

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

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

**Submission No:35**

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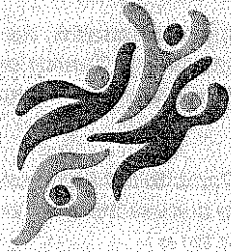
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The Secretary  
Parliament Joint Committee on the Australian Crime Commission  
Parliament House  
Canberra  
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10 October 2003



To whom it May Concern

Please find attached the submission by Yarra City Council to the Parliamentary Joint Committee on the Australian Crime Commission Inquiry into trafficking in women for sexual servitude.

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If you require further information with regards this submission, please contact me on (03) 9 205 5002.

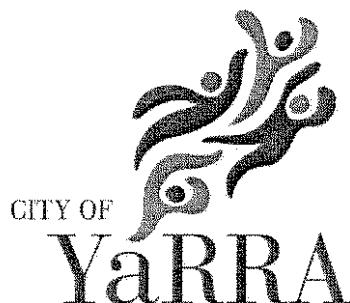
Yours Sincerely

A handwritten signature in black ink, appearing to read 'Nick Matteo', written over a light blue horizontal line.

Nick Matteo

Human Services Planner





PARLIAMENTARY JOINT COMMITTEE  
OF  
THE AUSTRALIAN CRIME COMMISSION

INQUIRY INTO TRAFFICKING IN WOMEN FOR  
SEXUAL SERVITUDE

SUBMISSION BY THE CITY OF YARRA

October 2003

## **Preamble**

Yarra Council recognises that trafficked women in sexual servitude and their children are subject to persistent and menacing forms of violence.

For trafficked women (mainly from South East Asia) this situation is exacerbated due to their isolation, inability to speak English and that the problem is largely hidden from the broader population.

In the context of this inquiry it is important to highlight the cultural background of the trafficked women and the operators as this will help inform a more targeted and effective response to the issue.

It is important to state at the outset that the trafficked women are 'sex slaves' with no work place conditions or safety net afforded other sex workers, however it is the intensity of abuse and violence perpetrated on these women and children and the violation of basic human rights that is of most concern to Council and the main driver for this submission to inquiry.

## **Introduction**

The City of Yarra is an inner city municipality in Melbourne abutting the CBD. It covers a geographical area of 20 sq kilometres in the inner north east of Melbourne and its Municipal offices are based in Richmond and Collingwood. The estimated residential population as at 30 June 2002 was 69,482.

As the City of Yarra has the highest proportion of high-rise public housing in Victoria, the city continues to be host to newly arrived and refugee communities arriving in Australia.

Under the objectives of the Local Government Act 1989 Yarra Council is required to 'represent and promote the interests of the community and to be responsive to the needs of the community.'

Further The City of Yarra has specific regulatory responsibilities authorised under the provisions of the *Planning and Environment Act 1987* and the *Prostitution Control Act 1994* to enforce, monitor and control the sections pertaining to both legal and illegal prostitution.

Licensed brothels operate under the conditions of a planning permit, the Business Licensing Authority and the provisions of the *Planning and Environment Act 1987* and the *Prostitution Control Act 1994*. Unlicensed brothels are enforced under the provisions of the *Planning and Environment Act 1987* and the *Prostitution Control Act 1994*.

Council does not have a formal policy position with regards to the issue of trafficking has not formally considered this matter. The following submission is provided based Council's experience through its regulatory role and from its knowledge of the community and long experience in the funding planning and provision of support services for women and families experiencing domestic violence, and experience with working with newly arrived communities and refugees.

As a result of the growing incidence and recognition of trafficking in women for sexual servitude in the municipality, Yarra City Council has in 2001 / 2002 and 2002 / 2003 funded Project Respect, a community based agency established to promote the human rights of women in the sex industry with a particular focus on violence against women in the sex industry, including trafficking in women and child

### **Yarra Council's experience of trafficked women based on its Regulatory role**

It is the experience of Yarra City Council that illegal trade in trafficked women occurs in both licensed and unlicensed brothels within the municipality.

Council monitors the operations of licensed brothels against the conditions of the issued planning permit. The planning permit will stipulate among other things - hours of trade, number of persons allowed on the premises, and number of rooms able to be used and the location of such premises. These checks are generally done upon receipt of a complaint or bi-annually.

Council, even though inspecting regularly, does not have the power to check the bona fides, residential status, age, safety or mental capabilities of any person working on the premises.

Illegal brothels are establishments where sexual services are provided without a planning permit and are not licensed by the Business Licensing Authority. The operators of these premises are generally involved in more than one operation and have an extensive and organised network supporting their operations. For instance, anecdotal evidence suggests that the operators targeting Chinese/Asian women employ Immigration lawyers to arrange protection visas for trafficked women to guarantee their business interests.

Of the twenty three (23) illegal brothels Council has closed since 2000; it should be noted that twenty-one (21) premises were operated by members of the Chinese/Asian community and employed Chinese/Asian women the majority of times.

The women employed in these premises often worked in different premises over a period of a week, often only working 2 days a week in any one establishment.

Council has greater power to obtain details of the operators and workers in illegal brothels as they are, in fact, committing an offence against statute.

However this industry is very protective and very close knit, women who work acquiesce to a culture where the male is dominant and most women are intimidated into silence. In practice gaining access to trafficked women is particularly difficult as the women in this industry are very rarely left in a premises without a minder.

It is Council's experience also that women found to be working in these establishments have very little forms of identification and generally have very poor command of the English language necessitating the proprietor to translate. It is Council's experience that some women working in these establishments are on protection visas and others can produce no identification, whilst others can prove beyond doubt their bona fides.

