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Thursday the 25th February 2016

COMMITTEE SECRETARY
PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT
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CANBERRA ACT 2600

To the Committee Secretary of the Inquiry into Human Trafficking.

NorMAC is a secular organisation directed by and for survivors of commercial sexual exploitation in Australia, a harmful cultural practice that we seek to end.

Prostitution undermines gender equality by commodifying women as sexual goods. We support the introduction of Nordic Model laws, which aim to end the exploitation of women, children and men in the sex trade, and to provide essential, fully resourced exit programs.

We are responding to your Inquiry into Human Trafficking in the hope you will take note of the correlation between trafficking and the sex industry. We refer particularly to issues that have arisen as a result of Australian states, particularly New South Wales, adopting a *laissez faire* approach to prostitution – the so-called ‘decriminalisation’ of the sex trade. This approach has entrenched exploitation of persons in the sex industry, perpetuated stigmatisation and prevented real justice, support and compensation for those who have been exploited by the sex trade.

1. the prevalence of human trafficking in Australia, including in culturally and linguistically diverse communities;

NorMAC’s focus is on reducing trafficking of persons for sexual exploitation, although we recognise that human trafficking can occur for purposes other than sexual exploitation, i.e. labour trafficking, forced labour and forced surrogacy.

Our focus refers to the fact that the majority of cases of people trafficking have been detected predominantly in the context of sexual exploitation.¹

It is NorMAC’s view that if Australia can change cultural attitudes towards the purchase of another human being for sexual use, we would see a drop in the market for exploited persons and reduced demand for sexual services. Human trafficking for the purposes of sexual exploitation would become unviable.

¹ <http://www.aic.gov.au/publications/current%20series/tandi/441-460/tandi441.html>



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Australian states such as New South Wales have an 'open slather' sex trade with minimal protections, oversight or regulation. New South Wales is now an unregulated minefield of exploitation, abuse and an ever-expanding illegal sector associated with other criminal activities.

Australia's current situation reflects the findings of a recent report, *Does Legalized Prostitution Increase Human Trafficking*, (a collaboration between the London School of Economics and Political Science (LSE), the German Institute for Economic Research, and Heidelberg University) which described international human trafficking as 'one of the dark sides of globalisation'. The report explained that most victims of international human trafficking are women and girls, the vast majority of who end up being sexually exploited through prostitution. Domestic policy on prostitution in countries of destination, it says, has a marked effect. The researchers used a global sample of 116 countries and found that countries where prostitution is legal tend to experience a higher reported inflow of human trafficking than countries in which prostitution is prohibited.²

In 2012 Dr Jennifer Burn, the director of Anti-Slavery Australia stated that since 2003, 324 investigations into human trafficking in Australia have identified 207 victims but claimed this was the tip of the iceberg and of 148 women in a support program for those trafficked into the sex industry, 119 were from New South Wales.³

In June 2012 the US State Department identified Australia as a destination country for trafficked persons and stated the following –

'Australia is primarily a destination country for women subjected to forced prostitution and to a lesser extent, women and men subjected to forced labour. Child sex trafficking also occurs with a small number of Australian citizens, primarily teenage girls, exploited within the country, as well as some foreign victims. Some women from Thailand, Malaysia, South Korea, China, and, to a lesser extent, India, Vietnam, Eastern Europe, and Africa migrate to Australia voluntarily intending to work legally or illegally in a number of sectors, including the sex trade. Subsequent to their arrival, however, some of these women are coerced into prostitution in both legal and illegal brothels. There were news reports that some Asian organized crime groups recruit Asian women to migrate to Australia, sometimes on student visas, and then subsequently coerce them into the sex trade. The women and girls are sometimes held in captivity, subjected to physical and sexual violence and intimidation, manipulated through

² http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-_prostitution_-anonymous-REVISED.pdf

³ <http://www.smh.com.au/nsw/brothel-owner-charged-over-human-trafficking-20120202-1qvoo.html#ixzz1k01NQSCy>



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*illegal drugs, and obliged to pay off unexpected or inflated debts to their traffickers. Some victims of sex trafficking have also been exploited in domestic servitude.*⁴

2. the role and effectiveness of Commonwealth law enforcement agencies in responding to human trafficking;

A five-year study published in 2012 and conducted by the University of Queensland and Sydney University found that victims of human trafficking in the Sydney region lacked access to government support. With the principal national focus being the disruption of organised trafficking, support services for trafficked persons were noted to be ‘sparse, uncoordinated and poorly funded’.⁵

Co-researcher Associate Professor Julie Hepworth stated that governments and support organisations need to work together in providing health services, and other support such as trauma counselling. It is also important to understand how women came to be trafficked, whilst noting the impossibility of accurately identifying the number of persons trafficked due to the hidden nature of the problem.

NorMAC believes it is problematic that we have federal laws against trafficking while certain states have prostitution laws that facilitate trafficking. Our position concerning this was outlined in our previous response to ‘the prevalence of human trafficking in Australia, including in culturally and linguistically diverse communities;’

In 2014 NorMAC called on the federal government to fund a national exit program for people forced into prostitution.⁶

3. practical measures and policies that would address human trafficking;

NorMAC recommends that your committee pursue legislation aimed at dissuading sex buyers. The most effective model for this purpose is the Nordic Model of legislation for prostitution, which began with the implementation of the Swedish Kvinnofrid (Women’s Peace/Security/Freedom) Law, enacted in 1999 to address all forms of violence against women.

