



**Parliamentary Joint Committee on Law Enforcement: Inquiry into human trafficking:
Supplementary submission**

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/Humantrafficking45

“The involvement of organised crime, including transnational organised crime, in human trafficking”

The criminality of the sex industry in NSW should be recognised by the Committee as intrinsic to the business of prostitution, and reason to criminalise the industry and its customers. This criminality is described in detail in a Collective Shout submission to the 2015 NSW Select Committee Inquiry,¹ but further evidence of it is found in local media and court reports. Descriptions of people running brothels in NSW despite having criminal convictions are easily found in newspapers, such as the case of brothel owners banned in Victoria for pimping underage girls who were later moved to Sydney to launch major prostitution businesses.² In a more recent example, the NSW Land and Environment Court in 2015 made a finding of fact against a pimp for having operated a Sydney brothel illegally, and made orders to close it down and for payment of the plaintiff’s \$15,000 legal bill.³ Media descriptions of the case convey a picture of trafficking: the women who were pimped included ‘five female workers [who] provided services to 59 male clients, over an 11-hour shift’, and who were described in advertising as “angels” from Japan, Korea, China and Taiwan’. When building management staff attempted to intervene in their exploitation on the apartment premises, these staff encountered ‘several ugly flashpoints with “thugs” linked to the brothel’.

No trafficking charges were brought against anyone involved in this case, as is typical for cases involving sex-related offences against Asian women in Australia. Prevailing attitudes of sexualised racism mean that Asian women are viewed as appropriate sexual targets of Australian men on the basis they are ‘docile, domesticated, disposable women, sexually submissive and easily controlled’.⁴ The resulting weak human rights protection of Asian women in Australia includes anti-trafficking provisions set so high level that few traffickers are ever convicted. There has been not more than 15 such convictions since legislation was introduced in 2005. There is widespread incredulity in Australian society and the legal system about the prevalence of sex trafficking in the country. Despite the proliferation of unregistered Asian ‘massage’ businesses through the Sydney metropolitan area, which are populated with women almost exclusively from Asian country-backgrounds,⁵ there is little public inquiry into the lives of these

¹ https://www.academia.edu/27580531/NSW_inquiry_into_the_regulation_of_brothels

² Matthew Benns, ‘Inside seedy world of sex for sale,’ *Daily Telegraph*, 8 March 2014, p. 4.

³ Madam Wu’s \$2m million sex racket, *Sun Herald*, 14 February 2016, Eamonn Duff.

⁴ <http://www.smh.com.au/good-weekend/gw-classics/the-shameful-story-of-australias-serial-husbands-20140827-109b5i.html>

⁵ <http://www.news.com.au/finance/work/at-work/if-you-looked-hard-enough-you-might-find-a-massage-parlour-that-doesnt-offer-sex/news-story/ef8e3d61d0179d1c3c86083de6e44e64>



foreign women in Australia's sex industry, nor into the routes by which they came to be prostituted in Australia. In racially stereotypical terms, it is assumed this population of women comprises 'migrant sex workers' who are eager to make money. No questions are raised about the appropriateness of Australia hosting a sex industry that is disproportionately populated with Asian women, let alone the human right implications of Australian men sexually exploiting women who have come here from countries poorer than our own. Natividad Gutiérrez Chong explains this particular link between prostitution and racism against Asian women:

[R]acist and sexual stereotypes of women are exploited in the sex industry; traditional patriarchal culture has an idiosyncratic role in setting up stereotyped female passivity and submissiveness of the female attitude; racialised and ethnicised peoples are prone to experience violence in all its manifestations, sexual exploitation being one of them.⁶

The criminality of the sex industry is not limited to its entrepreneurs; men who participate in the industry as customers also demonstrate a range of criminal behaviours. For example, as articulated by Judge John Pickering in 2016, 'the clients engaging in that industry are themselves interested in drugs and using drugs and trying to source the drugs from the girls'.⁷ A 2015 study carried out in NSW surveyed 309 men as customers of the sex industry, and found these men had mostly been prostituting women even before the sex industry was decriminalised in that state: 'the average length of time men had been procuring sexual services was 21 years'. In other words, the men, in general, had previously ignored prevailing laws in NSW. They were frequent customers of the NSW sex industry: 'almost 59 per cent of the men who answered this question (based on $n=262$) stated they purchased sex weekly, fortnightly or monthly ($n=154$)'. Furthermore, the '[m]en were asked if they would stop purchasing sexual services if it was re-criminalised in New South Wales. The majority of men indicated that they would not (69.3 per cent, $n=180$)'.⁸ Again, their tendency to break the law is indicated in these responses, and a greater propensity for criminality of many kinds among sex industry customers was confirmed empirically by Melissa Farley and colleagues in 2011.⁹

⁶ Gutiérrez Chong, N. (2014) Human Trafficking and the Sex Industry: Does ethnicity and race matter? *Journal of Intercultural Studies*, v35(2): 196-213.

⁷ Madeline, the happy ex-hooker, *Daily Telegraph*, 19 August 2016, Sarah Crawford.