### **Seeking assistance from external Authorities**

Council, when dealing with illegal sex workers, have sought the assistance of the Immigration Department, the Australian Tax Office, and the Australian Federal Police with usually a poor response.

When a provider of illegal sexual services is detected, there is only a small window of opportunity to check backgrounds and bona fides. In all instances, the operator and the workers will disappear without trace within hours after detection.

Trafficked women are being forced to comply with an operators demands slip through the net because of a lack of a timely and co-ordinated action by Police, Immigration and Council.

### **Yarra City Council's experience in promoting the interests of the community**

The legitimacy of this submission in addressing the issue of trafficked women is based on Yarra City Council's community development experience, ongoing advocacy role, long- term role in the provision of community services and proximity to the community.

In particular Yarra Council's has informed the recommendations in this submission;

1. Provision of direct support for women, children and families experiencing domestic violence;
2. Direct experience in supporting newly arrived communities and refugees in Australia and
3. Extensive experience in co coordinating multi disciplinary responses to complex issues such as problematic drug use and homelessness.

### **Whole of Governments / Whole of Community Approach**

Given the complexity of the issue, it is important to state from the outset that a whole of Government / whole of community approach is required to address the issue of trafficked women while at the same time supporting women and children to access services and participate in the community free from fear and without threat of deportation.

Similarly Yarra Council's experience in responding to domestic violence issues suggests that integrated strategic and tactical responses are needed to address the symptoms and causes of illegal trafficking.

### **Which Agency Should Take a Lead role?**

Although trafficked women may come into contact with a number of Federal, State and Local Government systems, it is Council's view that the Federal and State Police should take a lead role to address trafficking because of its criminal nature.

Enforcement is a key practical response to addressing this issue and also demonstrates to the general community, the perpetrators and the victims the importance of the issue.

Recent progress in responding to domestic violence has demonstrated that having a more aware, better-trained and responsive police force results better outcomes for

women and children and highlights the issue in the general community. This in turn makes policing and support services more effective.

Council understands that this would require additional workforce development so that Police can better understand trafficking issues, migration rights, cross cultural training and the specific needs of victims to assist them to come forward against the traffickers.

**Recommendation:**

1. That a specialist Police squad (similar to existing the community policing model) is established and be given the mandate to take the lead role to specifically address the issues of trafficked women and violence against women in the sex industry.
2. That this Police squad is given the necessary specialist training, cultural awareness proficiency and other community policing skills.

**Use of Intelligence Gathering to Address Illegal Trafficking**

It has been Council's experience that women experiencing violence whether it is in the sex industry or at home are unlikely or unwilling to act as witnesses against perpetrators for fear of retribution against them or their family and friends.

For trafficked women this is further complicated by the mobility of illegal operations attempting to avoid detection.

Initially individual cases need to be built up based on intelligence gathering. Intelligence is held in many different sites such as with the Department of Immigration, Police, local councils and community - based agencies. However at this stage there is no one agency responsible for actively gathering, storing and analysing this information to inform enforcement and support strategies.

**Recommendations:**

1. That the Australian Crime Commission resource and coordinate the gathering of intelligence to build individual cases against traffickers.
2. That the Australian Crime Commission develops protocols between appropriate agencies for the sharing of intelligence.

**The role of community based agencies**

The role of the Police to address the issue of traffickers and the associated enforcement requirements needs to be complemented by community based specialist support agencies such as Project Respect as well as generic health and welfare agencies to support the trafficked women and their children.

A successful framework has been developed in Victoria between Police Councils Against Sexual Assault (CASA's) who provide specialist support and other community based agencies to assist those women and their children who are victims of domestic violence. This framework allows women to access support, receive independent advice and gain confidence while the Police maintain their enforcement role.

**Recommendation:**

1. That the Australian Crime Commission facilitate a process for establishing a Police / Community support framework to address this issue.
2. That the Australian Crime Commission facilitate a process where appropriate Federal and State Governments Departments can delineate responsibility for support and recovery services for trafficked women and their children such as accommodation services, counselling, Centrelink payments and English classes.



### **Addressing structural issues**

It has been Yarra City Council's recent experience in addressing the trade and use of illegal drugs in the city that long term and structural issues need to be addressed as well as the more immediate problems

For trafficked women this requires an understanding of market forces and the economic / commercial aspects of the operations and an understanding of the demand and supply issues as well.

#### **Recommendation:**

That the Federal Government funds a comprehensive research project to explore the 'demand side' factors that influence trafficking to better inform and target resources.

### **Reform current criminal code**

It is Council's view that a more explicit criminal code will assist Police and Governments to better address the trafficking issue.

#### **Recommendation:**

That the definition of 'sexual servitude' be expanded to reflect the harm being done to trafficked women such as;

- Coercing someone for sex by threatening family and friends
- Using sex to pay off debts illegal
- Refusing access to Visas and Passports.

### **Forced Immigration**

Based on experience working with newly arrived communities and refugees it is Yarra Council's view that forced repatriation is also a violation of human rights. Trafficked women and their children may be returned to a hostile or dangerous environment. Trafficked women and their children are at risk of being re-traumatised if they are forced to return to their country of origin after a traumatic experience in Australia.

#### **Recommendation:**

1. That there is no forced return of trafficked women.
2. That a special Visa category is established for trafficked women.
3. That trafficked women who meet the definition of Refugee be allowed to stay under one of the Protection Visa categories
4. That other trafficked women be able to seek permanency in Australia under Ministerial Discretion defined by Section 417 of the Migration Act 1998.

### **Summary**

This submission reflects in summary the key trafficking and human rights issues identified by Yarra City Council.

Council representatives would be willing to expand on this submission before the Parliamentary Joint Committee of the Australian Crime Commission.