

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

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

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Senate Standing Committee Submission

Trafficking in Women Sexual Servitude

Human trafficking for sexual exploitation is a crime against humanity and a violation of women and children's human rights, including their reproductive rights.

Human trafficking for sexual exploitation is of growing concern in Australia. For the past five years the Federal Government has waxed and waned in its acknowledgement of and political commitment to the problem of sexual slavery in Australia. Australia is a signatory to several international human rights instruments that address slavery, sexual servitude and sexual violence and exploitation of women and children, including the United Nations (UN) Trafficking Protocolⁱ, the international Convention on the Elimination of all Forms of Discrimination Against Womenⁱⁱ and the international Convention on the Rights of the Child (CRC)ⁱⁱⁱ.

Australia has federal legislation that addresses human trafficking, the Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999^{iv}, and New South Wales and Western Australia have slavery and sexual servitude template legislation.

The main international instrument that affirms the reproductive health rights of women is the Convention on the Elimination of all Forms of Discrimination Against Women which states that "women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation" (Article 4 (g)). States parties who are signatories to the CRC agree to take appropriate measures against all forms of traffick in women and exploitation of women. In addition, the UN Trafficking Protocol (Article 6.s.3(c)) states that States shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking, in particular, by providing victims with medical, psychological and material assistance. Australian states have legislation that addresses violence, including violence in the sex industry. For example, in Victoria there is a licensed system of prostitution covered by the Prostitution Control Act (PCA) 1994^v, under which licensed brothels and escort agencies may operate legally while street prostitution, unlicensed or unregistered brothels and escorts remain illegal^{vi}. The objects of the PCA include the protection of prostitutes and their clients from health risks, such as an infectious disease (Section. 20), and from violence and exploitation (Section. 8, 9). There is the Victoria Crimes Act 1958^{vii} (Section. 36, 37, 38, 39, 40) covers violence against women, such as rape and sexual abuse, but it is poorly enforced in the sex industry.

Human trafficking in Australia

Human trafficking occurs in all Australian states, in particular in New South Wales, which is the centre of trafficking operations. Trafficked women are recruited in Southeast Asia, in particular in Thailand, Malaysia and mainland China and enter Australia on Tourist Visas. Trafficked women from Malaysia (ethnic Malay, Thai, Burmese and women from minority groups in north east Thailand, enter Australia on an electronic travel authority, which means women do not make contact with the Australian Embassy in Kuala Lumpur, instead, their tourist visas are issued electronically through travel agents in Malaysia. This process plays into the hands of the trafficking operations and one of the reasons why Malaysia it is becoming a popular sending country for trafficking women. Younger women may enter Australia on student visas, especially women from mainland China, but the majority of women on contracts are on tourist visas. Women on contracts (sex industry term used for trafficked women) enter Australia at the Sydney airport and are 'broken in' in Sydney and then sent to other states, as the need for their services increases. Human trafficking operations are small, medium and large scale and all traffickers have established contacts with the trafficking operators, who are often relatives, in source countries such as Thailand, Malaysia and mainland China. Patronage relationships often exist between women and trafficking operators and agents in the source country and these relationships influence women's decision to accept or continue with 'contracts'.

A woman's contract begins in the source country. The deceit and lies about the terms and conditions of their contract commences at the initial meeting between the trafficker / agent and the women. Some women come to Australia because they are promised work in the sex industry (which they are often told is legal) that will earn large sums of money, such as \$100.00 a 'job', like local sex workers, which is far in excess of the money they earn in the sex industry in their own country. Other women are told they will be working in restaurants and factories and will be paid large sums of money and much more money than they earn in low-wage jobs in their home country, such as in laundries and department stores or as farmers. The primary reason why women come to Australia on contracts is to improve their own and their families' livelihoods. Women do not take contracts to come to Australia because they want to obtain permanent residence in Australia. The vast majority of contract women have dependents, in particular children, which traffickers use as a threat and a means of instilling fear in women who consider absconding or informing authorities about the trafficking operations. Women are told that their debt (average, A\$50-60,000.00) will be paid off in 2-6 months. During this time they will earn large sums of money and will be free to return to their home country once the debt is paid off. Women believe this to be true until they arrive in Australia and find out that they were lied to and that the terms and conditions of the contract have changed and their debt is huge and it will take up to 1,000 'jobs' to pay the debt off.

Within days of arriving in Sydney women are placed in slavery and sexual servitude, and remain in this condition until their contract is complete and their debt is paid off. Women are held captive in their place of accommodation and in brothels, and are kept under watch by the operators/ brothel owners or their guardians. Women are often locked in premises or houses that are secured by dead-locks or in premises that have bars on the windows and doors. Women are not free to leave the premises to buy

personal products, attend religious ceremonies, make phone calls to their families and friends in their home country or in Australia, or to seek treatment for illnesses, including sexually transmitted infections. Women are forced to provide sexual services (anal, vaginal and oral sexual acts) to clients, frequently without condoms.

Health impacts of trafficking for prostitution

Sexual violence is at the heart of trafficking for prostitution. While doing prostitution, women cannot refuse specific customers or sexual acts, even if they are menstruating or are unwell. Trafficked women have no agency and are not in a position to exercise responsibility or to negotiate or stop providing sexual services. By any standards, they are constantly raped. Rape is also used prior to commencing prostitution, for women who do not know they have been trafficked for prostitution and are unfamiliar with providing sexual services for money. The act of rape has two purposes. Firstly, it is part of the 'breaking in' process. Traffickers use rape as a weapon to frighten and humiliate women, and to impress upon them their state of powerlessness. It teaches the women that they have absolutely no way of refusing to do prostitution. Rape also has a second function, to teach women how to do prostitution sex.

