

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

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

**Submission No:17**

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## **National Council of Women of New South Wales Inc.**

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24 September, 2003

The Secretary,  
Parliamentary Joint Committee on the Australian Crime Commission  
Parliament House  
CANBERRA ACT 2600

Dear Sir,

Attached is the Submission of the National Council of Women of Australia in response to this Inquiry. We have been part of this ongoing discussion for many years and welcome this further opportunity to take part.

The National Council of Women was formed as a result of the Anti Slavery Conferences in 1888 and has been growing ever since. Our aim is to raise the Status of Women throughout the world. We are Accredited with the United Nations and work closely with their agencies.

There are now some 158 Countries with Councils around the world and the General Assembly of the International Council of Women was held this month in Perth where we heard from women from across the world, Europe, Asia, India, Indonesia and America and Great Britain. The one subject raised most often in their reports was the trafficking of women and children. The International President said the 2 million children aged 5 – 15 are trafficked every year – many millions of women. The abuse of women and girls is widespread and needs concerted action by all countries.

The National Council of Women began in Australia in New South Wales in 1896 and has been instrumental in or instigated many of the improvements for women and families which we take for granted as a civilised country. We hope that more can be done in Australia to reduce the demand for this terrible trade.

Yours sincerely,

Marion Smith  
National Adviser on Human Rights – National Council of Women of Australia

## NATIONAL COUNCIL OF WOMEN OF AUSTRALIA INC

### *Submission to the Joint Parliamentary Committee on the Australian Crime Commission*

**The International Council of Women Conference was held in Perth 11-5 September.** After that, on the 8-9 September the Triennial Conference of the National Council of Women of Australia was held. At both of these Conferences there were Resolutions passed which set policy for National Councils in countries around the world and in Australia for action on issues of great importance to all women. What became obvious was the cry for help from the 3<sup>rd</sup> world for the rest of us to do something to stop the abuse of women and children in prostitution. The Dutch member cited the problems of trafficking for them of countries in Eastern Europe. In Cambodia the action of their National Council against trafficking meant that death threats had made against these women, who could not come because of the risk to their safety. This is really a big international problem which must be dealt with by the whole world.

At the International Conference, the women of Indonesia proposed a Resolution, carried unanimously, urging that all National Councils investigate and request their Governments to deal with the trafficking of women – for Western women to urge their Governments to sign the UN Conventions and Protocols against this terrible trade. The legalizing of brothels and the official acceptance of prostitution as legitimate business or “an industry” in many Western countries are fuelling the demand for sexual services. At the National Conference for Australia Resolutions were passed asking that action be taken at Federal and State levels to co-ordinate the work of police and immigration Department Officers to apprehend and charge those people involved with employing or providing venues for such services.

The death in March, of a young women in Detention raised media interest in this issue for a while. Since then there has been some effort to apprehend these people and charges have been laid. The plight of the women is life threatening if they are willing to give evidence and they should be cared for and protected so that charges can be sustained against the people involved in this trade. They should also be offered safe haven as a result.

### **Sexual Slavery Law in Australia**

In 1999 the Sexual Slavery Act was proclaimed which was meant to deal with this very situation. However, the Law has been unenforced. The Hansard Report of the Senate Committee in February 2003 showed clearly that Immigration Officials did not see the need for any further action than deporting any women found working illegally in Australia. The numbers were few, but no figures were available!! It was surprising to see that though the DIMIA Officers believed that Australia had strong laws against trafficking, they did not see the connection between the women and their occupation, and the need to charge the perpetrators of trafficking. No one was charged from 1999 until May 2003 after the furore about death in detention.

There is a need to establish the extent of people trafficking for sexual servitude and the Crime Commission's place in the coordinating of the relevant state and territory authorities and the adequacy of current legislation. We acknowledge that the Commonwealth Government has established a framework for action, but that there seems to be insufficient liaison between the Australian Federal Police in Australia and overseas and the relevant authorities in States and Territories.

The National Council of Women of Australia - Resolution on the 9<sup>th</sup> September:

“NCW A Calls upon the Federal Government to sign the Optional Protocol on the Trafficking of Women and Children (to the UN Convention on Organized Crime); and work with the State Governments to devise and put in place laws which will effectively discourage the illegal entry of women into this country for purposes of prostitution”

The signing of the UN Law on Trafficking will only make a difference if there is effective Australian Law to curb prostitution. At present Brothels both legal and illegal are increasing in Australia and this fuels demand for workers. Police have effectively been removed from this equation in many States. Australian Law reads well, but where the woman is required to give evidence in order for charges to be sustained, nothing will continue to be done. The police or the DIMIA Officers should be required to find and charge those responsible where women are found and are to be deported. This should be automatic and not depend on already threatened and abused women. It is not good enough for nothing to be done.

State and Federal Police should work together to close illegal brothels and charge those who are running them. Legal brothels should have to ensure that all workers are legitimate citizens or be closed and their license revoked. **This should be checked on regularly without notice by Police or DIMIA.** They should not be able to go interstate and set up again. It would be better if procurement was against the Law in all States once more as this would further discourage the trade. Local Councils do not have the authority, training or personnel to oversee legal prostitution is now patently obvious in New South Wales.

We believe the widespread influence of sexual services both legal and illegal is undermining our communities and promoting attitudes to women which lower respect for all women and destroy personal relationships in what is becoming a very significant section of the population.

The Report in the Weekend Australian on September 6-7 informed that a woman who had been prepared to give evidence and was given a Criminal Justice Visa for her protection, was to be deported nevertheless and the charges had “come to nothing”. Why did they did not proceed and why were the reasons not made public?

***We believe that detainees are billed at the rate of \$200 a day for each day's stay. Is this correct? These people are often already indebted to money lenders and to those who have employed them and could not possibly pay for accommodation. This would be a strong deterrent to any charges being laid.***

Any woman discovered working in prostitution contrary to the terms of their visas or without visas should be given every protection if she will give evidence. The case should be expedited and charges laid. The criminals who take advantage of women and their poverty and then flaunt Australian Law should be charged, tried and punished quickly. Without this action the trade will not be reduced. Without such action, our “strong” laws are a laughing stock.

If the accommodation is a problem, these women could be brought into contact with a suitably funded support group or agency to have supervised alternate accommodation and support during the period in which their evidence is being examined. (Project Respect is one such group in Victoria) The woman mentioned above was to be deported quickly, apparently regardless of the charges or evidence. This shows scant regard for upholding/enforcing the Law on Sexual Slavery or punishing the real offenders. Her safety on return to her home country is questionable as she would be known to have been willing to give evidence against the traffickers.

**The prevailing attitude that “prostitution is the oldest profession and will always be with us” is not a valid reason for wealthy countries doing nothing. Theft and murder are also ancient community problems but we persist with laws and policing efforts to stop these being accepted practice.**

**Marion Smith AM  
Nation Adviser on Human Rights, NCWA  
President of NCW NSW**