarded prostitution as inevitable and legal restriction as useless. According to a survey conducted by the Ministry of Gender Equality in 2001, 41.3% of Koreans did not know that prostitution was illegal in Korea. In addition, according to a survey conducted by the Korea Women's Hot Line in 2003, 42% of Korean men answered that they purchased sexual service when they were having a drink and 12.9% of men answered that they purchased sex in the process of business activities. Korea's sex industry recognized patriarchal and chauvinistic power of men, and triggered 'commercialization of women's bodies' and 'targeting women as sexual objects.'

Under these circumstances, it is urgently needed to shift economic paradigm and implement the law in a thorough manner in order to eradicate the demands of sex industry. Moreover, the authorities concerned should take follow-up measures to overcome the possible obstacles that can appear during the transition period, if they fail to do so lobbies concerning sex industry and complaints on the implementation of law may show no signs of declining. Therefore, in order to eliminate sex industry from Korean society, not only central and local government but also active role of civil society should step in.

3. THE IMPORTANCE OF PUBLIC COOPERATION IN PROTECTING WOMEN'S HUMAN RIGHTS AND PREVENTING PROSTITUTION

After the implementation of the laws, prostitution became illegal, procuring activities were punished and people's awareness of 'new Acts' were raised. However, merely a small number of people perceive that prostitution lead to violence and sexual exploitation of women, and serve as obstacles to promote gender equality. In this situation, it is necessary to establish policies that can undermine the expansion of sex industry. Consistent awareness campaign, education and promotion activities are important as well.

According to a survey conducted by women's group since 2000, a majority of women in prostitution were induced to brothels in their teens through deceptive job advertisements, solicitation of prostitution and advertisement of prostitution industry. Furthermore, most of them suffered from physical threats, violence, rape, trafficking, coercion, threats toward family members and pornography. Brothel owners and procurers deceptively increased the debts of women in prostitution to have full control over them, and even forced them to sign 'a bond of debt' so that the pimps can accuse them of committing frauds. It is deplorable that due to lack of information, the general public is not aware of the seriousness.

It is necessary to take comprehensive and integrated approaches to preventing prostitution, as this issue is connected with commercialization of women's bodies and social environment that accepts prostitution. In other words, measures should take sex culture and consumer capitalism into consideration. The media, schools and civic groups should educate adolescents and women about the harms of prostitution as well.

Even though women in prostitution suffering from sexual exploitation and violence are protected by law, there are still many limitations and obstacles ahead. New types of prostitution is emerging and rapidly expanding across the country due to the development of IT industry. In order to prevent various types of prostitution from spreading, the government and law enforcement authorities should come up with broad and concrete legal measures, and organize a project that can induce public participation and cooperation.

In conclusion, it is recommendable to include the following four approaches as the government's comprehensive project to prevent prostitution.

Firstly, law enforcement authorities ought to prosecute all kinds of procuring behaviors concerning prostitution and educate sex purchasers not to buy sexual services any more.

Secondly, the rights of women in prostitution need to be protected and supported at the national level including ministries, offices and local governments.

Thirdly, the government should conduct an awareness campaign on prevention of prostitution and the mass media ought to cooperate. Comprehensive measures to eradicate prostitution need the integrated efforts of the government, law enforcement authorities, women's groups and civil society. Without the cooperative participation of the general public, sex industry and procuring of prostitution may not disappear effectively in Korean society. At the same time, Korea may fail to protect the human rights of women in prostitution and establish gender equality based sex culture and consciousness.

Finally, elimination of prostitution through law cannot produce positive results overnight, so it is desirable to be patient. It has been six years since the 'Act on the Punishment of Purchasing Sexual Services' was enacted in Sweden, but Gunilla Ekberg, Sweden's Special Adviser of Division for Gender Equality at Ministry of Industry, Employment and Communication, stated that Sweden is "patient" enough to witness the true establishment of the law, which sends a significant message to Korean society with the laws being established a year ago.

*The Consequences of the Legalization of Prostitution in Australia and
the Violation of Victims of Sexual Exploitation*

Caroline Spencer, Coalition Against Trafficking in Women (Australia)

INTRODUCTION

Brothel prostitution was legalised in the state of Victoria in Australia more than two decades ago in 1984. Victoria hosts Australia's second largest city of Melbourne with 4.6 million people. Brothel prostitution was then legalised in Australia's capital, the ACT, in 1992, and then in Queensland (its capital city is Brisbane—Australia's third largest city with a population of 1.7 million) in 1999. New South Wales (with Australia's largest city of Sydney with a population of 6 million) decriminalised brothel and street prostitution in 1995.

Today, however, I will mainly focus on the state of Victoria, because that is where I am from, and also because that state has the most comprehensive and long-standing brothel prostitution legalisation laws in Australia, and in the world. It is important to note, however, that street prostitution is still illegal in Victoria.

After the legalisation of prostitution in Victoria in 1984, growing concerns about the upsurge of crime associated with prostitution, the potential spread of AIDS in the unregulated sector, and the murders of two street prostituted women in 1994 led to calls for the urgent reform of prostitution laws. Strangely, rather than reconsidering legalisation, however, the Victorian state government jumped the other way and introduced the Prostitution Control Act of 1994. This Act fully regulated brothel and escort prostitution by introducing a registration board and licensing fees. The stated aims of the Act exactly reflect the mythical benefits of legalisation that we all hear about. The Act supposedly aimed to:

- Tackle the growth of criminal activity in brothels and the illegal sex industry;
- Ensure that no one could have an interest in more than one brothel;
- Promote small rather than large brothels;
- Address the health and safety aspects of prostitution; and
- Lessen the 'nuisance' aspect of prostitution.

In justifying the government-led expansion of legalisation in 1994, the Victorian Attorney General paradoxically stated that, while the government was opposed to prostitution 'in all its forms', 'prostitution [would] continue, whatever the law, as long as there [was] a demand'. She hugely underestimated the effect of legalisation on the sex industry in Victoria. Not only would prostitution continue, it would explode. Prostitution would come to affect every aspect of the economic and cultural environment of the city of Melbourne.

By 2005, legalisation has achieved the exact opposite of its stated aims. It has created a business and cultural environment in Victoria that is warmly welcoming of the sex industry. Melbourne has become the sex capital of Australia. The sex industry is now integrated with the popular culture, government, and the biggest businesses of the city.

Today I will address in turn each myth that claims the benefits of the legalisation of prostitution. I will expose these myths in light of two decades of legalised prostitution in the state of Victoria, Australia.

Myths of legalisation

Legalisation keeps the sex industry honest and 'above-ground' (prohibition pushes it 'underground')

1. (Expansion of the industry)

Legalisation encourages the growth of the sex industry. There has been a big increase in the number of brothels in Victoria since legalisation. The number of legitimate brothels in the state grew from 40 in 1989 to 94 in 1999.¹ By 2002, twice as many brothels were in operation, as well as over 80 escort agencies. The legal sex industry in Victoria has also become a front for an ever-expanding illegal industry. Today police estimate that there are 95 legal and 400 illegal brothels (an increase of 246 venues) in Victoria. There are also a growing number of escort agencies (up from 37 in 1985 to 130 in 2003), with an estimated 5000 women in them. By 2003, there were an additional 1688 one or two-women registered brothels in the state.

In 1994, there was an estimated 3-5000 women working in brothels in Victoria. This number rose to 6000 in 1991, 2000 of whom were in illegal brothels. Based on this estimate, it is said that 10,000 women are in the sector today. In

¹ Julie Bindel and Liz Kelly, *A critical examination of responses to prostitution in four countries: Victoria, Australia; Ireland; the Netherlands; and Sweden*, 2003, p. 13.

1999, there were an estimated 61,000 visits to legal brothels in Victoria every week (this is an increase from 45,000 visits in 1985), with weekly revenue averaging AUD7 million.

In 1991, an intergovernmental committee on AIDS estimated the value of the illegal sex industry in Victoria to be AUD75 million annually. The sex industry in Australia was estimated in 1998 to have an annual turnover of AUD1.2 billion. In 1994, a government review said that the partial legalisation of prostitution had resulted in a dramatic expansion of illegal prostitution, with at least two thirds of the industry being illegal in Victoria. The same review in 1994 estimated that there were 3000 prostituted women in illegal brothels, and up to 5000 women in unregulated escort agencies in the state.² By 2002, police estimated that there were more than 400 illegal brothels. By 2003, there had been no prosecutions of illegal brothels under the Prostitution Control Act.