The same legislative approach has since been adopted in Norway (2009), Iceland (2009),

⁴ <http://www.state.gov/j/tip/rls/tiprpt/2012/192366.htm>

⁵ <http://www.uq.edu.au/news/article/2012/10/study-finds-sydney%E2%80%99s-trafficked-women-need-more-support>

⁶ <http://normac.org.au/2014/08/972014-women-forced-into-sex-industry-abbott-must-fund-exit-programs%E2%80%A8/>



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South Korea (2003), Northern Ireland (2014) and Canada (2014), and is under consideration in many other jurisdictions including Israel, Lithuania and Scotland. NorMAC also welcomes news of the passing of bills based on the Nordic Model in France and the Republic of Ireland in 2016.

The effect of this legislation is two-fold – it discourages men (the primary client base for people in prostitution) from purchasing sex for fear of criminal conviction. It also ensures the pool of clients for sexual services decreases, thereby making the sex trade less viable for third party exploiters including traffickers, pimps, brothel owners/managers.

This has been the experience in Sweden, with the Swedish government reporting that laws banning the purchase of sex have been effective in reducing prostitution and deterring human trafficking. The government report noted that prostitution in Sweden, unlike comparable countries, had not increased and street prostitution had halved in the decade since the introduction of legislation criminalising buyers of sex, pimps and brothel owners. Data shows the number of prostituted people in Sweden was roughly ten times lower per capita than in Denmark.⁷

Other countries that have adopted the Nordic Model have also noted its success. In 2014, Norway conducted an independent 5-year evaluation of their laws. The findings stated –

‘The prostitution market in Norway is, like the rest of Europe, characterized by an increasing share of immigrants... Most of these immigrants are women with few other real options than to entry into prostitution. Human trafficking is a part of this rotating market. The entry into prostitution is based on economic motives... Norway has a number of good social policies and charities targeting trafficking victims and prostitute.’

And -

‘The enforcement of the law, in combination with the laws against trafficking and pimping, makes Norway a less attractive country for prostitution based trafficking than what would have been the case if the law had not been adopted.’

The results also showed a 20-25% reduction in prostitution, and street prostitution had nearly halved.⁸

Other figures from Norway have also shown a reduction in violent crime, with prostituted people more willing to report harassment or violence, and a decrease in physical assault and

⁷ <http://www.government.se/content/1/c6/14/92/31/96b1e019.pdf>

⁸ <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>



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rape comparing 2008 data (pre-Nordic Model) to 2012 data (post-Nordic Model).⁹

In April 2014 the Parliamentary Assembly of the Council of Europe called on member states to '*consider criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings.*'¹⁰

Some countries such as the United Kingdom have partially adopted the Nordic Model by enacting legislation making it illegal to buy sex from a person who has been trafficked or pimped. This was legislated with the Policing and Crime Act 2009, which makes it an offence 'knowingly or unknowingly to pay for sexual services of a prostitute subjected to force'.

4. the involvement of organised crime, including transnational organised crime, in human trafficking;

It would appear there is little doubt that organised crime and human trafficking are a reality in Australia's sex industry. It is NorMAC's belief that Australian states' laissez-faire approach to prostitution regulation has increased the incidence of trafficking and generally endangered the health, safety and wellbeing of persons in the sex trade.

Numerous cases have been reported in the Australian media of sex trafficking of Asian women. The *Sydney Morning Herald* reported on an investigation which found that upon arriving in Australia on travel visas, dozens of women from Hong Kong and Thailand are being met by brothel managers who lodge study visa applications on their behalf.¹¹

NorMAC is concerned the unregulated nature of the sex industry in NSW makes it ripe for exploitation by would be traffickers.

Equally, experience from the Australian state of Victoria has demonstrated that the legalised/regulated framework of the sex industry there has allowed all segments of the industry to flourish, especially the illegal sector. Further, legitimate brothels have not been adequately monitored, regulated or policed.

A joint investigation by the *Sydney Morning Herald* and ABC's *Four Corners* in 2011 examined details of Federal Police investigations which found evidence of two legal Sydney brothels and three legal Melbourne brothels linked to international human trafficking. The sex slavery syndicate they exposed convinces Asian women to come to Australia to study. When they arrive here they are kept against their will, stripped of passports and forced to work as sex

⁹ <http://humboldt1982.files.wordpress.com/2012/12/dangerous-liaisons.pdf>

¹⁰ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20559&lang=en>

¹¹ <http://www.smh.com.au/nsw/trafficking-women-lured-with-student-visas-forced-into-sex-slavery-20140329-35q88.html#ixzz3iznZyeC0>



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slaves. The investigation noted the increase of human trafficking and sex slavery of Korean, Chinese and Thai women brought into Australia on student visas and working up to 80 hours a week as prostitutes in brothels across Melbourne. One member of the brothel syndicate was charged with killing a Melbourne man who was helping a Korean sex slave to escape.¹²

