



International Social Service, Australian Branch Synopsis of Trafficking Project April 2004

Background

International Social Service, Australian Branch (ISS) in conjunction with Project Respect and Good Shepherd Youth and Family Service (agencies providing direct services to women working in the sex industry) conducted a Project concerning the trafficking of women specifically from South East Asia into the Australian sex industry. The purpose of this paper is to provide a brief overview of the Project and the outcomes achieved.

The Myer Foundation funded the Project, providing AUS\$76 000 in early 2002 to ISS, as the lead agency. The objectives of the Project were to identify factors contributing to the trafficking of women into Australia for sexual exploitation, examine current assistance to victims, and to advocate for legislative and policy changes to eradicate the occurrence of trafficking of women.

The importance and uniqueness of this Project cannot be underestimated. Over the past decade, transnational and domestic trafficking of women and girls has become an important issue in Australia and internationally. This is the first time in Australia that the issue of the trafficking of women has been exposed in a way that brings all parties involved together to work towards a solution. The culmination of this Project was the recognition and acknowledgement by the Federal Government of the significance of the problem and the subsequent development and funding of a package of measures to address the problem.

The Project involved the use of a number of research methodologies to examine the issue of the trafficking of women. These included: in depth interviews with ten women about their experiences of trafficking with the information being confirmed and complemented by other sources; interviews within brothels; surveys of Council and Police personnel in the Cities of Yarra and Port Phillip; telephone interviews with clients in the sex industry; interviews with federal and state government personnel; and an analysis of key information such as promotional material, international policies and regulations, and legal documents. The Project was based in Victoria, the second largest state in Australia.

A Project Worker/Researcher was employed and the Project was managed by a Project Management Committee that met between May 2002 and July 2003. A Research Reference Group met on three occasions between June and November 2002 and provided expert advice on issues associated with research and legal parameters. A full report of the Project was completed. However, due to disagreements between the parties the full report is yet to be published.

The Project found clear evidence that women were being trafficked into Australia from South East Asia in an organised and systematic manner. The process of trafficking is involved and is deliberate and highly organised, beginning with recruitment of women in the source country, the induction into the sex industry in Australia, and finally the detection and deportation of women back to their country of origin.

The responsibility to address the issue of women trafficked into the sex industry in Australia is assumed by the three tiers of government in Australia – the federal, state and local government. Prior to this Project there was no coordinated, whole-of-government response to trafficking in Australia and no organisation specifically working for the needs of trafficked women.

Agencies working with trafficked women include the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) which has contact with trafficked women through searches they conduct for unlawful non-citizens; the Refugee Review Tribunal (RRT) which receives applications for protection visas from trafficked women (made in the women’s name by traffickers); the Victorian State Police who undertake probity checks on brothels in the course of licence applications; and Local Councils through their monitoring of brothels to ensure they have permits to operate.

The responsibility to effectively address the problem of women being trafficked into the sex industry is an area that has traditionally fallen between the gaps in Australia. This has led to a situation where trafficking has been viewed as a low risk, high profit industry for criminals, while the victims are left with inadequate supports, often exposed to extreme violence and suffering and in many cases deceived about coming to Australia to work in the sex industry.

Definition of Trafficking

The United Nations Protocol to Suppress, Punish and Prevent Trafficking in Persons, Especially Women and Children (‘Trafficking Protocol’) of December 2000 defines trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

The UN Trafficking Protocol, to which Australia is a signatory, recognises that responses to trafficking must include measures to protect the trafficked women and to prosecute the traffickers.

The Statistics

The statistics on trafficking in women indicate the prevalence of the issue. The US State Department maintains that between 1 and 2 million women and children are trafficked each year worldwide for forced labour, domestic servitude, or sexual exploitation. Miko and Park, in their book *Trafficking in Women and Children*, argue that trafficking is now considered the third largest source of profits for organised crime, behind only drugs and guns, generating billions of dollars annually. They estimate that the number of women trafficked each year by region is the following;

South East Asia	225,000
South Asia	150,000
Russia	100,000
Latin America and Caribbean	100,000
Eastern Europe	75,000
Africa	50,000

The main source of trafficked women to Australia is South East Asia. While there are no official statistics kept on trafficking in Australia, women have contact with Australian government agencies, particularly DIMIA and the RRT. By analysing statistics from the number of people applying for protection visas, number of people located in brothels found by DIMIA to be in breach of their visa conditions and other agency sources, the conclusion by the Trafficking Project was that there are up to 1,000 trafficked women in Australia at any one time.

Why does Trafficking Occur?

There are a number of factors occurring internationally that contribute to the trafficking of women worldwide. The fundamental economic issue of poverty is one of the greatest drivers and a factor that most adversely affects women and minority groups, making these groups more vulnerable to trafficking.

Interestingly, the global tightening of borders is a factor that can make women even more vulnerable to spurious offers from traffickers. Women who are desperate to leave will take even more risks in agreeing to the dubious contracts offered to them.

Other factors that contribute to trafficking include the current trends of the globalisation of trade, defining women as a commodity that can be bought and sold according to supply and demand factors, the continuing trafficking of women from country to country through currently existing sex industries and finally, the ongoing reality of international conflicts and the consequent demand for sex industry workers from personnel posted in countries experiencing political unrest.