Legalisation has led to the proliferation of other forms of prostitution, particularly tabletop dancing. In 1994, sexually explicit entertainment at licensed premises in Victoria got the go-ahead from the Liquor Licensing Commission. But, by 1997, there were newspaper reported 'fears about attempted criminal infiltration of the [tabletop dance] industry'. The Liquor Licensing Commission had 'neither the resources nor the powers' to police [tabletop dance] venues or investigate their true ownership. The Prostitution Control Board had 'no jurisdiction' over tabletop dancing. In 1997, the Prostitution Control Act advisory Committee found that the growth of tabletop dance venues was a concern. Illegal prostitution was occurring in tabletop dance venues.

A lack of supervision has meant that tabletop dancing venues have solidly entrenched themselves in the culture and economy of the city. They are now fronts and recruiting grounds for prostitution. This is in addition to their function as training grounds for men to learn the behaviours of prostitution. The venues have come to be generally associated with organised crime, and rival businesses carry out arson attacks against each other. Despite the seriously criminal associations of this sector of the prostitution industry, the everyday Australian bank manager can claim visits to tabletop dancing clubs as a business expense, tabletop dance venues have become popular venues for business meetings, and many venues have boardrooms for corporate functions.

This means that other spheres of 'work' have been infiltrated by the sex industry, which makes it even harder for women to cope with the heavily masculinist culture of the Australian workplace.

² Julie Bindel and Liz Kelly, *A critical examination of responses to prostitution in four countries: Victoria, Australia; Ireland; the Netherlands; and Sweden*, 2003, p. 12.

2. (Lack of controls)

In each of the Australian states, legalisation has taken a similar form. Brothels that want to operate legally must apply for a license through a regulation board and pay a licensing fee. One problem common to the regimes of legalisation in Australia, however, is that local authorities cannot refuse planning permission to a brothel as long as certain conditions are met. This removes some of the scope for local democracy. Citizens are forced to have brothels in their streets even if every single one of them objects. There is no official role for police in monitoring legal or illegal brothels once legalisation or decriminalisation takes place. They are under the control of local government.

To end endemic police corruption, control of illegal prostitution was taken out of the hands of the police and placed in the hands of local councils and planning regulators. The councils have neither the money nor the personnel to put investigators into brothels to flush out and prosecute illegal operators, or detect trafficked women. A court decision in 2003 deemed inadmissible evidence gathered by a private investigator into an illegal brothel, and this was in a local jurisdiction where 26 illegal brothels were identified.³ An investigation into illegal brothels in another locality cost ratepayers AUD42,000.

Local government is also required to develop detailed rules on the operation of the legal sector. In Queensland, for example, local government is responsible for customer car parking; external lighting; signs advertising the brothel; health and safety; entrances and exits; brothel location and design; noise and disturbance; litter from premises; the quality of condoms, lubricant and towels; and all financial transactions. Although it is a legal requirement that local inspectors regularly monitor brothels, evidence suggests that this does not always happen.⁴

3. (Expansion of child prostitution)

The international organisation ECPAT (End Child Prostitution and Trafficking) Australia in 1998 found that Victoria had the highest number of children involved in 'commercial sexual activity' at 1205 children, compared to 754 in New South Wales. This is despite the large population difference of the two states, with New South Wales having one million more people. The organisation

³ "Council Powerless to Act Against Illegal Brothels", 17 July 2003, Monash City Council website, accessed 30 August 2005, <<http://www.monash.vic.gov.au/news/media2003/media3103.html>>

⁴ Julie Bindel and Liz Kelly, *A critical examination of responses to prostitution in four countries: Victoria, Australia; Ireland; the Netherlands; and Sweden*, 2003, p. 14.

also noted that minors have been found in Victorian brothels (14 in illegal brothels and 4 in legal brothels).

The normalisation of prostitution has reduced state services that prevent people from entering the sex industry, and this naturally filters down to children. The idea that prostitution is just another form of work invariably lowers community expectations of government to provide other options to poor and vulnerable women. Of course, whatever affects women affects children, and legalisation directly affects the status of children in society.

Through legalisation, the state also effectively sanctions the abuse and harm that women in the industry have suffered as children (and which has encouraged their entrance into the industry). A majority of women in prostitution have suffered sexual abuse as children or in their youth. The breakdown of sexual and personal boundaries through sexual abuse is seen as a major factor in women's entrance into the sex industry.

The high profile of the sex industry also encourages acceptance of prostitution as a legitimate employment option, and a means of economic survival. After the age of eighteen, legalisation makes the decision to enter prostitution merely a woman's 'choice', instead of a form of exploitation. The idea that a woman's ability to survive is dependent on her willingness to forgo her sexual autonomy is normalised in the legalisation of prostitution. We should not be surprised when the sexuality of children is similarly commercialised and prostituted in the name of work. After all, in the neo-liberalist society that we live in, money making is a respected and valued activity, even for children. Legalisation has made it more difficult for women to shield themselves and their children from prostitution, as the industry becomes 'professionalised', and taken away from the community welfare/intervening public sector.

4. (Expansion of trafficking)

The recruitment of women for trafficking into prostitution is made easier by legalisation. Traffickers are able to tell women abroad that Australia has a legal, and clean and safe, sex industry. The women are not told, however, that they will not be working in the legal sector, and often they are never told which sector they are in. This stops trafficked women making complaints about their situation, because they think they have no grounds for complaint—after all, the industry is legal.

Legal brothels where trafficked women are found are able to continue business under another name because of terribly weak regulation powers. Australia's strict immigration policies also mean that even if police identify brothels where

trafficked women are sold, the immigration and foreign departments will not give their support to prosecutions of traffickers, because this involves trafficked women being allowed to stay in the country for an extended period.

In the six months to January 1998, 67 foreign women in prostitution were deported from Australia. In the same period, immigration officers found 25 illegal women in prostitution in Victoria.⁵ It is estimated that at least seven licensed brothels used trafficked women in 2002-3. An Australian Institute of Criminology study estimated that Australian brothels earned AUD1 million a week from illegal prostitution. In Victoria, legalisation was intended to eliminate organized crime from the sex industry. In fact, the reverse has happened. Legalisation has brought with it an explosion in the trafficking of women into prostitution by organised crime. Convicted criminals, fronted by supposedly more reputable people, remain in the business. In Victoria, estimates from the police and the legal brothel industry put the number of illegal brothels at 400, four times the number of legal ones.⁶

5. (Corporatisation of the sex industry)

Legalisation has encouraged big business brothel prostitution. It has also discouraged owner-occupier based prostitution, which women in the industry originally campaigned for. Only 7 per cent of brothels in Victoria are managed by women. Regulations require that brothels be outside of residential planning zones, which means that women cannot operate brothels from their private homes. However, when women rent premises for prostitution in properly zoned areas, they are required to tell their landlords, and this invariably means they pay higher rents.

On the other hand, legalisation has given a boost to the sex industrialists. The largest brothel in Victoria, The Daily Planet, was launched on the stock exchange in 2003. In Victoria, brothels are now licensed by the Business Licensing Authority, rather than a specialised prostitution industry regulatory board. The Authority oversees the licensing of a wide range of businesses, including real estate agents, motor car traders, and travel agents. They have no specialist knowledge of the loopholes exploited by sex entrepreneurs in expanding their businesses, and as a result, many sex industry businesses run multiple brothels (which is illegal). The Australian Tax Office also encourages brothel entrepreneurship by offering a flat rate taxing regime to brothel managers, as opposed to the normal business pay-as-you-go system.

⁵ From Russia for Love THE AGE, March 29-30, 1998.

⁶ Julie Bindel and Liz Kelly, *A critical examination of responses to prostitution in four countries: Victoria, Australia; Ireland; the Netherlands; and Sweden*, 2003, p. 15.

Legalisation protects prostituted women from violence (harm minimisation)

Women in prostitution experience two forms of violence, one which is not paid for, and one which is. This paid for or 'commercial' violence includes all the day to day prostitution activities that, research tells us, prostituted women routinely have to dissociate emotionally from in order to survive. Women do not escape the unpaid form of violence in legal brothels. One example of unpaid violence comes from the classiest brothel in Melbourne, The Daily Planet, which has alarm buttons in the rooms, for women to press to call the bouncer. Unfortunately, women can only press these once they've been hit. A bouncer at the brothel interviewed in a local paper explains that he runs up and breaks the door open when the bell rings. But the damage has already been done. A report by the Institute of Criminology in 1990 found that many prostituted women in legal brothels were at high risk of violence. Research in 1994 by an NGO in Victoria similarly found that a significant percentage of women felt unsafe with customers 'most or some of the time'. The Women in prostitution Collective of Victoria at this time were receiving up to 15 reports of rape or violence against prostituted women weekly.

Despite the stated aim of the prostitution regulation legislation to protect women from violence, government regulation of brothels in Victoria has overwhelmingly taken the form of sexually transmittable infection checks. Women working in brothels must undergo a STI check every six months, which the individual woman must pay for. My own experience in talking to women in brothels has been that when prostitution was initially legalised, medical staff would visit the brothels to perform STI checks onsite, but this service has declined, so that women must now travel significant distances to visit the inner city health clinics.