The *Sydney Morning Herald* also reported that Victoria Police had launched an investigation into council officials who had been incriminated in taking tens of thousands of dollars in bribes to turn their backs on illegal brothels operating in their districts. Because of the increase in illegal brothels, more women and children are being trafficked for sexual slavery. The same article reported the Brothel, Nadira, in inner-city Sydney - specialising in Korean prostitutes - as being closely linked to the Comanchero outlaw motorcycle club and senior Asian organised crime figures. Regarding House brothel, in Heidelberg, Melbourne, where a sex slave allegedly worked in 2009, was also mentioned, with the owner of the premises being linked to a Chinese syndicate that runs illegal brothels.¹³

The Federal Police investigations also found that state and local authorities responsible for approving the legal brothels had taken no action against them, despite court documents filed in August 2011 detailing Federal Police allegations against the brothels and their managers. Senior police sources said the links between organised crime, sex trafficking syndicates and legal brothels highlighted the need for stronger state regulation and criticised NSW and Victoria for their woeful oversight of the industry.¹⁴

The reality for many women trafficked into Australia is that they are lured here under false promises and are forced to work in brothels against their will and often without pay. Many are forced into illegal brothel work, but we cannot, and should not, delude ourselves into believing that legal brothels play by the rules.

This was further highlighted in the *Sydney Morning Herald* in February 2012 when it was revealed that a legal brothel in the NSW suburb of Guildford was under investigation by the Australian Federal Police (AFP) after three women (believed to be under-age) had their student visas confiscated by the brothel owner, who then forced them into prostitution. Glyn Lewis, the AFP's national co-coordinator of human trafficking operations, referred to the brothel as abhorrent and stated –

'It's our general experience that these women live under very harsh conditions, their freedom's restricted, they may be forced in various ways coercively, threatened with deportation by the owners and lied to. They often have poor language skills so they're really in a very frightened

¹² <http://www.abc.net.au/4corners/stories/2011/10/06/3333668.htm>

¹³ <http://www.theage.com.au/victoria/councils-targeted-in-illegal-brothels-probe-20111015-1lqlk.html#ixzz1jPDK4crd>

¹⁴ <http://m.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfxs.html>



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state when we get to meet them'.¹⁵

In February 2013, consultancy firm Brothel Busters contacted two senior officials in the Department of Immigration's national investigation unit, identifying four Hong Kong women who were delivered to Australia to work in the sex industry. The girls were dispersed between two brothels in Blacktown and an associated parlour in Sydney's south. Brothel Busters head Chris Seage also provided a paper trail that demonstrated exactly how sex traffickers were utilising the student visa system. Three months later, a regular client of the Blacktown parlours became irate about prolific drug use on the premises and turned whistleblower. In a letter, dated 19 May 2013, to Blacktown Council mayor Len Robinson, he said –

'These working girls hardly speak a word of English ... are here on a student visa and are permitted limited hours per week to work (20 hours) but are forced to work up to 18 hours a day'.¹⁶

Also, in February 2013 the *Daily Telegraph* reported a court case investigating six young women on student visas who were forced to work in a Sydney brothel in conditions of 'sexual servitude' for up to 20 hours a day. Crown prosecutor Carolyn Davenport SC said the women reported to a boss called 'Yoko', who told each one they needed to pay off a \$5 000 debt for getting them into Australia before they could leave the Diamonds brothel in Willoughby where they would be working.¹⁷

Another case from 2013 saw a brothel madam exposed for enslaving a group of Malaysian women and forcing them to work 17-hour shifts, including coerced unprotected sex acts.¹⁸

In New South Wales, Australia, a police officer who investigates sex trafficking commented on the effects of decriminalisation. He said –

'Although the intention was to provide a safe working environment for sex workers the reverse has occurred in that pimps and brothel operators were empowered and enriched'.¹⁹

Local councils in New South Wales have been attacked for failing to act on an increasing illegal

¹⁵ <http://www.smh.com.au/nsw/brothel-owner-charged-over-human-trafficking-20120202-1qvoo.html#ixzz1k01NQSCy>

¹⁶ <http://www.dailytelegraph.com.au/news/nsw/brothel-owners-banned-in-victoria-for-employing-underage-prostitutes-now-running-big-brothels-in-sydney/story-fni0cx12-1226848537447?nk=269f499e0d84b5af747fa64738b2bb94>

¹⁷ <http://www.dailytelegraph.com.au/student-sex-slaves-recruited-overseas-to-work-in-a-sydney-brothel-a-jury-heard/story-e6freuy9-1226570011806>

¹⁸ <http://www.smh.com.au/nsw/jail-for-brothel-keeper-who-enslaved-women-20130705-2phgf.html>

¹⁹ <http://www.smh.com.au/nsw/licensing-law-to-tighten-screws-on-brothel-chiefs-20111010-1lhm7.html>



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brothel sector.²⁰ If Australia has seen cases of women trafficked into legal brothels, how can we be assured this is not happening in the massively expanding illegal brothel sector?

