



Submission No 38

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

Organisation: Project Respect

**Joint Standing Committee on Foreign Affairs, Defence and
Trade Human Rights Sub-Committee**

**Submission on the Inquiry into Slavery, Slavery-like Conditions and
People Trafficking**

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Executive Summary

Project Respect is a non-government, community based organization dedicated to the support and empowerment of women involved in the sex industry and women trafficked for sex into Australia. Founded on feminist principles, Project Respect is devoted to the elimination of the exploitation and enslavement of women by the sex trade. Within Australia, Project Respect is the foremost organization dealing with women who have been trafficked into sexual servitude.

Project Respect welcomes the opportunity to make this submission to the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. The government inquiry into slavery, slavery like conditions and people trafficking is of particular interest to Project Respect as it directly impacts and affects the multitude of women who have experienced sexual exploitation through human trafficking.

Project Respect supports the government's initiative in undertaking an inquiry into people trafficking and commends its specific interest in propelling Australia's efforts to combat the transnational crime and meeting its international obligations. The following submission provides recommendations to aid the Committee in making comprehensive and informed decisions on humanitarian changes to law and policies concerning human trafficking, specifically sex trafficking. The submission is organized into three principle sections;

- Part I outlines the background and scope of the submission.
- Part II canvasses two case studies to exemplify the contemporary situation of victims of sex trafficking.
- Part III offers five key recommendations for the government to consider in its inquiry.

Part I – Background

1.1 Trafficking and Human Rights – Making the Connection

Recognized as a contemporary manifestation of the traditional notion of slavery, trafficking in human beings has been recognized as a crime both in domestic and international jurisdictions¹. The nature of human trafficking intrinsically links the increasingly worldwide phenomenon with human rights violations². The degradation of the human circumstance to one in which victims of trafficking are treated as commodities to be bought, sold and moved through subtle or overt vices, including coercion and deception, with the particular intent of exploitation, contradicts the core principles of universal human rights³.

Essentially, trafficking is the use of human beings as property to be exploited⁴. Due to its very nature, statistics on trafficking are rather elusive⁵, yet enough has been identified by the UN Office on Drugs and Crime (UNDC) to describe its impact as reaching ‘epidemic proportions’⁶. The United States (US) government estimated that approximately 27 million people are victims of trafficking⁷. Supported by the United Nations (UN) in conjunction with various organizations devoted to the advocacy of human rights⁸ trafficking for the purposes of sexual exploitation, marriage, labour, illegal adoptions etc, has become unanimous with the deprivation of human rights.

¹ Conny Rijken, *Trafficking in Persons: Prosecution from a European Perspective* (T.M.C. Asser Press, 1st ed, 2003) 74-79; *R v Tang* (2008) CLR 1, 7 (*Wei Tang*). In the *Wei Tang* case the court established that subtle forms of possession might constitute slavery and need not conform to traditional conceptions.

² Lara Fergus, ‘Trafficking in women for sexual exploitation’ (Briefing Paper No 5, ACSSA, Australian Institute of Family Studies, 2005) 1.

³ Anne Gallagher, *Human Rights and Human Trafficking: A Preliminary Review of Australia’s Response* (2005) Castan Centre <<http://law.monash.edu/castancentre/events/2004/gallagherpaper-refereed.pdf>>

⁴ Widney Brown, ‘A human rights approach to the rehabilitation and reintegration into society of trafficked victims’ (Paper presented at 21st Century Slavery: The Human Rights Dimension of Trafficking in Human Beings Conference, Rome, 15-16 May 2002) <<http://www.hrw.org/background/wdr/trafficked-victims.htm>, accessed 5 June 2012.

⁵ Elizabeth Broderick, ‘Slavery in 21st Century Australia – A Human Rights Challenge’ (Speech delivered at the Modern Day Slavery in Australia: The Queen v Tang, Australia, 16 October 2008)

⁶ United Nations Office on Drugs and Crime, *Trafficking in human beings* (2005) UNODC <http://www.unodc.org/unodc/en/trafficking_human_beings.html> accessed 30 May 2012.

⁷ United States State Department, *Trafficking in persons report* (2012) United States State Department <<http://www.state.gov/j/tip/rls/tiprpt/2012/>> accessed 20 June 2012.

