

**Parliamentary Joint Committee on the
Australian Crime Commission**

**Inquiry into trafficking in women for
sexual servitude**

Submission No:13

Received 22 September 2003

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Submission to the Parliamentary Joint Committee on the Australian Crime Commission Inquiry

Trafficking in Women for Sexual Servitude

In reference to (1) “*the Australian Crime Commission’s work in establishing the extent of people trafficking in Australia for the purposes of sexual servitude*”

I believe that:

- ☞ A range of visa categories needs to be created to encourage and assist survivors of sexual servitude. For example:
 - **trafficking victims’ visa** allowing women to stay in Australia if they give information to police or testify in a trafficking case. The United States of America and other countries make such visas available; or
 - a visa providing a **’reflection delay’** of a specified period (eg three months). Available in the Netherlands, these visas allow suspected trafficked women to recover from the violence they have experienced and consider whether they wish to provide information to the authorities.
- ☞ Further a **full range of recovery services** should be provided to trafficking survivors. These services would likely include counselling, accommodation and health services.

Regarding (2) “*the Australian Crime Commission’s relationship with the relevant State and other Commonwealth agencies*”, I believe that:

- ☞ The Australian Crime Commission should be part of a **whole-of-government** approach to trafficking that puts trafficked survivors protection at the centre, and involves NGOs as well as local, state and federal government authorities; and
- ☞ The Australian Crime Commission should encourage all states and territories to enact **uniform legislation legalizing** sex work, preferably following the ACT. legislative model.

Further:

- ☞ I am not convinced detaining trafficking victims is an adequate response to their situation and would like to see any **detention** of trafficked survivors used **solely as a protective measure**. As victims of crime, trafficked survivors must not be held accountable for the actions of those who trafficked them.
- ☞ However, should the committee does not see its way to recommending an end to detention, an **alternative detention system** is clearly needed. It is not appropriate for trafficked victims to be detained at DIMA centres such as Villawood or Maribyrnong, as these people are victims of crime (crimes far more serious than visa infringements) and any crime relating to visa status is a direct consequence of the crimes perpetrated against them.

In addition:

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- ☞ **Bi-lateral and multi-lateral initiatives** are needed to ensure trafficked women who return to their home countries are linked up with support agencies in those countries to allow on-going support and assistance; and
- ☞ Government **support** should be provided **for specialist NGOs** such as Project Respect that address trafficking. The use of specialist NGOs encourages greater effectiveness in implementing government programs and agendas as they have a grass roots interaction with the industry that government representatives would find very difficult to emulate.

Following is my response to (3) "*the adequacy of the current legislative framework*".

Given the Australian government is yet to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the current legislative framework is clearly inadequate. Important changes to the current legislative framework would include:

- ☞ The Commonwealth Government **ratifying** the **UN Protocol** to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as a matter of urgency.
- ☞ Any legislative changes beyond the adoption of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, must **better protect** trafficked survivors, including those who have consented to do prostitution but who have been deceived about the conditions of that prostitution.
- ☞ The provision of **working visa's** for those who wish to travel to Australia to perform sex work. Sex work is a legitimate form of employment and people should not be discriminated against on the basis of their employment, occupation or profession.

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