A 2013 investigation by Fairfax Media reported 34 illegal brothels operating within a five-kilometre radius on Sydney's North Shore with 15 illegal brothels operating daily from premises in Chatswood, Willoughby and Artarmon, despite having been issued with closure notices two years previously.²¹

Willoughby Council deserves further attention. The council is reported to have hired private investigators on six occasions during the previous two years to aid court battles that have cost ratepayers \$60 000. 'It is an extraordinary process of evidence gathering', said the council's acting general manager, Greg Woodhams. 'To use ratepayers funds for this exercise seems ridiculous. We don't like doing it, there would be a section of our community that disapproves of it ... but, until the system changes, we have no choice. We need to produce conclusive evidence'.²²

An Independent Commission Against Corruption (ICAC) investigation into corruption at Willoughby Council found the council's building inspector, Edward Karkowski, had been accepting free sexual services at the Chatswood-based Oriana Bath House in return for his ongoing silence about the true nature of the business. In 2012, he was found guilty of five counts of corruptly receiving a benefit and sentenced to six months' jail, though he was deemed 'suitable' to serve the term in home detention. The Land and Environment Court ordered the parlour be shut. However in September last year, *The Sun-Herald* found that an illegal vice den was again thriving at the same address under the guise of a 'ladies only' Korean sauna, which was also offering private health insurance rebates on 'remedial massages'.²³

There has been an ongoing connection between illegal brothels and Asian massage parlours in Australia. This was highlighted in 2013 when the ACTU's confidential 457 visa hotline exposed an establishment in Port Melbourne where 40% of workers were on 457 Visas. The workers understood they were being employed as Thai masseurs, but once they arrived in Australia they were told if they didn't have sex with clients they would be sacked.²⁴

If these establishments are not being monitored, how can we have any assurance that Asian

²⁰ <http://www.theage.com.au/nsw/brothel-barons-expand-as-councils-fail-to-act-on-illegal-activities-20131130-2yi9m.htm>

²¹ <http://www.smh.com.au/nsw/new-redlight-zone-as-illegal-sex-trade-expands-north-20131116-2xnlb.html#ixzz3iz16vrwm>

²² <http://www.smh.com.au/nsw/councils-hire-sex-spies-to-catch-parlours-in-the-act-20140920-10jigg.html#ixzz3iz8iRklw>

²³ <http://www.smh.com.au/nsw/i-give-up-lawless-sex-industry-prompts-brothel-buster-to-call-it-quits-20150401-1mcswx.html#ixzz3izIJ44oF>

²⁴ <http://workinglife.org.au/2013/04/22/fundamental-flaws-remain-in-457-visa-program/>



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women are not being trafficked through these illegal establishments?

The *Law and Sex Worker Health* (LASH) report of 2012, commissioned by the NSW health ministry and conducted by the University of NSW and the Kirby Institute, found that of 201 respondents involved in the sex trade, 46% stated they would 'not feel comfortable' or would feel 'very uncomfortable' with reporting a sexual assault to a police officer. The LASH Report noted that two thirds of those in the sex industry were migrants and 46 percent had rated their English language skills as fair to poor.²⁵ These statistics are deeply concerning and raise questions regarding potential coercion and trafficking of these individuals into the sex industry. Aside from the risk of exploitation of these individuals by the sex industry, problems are also posed by the language barrier in terms of negotiating conditions, payment and safety.

The problems of an illegal and unregulated sex industry are not unique to Victoria or New South Wales. In 2011 Western Australia was also shown to be a trafficking destination with the *West Australian* newspaper reporting that –

'A prostitution racket operating between Perth and Hong Kong is flourishing under the cover of temporary visas promoted by the Australian and Chinese governments.'

The article went on to state that women aged between 18 and 30 were being encouraged via websites, seminars and pamphlets in Hong Kong to take one-year working holidays to Western Australia. One female from Hong Kong reported responding to the ad and spending almost a week at a massage business located in an eastern Perth suburb. She gathered evidence showing the business allegedly operated as a brothel and claimed women were encouraged to offer 'extra services' to earn more money and tips.²⁶

Problems with monitoring the sex industry were also raised in 2014 by Queensland's Legal Affairs and Community Safety Committee. Parliamentary Report No. 82 stated -

'It has been estimated that up to 90% of prostitution ultimately remains beyond the scope of the regulatory regime. This includes both the State's unlicensed (but legal) private operators and 'a thriving illegal prostitution sector' which, despite significant police activity, has persisted since the regime's introduction and operates 'largely with impunity'. Estimates as to the precise size of the illegal sector vary widely, and have often been subject to exaggeration. However, it is generally accepted that the number of illegal brothels exceeds the number of

²⁵ http://nothing-about-us-without-us.com/wp-content/uploads/2012/03/LASH_NSW-Sex-Industry-Report_2012.pdf

²⁶ <https://au.news.yahoo.com/thewest/latest/a/10076082/women-encouraged-to-come-to-wa-to-work-as-masseurs/>



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legal brothels in the State.’²⁷

Finally, we note that the 2015 New South Wales government inquiry into the regulation of brothels made a number of important findings, and recommendations including -

FINDING 8 - Sexual services are being provided on a large scale and on many occasions in premises that do not have planning approval to do so, affording the police insufficient visibility over the industry and the criminal elements that may operate within it.