Perhaps because of this, in Victoria between 2000-2, there was a 91 per cent increase in the number of women presenting with HIV infection, within a general population increase of 56 per cent. A study in Melbourne found that 40 per cent of male users had used women in prostitution without condoms.⁷

As increased numbers, including trafficked women, enter the sex industry with legalisation, prices fall, resulting in many women in industry feeling pressured to offer 'services' such as unprotected and anal sex in order to compete, which has serious implications for the health and safety of prostituted women.

⁷ Julie Bindel and Liz Kelly, *A critical examination of responses to prostitution in four countries: Victoria, Australia; Ireland; the Netherlands; and Sweden*, 2003, p. 17.

By 1999, one in five men were still requesting unsafe sex in prostitution in Victoria. Additionally, not all legal brothels were insisting on condom use. In 2000, WorkCover, which is the Victorian public workplace insurer, and the police began raiding brothels because of complaints about women being forced to have unprotected sex. It was discovered that women were being pressured to have sex without condoms in unhygienic and often unsafe conditions.

The legal policy regime of Occupational Health and Safety, which has been a huge focus of both government and private industry in Australia in recent years, is inapplicable to the legal prostitution industry. The industry not only includes brothels, where violence, sexual harassment, and physical and mental is unmonitored, escort prostitution is also a large sector within the legal industry. In addition, the Australian OHS guidelines apply to industry 'only where practicable', and this therefore excludes most aspects of brothel prostitution and all aspects of escort prostitution. The exact aspects of regular work that the extensive OHS guidelines seek to eliminate are not only inherent to but encouraged in the legal prostitution industry. Prostitution, as a high risk industry, makes its profits by offering high risk sexual opportunities to men. It would therefore be nonsensical to earnestly apply the OHS standards to the industry, which include strict workplace rules against physical and mental, sexual harassment, and unsafe workplace environments.

If the guidelines are nonsensical in relation to brothel prostitution, they are outright ridiculous when considering escort prostitution. The escort industry involves women visiting the private homes of buyers, where no checks have been carried out for safety, hygiene, or any of the other usual workplace health and safety targets. The safety guidelines for escort workers published by the state government prostitution outreach organisation called RhED (Resourcing Health and Education in the Sex Industry), which is attached to a government community health service, shows just how ridiculous the idea of occupational health and safety in relation to escort prostitution is. The organisation describes itself as a 'service for the sex industry in Victoria' to provide health, education, support, and advocacy services to prostituted women, and apparently aims to promote solidarity amongst prostituted women at the national level. Their safety tips for escort workers posted on the Web include:

- Pens, screech whistles and breath sprays can make good weapons, and may allow you the opportunity to get away
- Assert yourself in the first 10 minutes of meeting the client. From the moment you are alone with the client it's important to take control and stay in control of the situation. Be polite and friendly – it's often the best way to gain control – even when the client is behaving like a jerk.

- Let the client know that there is someone waiting outside for you, even if you are not using a driver.
- If you drive yourself, park your car so only the back can be seen from the house (for example behind a tree or some bushes) and leave the car radio on if possible (this will suggest to the client that someone is waiting for you).
- Have your belongings near the door in a pile so you can grab them if you need to get away quickly.

(Women in street prostitution)

Legalisation does not help women in street prostitution. The normalisation of prostitution leads to a lack of support services, as these are often curtailed by brothel owners. This further confines women within street prostitution, and the divide between street and brothel prostitution is very defined because of drug use. Women with a drug habit are generally unable to enter brothels.

It is arguable that as the normalisation of prostitution expands, support for exit programs will decrease, despite over two thirds of the sex industry being illegal, and research revealing continued elements of coercion and control. Women who are drug users are seldom able to comply with the rules and requirements of legal brothels. It is also possible that a proportion of customers prefer the street prostitution scene. The majority of women in street prostitution have serious drug problems, legalisation therefore serves to further criminalise and marginalise them.

Of the AUD900,000 that has been collected by the Victorian licensing board since its establishment, no funds have been directed to exit programs, despite this being a stated aim of the legislation.

Legalisation is an enlightened and progressive response to prostitution, as opposed to the 'moralising' opposition of the abolitionists

The legalisation of brothel prostitution in Victoria has created a cultural atmosphere in the city of Melbourne that is embracing of the sex industry, and encouraging of so-called adult shops, pornography, and tabletop dancing venues. T-shirts with the Playboy logo are popular, and a local Melbourne radio station (3RRR) each year hosts a program where prostituted women are brought in to the studio to do talkback with male callers, and to advertise their brothels. One of the stars in the Australian version of the reality TV show Big Brother formerly worked in tabletop dancing, and this was heavily emphasized during the show. A few years ago, a group was set up at Melbourne University for women students working in prostitution.

Despite the ultra corporatist and conservative character of the sex industry in Victoria, its public image, particularly for tabletop dancing, is the height of chic. Pole dancing classes are held for 'everyday' women outside of the industry, and the coolness of commercial sex is a constant theme of popular and alternative media. At this year's Melbourne Underground Film Festival (which is seen to be at the cutting edge of 'cool'), for example, the film *The Money Shot* won the best screenplay award. The film, made in Melbourne in 2002, is about a woman film school graduate who makes pornographic films in order to fund her entry into the mainstream cinema industry. The film is described as a 'brilliant post-feminist exploration of female identity', but in reality is just a pornographic film coded with the latest pop culture icons. Interestingly, the long-time pornographic film 'actor' who appears in the film, Peter Stefanou, also appears in mainstream TV and advertising campaigns in Australia, the latest with Australia's most well-known and most wholesome male singer, John Farnham.

Tourist guides such as Melbourne's *This Week* usually have at least three pages of advertisements for prostitution services. There is strong social pressure in Melbourne not to be seen as 'moralistic' in opposing prostitution.⁸ The term 'sex work' is used almost universally in both media and general conversation.

A 2003 survey of the press into changing attitudes toward prostitution in Australia concluded that there was growing acceptance of prostitution in the country. According to Melbourne's main newspaper, *The Age*, in 1996, on the effects of legalisation, 'sexually explicit entertainment and prostitution are becoming just another service industry'. 'Like it or not, sex work is entering the mainstream'.

Legalisation respects women's 'agency', and represents a policy of solidarity with women in the sex industry

The Women in prostitution Collective of Victoria initially did not want a legalised prostitution industry in Australia. To them, it would mean the intrusion of the state (regulation through STI testing, etc), as well as taxation. They would also have less control over their 'working' conditions in brothels, because they would not be able to refuse the 'customers' that come through the door.

Legalisation is opposed by women in prostitution because it possibly leads to having to register or pay taxes, which reduces their anonymity, and this exposes them to even greater violence and extortion, and also impedes their escaping the industry. The Australian government lost AUD100 million in tax revenue from

⁸ Julie Bindel and Liz Kelly, *A critical examination of responses to prostitution in four countries: Victoria, Australia; Ireland; the Netherlands; and Sweden*, 2003, p. 17.

prostitution in 1998, indicating the reluctance of women in the sex industry to register as legitimate sole traders or sub-contractors, and thereby be treated in prostitution as just another type of worker.

Legalisation allows sex industry entrepreneurs to enjoy the benefits of a state recognised industry, but not be subject to any of the penalties. They do this through designating the women in brothel prostitution as 'subcontractors' of the brothel rooms. The owners are, therefore, not subject to payroll tax, or OHS requirements. This is despite a court ruling in Australia in 1997 that deemed a brothel worker to be an employee for the purposes of an unfair dismissal claim. A prostituted woman working in a brothel in Melbourne was quoted in an academic paper as also not wanting the state and its residents to profit through taxes from the 'work' she was having to do. There is resentment amongst prostituted women about anyone else profiting from the harrowing 'work' they have to do.

The Women in prostitution Collective of Victoria in 1991 also argued that the increased controls of the legal sector had pushed many women into the illegal sector, where there were increased risks.

Research in 1996 of women in brothel and street prostitution found that 64 per cent wanted to leave the sex industry, and 57 per cent were actively looking for other work. All the women in street prostitution wanted to leave, but faced great barriers: homelessness, drug addiction, and a cycle of being fined for prostitution, doing prostitution to pay the fines, and imprisonment.

Legalisation reduces the 'nuisance' to the community of prostitution, and protects children from its harms

In 1997, it was found that between 20 and 50 children were fully involved in street prostitution of ages between 13 and 18 years in Australia. In 2002, a study run by the community group Child Wise found 1205 children under 18 years old involved in commercial sex in Victoria.