The Role of Government

DIMIA's role in detection and deportation can lead them to inadvertently aid the traffickers by exporting the evidence, through the detection and deportation of unlawful non-citizens. The trafficker will often assist DIMIA officials with their deportation procedures by making documents, such as passports, available to DIMIA. Trafficked women, their families, DIMIA officials and other people say that the traffickers do this to make sure the women leave quickly and do not have time to talk to DIMIA or others who might help them. In addition, immigration detention can compound the women's problems and fears. The trafficked women would benefit from consular assistance and they may then be able to receive support in their own language from their own government, particularly as a number of countries, including Thailand and the Philippines, have programs in place to assist trafficked women who are deported home.

Many trafficked women found in Australia to be in contravention of their visa conditions are deported and are then banned from re-entering Australia for three years. This ban is applied in cases where the women have formed genuine relationships with Australian citizens and apply for a Spouse Visa to come to Australia. Women who have survived trafficking in part by building a relationship with an Australian citizen are effectively stopped from continuing this relationship in Australia. Both trafficked women and their partners told the researchers that this separation compounds the damage caused by trafficking.

Finding an alternative to detention and immediate deportation is important in recognising women as a victim of crime, in providing an opportunity for the women to provide information to help

prosecute the traffickers and women could be given an option to remain in Australia where they are in danger of harm upon return to their home country.

The Australian Federal Police (AFP) is responsible for policing the Slavery and Sexual Servitude Act, however, these laws have not been used to police traffickers and there has been a lack of resources to respond to trafficking in women. Often the coordination between the AFP and other agencies in relationship to trafficking is poor and the capacity of the AFP to prevent trafficking and prosecute traffickers is limited.

The State Government in Victoria regulates prostitution and although around forty five licenses have been issued, it is estimated that there are up to 300 illegal brothels operating. Some 40 illegal brothels have been shut down in Victoria in the two years up to May 2003. In addition, there are over 1,600 exempt prostitution service providers. An exempt provider operates with two people or less, and is registered with the State Government through the Business Licensing Authority. Regulation therefore fails to prevent illegal brothels and criminals and fails to prevent trafficking. At every point in the regulation process there are loopholes that can be manipulated and exploited by traffickers in both legal and illegal brothels.

A survey of 55 Victoria Police officers conducted through the Project found the absence of clear protocols at a local level. It also found at a local level little knowledge of the laws related to prostitution or trafficking, the state of the sex industry in their region, what trafficking is, or who to contact if they encountered instances of trafficking or other violence in the sex industry. Despite having a regulated system of prostitution in Victoria, the lack of specialised policing of the sex industry ensures that the risk to traffickers of being detected and investigated is minimal.

Areas for Improvement

The Project identified a number of improvements needed to address trafficking in Australia. These focused primarily on coordination within government, information and training and ensuring Australia is meeting its international obligations.

Greater coordination between the three levels of government is required and the project identified the need for a joint taskforce to address this. A joint taskforce would enable collaboration to occur between local, state and federal government to improve responses to trafficking in the areas of identification, investigation and prosecution. The joint taskforce could also address specific issues such as alternatives to detention and deportation, the use of Criminal Justice Stay Visas as an avenue to allow trafficked women to stay in Australia to assist police with investigations, and greater control of Migration Agents.

The issue of information and training was also raised at many levels. The Project identified the need to provide clear and easily distributable information for agencies, trafficked women and the wider community. The provision of information should also be accompanied by training for all groups involved with the regulation of trafficking and women who are trafficked including DIMIA, Migration Agents, the RRT, the AFP, private detention centre operators, local councils, the Business Licensing Authority, and non-government organisations.

Finally, the project noted that only two states, namely Western Australia and New South Wales, have legislation that mirrors the federal Sexual Slavery and Sexual Servitude Act. It is important that this is updated where necessary and replicated in all states and territories to ensure that

Australia is complying with its international obligations associated with the UN Trafficking Protocols.

Conclusion

The Project identified very clearly that women who are trafficked in the sex industry are victims at all levels, they often come from situations of poverty and then are trapped in debt bondage, forced to honour illegitimate contracts, systematically raped, and punished when they resist this violence. When they are detected by DIMIA they are not treated as victims of crime, they are often imprisoned, deported from Australia and returned to the country from where they were trafficked from in the first place. Traffickers themselves are not paying for their crime.

The Australian Government has made several important commitments to addressing trafficking in women for prostitution. In signing UN Trafficking Protocol the Government has committed to protecting trafficked women, preventing trafficking and prosecuting traffickers. In October 2003 the Government also demonstrated its commitment to combating the repugnant trade of trafficking in people by allocating more than \$20 million over four years for a major package of measures to combat trafficking.

The key elements of the Government package includes: a community awareness campaign; a 23 member Transnational Sexual Exploitation and Trafficking Team within the AFP; a new Senior Migration Officer (Compliance) in Thailand focused on trafficking in persons; closer links between the AFP and DIMIA in the detection and investigation of trafficking and enhanced training on trafficking issues; victim support measures through contracted case managers; support for victims who may be required to remain in immigration detention; and the development of a reintegration program for victims who are returning to key source countries.

The Trafficking Project has been a key initiative in raising awareness and lobbying for change on this critically important issue of the trafficking of women into Australia's sex industry. Through the Project, a true picture of the realities and effects of trafficking has been uncovered and for the first time there has been a recognition and genuine response by the Australian Government that acknowledges the complexities and importance of this transnational criminal activity.

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We are deeply indebted to all those who took the time to contribute to the Trafficking Project and particularly the ten individual women who were brave enough to tell their story in the hope and belief that the system would improve to protect women who continue to be trafficked for the sex industry.