FINDING 9 - Unapproved massage parlours and karaoke bars where sexual services are provided without planning approval and in an underground manner, allow significant potential for them to be affiliated with organised crime or human trafficking and sexual servitude especially compared with the approved sector of the sex services industry in NSW.

FINDING 11 - Successful sex slave prosecutions and evidence from both the Australian Federal Police and the NSW Police Force make it probable that:

- Sexual servitude occurs in NSW; and
- Criminal networks do operate in some parts of the NSW sex services industry.

RECOMMENDATION 29 - That because of the problems with sexual servitude and organised crime in the sex services industry, the NSW Police Force be the co-ordinating agency under any new system of regulation and that a dedicated unit within the NSW Police Force similar to the Victorian Police’s Sex Industry Co-ordination Unit be established and appropriately resourced.²⁸

5. the extent to which human trafficking is facilitated by:
a. migration visas (including marriage, partner, student and work visas),

NorMAC reminds the committee of the findings from the Parliamentary Joint Committee on the Australian Crime Commission Inquiry into the Trafficking of Women for Sexual Servitude in June 2004. We note that a number of these problems still remain.

‘The Committee found that most of the trafficked women in Australia were recruited from South East Asia and China. Some of the women are recruited from within the sex industry and are aware of what they are required to do when they arrive in Australia, while others are deceived either as to the nature of the work they have contracted to do, or the conditions they will work under in Australia. In any case,

²⁷ <http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/CrimeInquiry2014/rpt-082-28Nov2014.pdf>

²⁸ [http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/545e0ced0ca425aeca257ef900185d16/\\$FILE/Final%20Report%20-%20Inquiry%20into%20the%20Regulation%20of%20Brothels.pdf](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/545e0ced0ca425aeca257ef900185d16/$FILE/Final%20Report%20-%20Inquiry%20into%20the%20Regulation%20of%20Brothels.pdf)



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they will typically incur a debt of \$35,000- \$40,000 to be brought into the country. The traffickers facilitate the women's entry to Australia by a range of fraudulent means, including providing visas (typically student or holiday), false passports and funds. Traffickers usually bring the women into Australia through Sydney before being farmed out to brothels in Melbourne, Perth and other areas. The Committee remains concerned at the ease with which traffickers appear able to obtain entry visas for the hundreds of women they bring into Australia each year for the purpose of sex work, and accordingly recommends that the Australian Crime Commission focuses its investigations on the methods by which people traffickers are able to circumvent Australian immigration barriers through visa fraud.²⁹

NorMAC would also like to raise concerns about campaigns in Australia by sex industry lobby groups calling for the extension 457 visas to promote 'sex work' as a legitimate occupation.

'Sex slavery in Australia could be largely eliminated within 12 months if the federal government abandoned it's morality agendas in dealing with the sex industry. President of the Australian Sex Party, Fiona Patten, said that if the federal government allowed Asian sex workers to come to Australia legally under a proper working visa instead of denying them as they do at present, sex slavery would be eliminated. "Sex slavery is nothing more than the middle man", she said. "If you eliminate the middle man by allowing bona fide sex workers to legally come and work in this country, like US computer programmers or Zambian Catholic priests, then you take away the framework of sex slavery and it collapses".³⁰

Claims that 'sex workers' should be entitled to 457 visas and that brothel owners should be eligible sponsors of 'migrant sex workers' is irresponsible given the amount of corruption and exploitation exposed in the legal and illegal sex industry in Australia.

But questions about the numbers of trafficking victims aren't really the issue. One trafficked woman in an Australian brothel is one too many. One Australian male taking advantage of that trafficked woman is one too many.

NorMAC does not consider tinkering with the visa system to be an answer to the problem of human trafficking for sexual exploitation in Australia. Rather, we need to be asking tough questions of a culture that makes trafficking a lucrative option. NorMAC believes any extension to 457 visas for the purposes of prostitution is essentially giving traffickers a golden ticket.

²⁹ http://www.aph.gov.au/binaries/senate/committee/acc_ctte/completed_inquiries/2002-04/sexual_servitude/report/report.pdf

³⁰ <http://bothkindsofpolitics.org/?p=7337>



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b. technology, and

Technology, specifically the internet, has become a new tool for traffickers to access customers and hide their visibility.

In 2010 it was reported in the *Guardian* that –

‘The online classified advertising site, Craigslist, is facing accusations that it has become a hub for underage prostitution after two young women placed an advertisement in the Washington Post saying they were repeatedly sold through the site to men who "paid to rape" them. The allegations came as a federal judge threw out an attempt by Craigslist – named after its owner, Craig Newmark – to stop a criminal investigation over its "adult services" section which is alleged to carry thousands of prostitution ads daily. In an open letter to Newmark placed in the Washington Post, the two women appealed for him to shut Craigslist's adult services section.’

Since 2010, Craigslist's presence has grown and it is now a popular classifieds site in Australia. This potential new tool for traffickers should be investigated, with resources dedicated to preventing traffickers from moving online.³¹

6. the effectiveness of relevant Commonwealth legislation and policies; and

It is NorMAC's view that the National Action Plan to Combat Human Trafficking and Slavery 2015-19 fails to recognise the demand for sexual services as a key cause of the trafficking of women to Australia. This seems to be an obvious oversight given that the majority of trafficking in Australia has been for the purposes of sexual slavery/sexual exploitation.

