

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

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

Submission No:18

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23 September 2003

Ms Maureen Weeks
Committee Secretary
Parliamentary Joint Committee on the
Australian Crime Commission
Parliament House
CANBERRA ACT 2600

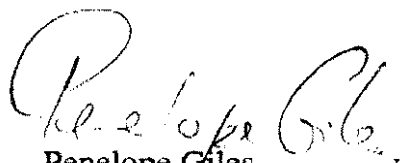
Dear Ms Weeks

Inquiry into Trafficking in Women for Sexual Servitude

I refer to the abovementioned matter.

I enclose for your attention submissions prepared by Women Lawyers of Western Australia (Inc). We trust that the Parliamentary Joint Committee will find them of some assistance.

Yours sincerely



Penelope Giles
PRESIDENT

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

Trafficking in Women – Sexual Servitude¹

1. Women Lawyers of Western Australia (Inc) is an incorporated association representing the interests of women lawyers in Western Australia. The objects of the Association include the achievement of equality of opportunity for all women. Trafficking in women and sexual servitude constitutes a gross breach of the human rights of women and girls. The Association supports the strengthening of our criminal laws to assist in the eradication of such practices.
2. At the time of the passing of the amendments to the *Criminal Code* in 1999 to include offences of slavery and sexual servitude it was estimated that the trafficking of women and children for sexual slavery was a US\$5-7 billion trade annually.
3. Available figures indicate that Australia is being used as a place to traffic women with more than a 4-fold increase between 1996 and 1999.² The location of Australia near many South East Asian countries makes us an obvious location to undertake such offending.
4. Statistics where such offending has been tackled over a much longer period than in Australia, indicate that women brought into a country and placed in sexual servitude suffer horrific human rights violations including beatings, rape, false imprisonment and threats of and actual violence against themselves and family members (in their country of origin).³ It is with these atrocities in mind that these offences should be addressed.

¹ The views expressed in this submission are those of the authors on behalf of the Women Lawyers of Western Australia (Inc) and should not be taken as representing the views of the Commonwealth Director of Public Prosecutions.

² The paper put to the Public Health Association of Australia states that in 1996-1997 56 women were deported from brothels, compared to 243 women in 1998-1999.

³ Statement of the Public Health Association of Australia adopted at its Annual General Meeting in 2001.

5. These gross violations of human rights occur here in Australia and generally are part of international organised crime networks. This makes them difficult to prosecute, as does the fear of the victims making the victims unwilling to testify.
6. The approach to an ACC operation in this area cannot be by the ACC alone.
 - State Police and health services are likely to come into contact with the sex industry more regularly and therefore a strong liaison is necessary to ensure information and intelligence is gathered from those networks;
 - The ACC and the Department of Immigration should liaise with an ACC special operation taking precedence over the powers of Immigration to deport a victim (making prosecution of the offenders almost impossible);
 - A multi-national approach involving the creating (if not already in existence) of strong liaisons with governments within the region allowing for the passing of intelligence and the ability for federal agents to question persons overseas who may be able to assist in their inquiries. This will also require a review of the extradition arrangements between countries in the region and/or appropriate measures to combat this offending in the country of origin. Further, if the victim is to be returned to her country of origin, proper protection should be able to be provided to her or her family;
 - Strong links are essential with Non-Government Organisations (NGOs). The US experience shows that prosecutions are more likely where there is appropriate protection for the victim or her family in the country of origin and this protection is most often supplied by the local NGOs.

7. All staff involved in the investigation of, and information/intelligence gathering in these offences, or who is likely in the ancillary services Australia ought to provide to victims should be provided with special training:
- Significant cultural issues relating to the main countries of origin of the victims – in particular affecting the victim's reaction to authority and men, as well as anything that will help place the conduct of the victim/family in a social context;
 - In how best to handle a victim of such gross abuse including information on the support networks available. Use of such networks is not only vital to the victim but may also assist the federal agent to gain the vital evidence needed to secure a conviction of the perpetrator.
8. Obtaining evidence in order to secure a conviction will be hampered by:
- The international nature of the crime:
 - Vital witnesses may be overseas and therefore not compellable to give evidence in a trial in Australia;
 - Protection of witness and their families (particularly the victim's family) is not under the control of Australian law enforcement agencies – this is a particularly difficult hurdle if the victim does not have any confidence in the law enforcement agencies in her country of origin;
 - Obtaining information from overseas through a MACMA request is a lengthy process (if available). The longer it takes to bring the perpetrators to justice both here and overseas, the longer

the victim may be concerned about the safety of her family and therefore less likely to give evidence;

- The victim herself:
 - Fear for her own safety or those of her family or deportation back to the life that led her to this destination are likely to prevent a victim from coming forward let alone giving evidence;
 - Cultural experiences may have taught her to fear the authorities.
 - Due to the above it is likely that covert techniques will need to be used such as listening devices and telephone intercepts. It is recommended that some consideration be given to the relevant legislation – in particular the *Telecommunications (Interception) Act 1979* does apply given that the relevant *Criminal Code* offences are not Class 1 offences.
9. The use of female investigators and prosecutors should be considered to enhance the confidence of victims in the investigation and prosecution service and to facilitate communication about sensitive issues concerning violence, sexual health and other issues.
10. In conclusion these offences will be very difficult to detect, investigate. It is recommended that strong liaisons be created with overseas governments, NGOs, and groups within Australia, and that above all the human rights of the victims once discovered be upheld.