While prostitution may be hidden away from public view by the legalisation of brothels, this does nothing to address street prostitution, which has flourished with legalisation. Melbourne currently has an estimated 400 street women in prostitution. In 2001, the state Attorney General set up a street prostitution advisory group in response to the massive social problem of street prostitution. The male abusers were sexually using women in front yards on residents' doorsteps. There were problems with used condoms, faeces and needles. The recommendation of the report was to set up tolerance zones in which men could solicit women and 'safe houses' in which they could use them. The safe houses would effectively have been state brothels, although it was hoped that charities would run them.

Legalisation frees up the time and resources of the police to tackle the illegal sex industry sector

The Victorian police Gaming and Vice Squad was abolished in mid-1999. This meant that there was no specialist police squad focusing on the sex industry. Since the disbanding of the squad, most local police stations referred complaints about illegal brothels to local councils, who continue to argue that they do not have the resources to police brothels. Legalisation expands the illegal sex industry sector, moreover, which increases the workload of police. Little attention is paid, therefore, to the legal brothel sector, which is where all trafficked women have been found in Australia up until this point.

Legalisation allows prostituted women to form labour unions and enjoy employment and occupational health and safety protections

Corporatisation of prostitution through legalisation stops women from forming collectives. In general, women working in brothel prostitution in Australia are considered to be sub-contractors, and not employees. As such, brothel managers insist that they are not responsible for worker protections. The mainstream Liquor, Hospitality, and Miscellaneous Workers Union tried to unionise prostituted women in 1995, but were unsuccessful. Any type of collective organising within brothels in Australia is unheard of.

Legalisation benefits the position of all women in society

The experience of more than two decades of deregulation/legalisation of brothel prostitution has meant that the position of women in Australian society has declined. Rarely will you find anyone in Australian society who doesn't think prostitution is a choice, and even more uncommon would be someone who thinks tabletop dancing, at least, isn't just a bit of fun. In fact, public attitudes are so lax with regard to tabletop dancing that I had a subordinate colleague tell me the first time that we met that he was, that night, going to visit a tabletop dancing club as part of a buck's night party. He said this in front of an 18-year-old student without any hesitation.

The legal and commercial reality of prostitution has meant that Victorian men, who may have never previously involved themselves in illegal prostitution, are now comfortable in purchasing a woman for sexual gratification. Legalisation has created an ever-increasing 'lawful' supply of women for men's use. The policy of legalising brothel prostitution in Victoria has failed dramatically in all of its aims. When this policy was undertaken, there was no consideration given to the way in which it might affect the status, lives and relationships of all women in the state. In

fact, the culture of prostitution spills out into the business community, the billboards on the streets, the local media, and affects the relationships women have with their male partners and the men they work with. Legalisation has normalised men's prostitution behaviour. As a result of this accepting climate, tabletop strip clubs moved into Victoria in 1993, and now thrive under the euphemism of 'gentlemen's clubs'.

As the industry grows and diversifies, new constituencies of young men are introduced to prostitution behaviour. Legalisation ensures that a whole next generation of women will enter a society where prostitution is an accepted avenue of employment for a certain class of women. It also ensures that a whole generation of men enter society knowing that they have the right to use sexually this group of women. This group, however, is ultimately representative of all women. The Victorian example indicates that the legalisation of prostitution makes the sex industry an integral and damaging part of all women's lives.

Session 2 Asian Cases

*1) Implementation of Legal Measures for
Combating Sexual Exploitation and Trafficking in
Persons in the Philippines*

*2) Growing Network of Counter-Trafficking
NGOs in Japan*

- Japan Network against Trafficking in Persons -

*Implementation of Legal Measures for Combating Sexual Exploitation
and Trafficking in Persons in the Philippines*

Jean Enriquez, Deputy Director, CATW-AP

Our law against trafficking in persons or Republic Act 9208 was enacted in May 2003 and was effective on June 19 of the same year, after 8 long years of national struggle for its passage by women's groups and survivors, led by the Coalition Against Trafficking in Women – Asia Pacific (CATW-AP).

RA 9208 considers prostituted women as victims while penalizing all perpetrators – traffickers, recruiters, establishment owners, pimps and buyers. Following the UN Anti-Trafficking Protocol, it considers “consent” of victim as immaterial and “abuse of vulnerability” as a means of trafficking. Therefore, it understands that women, because of gender discrimination permeating in all aspects of her life – economic, political, socio-cultural – are vulnerable to trafficking and may “hold the knife by the blade” by entering the sex industry, because of numerous push factors. This certainly, should not make the perpetrator exempt from accountability, from taking advantage of her vulnerability. Thus, in our law, as it is in Korean law, it is clear that trafficking happens, with or without the victim's consent or knowledge.

In Sec. 4, it defines and criminalizes all acts of trafficking, including using employment and adoption as pretexts to bring a person to an exploitative situation, the mail-order-bride scheme, organizing sex tours, hiring and maintaining a person in prostitution, with penalties of P1M to P2M in fine and 20 years imprisonment. Facilitating acts including advertising, leasing a building, using the internet, all for the purpose of trafficking a person, are penalized with P500,000 to P1M fine and 15 years imprisonment.

Buying is similarly penalized in Sec. 11, with fine and community service on a first offense, and with fine and imprisonment on succeeding offenses.

Penalties are most severe for acts perpetrated by victims' guardians, by syndicates and by government personnel, including the military. This had to be underscored, because in the Philippines as it is in other countries, military men are among the biggest consumers of trafficked or prostituted sex. Qualified trafficking acts are meted P2M to P5M in fine and life imprisonment.

The law provides for a long prescription period, understanding that victims of trafficking might not readily file a case against perpetrators of the crime,

understanding that court trials are similarly hurtful for victims and knowing that a trafficked person's healing process takes time. Filing of complaints is not limited to victims, but includes any person with personal knowledge of the crime (Sec. 8). Thus, the burden of pursuing a case against perpetrators does not fall on the victim's shoulders, as it is often heard from authorities that cases do not prosper "because of victims' hesitation."

The law similarly protects victims with a confidentiality provision where undue exposure of the victims by the media and other sectors will be penalized. Mandatory services such as temporary shelter, counseling, reintegration, education and the like are to be provided by government agencies. Trafficked victims are also given preferential entitlement to the witness protection program under the Department of Justice. Repatriation of trafficked victims is to be ensured by the government, unless there is danger in doing so, then our government will seek permission from the receiving country for the victim's extension of stay in the latter.

Protection of victims applies to both minors and women beyond 18. This is important to note because in Philippine laws, as it is in many countries legal systems, children's protection are ensured while women victimized in prostitution are considered to be criminals. Protection shall also apply to non-Filipino victims, knowing that the Philippines has been a destination country to Russian and Chinese women, too.

Our law considers the responsibility of the government in creating more options for the women, understanding that among push factors are poverty and gender discrimination. Thus in the law, government agencies are mandated not only to give crisis intervention services to the victims but to create livelihood opportunities as well as integrate gender studies in formal schools, among other preventive measures.

The law similarly creates a monitoring body, called the inter-Agency Council Against Trafficking, where all government agencies mandated under the law to implement it, are members. Three non-governmental organizations are part of the council, which includes representatives from children's rights groups, women, and migrants. CATW-AP has been appointed as representative of the women's groups.

THE CAMPAIGN FOR THE LAW

Together with allies in the two chambers of the Philippine legislature, CATW-AP drafted the bill that would penalize trafficking in our country, considering the

huge numbers of Filipino women that leave the country daily for overseas work. Widespread unemployment has been responded to by our government with aggressive push for workers to find greener pastures abroad. With more women unemployed, a feminized trend in labor migration has been on the upswing. To date, at least 2000 Filipinos leave the country daily and 74% of them are women. Each month, at least 40 of them come home in coffins.

Women's desperation to leave the country is very apparent in the over-all trend, as well as in the ground-level researches we conducted in going across the country. Even as stories of migrant workers abused and killed abroad – exploitation and killings of entertainers by the Yakuza in Japan, sufferings and mysterious deaths of domestic helpers in Singapore, rape and conviction of young servants in the Middle East, more of our women line up in government agencies trying to secure passports, more of them, younger each time, go with recruiters who illegally gather women in communities and apply for entertainers' visas.

Individually, whether mother or eldest sister, they tell us of wishes to help their families of 6 to survive, to find a job after finishing a high school, to try their luck because their measly salaries cannot feed them, to escape domestic violence, to escape incestuous rape they suffer, to "try their luck" and marry a foreigner to gain social and economic uplift.

The victims themselves or their families seek our help, for the victims to be returned from Japan, or Malaysia or for us to find out where their daughters are now.