We call for the Inquiry to recognise the demand for sexual services as a cause of trafficking in Australia and refer you to our response to section 3 – ‘practical measures and policies that would address human trafficking;’

It is our view the Nordic Model approach is the best legislative approach for combating trafficking of persons for sexual slavery/sexual exploitation. We re-iterate that the Nordic Model is being recognised as a best practice approach - after many years of research, legislation based on the Nordic Model was adopted in two Commonwealth jurisdictions, Northern Ireland and Canada, in 2015.

We note the United States State Department *Trafficking in Persons Report 2014* mentions Australia's modest anti-trafficking law enforcement efforts, with minimal trafficking

³¹ <http://www.theguardian.com/technology/2010/aug/08/craigslist-underage-prostitution-allegations>



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prosecutions and convictions. We refer to their recommendation that Australia ‘develop a targeted campaign to raise awareness among clients of Australia’s legal sex trade about the links between prostitution and trafficking’.³²

7. other related issues.

NorMAC would like to raise a particular concern about the Australian Institute of Criminology Roundtable on Trafficking. NorMAC has no issue with the trafficking roundtable, but rather questions the inclusion of a pro-sex industry lobby group the ‘Scarlet Alliance’ amongst the membership.

The 2004 report from the Parliamentary Joint Committee on the Australian Crime Commission – ‘Inquiry into the Trafficking of Women for Sexual Servitude’ - indicated it is generally accepted that approximately 300 women are trafficked into Australia each year for sex work, whereas the Scarlet Alliance puts forward a much lower number of 10 trafficked women. The Hon Mr Duncan Kerr observed that contract women who have been trafficked into Australia represent a continuum – from those who enter with full knowledge and consent; to those who enter with consent but are deceived as to conditions; to those who enter Australia completely deceived as to their work in the sex industry.³³

In March 2014 it was announced by federal Justice Minister, Michael Keenan, that funding had been allocated to detect and prevent human trafficking and slavery. The recipients of this funding included the Scarlet Alliance, which was to receive \$360 000 over the following three years.

In May 2014, NORMAC wrote to Minister Keenan calling on him to cut funding to the Scarlet Alliance and redirect it to other intended recipient organisations. We considered it perverse to fund an organisation to work against sex trafficking when they publicly downplayed – even denied – it was happening in Australia.³⁴

Evidence of the Scarlet Alliance’s opposition to federal government policies to stem human trafficking are outlined below. They are taken from a submission provided by the Scarlet Alliance expressing opposition to Victorian Recommendations of the Drug and Crime Prevention Committee June 2010 inquiry into people trafficking for sex work.³⁵

These direct quotes from the Scarlet Alliance submission clearly demonstrate opposition to

³² <http://www.state.gov/documents/organization/226845.pdf>

³³ http://www.aph.gov.au/binaries/senate/committee/acc_ctte/completed_inquiries/2002-04/sexual_servitude/report/report.pdf

³⁴ <http://tasmaniantimes.com/index.php?pr-article/minister-must-withdraw-funding-from-scarlet-alliance/>

³⁵ http://www.scarletalliance.org.au/laws/vic/vicrecommendations_2010/



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exit programs for trafficked persons. They also oppose increased police access to brothels (including illegal brothels), and state government legislation against debt bondage, as well as criminal sanctions against those who purchase sexual services from trafficked persons and increased criminal sanctions against brothel owners who use trafficked persons. The Scarlet Alliance responses were as follows -

FIVE: The Committee recommends that an offence of debt bondage similar to that found in the Commonwealth Criminal Code be enacted in Victoria.

RESPONSE: OPPOSE There is no benefit in replicating existing Commonwealth Criminal Code laws. The Commonwealth Criminal Code laws apply in Victoria, which make the proposed recommendation superfluous.

SIX: The Committee recommends that intentionally, knowingly or recklessly obtaining sexual services from trafficked women is criminalised in Victoria.

RESPONSE: OPPOSE Police regulation of the activity of sex worker clients in Victoria opens the door for corruption, is virtually impossible to enforce, and shifts the focus of trafficking activity from a cross-border environment (i.e. lack of access to visas creates a market for trafficking) to a end-consumer focus. In the long term it is a fruitless exercise and will have no material impact on the prevalence of trafficking in sex work in Victoria, in the short term it will create an incubator for police corruption and the infringements of the human rights and civil liberties of Victorians generally. Similar laws in Sweden have harmed sex workers.(ii)

SEVEN: The Committee recommends that sanctions against brothel owners who have intentionally, knowingly or recklessly allowed trafficked women to work in their premises be introduced in Victoria. Such sanctions will more effectively act as a deterrent to the conduct of servitude and trafficking in the licensed sex industry. In cases where intention or recklessness is proved the owner should be liable to losing his or her permit to run a brothel or other sex service provider business and/or be liable to heavy financial penalties.