Once women are in prostitution, sexual violence is a given, ranging from being kissed by customers to outright rape. If customers complain about the women to the traffickers or brothel owners, women are not paid, even if they have already provided sexual services. This suggests that women will, in time, choose not to complain, as every 'job' that goes unpaid is another that must be paid off in the future. Sexual violence also results in internal pain, bruises, vaginal and anal bleeding, mouth and teeth injuries and fractured bones.

Reproductive tract infections are widespread among contract and post-contract women, especially sexually transmitted infections (STI) such as *Chlamydia*. Contract and post-contract women do not have access to reproductive health services or health practitioners because of their undocumented status and invisibility in the sex industry. There are few sexual and reproductive health services that have contact with trafficked women, with the exception of the Sydney Sexual Health Centre, that has a clinic and outreach services to brothels and their services are free and anonymous. Melbourne Sexual Health Centre has a weekly Thai sex workers clinic and no outreach services for women in the sex industry (they previously had outreach activities but the funding has been ceased). The majority of trafficked women in the sex industry in Australia (licensed and unlicensed) do not receive prevention education and resources, STI and HIV/AIDS screening and treatment for reproductive tract infections. In addition, women do not have access to counseling, support and rehabilitation services that specialize in violence against women, in particular women in the sex industry, such as Project Respect in Victoria.

Conclusion

The human rights of women who have been trafficked to Australia for sexual exploitation are enshrined under the UN Trafficking Protocol and their reproductive rights are specifically addressed under the international Convention on the Elimination of all Forms of Discrimination Against Women. The Criminal Code

(Slavery and Sexual Servitude) Act 1999 allows federal and state authorities to prosecute offenders and protect and support trafficking victims. All Australian states have legislation that protects and supports women in the sex industry, such as the PCA in Victoria, which protects prostitutes and their clients from health risks, such as an infectious disease and from violence and exploitation, and the Crimes Act 1958 that addresses violence against women. However, women's slavery and sexual servitude, the invisibility of trafficked women in the sex industry and the poor enforcement of federal and state legislation by law enforcement authorities exclude contract and post-contract women from exercising their human rights.

Trafficked women are the most vulnerable women in the sex industry. They are sex slaves who routinely experience violence and abuse and are in constant fear of their life. Trafficked women are denied access to health and support services, especially reproductive health care, because the Federal Government considers trafficked women are in breach of their visa conditions or are illegal non-citizens under the Migration Act 1958. However, under the UN Trafficking Protocol and federal and states' legislation, trafficked women have the right to receive specialized assistance to promote their physical and psychological safety and rehabilitation. The Federal Government's refusal to accept that trafficked women have the right to appropriate health and support places trafficked women, and their clients, at considerable health risk.

Recommendations

1. There is an urgent need for dedicated, free and confidential sexual and reproductive health and support services for trafficked women. These services should be delivered through clinic-based and outreach activities and utilize the skills of ethnic health workers. The Sydney Sexual Health Centre has been delivering this model of service for more than 5 years with considerable success. I recommend that this model of service delivery be replicated in all Australian states, and should extend to include outreach activities in the Immigration Detention Centres, where many trafficked women may spend months or even years.
2. Project Respect is the only community organization currently providing specialised support, counselling and assistance to trafficked women, and other vulnerable women in the sex industry. I recommend that Project Respect and other community-based organizations that support women in the sex industry, be provided with dedicated long-term funding and government support to extend their outreach activities to access more brothels (licensed and unlicensed), and other places where trafficked women are located, such as escort agencies (New South Wales), Immigration Detention Centres, and the Department of Immigration, Multicultural and Indigenous Affairs offices where trafficked women are detained and the first contact interview is conducted.
3. A range of other services that provide support and counselling to trafficked women should be provided, such as loss and grief counselling,

accommodation, specialist advice and support for women considering giving evidence to government authorities to assist them prosecute traffickers.

4. To date there is no specific information available for trafficked women that inform women of the few health and support services that are available. Therefore, resources need to be produced and distributed to women in the sex industry, in languages other than English, that provides women with this information.

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Dr Elizabeth Hoban is a medical anthropologist who has worked in reproductive and women's health in Australia and Southeast Asia for more than 20 years. She is currently a Research Fellow in the School of Health Sciences, Deakin University in Melbourne. Elizabeth Hoban has conducted extensive research in the area of reproductive and public health, including human trafficking for prostitution in Australia and Cambodia. She was the Principal Investigator of a research project in 2003-2003 that explored human trafficking for sexual exploitation in Australia, funded by the Myer Foundation and conducted by three community organizations, International Social Service, Good Shepherd Youth and Family Service and Project Respect. This research project was the first in-depth study of human trafficking for sexual exploitation in Australia and has had numerous national state legal and political ramifications.

ⁱ United Nations. 2000. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*: New York. United Nations.

ⁱⁱ Convention on the Elimination of All Forms of Discrimination Against Women, United Nations General Assembly Resolution 34/180, 18 December 1979.

ⁱⁱⁱ Convention on the Right of the Child, United Nations General Assembly Res 44/25, 20 November 1989.

^{iv} Commonwealth of Australia *Criminal Code Amendment (Slavery and Sexual Servitude) Bill 1999*: Canberra. Department of the Parliamentary Library. Bills Digest No.167. 1998-99

^v Parliament of Victoria. *Prostitution Control Act 1994*. Act No. 102/1994.

^{vi} Attorney-General's Street Prostitution Advisory Group. 2002. Attorney-General's Street Prostitution Advisory Group Final Report 2002. Melbourne: Department of Justice.

^{vii} Parliament House of Victoria. *Crimes Act 1958*. Act No. 6231/1958