Trafficked victims tell of similar patterns of trafficking. They are recruited in groups, their travel documents were taken care of by their recruiters and processed in two weeks' time. They have cohorts in airports and in the receiving countries, who immediately bring them to the brothel or prostitution establishment, posing as massage parlors or nightclubs. On the very night they arrive, they are told that they will give sexual services to customers.

However, we also found out that trafficking cases are even more rampant within the country itself. And that not all trafficking cases constitute illegal recruitment. Many of the recruiters are licensed and are able to secure proper documentation for the victims, but nevertheless, bring the victims to situations of exploitation.

Thus, in the course of lobbying for the law, we were able to identify the common patterns of trafficking, as well as the nuances therein. We were able to identify the perpetrators, the acts involved and most importantly, the harms they cause the victims.

For a long time, such human rights violations have been shrugged off as "bad luck" or aberration to migration, and thus, not a problem consciously committed by actors. But it has become clear that trafficking is a systematic, syndicated, globalized business perpetrated by capitalists taking advantage of the vulnerability of women and of children. And while their acts of profiting on the wounded bodies of women and children have been operating with impunity, it cannot go on any longer.

The victims themselves testified in Congress hearings to inform lawmakers of the problem, its trends, its causes and its effects. The media was astounded by the huge numbers of Filipinas trafficked to Korea, Japan, Malaysia and the many cases of mothers in rural areas who have lost their daughters to recruiters who promised to give the young women jobs as waitresses or salesladies in the metropolis.

In fighting prostitution, which is the main destination of international and domestic trafficking, we learned that the perpetrators are the same. They are the businessmen who saw that they can take advantage of the widespread need among the young women especially to find jobs, which saw the lucrative business in recruiting the youth who have dreams, wounded lives. Thus, it is important for us, in drafting the law to include 'abuse of vulnerability' as a means to trafficking for prostitution. Force, coercion, deception, and other such means do not capture the reality of the women and the dynamics by which they are exploited.

By definition, prostitution is trafficking, as trafficking involves any of the following acts: recruitment, transport, harboring, maintaining or receipt of persons, for the purpose of exploitation. These are the acts that perpetrate the system of prostitution, thus, any of the actors that exploit women and children, is liable – including buyers who receive the persons for the purpose of exploiting them, including prostitution managers and establishment owners who hire or maintain them for exploitation.

CATW-AP remains to be very active in seeing to it that the law is implemented, as this is a law which women fought for, just like the anti-rape law, the anti-sexual harassment act, the law penalizing domestic violence. We are educating the police and the prosecutors in the Philippines, together, so that they will have a meeting of minds in terms of interpreting and applying the law. Believe it or not, they are compelled to have a paradigm shift, from one that prosecutes the women as criminals, to one that understands and protects them as victims, while targeting the real perpetrators of trafficking and prostitution – those who profit and gain sexually from it.

We go around the country discussing also the law with survivors, for them to know that the law is there to protect them. That we should tell the authorities not to divide trafficking from prostitution. Thus, prostituted women are not to be

arrested by virtue of this law, regardless of the fact that the vagrancy law is still in the penal code of the Philippines. We invoke this progressive and special law, till we have the vagrancy law repealed. We invoke this new law and the UN Protocol on Trafficking which upholds the protection of victims of sexual exploitation.

Thus far, we are convincing more prosecutors, policemen and judges on this paradigm. Thus far, less women are being arrested in the streets of Quezon City, a main destination of trafficked women from the rural areas.

Every October, we celebrate with the survivors the International Day of No Prostitution, and we engage in dialogues with local authorities on implementing the Anti-Trafficking Law. We also engage the young men in education camps, to educate themselves on gender issues, sexuality and prostitution. Through such camps, the men are able to examine the role of masculinity definitions in perpetuating violence against women, particularly trafficking and prostitution. Thereby, they are also able to slowly redefine sexuality, towards contributing to the fight to stop sexual exploitation.

In India, same efforts are underway, in using their anti-trafficking laws to protect the women and children, and to penalize the real perpetrators – the brothel owners, the brokers and also the buyers. We are also looking forward to cooperation with UNIFEM in the regional level towards reeducating the public on sexuality and its relation to the perpetration of prostitution. Beyond economics, patriarchy has to be challenged.

Still and all, in the Philippines and elsewhere, we continue to fight globalization, the governance of the elite and patriarchy, all these structures that continue to intensify the vulnerability of women, while heightening the profiteering capacities of the patriarchs in the capitalist system.

Growing Network of Counter-Trafficking NGOs in Japan

- Japan Network against Trafficking in Persons -

Keiko Tamai, Senior Program Officer, The Asia Foundation

The Japan Network Against Trafficking in Persons (JNATIP) is a coalition of 28 Japanese NGOs and more than 140 individuals combating against trafficking in persons. The Asia Foundation act as a steering member of the network. Our objective is to prevent the trafficking of persons, to protect those who have been victimized, to support the rehabilitation of victims, and to punish the perpetrators. Further, we hope to promote an effective legislation that is capable of fulfilling the above objectives.

Somebody once asked me what the ultimate goal for JNATIP was, and I replied that the ultimate goal is disbandment. JNATIP was created as a coalition of groups and individuals with a clear objective who have joined forces in order to have much greater momentum in reaching this objective. We still have a long way to go until we reach the goal of disbandment, however. Even after new laws are established, JNATIP must see to it that these laws are properly applied, that a support system for the victims is established, and that all this functions smoothly. Once this objective is achieved, JNATIP would have accomplished its duties and would then disband.

STARTING WITH A FACT-FINDING SURVEY

The three pillars of JNATIP are: 1. Investigative research on trafficking victims in Japan; 2. Lobbying for the proposal and establishment of laws including the support and protection of victims; and 3. Campaigning to raise public awareness on the problem of human trafficking.

JNATIP gained momentum from the international symposium held in Tokyo in January of 2003 on the trafficking of women to Japan, jointly hosted by The Asia Foundation and the ILO. The symposium provided a forum in which national and international NGOs, foreign embassies in Japan, diet members and the National Police Agency exchanged ideas on the problem of human trafficking with Japan as the receiving market. While the Japanese government signed the UN's Protocol to Prevent, Suppress and Punish Trafficking in Persons (the

Trafficking Protocol) just a month before, the symposium received widespread response and attention from the international media due to the virtual lack of domestic initiatives to address trafficking prior to this meeting. From the organizer's standpoint, I did not want the symposium to end as an event of singular significance. Without action to follow the dialogue, the symposium would have produced little more than pages of meeting minutes. With the rapporteurs to the symposium at its pith, we decided to hold regular study groups to address the issues brought forth during the meetings. Upon appealing the need for new legislation to National Diet members, the Diet members expressed their desire to see comprehensive data on victims of trafficking in persons in Japan. However, without even a working definition of trafficking victims, there is, of course, no comprehensive data on this demographic. Our first mission, then, was to grasp a full understanding of the situation of trafficking in persons in Japan.

We started preparations in June of 2003 by drafting a plan for the collection of information on trafficking victims in our study groups and forming the foundations of what would later become JNATIP as the actor for our activities. Gaining cooperation from Ochanomizu University's Frontiers of Gender Studies COE Program (F-GENS), we later formalized our efforts into a project entitled "The JNATIP/F-GENS Research of Victims of Trafficking in Persons in Japan." JNATIP was officially established based on the above-mentioned objectives in October of 2003.

Human trafficking is a business of the underworld; it is also a crime. These factors make it impossible to come up with fully comprehensive data, but by investigating case studies given by trafficking victims and aid organizations, we can grasp a general overview of the situation of human trafficking in Japan. If we can gain a good understanding of what the main trafficking routes are and how victims are able to get in contact with aid organizations, this helps us tremendously in discussing measures for establishing laws and modes of recovery support. Understanding the incentives for human trafficking also helps us contemplate prevention methods. What kind of life do those who migrate from sending countries expect to have in Japan? How does Japan look from their point of view before and after migration? After a year and half of actively collecting information on trafficking victims from domestic and international aid organizations, foreign embassies in Japan and the victims themselves, the report was published in June 2005.

Our project is most noteworthy for its uniqueness as a collaboration of NGOs and academics, and especially for having successfully gained the cooperation of foreign embassies in Japan, such as the Thai and Colombian embassies. While NGOs and embassies – who have the closest contact with actual victims of trafficking – have much of the needed information, the know-how of how to

analyze and record this information lies with the researchers. Embassies have a vested interest in Japan's implementation of laws against trafficking from the standpoint of protecting those that live overseas. Without the cooperation of sending and receiving countries, we cannot solve the problem of trafficking in persons. Our victim research is proceeding through the sharing of the knowledge, experience and skills of NGOs, universities and embassies.