RESPONSE: OPPOSE Victorian brothel owners are already heavily regulated within a tight licensing framework, and are subject to Commonwealth Criminal Code prosecutions for trafficking, sexual servitude, debt bondage and related crimes if they occur. Increased fines will not reduce the prevalence of trafficking and will only harm sex workers by pushing their workplaces underground and further marginalising them.



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EIGHT: The Committee recommends that trafficking in persons be regarded as a higher priority policing issue. As such, dedicated officers within the Victoria Police Sexual Offences (Theme Desk) should be given responsibility to liaise with other members of Victoria Police, relevant state and Commonwealth government officials including AFP officers and the proposed Sex Regulation, Policy and Coordination Unit in operational and organisational matters pertaining to sex trafficking.

RESPONSE: OPPOSE Trafficking is already more highly prosecuted in Victoria than in any other state or territory in Australia – increasing the number of dedicated officers will not reduce the prevalence of trafficking. A continued focus on the prosecution side of trafficking to the detriment of building relationships with the affected communities (i.e. migrant sex workers) will only harm migrant sex workers affected by trafficking, and further marginalise them from access to justice.

TEN: The Committee recommends that Victoria Police have a more flexible right of entry to brothels (legal or illegal) for monitoring purposes, i.e. the ability to do spotchecks.

RESPONSE: OPPOSE Victorian Police already have right of entry to brothels in Victoria, as they do to any workplace, with a warrant or similar paperwork. Relaxing such requirements will breed corruption and will not reduce the prevalence of trafficking or increase prosecutions. Increased police presence in sex worker workplaces will harm sex workers and reduce access to justice for sex workers – Police are unable to act as protectors when they are also called upon to be prosecutors.

ELEVEN: The Committee recommends that licence conditions for sex work service providers include granting access to gazetted or nominated support agencies.

RESPONSE: OPPOSE Brothels are a workplace and like any other workplace they should have the right to run their businesses without organisations with an anti-sex work agenda intruding upon their work. Scarlet Alliance outreach in Victoria uncovered an over accessed, fatigued and over exposed industry that is exhausted from the number of NGOs, researchers, churches, regulators and government agencies constantly demanding access to their premises. Increased access will potentially infringe upon sex workers right to privacy and confidentiality.



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TWELVE: The Committee recommends that the Victorian Government develop a comprehensive, best practice public education campaign to increase public awareness about sex trafficking; including its nature, extent, causes, myths and consequences. Such a campaign should be coordinated by the Sex Industry Regulation, Policy and Coordination Unit and targeted to a wide range of audiences.

RESPONSE: OPPOSE Sex trafficking is a subset of labour trafficking – isolating information about trafficking to sex work alone harms sex workers and overlooks others affected by this crime. Sex work does not cause trafficking and clients of sex workers do not cause trafficking. Running the proposed campaign will only serve to further marginalise migrant sex workers and confuse the general public about the causes of trafficking. Similar campaigns in other countries have not reduced the prevalence of trafficking or increased successful prosecutions.

NINETEEN: The Committee recommends NGOs be encouraged and resourced to establish and further develop (in cases where already happening) exit strategies to support trafficked women wanting to leave the sex industry. Such a program would be aimed at providing such women with alternative skills and employment.

RESPONSE: OPPOSE Exit programs have anecdotally been reported to have negative impacts on the sex workers within such programs. The assumption that sex workers affected by trafficking need special assistance with skills and employment undermines the ability of sex workers to integrate into existing TAFE, university, higher education and community education courses. Specialist run programs pathologise those referred into the program – and success rates in Queensland are so low we question any government spending in such an area. This recommendation is NOT supported by evidence, and is pushing a dangerous agenda of removing people from sex work potentially against their will or through coercion via financial incentive, shame and stigma.

TWENTY: The Committee recommends that the proposed Sex Industry, Regulation, Policy Coordination Unit encourages and resources the development of exit strategies and programs for women who wish to leave the sex industry, particularly trafficked women.

RESPONSE: OPPOSE As above, there is no evidence to support either sex workers wanting such a service, and when these services have existed they risk harming sex workers through promoting a specific anti-sex work stance to people who generally do not regret their time in sex work. Research shows that sex workers in Australia, including those affected by trafficking, have a level of education



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similar to others from their demographic – as such access to other work is comparable.(iv) There is nothing inherently wrong with staying in sex work – leaving a job is an individualised decision and is not an appropriate intervention by the State Government of Victoria.

In other responses put forward by the Scarlet Alliance there seems to be a clear misunderstanding of the issues that can lead to trafficking, and no recognition that the ‘choice’ to enter the sex industry is mostly related to the limited options arising from factors such as gender inequality, poverty and entrenched cultural attitudes towards women.

Jules Kim, the migration program manager for the Scarlet Alliance stated –

*‘The [Australian Immigration Department] considers that sex work is not a skilled occupation and so they’ve been excluded [from 457 visas]. Sex workers [are] just as skilled as other workers... There are very limited visa pathways for migrant sex workers. In order to gain a visa, some migrant sex workers enter into ‘contracts’ with people who will sponsor and assist their entry into Australia, or use a third party or broker to facilitate completion of documentation. The more legal, safe migration pathways you have open to people, the less likely they’re going to be vulnerable to exploitation’.*³⁶

Ms Kim displays a clear lack of understanding of the economic challenges and cultural attitudes that lead people, mostly women, to the sex trade.