⁸ Amnesty International & Anti-Slavery International, *Enhancing the protection of the rights of trafficked persons: Amnesty International and Anti-Slavery International’s Recommendations to strengthen provisions of the July 2004 draft European Convention against trafficking in human beings* (31 August 2004) Amnesty International <<http://www.amnesty.org/en/library/info/IOR61/016/2004>>

The enshrined ideals of the right to liberty, dignity and equality, considered inalienable human conditions, are forsaken with the trafficking of persons⁹. The violations are usually multifaceted, with most trafficking victims suffering an array of human rights breaches. These include their right to physical and mental integrity, freedom from slavery, torture and inhumane or degrading treatment, freedom of movement, privacy, family life, safe and secure housing arrangements, the highest possible standard of health care and sometimes, the right to life. Curtailing the trafficking phenomenon requires humanitarian national responses with regards to victim support, prosecution of offenders and the adoption of policies that limit the transnational crime's ability to thrive.

1.2 The Australian Context: Trafficking for Sexual Exploitation

Australia has been identified as a destination country for trafficked persons¹⁰. The majority of trafficking victims that are transported to Australia come from Asian countries, particularly, Thailand, China and the Republic of Korea¹¹. There has been an increasing trend of Central and Eastern European victims arriving, but they remain the minority¹². Trafficking for sexual exploitation has been the foremost experience of victims sent to Australia¹³. Consequently, the focus of this submission will be centered on proposals of reform centered specifically on victims of sex trafficking in Australia.

It is the deception and coercion into debt-bondage and sexual servitude that alters these women's status from voluntary migrants who may have consented to work in brothels or other employment, to victims of trafficking¹⁴. Debt bondage requires women forced into prostitution to pay off their trafficker's investment by performing personal services of a sexual nature. Usually this will take the form of a particular sum to be met, number of

⁹ *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. Doc. A/810 (1948)

¹⁰ United States State Department, *Trafficking in persons report* (2004) United States State Department <<http://www.state.gov/j/tip/rls/tiprpt/2004/>>accessed 20 June 2012.

¹¹ Gallagher, above n 4.

¹² Ibid.

¹³ Fergus, above n 3, 3.

¹⁴ Elizabeth Boderick, 'Beyond Wei Tang: Do Australia's human trafficking laws fully reflect Australia's international human rights obligations?' (Speech delivered at the Workshop on Legal and Criminal Justice Responses to Trafficking in Persons in Australia: Obstacles, Opportunities and Best Practice, Australia, 9 November 2009)

persons to be serviced or a number of months or years¹⁵. With 80 per cent of victims trafficked across international borders being female¹⁶, 70 per cent of which are forced into sexual servitude, it is clear that there is a partiality towards women and girls in such situations¹⁷. This is highlighted by the fact that 98 per cent of victims of trafficking that are utilized for sexual purposes are female¹⁸. Therefore, sex trafficking is effectively a 'gendered phenomenon' to which women are particularly susceptible¹⁹.

The economic marginalization and discrimination faced by women in developing nations, specifically in relation to employment opportunities, often leaves them in vulnerable and desperate positions²⁰. Driven by encouraging and seemingly legitimate work prospects overseas²¹, or sometimes 'sold' by family members to trafficking offenders, these women find themselves victims of international crime, usually as a consequence of their economic circumstances²². Simultaneously, the 'market demand' factor has fostered conditions for the slave-like prostitution of trafficked women²³. The development of a relatively large sex industry in Australia that has a high demand for cheap services has contributed to the 'pull' initiative and subsequently, the perpetuation of the human trafficking cycle.

1.3 The Scope of This Submission

Thus, the focus of this submission will be to propose Federal and State recommendations centered on sex trafficking offences, victim of sex trafficking reparations and preventative measures for the elimination of sex trafficking.

¹⁵ Project Respect, *Debt Bondage* (2008) Project Respect
<http://projectrespect.org.au/our_work/trafficking/debt_bondage>

¹⁶ United States State Department, *Trafficking in persons report* (2008) United States State Department
<<http://www.state.gov/j/tip/rls/tiprpt/2008/>>accessed 20 June 2008.

¹⁷ Ibid.