This sharing and cooperation is at the core of JNATIP's existence. Participating in our efforts are groups with advocacy experience in various fields such as those involved in women's shelters, NGO networks supporting foreigners in Japan, human rights, the elimination of discrimination, gender equality and children's rights. In addition, there are researchers, lawyers, social workers, journalists and students who have years of involvement in citizen's movements, international relations, migrant labor, social welfare and other relevant issues. The operation costs of our secretariat depend on donations, and the project is managed through grants and fundraising. JNATIP aims to work toward its objectives through the shared experiences and ideas of individuals who share noble ambitions and the capacity to sacrifice their time and efforts for this cause. In order to combat the complex multidimensional issues surrounding the trafficking in persons, it is necessary to take multifaceted perspectives into account.

THE INDISPENSABILITY OF INTERNATIONAL COOPERATION

Human trafficking is a transnational organized crime that knows no boundaries. No matter how well each individual country's policies address the issue of trafficking, the lines of communication toward a resolution cannot be opened without international cooperation. Underlying the issue of trafficking are problems such as the economic disparities between sending and receiving countries, migrant labor and globalization. In order to prevent further harm and to support those who have already been victimized, we need to establish a system of cooperation between sending and receiving countries. This is another one of JNATIP's areas of interest. For example, if a foreigner, who has been a victim of trafficking hopes to return to her home country, would she then be able to return to her previously held lifestyle? Is there still a place for her to go back to? Reality is harsh. Sometimes, family members of victims receive threats from trafficking brokers; some regions are not accommodating to returnees, who could have a hard time reintegrating; others, unable to find a financially independent alternative and reluctant to throw away the dream of a prosperous lifestyle, are inclined to return to the human trafficking route.

The human trafficking business was built on and thrives on the exploitation of the hopes and dreams of those who seek a better life in a different world. It is no easy task to try to tap into the situations of victims, many of whom do not want to talk, many of whom cannot talk even if they wanted to. The key to new measures lies in the sharing of experiences between local and international NGOs who have had successful undertakings in the past. The strength of NGOs lies in their ability to respond flexibly to diverse demands.

Japan has repeatedly been cited as being too passive regarding its domestic human trafficking problem, and the Japanese government has finally started to act. However, it does not suffice to simply treat the organized crime operations symptomatically while neglecting to understand and respond to the root of the problem. To simply close the doors to foreigners would not only fail to resolve the problem, but is bound to promote further crime. Japan's market as a receiving country is flourishing precisely because there is a demand. Japan has been criticized repeatedly from the international community because it has given free reign to the underground business of exploiting foreign women and because human rights violations are blatantly existent and remain unchallenged.

THE ROLE OF CIVIL SOCIETY

So far, NGOs, who have extensive knowledge on relevant issues due largely to their experiences, have been the ones to support and aid those who have been victimized in Japan. The government has a solid supply of funds and the administrative infrastructure. In order to work toward the reduction of human trafficking, it is necessary for NGOs and governments to cooperate and to provide each other with what the other lacks. Thinking beyond the issue of trafficking, it is a necessary precondition to establish a trusting relationship between the government and NGOs in order to overcome the uncertainties of state-society relations and to achieve full cooperation. In Japan especially, there is a tendency to view the relationship between government and NGOs as being laterally unequal or as conflicting. While, on one hand, NGOs collaborate with governments to reach their objectives, they also critique and clearly state their opinions. This is because policies must reflect citizen's voices. The key to the case of human trafficking lies in the ability to be in contact with victims of trafficking, and it is the NGOs that hold this key. The three pillars of JNATIP given at the very beginning of this passage exist on the premise that international cooperation and NGO-government collaboration are indispensable.

As the first step toward NGO-government collaboration, JNATIP offered its assistance in setting up a meeting to exchange ideas preceding action at an executive meeting of the inter-agency task force (Cabinet Secretariat, National Police Agency, Ministry of Justice, Ministry of Foreign Affairs, and Ministry of Health, Labour and Welfare). Later in December of 2004, the government adopted National Action Plan on counter-trafficking measures. JNATIP is watching over carefully whether the plan is actually implemented and expected outcomes are put into reality. In order to eradicate human trafficking, NGOs and governments must share information and have mutual awareness of the problem.

As for JNATIP's long-term goals, we hope to trigger a society-wide recognition of the problem of human trafficking in Japan. We must work on creating an unprecedented public consciousness that clarifies the fact that human trafficking is a crime, and that Japan must not be a market for the trafficking in persons. It will be extremely difficult to transform the deeply rooted cultural bias and discrimination against foreign workers. We have been sponsoring seminars and workshops on human trafficking and transmitting information with the help of national and international media. We plan to have associated groups take advantage of their own networks and cooperate with regional autonomous bodies in order to evoke nationwide concern on the issue of trafficking and to diffuse action into all parts of Japan.

Session 3 European Cases

Negative Impacts of the Legalizing Prostitution in European Countries

Negative Impacts of the Legalizing Prostitution in European Countries

Abstract by Malka Marcovich

ABSTRACT

Since the 19th Century, the political pressure for legalizing prostitution has been one of the central contentious issues for human's rights and women's rights movement worldwide. The region Europe has been both the cradle for the theories and policies in favour of regulated prostitution as well as those opposed to this contemporary form of slavery. One hundred year after, in a new Europe in construction, we have witness the revival of those old theories promoting the legalization of prostitution in the name of modernity and advancement. In this new political and economical region without border and common economy, the impact of legalized prostitution in some countries like the Netherlands have impact on other countries that do not follow same policies. For more then ten years now, the Netherlands have been the leaders in an ongoing battle promoting their system in all countries in Europe, and especially new countries from the ex communist block, using all possible tools, including administrative ones through European institutions. I will present how the impact of the policies legalizing prostitution has influenced the whole society in Europe, has developed the normalization of the sex industry, trafficking and sex tourism. I will also show how theses activities have a negative impact on the promotion of equality between men and women, and has created a marginalized class of women to be sexually abused in the system of prostitution, which influence all gender relations in society. Giving some example of the situation in Spain, France, Netherlands, Czech Republic, The Baltics, I will argue that the only long term solution is to follow the Swedish model, making the harm visible by criminalizing "the demand", the buyers of "sexual services".

Achievements and Tasks after a Year of Enforcing the New Acts¹

- Mirae Jung, *National Solidarity for the Solution Against Sexual Exploitation, Citizen Solidarity for the Solution Against Sexual Exploitation*
- Jinkyung Cho, *"Hansoriboe" One Voice, for the Eradication of the Sexual Exploitation, Dasi Hamkke Center*

1. INTRODUCTION

'Act on the Punishment of Procuring Prostitution and Associated Acts' and 'Act on the Prevention of Prostitution and Protection of Victims thereof' were adopted on March 22, 2004 and took effect 6 months later on September 23, 2004. Many changes were made for one year after the enforcement during which human rights in Korea have improved significantly when fights were made with dishonesty and corruption rampant in Korea and government policies were newly established beyond the mere statistics released by the police over enforcing prostitution related crimes.

The adoption and enforcement of the Acts enabled the Korean government to establish specific policies countering crimes of procuring prostitution. The act is significant in which through these policies, people realized the fact that prostitution is violence and a crime against the weak and demanded the Korean government to come up with measures to assist women in prostitution. Furthermore, by clearly transferring the responsibility of the Korean government not handling the issue of prostitution properly by neglecting, tolerating and aiding prostitution, thereby expanding the prostitution industry, the act made the government to come up with measures to counter dishonesty and corruption in the government, illegal connection between business sectors and government officials and entertainment culture and underground economy by reforming the prostitution industry while actively countering crimes of procuring prostitution.

I want to review the achievements made during one year after the enforcement of the acts and summarize the limitations, problems and the position of organizations² that are involved on site.

¹ The act on the punishment of procuring prostitution and associated acts and the act on the prevention of prostitution and protection of victims thereof are the prevention of prostitution, etc. act in this paper.

2. EVALUATION ON THE DIRECTION OF POLICIES AND PROCESS OF LAW ENFORCEMENT

1. Contents and tasks of overall measures for preventing prostitution

Through a briefing along with the ministry of justice and the Korean national police agency, the ministry of gender equality announced on March 31, 2004 the comprehensive measures for preventing prostitution centering around gradually closing down red-light districts in Korea and supporting the victims of prostitution to gain self-reliance and rehabilitation². After the enforcement of the act, the ministry of gender equality established the team of screening the measures for preventing prostitution³ on November 10, 2004 to plan details and evaluate the progress of these comprehensive measures while cooperating and mediating with each government agency.

