



Submission No 1

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

Organisation: Inner South Community Health Services



Submission to

Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
Department of House of Representatives
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1. Inner South Community Health Service (ISCHS)

Inner South Community Health Service Ltd is a major provider of health and community services across metropolitan Melbourne. ISCHS works effectively as part of the local service system, developing innovative, responsive services to meet community needs. ISCHS were extremely pleased to be granted the 2010 Primary Health Service of the Year by the Victorian government. More information is at www.ischs.org.au.

2. Resourcing Health and Education Program (RhED)

As a program of ISCHS, RhED aims to improve the health and wellbeing of sex workers across Victoria, via the following objectives:

- i. To provide relevant health promotion and support services to improve the health and wellbeing and minimise risk to sex workers;
- ii. To use a community participation model to ensure the responsiveness of RhED to the needs of sex workers;
- iii. To advocate for systemic changes to improve the health and wellbeing of sex workers;
- iv. To develop and strengthen key partnerships that support RhED to achieve positive health and wellbeing outcomes for sex workers.

Given our extensive involvement in providing health care and support to sex workers, this submission will focus predominantly on trafficking relating to sex work.

Response to Joint Standing Committee Terms of Reference

I. Australia's efforts to address people trafficking, including through prosecuting offenders and protecting and supporting victims

One of the inherent issues relating to trafficking for the purposes of sex work relates to the lack of choice available to those seeking to work in this industry from overseas. Sex work is a legal, legitimate form of employment in many parts of Australia. Sex workers who want to work in Australia face barriers to migration (such as visa legislation and perceived discrimination), factors that encourage sex workers into unfeasible "contract" arrangements. The lack of working visa arrangements available for migrant sex workers who wish to work in Australia brings about situations where few options exist other than to go through migration contractors, who may have varying degrees of respect for the workers rights. Issues of constrained choice, whereby an individual's right to choose their work conditions may be compromised by those who enabled their work in Australia, are central to the debate around trafficking.¹ Furthermore, when detected and deported, migrant sex workers are at increased risk of violence and infection, (sexually and otherwise transmitted, including HIV) where OH&S standards may not be as rigorous as they are in Australia.²

The following observations of current intergovernmental and international strategies in relation to dealing with trafficking for the purposes of sex work come from anecdotal reports and discussions with sex workers in Victoria. There is at times a perception that current initiatives are overly forceful and intrusive, with sex workers stating that they feel "intimidated" and "powerless" when dealing with regulatory and enforcement agencies. This, in turn, results in an erosion of relationships that the sex industry has with other agencies. These factors lead to an increases isolation of migrant sex workers, hindering their access to health and support services.

¹ Fiona David, *Research and Public Policy Series No. 95: Trafficking of women for sexual purposes*, Australian Government Australian Institute of Criminology, Canberra, 2008, p. x.

² Scarlet Alliance, *Scarlet Alliance Submission on Proposed Trafficking Laws 2004*, Darlinghurst, NSW, 2004, Scarlet Alliance Website <http://www.scarletalliance.org.au/library/traff-sub04> accessed 24/9/2009.

II. Ways to encourage effective international action to address all forms of slavery, slavery-like conditions and people trafficking

The current intergovernmental and international strategies in relation to dealing with trafficking for the purposes of sex work do not take into account enough the experiences of individuals in the sex industry. The cooperation and trust of the entire sex industry (including organisations that provide support to sex workers), will enable effective approaches to preventing and responding to trafficking for the purposes of sex work.

Responses that inform sex workers of *all* their rights at work should also ensure sex workers' access to information, services and support. Such initiatives should also emphasise confidentiality and anonymity. The most successful approaches to labour exploitation prioritise the workers needs and self-determination over criminal prosecutions and increased surveillance.

III. International best practice to address all forms of slavery, slavery-like conditions and people trafficking

A lack validated data related to trafficking into the sex industry in Australia creates difficulty in accurately estimating the extent or nature of this issue.³ In order to ensure that current responses are effective in reducing the impact and prevalence of trafficking, it is vital to conduct rigorous and verified research⁴. In light of our long standing relationship with the sex industry, and a well demonstrated capacity for quality research, ISCHS would be well placed to undertake this work. Understanding the impacts of anti-trafficking responses on the wider community, particularly on the sex industry, would enable reflective and responsive work to be undertaken by regulatory bodies. Undertaking such rigorous research and evaluation would also enable more effective cooperation between the sex industry and regulatory bodies. A greater understanding of the trafficking situation in Australia will enable more cooperation between all relevant parties.⁵

³ Fiona David, *Research and Public Policy Series No. 95: Trafficking of women for sexual purposes*, Australian Government Australian Institute of Criminology, Canberra, 2008, p. i.

⁴ Parliamentary Joint Committee on the Australian Crime Commission 2004, *Inquiry into the trafficking of women for sexual servitude*, Parliament of the Commonwealth of Australia, Canberra, http://www.aph.gov.au/Senate/Committee/acc_ctte/completed_inquiries/2002-04/sexual_servitude/report/report.pdf, accessed 24/9/2009.

⁵ Parliamentary Joint Committee on the Australian Crime Commission 2004, *Inquiry into the trafficking of women for sexual servitude*, Parliament of the Commonwealth of Australia, Canberra, http://www.aph.gov.au/Senate/Committee/acc_ctte/completed_inquiries/2002-04/sexual_servitude/report/report.pdf, accessed 24/9/2009.

3. Conclusion

Responses to human trafficking must be evidence based, and informed by the well being and rights of those affected. The preservation of rights including safety, informed consent and ethical and culturally appropriate services are integral to the effectiveness of any approaches to people trafficked.⁶ Working with sex industry in order to address the issue of trafficking for the purposes of sex work will enable a more holistic, equitable and empowering response for all involved.

⁶ Working Group of the National Roundtable on People Trafficking to assist Non-Government organisations working with trafficked people, *Guidelines for NGOs Working with Trafficked People*, Working Group of the National Roundtable on People Trafficking to assist Non-Government organisations working with trafficked people, Canberra, 2008.