¹⁸ International Labour Organisation, *A global alliance against forced labour* (2005) International labour Organisation
<http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTSLIST?var_language=EN>

¹⁹ European Women's Lobby, *The effects of different legislative approaches to prostitution on trafficking for sexual exploitation* (2011) European Women's Lobby <https://www.womenlobby.org/spip.php?_article_-_regulation_vs_abolition_-_impact_on_trafficking-2.pdf+sex+trafficking+a+gendered+phenomenon>

²⁰ Jo Goodey, 'Sex trafficking in women from Central and East European countries: promoting a 'victim centered' and 'woman centered' approach to criminal justice intervention' (2004) 76 *Feminist Review* 26, 28.

²¹ Whether the victims know prostitution is involved or not.

²² Goodey, above n 21, 28.

²³ Ibid, 27.

Project Respect acknowledges that some of the recommendations may also be applicable to other areas of human trafficking and encourages the Committee to consider the recommendations made on a general level where considered to be appropriate and effective.

1.4 *The Inquiry and the Human Rights Gaps*

After considerable engagement with civil society, the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People trafficking) Bill 2012* in conjunction with other relevant statutes, has compiled various significant proposals intended to combat human trafficking. Indeed, the government is to be particularly praised on the establishment of new trafficking offences (i.e. forced marriage offences under proposed section 270.7B and organ trafficking offences under proposed sections 271.7A-271.7E).

Conversely, the purported amendments focus largely on the criminalization of trafficking and lack comprehensive humanitarian elements. Certainly, the development of a general consent provision, the increasing of penalties that may apply to conviction of breaches of debt bondage offences, the broadening of definitions, particularly exploitation, and the relative increase of reparations to victims of human trafficking are acknowledged as substantial steps in combating trafficking of persons. However, as signatories to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*²⁴ (Protocol), the government has failed to substantially cater for the human rights components that the Protocol espouses.

As such, for Australia to meet its international obligations, it is paramount that humanitarian concerns such as victim support and compensation are satisfactorily met with the same vigor as the criminalization provisions. Indeed, Project Respect submits that the Federal government should redesign the current migration framework for victims of sex trafficking as currently, victims must be willing to contribute to the criminal justice

²⁴ UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, available at: <http://www.unhcr.org/refworld/docid/4720706c0.html> [accessed 8 October 2012]

system before being eligible for visas and assistance. The Italian scheme is particularly commended in its development of a two-stream process. Further, there is need for an ample Federal compensation scheme for victims trafficked into sexual exploitation and in the same way, NGO funding and rights when it comes to supporting and aiding women trafficked into the sex industry.

Project Respect also notes the importance of addressing the human trafficking 'demand factor'. As such, it is suggested that in the following model of international best practice, Australia implement an offence for reckless purchase of sex services from trafficked individuals, to discourage the 'pull' end of the trafficking cycle. It is also submitted that the federal government invest in targeted educational campaigns that address each type of trafficking.

Despite this being a Federal Inquiry, Project Respect suggests that the Federal government encourage the States, as regulators of the sex industry, to alter conditions for brothel permits and to make it compulsory for brothels to allow NGO access to the workplace and the women involved in the industry.

This submission supports the multipronged approach advanced by the Canadian government (2010) that takes a holistic view on trafficking, honing in on 'prevention, protection, prosecution and partnerships'²⁵. Whilst the Australian government has greater steps with regards to the prosecution aspect, Project Respect suggests greater consideration of a whole and multifaceted operation.

²⁵ Department of Justice Canada, *Combating Human Trafficking*, (8 October 2012) <<http://www.justice.gc.ca/eng/fs-sv/tp/canada.html>>

Part II – Case Studies

The conditions faced by most women trafficked into the sex industry are devastating. Forced to pay debts of between \$40,000 to \$50,000 and sometimes more, these women are required to complete 'eighteen, twenty jobs of prostitution a day'²⁶. A constant part of their situation is routine violence ranging from beatings, rape, threats and manipulation that challenge their physical, mental and emotional health²⁷.

Project Respect has provided the following case studies to demonstrate the experiences consequences faced by women who have become victims of trafficking for sexual exploitation. In turn, the case studies also reflect the importance of NGO presence, yet their limited abilities caused by lack of funding and government support.