The major points included in the comprehensive measures announced on March 31 were 1) gradual closing down of red-light districts, 2) strengthening administrative monitoring of businesses violating the matters related with prostitution, and confiscating and imposing penalties on the profit obtained from prostitution by pimps, 3) comprehensive support for the victims of prostitution, 4) establish 10 on-site counseling centers around red-light districts by 2004, increasing this number to 65 by 2007, and increasing the number of professional counselors to 240 by 2007, 5) supporting legal support for the victims of prostitution and increasing the number of rehabilitation support center for women in prostitution from 2 in 2004 to 16, and 6) establishing monitoring teams for preventing prostitution, reviewing the progress of comprehensive measures, and establishing local cooperative organizations in different cities and provinces.

Especially, the details of gradual closing down of red-light districts included establishing the legal basis for adopting 'the Special Act of Closing Down Red-light Districts' in 2004, pursuing the adoption of this act in 2005, and closing down

² On-site organizations are defined as those organizations that lead the movement to prevent and cease prostitution by carry out activities for supporting and rescuing women in prostitution, and operating counseling centers, rehabilitation centers.

³ Associated press, 2004, 3, 31

⁴ Functions and roles of screening team: screening and evaluating detail planning to carry out comprehensive measures for preventing prostitution. Mediating, supporting and evaluating major policies for the prevention of prostitution in the central and local governments. Reforming and cleaning out the systems and laws related with prostitution prevention. Other items needed for negotiating and cooperating measures needed for the prevention of prostitution, <http://www.mogef.go.kr/moge/common>

69 red-light districts starting in 2007 starting from youth protection areas and residential areas.

To pursue this matter, the ministry of gender equality already came up with a draft for adopting the act of cleaning up red-light district and is ready to legalize this act at a proper time considering public consensus⁵. However, the Korean government stated that it has not officially released research results on closing and cleaning out red-light districts and a discussion is needed on the consideration of overall situations over which agencies should be responsible for implementing the laws related with closing down of red-light districts⁶; however, nothing has been released on how the implementing would be pursued. For which time when government policies have not been fully publicized and the content not accurately delivered, even the local governments responsible for overseeing red-light districts do not accurately comprehend government policies. At which time, the Acts took effect on September 23 and the police enforced the act, the pimps who wanted to continued on with extortive prostitution demonstrated by mobilizing women in prostitution, demanding the protection of survival rights and the acceptance of an extension period. Among these women in prostitution who participated in these protests, those who understood the purpose of the Acts and government policy in two regions including Busan and Incheon visited Korea Women's Association United and asked to select their region as the region for rehabilitation. Accepting this request, the government has pursued the project to rehabilitate women in prostitution in red-light districts until now and has announced to expand this project.

However, in order to have confidence over government policies and guarantee continuity and consistency, the issue is for the Korean government to clearly establish the policies for closing red-light districts and work along with local governments to establish measures. Without these measures, it would seem that the expansion of the project to rehabilitate women in prostitution in red-light districts is confined only to red-light districts, the measures by local governments for closing down red-light districts through administrative measures such as down-sizing the number of brothels with each local government countering differently would not be effective, and it would be difficult to counter the number of brothels expanding in other forms. Therefore, the expansion of the project to rehabilitate women in prostitution in red-light districts should be geared toward local governments to actively carry out their responsibilities under a large umbrella policy for closing red-light districts while expanding protective measures for women in prostitution to provide comprehensive and continued rehabilitation programs.

⁵ Data from the second meeting by the team of prostitution prevention, 2004, 12, 30. 35p

⁶ Same as above

When the major contents of the protection and supportive measures for victims of prostitution are evaluated, the ministry of gender equality has increased the budget for the expansion of supportive measures after the enforcement of the act urgently through negotiating with the ruling party and government. The problem is the fact that these supportive measures for women in prostitution can not be achieved segmental or in the short-term. The entire process for a women in prostitution to be independent and rehabilitated and get out of prostitution⁷ could take from a few months to a few years. Thus, in order to effectively support these women in prostitution, comprehensive supportive measures should be carried out with long-term goals. For this purpose, the Korean government should be come up long-term measures rather than short-term and only visible measures. By realizing supportive measures and providing and creating jobs to these women in prostitution, we need to come up with measures for these women to not be reintroduced into prostitution. With the government leading, it is urgent to come up with a system for these victims of prostitution to obtain one-stop service for the whole process of support and getting out of prostitution by expanding the measures for supporting these women in prostitution. By clarifying the responsibility of the government over the issue of prostitution and countering crime organizations, policies and systems should be expanded with the government leading.

Although the Korean government has the will to down-size the prostitution industry under legal basis, the government is lacking the basis for firmly carry out these measures with specific long term and mid term plans. Of course, it is fortunate that the Korean government formed a team for preventing prostitution before the adoption of the Acts and again clarified its will by confirming and

⁷The following are the support measures by the Korean government:

- (1) Establish 22 shelters for victims of prostitution, 36 support centers, and planning to add group homes by securing public rental residences.
- (2) For those getting out of prostitution, train and increase the number of counselors.
- (3) Selective support within the budget allowed for one person for medial care, legal aid and occupational training.
- (4) Operation of treatment programs for psychological counseling and emotional recovery.
- (5) Increase support for the women in prostitution to get out of prostitution who are not in shelters in red-light districts - Based on the mid-term evaluation, expand the project to rehabilitate women in prostitution in red-light districts to support women in prostitution to get out of prostitution in red-light districts to cover the entire country (designate 4 areas other than Incheon and Busan additionally to carry out the project to rehabilitate women in prostitution in red-light districts), Increase giving emergency living fund from 6 months to a year.
- (6) Start and expand the support project for regaining personal credit.
- By cooperating with the Credit Counseling and Recovery Service (March 16), for 76 creditors among those women in prostitution in shelters, interest payment was exemption, the payment period was delayed, the bad credit label was removed, expert counseling was provided to resolve personal debt issue. These services are to be applied in women in prostitution not in shelters.
- (7) Operation of lottery funds (medical aid, legal support, occupational services, and rehabilitation support activities)
- (8) Loans for opening personal businesses.

announcing comprehensive measures after the adoption of the Acts and actively countered against prostitution later by activating the screening team. However, considering the measures after the adoption of the Acts and the policies that came after the adoption, the government is still not strongly countering the crimes of procuring prostitution by approaching the issue of prostitution only through the ministry of gender equality. Considering the structure of prostitution and its serious nature, active measure at the national level is mandatory.

Resolving the issue of prostitution is not the responsibility of only one ministry or agency in the government. It is urgent for each agency in the government to fully understand the content, establish the policies that people could trust by publicizing and guiding these policies with consistency, and actively carry out these policies. In order to achieve these goals, the government should initially come up with long and mid term plans and measures and establish a system that could fully guarantee to carry out these plans and measures. Thus, we need a machinery that is solely responsible for the issue of prostitution and for the establishment of a comprehensive system, rather than playing mere mediating roles.

2. Evaluation on the process of executing the act and tasks

The police have placed its efforts in recovering trust over public authority by investigating prostitution and preparing and distributing the guidelines for the prevention of prostitution in order to actively protect the victims of prostitution and forcefully countering crimes of procuring prostitution and the connection crimes between the procuring criminal rings and governmental officials including police and prosecutory authorities. The police standing in the most fore-front in enforcing the Acts changed the process of investigation to protect victims and to prevent human rights infringement by operating emergency shelters for women in prostitution and 117 hot line, activating the use of woman police officers during the investigation of prostitution, utilizing the team for women and juveniles prostitution, accepting the presence in company of person having fiduciary relations during the investigation of women in prostitution, utilizing videotaping of interrogation, and carrying out investigation by visiting the victim. Furthermore, much achievement has been made on crimes of procuring prostitution through targeting investigation to the specific types of prostitution. The ministry of justice through police force confronted pimps with stern policy for human rights protection and victim protection of these victims and actively carried out legal measures such as prosecuting pimps who run "women hand using masturbation shop."

Despite these efforts, the issue raised is the lack of consistency and continuity in police enforcement because the police are countering against crimes of procuring prostitution weakly due to other duties or only when there is a problem. Thus, it is not properly handling new or modified forms of prostitution and expansion of underground prostitution. Crimes of procuring prostitution are not temporary or individualistic so we need to establish a special department handling only these crimes to have professional investigative power.

The next issue is the fact that the ministry of justice, being responsible for punishing crimes related with prostitution, offers little human rights protection for women in prostitution despite having a clear direction on human rights for those victims of women in prostitution, and is punishing even those women in prostitution. On the other hand, those purchasing sexual service is relatively weakly punished and offered little or no protective disposition. The ministry of justice recently introduced the preventive program for those purchasing sexual service called "John school," which is carried out while those prosecuted are under the protective disposition and is planning to expand this program throughout the country. However, the number of prostitution procurement crimes would not decrease with the introduction of this John school. Based on the forceful enforcement of the Acts, the policies related with these crimes should be carried out after the process of obtaining full opinions from civil organizations on program operation. We need to come up with the measures for countering against sex trafficking abroad such as in Vietnam, China and Kibarashi and firmly carry out legal measures using domestic laws. In addition, we need to monitoring and follow-up investigating for that sex trafficking organization and collaborating for international cooperation on this matter.