⁸ Birch, P., & Ireland, J. (2015). Men procuring sexual services from women: Everyman or peculiar man? *Journal of Forensic Practice*, 17(1), 13.

⁹ <https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwiV8eOFxMXRAhVDIJKKHU3jDBcQFggsMAI&url=http%3A%2F%2Fwww.prostitutionresearch.com%2Fpdfs%2FFarleyetal2011ComparingSexBuyers.pdf&usg=AFQjCNGSHudrg7Y9-szvSDqWBDDwh9Mnaw>



Even people on the outskirts of the sex industry are frequently engaged in criminal behaviour. These people act as ‘drivers’, ‘security’, touts and in other roles that keep women tied to venues or individual pimps. These individuals target even customers of the sex industry, as shown in a NSW District Court case from 2009 that involved the son of Rodney Hall, as owner of the Stairway to Heaven Brothel in St Marys, western Sydney.¹⁰ In this case, Hall violently victimised a customer of the brothel, and involved a woman prostituted through the brothel in his perpetration of this crime.¹¹ The criminality of all groups involved in the sex industry is not incidental to the industry itself. Organising and enacting the prostitution of women is inherently an activity requiring violence and intimidation, or at least manipulation and trickery. This fact is recognised by survivors of the industry in Australia who describe tactics deployed to entice them into prostitution, and to keep them there. One woman in 2016 recalled the steps that preceded her entry into the Australian sex industry:

“Bar staff wanted,” the ad read. “I can do that,” I thought. I’d been looking for a job for weeks and it didn’t seem as though the search was going to end any time soon. I didn’t have any experience behind a bar – not having my alcohol serving qualification made it difficult – but the ad assured me all training would be provided. My heart sank when I recognised the name of the bar – one of the local gentlemen’s clubs in Queensland, Australia...I replied to the number listed and a few days later was heading to the interview. 5pm on a Tuesday afternoon...I arrived at 5pm on the dot only to be met with words that felt like a punch in the stomach – “We don’t actually have any bar positions left, but we do have dancing positions if you want to try out for one of those?” Light bulb moment – so that’s how they lure girls in (there never were any bar positions, I later found out).¹²

“The prevalence of human trafficking in Australia, including in culturally and linguistically diverse communities”

Ham and colleagues in 2016 described the plight of Korean women in Australia’s sex industry, and noted the fact their interview respondents were concerned about ‘requirements in certain [sex industry] workplaces regarding required deposits paid to the owner, lack of choice regarding shifts and clients, and pressure to take on longer shifts’. One of the respondents explained:

You have to stay on premise until close of business, which is normally three or four o’clock in the morning as free transport is available only at that time. Otherwise you have to take a taxi at your expense. And he prefers girls working at least six days a week. If you try to choose working days and hours at your own convenience, he won’t let you

¹⁰ <http://www.austlii.edu.au/au/cases/nsw/NSWDC/2009/279.html>

¹¹ <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWDC/2009/279.html?stem=0&synonyms=0&query=pimp>

¹² Caroline Norma and Melinda Tankard Reist (eds), *Prostitution narratives: Stories of survival in the sex trade*, Melbourne, Spinifex Press, 2016, P. 180.



continue to work. That how I got fired. (Emma, 28, former *noraebang doumi* [i.e., karaoke bar hostess], Sydney)¹³

While researchers in this case, as in many studies undertaken by Australia-based researchers, seek to de-emphasise trafficking as a feature of the Australian sex industry, their research nonetheless uncovers significant indicators of trafficking, as in the ‘required deposits paid to the owner’ mentioned above, and a range of other red flags, such as, in the case of interview respondents from Sydney, ‘women noted that if their employers were Korean, they were more likely to have their earnings withheld or “managed”, and their working hours and fees dictated to them’. Despite the existence of this kind of unequivocal evidence of trafficking activity taking place in the Australian sex industry--and particularly in its Asianised parts--Australian governments, police, the courts and social service agencies continue to deny resist suggestions that prostitution in the country is significantly organised through the criminal trafficking of women, and particularly Asian women.

“practical measures and policies that would address human trafficking”

The ability of police and the judiciary to comprehend the crime of trafficking in Australia requires education as to realistic red flags of trafficking, in addition to recognisable signs of the crime, such as pimps withholding passports. In addition to these traditional forms of evidence of trafficking, public education is needed as to the business activities of the sex industry that lead to trafficking. For example, debt ‘contracts’, escort ‘tours’ (i.e., women being moved around hotel rooms in major Australian cities for ‘booking’ in advance), ‘deposits’ required by business owners, women living in brothels or pimp-owned apartments, and the advertising of women who, in reality, speak very little English and do not know the location in which they are being prostituted. In the UK and other countries, all of these features of the sex industry are well understood to be red flags of trafficking crime. In Australia, on the other hand, beyond the confiscation of passports, almost nothing is taken in evidence of trafficking activity, and, accordingly, very little action is taken against pimps and traffickers, and very few convictions are recorded in the courts.

¹³ Silence, mobility and ‘national values’: South Korean sex workers in Australia, Julie Ham, Kyungja Jung, Haeyoung Jang *Sexualities* Vol 19, 2016, Issue 4, pp. 432 - 448.