(i) Ms X²⁸

Ms X is a forty-year-old woman from South Korea who was trafficked into Melbourne approximately six years ago. Ms X was trafficked under the purported promise of a secure employment. On the day she arrived she was picked up from the airport and driven to a brothel. Once there, Ms X was made aware of the 'deal' – debt bondage prostitution. She then tried to fight her way out, and on one occasion she managed to flee the brothel with the help of a friend she met there. She went to stay with this friend and after a few days the same man who had picked her up from the airport found her and took her back to the brothel. She was physically abused and forced to work long hours. She was constantly worried about sexually transmitted diseases due to unprotected sex. Eventually, after a worker from Project Respect had been to the brothel, one of the other women gave Ms X the business card and told her to ring. Ms X was unsure of what to do as she was terrified, and waited a few weeks before making contact.

Ms X is so traumatised that everyday experiences such as being out in public bring on

²⁶ Australian Broadcasting Corporation, 'Trafficking in persons', *PM program*, 13 March 2003 (Kathleen Maltzahn)

²⁷ Ibid.

²⁸ Please note that identifying details for the case studies provided have been altered to protect the identity and confidentiality of the individuals involved.

anxiety attacks, particularly if a male comes into close proximity. She has been diagnosed with Post Traumatic Stress Disorder as well as Depression. Some of the symptoms she reports are unexplainable headaches and other body pains, distortion or loss of time, de-personalization, memory loss, depression, flashbacks of abuse and trauma, sudden anger without a justified cause, and frequent panic attacks.

(ii) Ms Y²⁹

Ms Y is thirty-nine years old, born in the Philippines. She has been trafficked into various countries but was initially told that she would be working in a restaurant. On her arrival to Spain (her first destination country), her passport and documentation were taken from her and she was taken to a brothel. She was informed that she would be prostituting in order to repay her travelling expenses.

Ms Y was physically beaten and sexually abused constantly by her traffickers and the men that would book her. She describes becoming numb to the physical pain and at one point she wished she were dead. After three months she found out she was pregnant. Ms Y was forced to work until close to the birth of her son. She was then sent back to her home country where she gave birth. Twelve days after giving birth a minder came to pick her up and she was sent to Thailand to have plastic surgery and her agent gave orders she would have to return to work as soon as possible.

The final destination country she was sent to was Australia. While she was in Australia she was able to escape and hide with a woman she met who then assisted her in buying a ticket to Tasmania and provided Ms Y with living expenses for some time. Ms Y then found out about Project Respect and made contact with a worker. Still afraid and not capable of trust, it took her some time to ask for help. This was because although Ms Y had reached out to many people asking for help, most people due to lack of knowledge and funds turned her back without assisting her. Her mental health has suffered and for a

²⁹ Please note that identifying details for the case studies provided have been altered to protect the identity and confidentiality of the individuals involved.

time she became suicidal. The emotional damage is chronic. Every time she turned for help she was told she had to go back to her home country. No one took the time to point her in the right direction.

Ms X and Y are victims of sex trafficking. The process of dehumanization and degradation resulting from being exploited and utilized as property underlies the human rights abuses. The mental, physical and emotional consequences wrought on by the contemporary slave trade and the lack of easily accessible and active support on offer, highlight the imminent need for reform in Australia's approach. Indeed as both cases illustrated, the chronic trauma, general fear of authority figures and hesitancy and uncertainty in seeking aid has highlighted a need to develop a specialized humanitarian centered stream of amendments to aid individuals trafficked into sexual servitude.

Part III – Recommendations

3.1 Social Protection Program and Visa Pathway

Recommendation One:

The adoption of an alternate social protection program and visa pathway for sex trafficking victims under the administration of accredited NGOs. It is to function alongside with yet independently from the traditional judicial model.

Article 6.3 of the Protocol obliges signatory States to consider the implementation of policies that cater for the physical, psychological and social rehabilitation of victims of trafficking³⁰. The article also expresses the unique role of NGOs by recommending their utilization in achieving this goal. As such, Project Respect proposes the adoption of an alternate social protection program and visa framework, under the control and guidance of accredited NGOs, which work in collaboration but independently from the current judicial model.