3. Increasing NGO participation and process of activity

The NGOs that carried out their activities under difficult conditions of the 'Act on the Prevention of Morally Degrading Behavior' for long time secured material and personnel resources with the adoption and enforcement of the new laws and expanding their scope of activities. Especially, these activities carried out at an individual level previously became more specialized than forming a nationwide networks, and were strengthened through education and training of professional staff to provide fast and high quality services through the establishment of infra-structure. Furthermore, these networks established policies countering prostitution by mobilizing local governments. The organizations formed by a systemic connection of local governments and NGOs are effective for supporting victims of prostitution. NGOs' activity involved in government policies through policy proposal, monitoring and evaluating specifically,

- (1) The fact that NGOs are developing and applying comprehensive support measures for the women in prostitution through legal, medical and emotional support, connecting with shelters, and various programs for rehabilitation.
- (2) The fact that the victims could obtain convenient and fast support as counseling centers concentrated in one area expanded throughout Korea.
- (3) The fact that the counseling centers and protective facilities expanded throughout Korea are influencing the awareness by local people and forming an infra-structure for protective support by local community through various activities.
- (4) The fact that specialized counselors focused their efforts in leading changes in investigative atmosphere in the police and justice sectors, developing various legal measures and including new verdict cases.
- (5) The fact that quality services are provided by forming a networks of legal and medical experts.
- (6) The fact that in NGOs carry out various activities to boost the effectiveness of laws by submitting proposals on project and legal revisions.

4. NGO activities for the enforcement of the new Acts and precedents and tasks of the judiciary

NGOs have carried out strong and various activities to secure the effectiveness of the Acts through the process of supporting victims and forming new judicial precedents. According to each region where a legal support team is present or each organization supporting women in prostitution, a team of expert lawyers should be formed to give professional legal support, enabling women in prostitution to securely defend themselves in the court of law. Through this process, the government's responsibility over the issue of prostitution should be clarified. For damage form procuring prostitution, there are many activities to clarify the responsibilities of not only pimps but also the central and local governments. Legal supports⁸ that women in prostitution faced with difficulty and hardship gave

⁸ Legal achievements made so far are

(1) Partial acceptance of responsibility by the Korean government over the Daemyongdong fire in Kunsan city that killed women in prostitution.

(2) Not recognizing pre-payment received by women in prostitution from pimps. This rule applied to not only the involved party but also the guaranty.

(footnote continued)

courage and hope to these women based on the fact that they could get out of prostitution and could be compensated for their suffering. Furthermore, by increasing trust over legal services and legal processes, NGOs contributed⁹ significantly over increasing confidence in these women and regaining trust over government policies. On the other hand however, the issue of the different judges giving inconsistent verdicts (i.e.,: different verdicts over quasi-sexual intercourse), the issue of considering prostitution as an individual matter, the practice of viewing pre-payment for women in prostitution by pimps as personal property should be resolved quickly.

5. Issues to be resolved for the settlement and enforcement of the Acts

During one year of enforcing the two Acts, various NGOs and the Korean government placed their efforts together to stably settle and increase the effectiveness of the Acts by coming up with various measures. Despite various worries and attacks through the enforcement of the Acts, the one great achievement is the fact that the people are aware that prostitution is violence against the weak. Nonetheless, it is still too early to say that the Acts has settled in our society and there are still many issues to be resolved. To resolve these issues, we need to carry out the following tasks.

- 1) We need to counter strongly against the crimes of procuring prostitution and strengthen legal measures against pimps and their businesses by confiscating and collecting their profits.
- 2) We need to protect women in prostitution by not punishing them, protecting them and increasing support. They are the victims of sexual exploitation,

(3) The supreme court of Korea gave a non-guilty verdict to a prostitute who was sued for fraud over a pre-payment she received from the pimp suing her.

(4) Won the case in which the personal loan made by a pimp to a prostitute is not recognized as a personal debt.

(5) Won the damage case against the pimp who forced prostitution

(6) Recognizing pimps for fraud extorting payments for prostitution

(7) Recognizing pimps for rape against women in prostitution

(8) There are many other cases related with granting immunity over bankruptcy in women in prostitution.

⁹ After the enforcement of the act, the women in prostitution

(1) became confident

(2) know about their rights, demanded their rights to the police,

(3) a way for women in prostitution go to get out prostitution is shown by receiving legal, medical and psychological support

(4) women in prostitution recovered their faith over government policies that they could get out of prostitution given an alternative with conviction and confidence

(5) Increased numbers of women in prostitution continuing education, finding jobs and opening businesses.

(6) Decreased number of women in prostitution refluxing back to prostitution

violence, and crimes so they should not be punished. Furthermore, we need to come up with measures for them not be return to their trade but be escape from prostitution industry by providing them with jobs.

Above all, as for the measures for expanding and strengthening support for women in prostitution, we need to establish the hardware aspect such as increasing the number of facilities for rehabilitation and support of women in prostitution to secure resources and protection of women in prostitution and come up with measures for professional and systematic support. The direction of the delivery system for these services as follows.

- (1) By changing a unilateral support system, we need to include to more diverse systems including group home type and specialized facilities for these women in prostitution to secure stable long residency.
- (2) We need to improve the quality of services by developing support systems answering to their needs.
- (3) We need to increase the number of facilities and develop different programs for various supports for those women in prostitution who did not enter protective shelters. Furthermore, in order to overcome differences in the quality of each support facility, we need to establish information centers preparing manuals and distributing information and train those specialized personnel to prepare guidelines and provide different programs.
- 3) We need to place our efforts in decreasing the number of prostitution related crimes such as procuring prostitution by strengthening the punishment and protective disposition of those purchasing sexual services.
- 4) We need to establish a government machinery that is solely responsible and carry out policies related with prostitution in an unilateral direction and to seek long-term measures. The local governments, NGOs, private sector, and media should share responsibilities. We need to guarantee uniformity and consistency of policies related with prostitution by establishing a system for policies of preventing prostitution to secure a firm ground.
- 5) We need to adopt an act to prevent human trafficking. The Korean government should strongly counter those crimes of exporting women for prostitution or human trafficking for prostitution. Considering the fact that prostitution is done internationally and systematically, legal measures are still lacking. Thus, the following forms of procuring prostitution crimes should be strongly countered such as ① procuring prostitution by exporting, ② procuring prostitution by sending those purchasing sexual services abroad, ③ procuring prostitution for stationary foreign soldiers, ④ procuring prostitution

in foreign women, and ⑤ procuring prostitution in disabled women. We need to come up with specific measures to protect these victims. Furthermore, a law countering human trafficking should be adopted immediately and enforced comprehensively and specifically.

6) NGOs should continued to monitor government policies and execution. Publicity and training for prostitution prevention should be emphasized to actively and specifically carry out these activities to change awareness by people.

3. CONCLUSION

One year after the enforcement of the new Acts required more activities and efforts by NGOs compared with the time when they used their efforts for the adoption of the Acts. The government and NGOs were active in enforcing the new Acts, rescuing and supporting victims of prostitution, giving support nationwide, and preparing the entire process for rehabilitation, achieving small but anticipated achievements. Despite these efforts, it seems the incidents related with the victims of prostitution such as deaths of victims due to suicide, disease and fire did not change. However, we confirmed the fact that we are one step closer to carry out activities to cease prostitution and protect human rights of women in prostitution through the enforcement of the new Acts. This step was possible because of the ultimate effects of increasing the government's ability to counter against crimes related with prostitution such as procuring prostitution by clarifying the government responsibilities, enabling the government to establish sure policies, through changing the patriarchic awareness that controlled our thoughts for long time. However, the matters to be resolved are still prevalent. There are the issues of carrying out law enforcement, protecting women in prostitution, expanding support, and securing a strong enforcement of the new Acts, changing awareness. We are also faced with having to come up with measures on how to approach the issue of women in prostitution demanding deferring execution of the Acts and claiming that they are 'sex workers'.

There is no turning back to the past after the adoption and enforcement of the new Acts. Our current task is to consider the issue of whether the Acts would be enforced with effectiveness and stability. For this purpose in mind, the people of Korea and the Korean government need to gather their efforts together. We will place our efforts in preventing the spread of the prostitution industry through the new Acts and work along with women in prostitution for human rights protection and eradication of sexual exploitation, which is violence against the weak, the

women in prostitution, by carrying out activities to cease prostitution and expanding support for these women.