As stated previously, support for victims of trafficking are constricted by the parameters of the criminal justice process. Thus, the promotion of victim rights requires the creation of an alternate visa and support system – the adoption of a ‘social’ pathway. Essentially, the creation of a ‘Social Protection Visa’ particularly fashioned for victims of trafficking would function independently from the judicial path that is based on willingness to ‘contribute’ to police investigations. It shall be the role of accredited NGOs to identify and determine the eligibility of the individuals for a Protection Visa, which should have a fixed duration of 12 months. Throughout the period of the visas’ applicability the victims would enter an intensive program that caters for their emotional, physical, psychological and social issues. Indeed, at a minimum the sex trafficking victims shall be given on-going medical care, counseling, English language classes, accommodation, legal advice and food and clothing. Nevertheless, the Social Protection Visa holder shall still be engaging with police

³⁰ UN General Assembly, above n 24.

investigations, in that all information regarding the offence will be funneled to the authorities via the accredited NGOs who will give evidence on the victim's behalf in the form of an initial statement. If the victims later choose to actively engage in the police investigation they may do so, without having to completely revert to the judicial model³¹.

The social protection and visa pathway will enable a victim-centered approach that advocates for the human rights of the individual. With the first point of contact for victims being with an accredited NGO (as it currently often is), rather than police, the social pathway will endeavour to create an improved environment for victims who are hesitant to seek assistance and generally fear authority figures. This initial humanitarian relief is proposed to extend to the specific visa and social program particularly catering to their needs as sex trafficking victims who have suffered prolonged trauma and abuse. The comprehensive time allocated for the duration of the visa and the simultaneous program will enable time for recoupment, to develop trust and allow for the victims to organize applications for permanent visas that are not hinged on a criminal prosecution. In doing so, the effect of 'blaming the victim' by making their visa application contingent on a criminal investigation is negated. However, authorities will not be deprived of necessary information, as this will be catered for by NGOs. Indeed, the support and protection that should to be afforded may make women more willing to contribute to investigations without the coercion and feeling of being cornered into cooperating with police in their investigations. Anti-Slavery International has recognized that there is a definite connection between 'the provision of good services to victims, including the right to remain temporarily or permanently in the country of destination, and higher conviction rates'³². Additionally, the inclusion of NGOs in this process will not only employ their specific expertise and knowledge to the best possible use, but also promote community engagement and awareness.

The following are some requirements for the social protection and visa pathway to apply effectively;

³¹ Fiona David, 'Trafficking of women for sexual purposes' *Research and Public Policy Series No 95*, Australian Institute of Criminology (2008), 63.

³² Anti-Slavery International, 'Anti-Slavery International's Views on Tackling Human Trafficking – Consultation on Proposals for a UK Action Plan' (27 March 2006).

- Clear criteria for eligibility under the Social Protection Visa.
- A transparent and uniform system of accreditation for NGOs involved in the social pathway for sex trafficking victims.
- Federal funding and appropriate facilities available to NGOs engaged in the social protection program.
- Training in partnership, cooperation and collaboration between police authorities and NGOs and the development of a system of contribution to investigations without the direct involvement of the sex trafficking victim.
- Reporting that provides for transparency whilst also maintaining confidentiality and safety of the victims.
- Alteration of the visa title available to victims of sex trafficking in order to limit stigmatization and maintain the confidentiality and integrity of the individual³³.

3.2 Federal Compensation Scheme for Victims of Sex Trafficking

Recommendation Two:

Financial reparations should be made to victims of sex trafficking via the implementation of a national compensation scheme.

Currently, there is no uniform, national compensation scheme for victims of trafficking in general, or victims of sex trafficking in particular. Indeed, the contemporary victim compensation schemes – regulated on individualistic State and Territory levels – have proven inadequate. With eligibility requirements varying significantly, no consistency in available remedies, differing maximum caps on potential compensation and distinctive approaches to compensation for victims on grounds of pain and suffering, it is clear that discrepancies – which will ultimately lead to inconstant outcomes – are inequitable for victims of the same federal crimes.

³³Joy Ngozi Ezeilo, *The UN Special Rapporteur in Trafficking in Persons, especially Women and Children concludes her country visit to Australia* (30 November 2011) United Nations Human Rights <<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11664&LangID=E>>

Furthermore, as was the experience of Ms X and Ms Y canvassed in the case studies in Part II of the submission, many women trafficked into sexual servitude are shifted from one State or Territory to another. As such, this brings into question which jurisdiction is the most appropriate forum for victim compensation or whether the victims are eligible to apply to every jurisdiction for compensation that they were trafficked into. Another issue that has arisen to criticism is that certain jurisdictions, such as New South Wales, have placed the onus on victims to prove that they were subjected to violent conduct when trafficked for eligibility for potential compensation. Such conditions disregard the tactics employed by traffickers such as debt bondage, threats to family overseas, coercion, deception and the taking away of travel documents, including passports and other forms of identification, that induce slavery like conditions without physical violence.

Thus as stated in Article 6.6 of the Protocol, it is Australia's international obligation to ensure that victims of trafficking have access to compensation for 'damage suffered'³⁴ and this would be most adequately achieved through a homogeneous national scheme. If a national scheme is not to be implemented, it is highly recommended that interstate dialogue and cooperation is encouraged for the development of standardized and uniform compensation schemes for victims of sex trafficking across all jurisdictions.

³⁴ UN General Assembly, above n 24.

3.3 Accredited NGO Federal Funding and Associated Rights

Recommendation Three:

1. Federal funding of accredited NGOs that deal with individuals trafficked into the sex industry
2. Broadening of accredited NGO rights, via consultation with victims of sex trafficking;
 - i. *What the Victim Wants*
 - ii. *Access to Brothels*
 - iii.

(1)

Whilst the government acknowledges and encourages the role of NGOs in their work with individuals who have been trafficked into the sex industry, it is rare for financial aid to be provided consistently to these organizations. Indeed, federal funding has been limited to a case-by-case grant basis, hindering the development of NGO, such as Project Respect, in their initiative and support services. This has been the status quo despite the Victorian State government's support and response of the 2010 Drugs and Crime Prevention Committee Inquiry into People Trafficking for Sex Work, which recommended such funding³⁵. Hence, Project Respect proposes the implementation of continuous and stable federal funding of NGOs who aid victims, train individuals, campaign and raise awareness for sex trafficking on local, state and national levels.

Indeed, NGOs such as Project Respect are directly interacting with victims of sex trafficking every day. As such, they have the unique capacity to apprehend and recognize the changing trends in the nature of trafficking. By funding such organizations the government is also gaining an opportunity to understand more about the trafficking trade and any alterations and shifts in its development. In fact, in recent times, the issue of domestic trafficking within Australia and child trafficking has arisen to concern specialist NGOs. Whilst they have been noted and reported, there is very little information gathered

³⁵ Drugs and Crime Prevention Committee, Submission No 312 to the Parliament of Victoria, *Inquiry into People Trafficking for Sex Work*, June 2010.

on the issues. Without proper funding Project Respect and other organizations will be incapable of remaining abreast of these problems.

Another core need for stable funding is that it will enable NGOs in Australia to form alliances, cooperate and work with international organizations and NGOs from other nations to combat human trafficking. As a transnational crime, it is only logical that trafficking in individuals be opposed on regional and international levels as well as the national. With most sex trafficked women coming into Australia from Asian nations such as Thailand and Korea, it is integral that NGOs be financially supported to collaborate with NGOs in those countries. Not only will there be a greater understanding and combined knowledge of the intricacies of the trafficking industry, but dialogue from both the 'pull' and 'push' destinations.

(2)

i. What the Victim Wants

Whilst NGOs have a significant role to play in the support and empowerment of sex trafficking victims, they are restrained in various different aspects of the rehabilitation and criminal justice process. A particular concern that Project Respect has encountered through consultation with various victims, is with regards to NGO presence during investigation interviews and when giving evidence. Despite victim adamancy, NGOs have often been incapable of gaining access to such situations, regardless of the simple intention of offering a 'friendly face' and companion to the traumatized and vulnerable individual. Thus, Project Respect advances the proposition that Victims are consulted in these situations and their needs are satisfied. Not only will this ease some of the tension and fear harbored by the victim, but an individual specialized in this particular field may act as a medium to assist in a smooth, efficient and effective investigation.

With some NGOs limiting their role when assisting victims of sex trafficking, Project Respect requests that the government consult with each organization and provide extra

funding to those who take a broader role in their support of women trafficked into the sex industry.

ii. Access to Brothels

The contemporary situation limits NGO access to brothels to the consent of the owner or manager of the business. Organizations such as Project Respect should be capable of gaining access to the women working in the industry in order to inform them of their rights. Between 2010 and 2011 Project Respect engaged in outreach services to 71 brothels, providing 'Information Kits' in various key languages, with a total distribution of 2,375 brochures sent out during those years³⁶. Without the restrictions placed upon them, NGOs such as Project Respect will have the ability to engage with a larger number of women and in turn offer the first steps to women trafficked into the sex industry.

3.4 Offences for Purchasing Sexual Services from a Trafficked Individual

Recommendation Four:

Adopt legislation that criminalizes the knowing, deliberate or reckless purchase of sexual services from a trafficked individual.

Effectively stemming the sex trafficking industry and protecting the human rights of potential victims will require measures that deal with the 'demand' segment of the cycle. Australian States and Territories need to be encouraged to take action to prevent trafficking and create an environment that dissuades the transnational crime's ability to thrive. By adopting legislation that criminalizes the knowing, deliberate or reckless purchasing of sexual services from trafficked individuals, Australia will actively partake in promoting the dignity of exploited women as well as combating the trafficking enterprise³⁷.

³⁶ Project Respect (2011) 'Annual Report 2010:2011' <www.projectrespect.org.au>

³⁷ Drugs and Crime Prevention Committee, above n 33, 166.

In this way, the onus will be placed on the individual procuring the sexual services to prove that there was no evidence to suggest that the person involved in the service was not trafficked. This must be encouraged, so that individuals are expected to be aware and observant of circumstances before accepting sexual services. Project Respect suggests that vigorous community educational campaigns are undertaken to inform society on sex trafficking, how to best identify individuals who have been trafficked and the law relating to this.

3.5 Targeted Educational Campaigns

Recommendation Five:

The funding of targeted, culturally oriented educational campaigns that make direct contact with trafficking victims.

Government funded targeted and culturally oriented educational campaigns that are organized and run by NGOs would take information and advice to the women themselves. Although dissemination of general information on trafficking is helpful, Project Respect believes that for individuals to be truly informed, they need a thorough understanding of their own situation and options, which are distinct for each area of trafficking.

In this way, groups that visit brothels and other sites of sexual exploitation will increase the likelihood of the women's ability to access support. This has proven successful by NGOs such as Project Respect that have left information kits in various languages in brothels to later be contacted by trafficked women seeking aid³⁸. The active and direct outreach to victims of sex trafficking is an effectual method of informing them of their rights and the assistance available to them.

The best international practice of this is reflected in the Canadian situation. The Australian government should, as was done in Canada, invest in broad national campaigns to raise awareness of human trafficking, particularly sex trafficking. The

³⁸ Kathleen Maltzhan, *Trafficked* (University of NSW Press, 1st ed, 2008) 107.

campaigns should be undertaken in consultation and in partnership with NGOs, who are specialized and may offer important perspectives on how the campaign should be undertaken. This should be achieved utilizing various mediums;

- Public distribution and of posters and brochures
- Social network and media campaigns
- Radio, television and newspaper advertisements that outline trafficking and offer lists of NGOs that should be contacted.

Conclusion

Whilst Project Respect welcomes and supports the government's inquiry, our organization believes that responses to the issue of human trafficking in Australia need to be considered on a holistic level and not merely limited to the criminal justice process.

Despite being a transnational crime of a rather elusive nature, it has been determined that Australia's largest proportion of trafficked individuals are women forced into prostitution and debt bondage. The slave-like circumstances – in which they find themselves the property of the offenders – contradict core human rights expectations. Indeed, the victims are placed in conditions of compounded human rights violations, conferring on Australia an obligation to adopt laws and policies that advocate for the rights of sex trafficking victims as outlined in the Protocol.

The recommendations canvassed in this submission are the minimal requirements Australia as a whole and the States and Territories in particular need to adopt in order to meet their international obligations. As stated earlier it is essential that a national pronged and multifaceted approach be taken. In essence, Project Respect reiterates the significance of the Canadian method of 'prevention, protection, prosecution and partnerships'.