The book *Sex Trafficking: The Dark Side of the Australian Sex Industry?* by Australian authors Dianne McInnes & Paul Wilson discusses how it is not only economic concerns, but also social factors, which drive women into prostitution, specifically those from southeast Asia. Discussing customs in provincial Thai society, they say –

‘Because a son’s ordination is believed to assist his parents to move upwards on the journey to a Buddhist nirvana, boys can fulfil their duty by becoming a monk. Daughters, on the other hand, must show gratitude through self-sacrifice. It is no coincidence that female workers send much more money home than males do, that working women give up business careers to care for ailing parents, and that poor girls enter the sex trade to support their families... Rather than face possible starvation, poor parents choose to sell their oldest daughter into prostitution. For them, it is the surest and fastest way to gain income for the family and to support studies for their sons’ (McInnes & Wilson, 2012, P. 15).

This broader understanding of the pathways to exploitation of persons, mostly women, in the sex industry is discussed by the Asian Women Coalition Ending Prostitution, as follows –

³⁶ <http://hldcivilsociety.org/wp-content/uploads/2013/07/Scarlet-Alliance-Recommendations-UN-General-Assembly-High-level-Dialogue-on-Int-Migration-Development.pdf>



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‘While women as a group are affected by any political or legislative response to prostitution, women of colour and native women often bear the brunt of negative social change and are the last to benefit from positive social change. The use of terms such as ‘sex work’, ‘sex worker’, and ‘sexual services’ combine with the notion that women freely choose to enter prostitution to construct an ideological paradigm that disregards the influence and impact of sexism, racism and class. A false distinction between forced and voluntary prostitution and trafficking obscures the connection between explosive sex industry expansion and intensifying globalization while magnifying the differences between women in developed countries and underdeveloped countries. This false distinction also erases the poverty and inequality experienced by women in developed countries. Hiding these impacts deprives us of instruments with which to make a broad anti-racist analysis that would inform resistance to the worldwide promotion of prostitution’.³⁷

Ms Kim of the Scarlet Alliance has made other questionable claims that highlight a denial of the reality of sexual exploitation in Australia. She said –

*‘Despite the widely held myth of migrant sex workers being tricked into the sex industry in Australia, none of the prosecuted trafficking cases that included sex work have involved deception or trickery or the fact the person would be sex working in Australia. The people in those cases had all known they would be sex working in Australia with many of them having sex worked before in their home country’.*³⁸

The assertion that ‘none of the prosecuted trafficking cases that included sex work have involved deception or trickery’ is false. One example is the 2010 case of Trevor McIvor and Kanakporn Tanuchit, both of who were charged with five counts of possessing a slave and five counts of exercising over a slave powers attaching to the right of ownership. According to evidence provided, four of the five exploited women were advised that their work in Australia would involve providing sexual service. The fifth woman ‘Yoko’ was told that she would be working as a masseuse. (McInnes & Wilson, 2012, P. 113)

Another case from 2003 saw charges laid against Mr Daniel Sweeseang Kwok, Ms Jenny Lai Chin Ong, her son Mr Raymond Aik Tong Tan, and Mr Hoseah Paryud Saputra Yoe. It was alleged that the accused conspired between themselves and others to bring up to eight southeast Asian women to Australia between November 1, 2001 and June 14, 2003 to work in brothels in conditions that amounted to servitude or slavery. Statements made in court proceedings later revealed that the women arrived in Australia on tourist visas, and that their passports and documents were confiscated after arrival. The women were allegedly required

³⁷ <http://awcep.org/awcep-publications/countering-entrenchment-racism-caused-promotion-prostitution-canada>

³⁸ <http://www.altmedia.net.au/110143/110143>



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to perform approximately 800 sexual acts, for no payment and pursuant to a 'contract debt', reportedly set at \$AU45 000 for each woman. The investigation came about when three Indonesian women escaped from an apartment in Auburn, Sydney, and reported to the New South Wales Police. The women told the police that they had been deceptively recruited to travel to Australia to work in the catering or public relations industry.³⁹

Despite the claims of the Ms Kim and the Scarlet Alliance it appears there is a vast 'twilight zone' between the working environment of 'sex workers' and that of sexually exploited persons and sex slaves. But neither group works totally isolated from the other and their buyers are often none the wiser about the real differences.⁴⁰

NorMAC opposes claims that dismiss the correlation between prostitution and trafficking. We note that clear links between human trafficking and the exploitation of people within the sex industry were described by Sigma Huda, UN Special Rapporteur on Trafficking, as follows:

'It is rare that one finds a case in which the path to prostitution and/or a person's experiences within prostitution do not involve, at the very least, an abuse of power or an abuse of vulnerability.....put simply, the road to prostitution and life within 'the life' is rarely one marked by empowerment or adequate options'⁴¹

We appreciate this opportunity to contribute to your inquiry. We are willing to participate in any further avenues of inquiry you pursue in our shared goal of best outcomes and protection for those persons currently exploited in the sex trade.

Do not hesitate to contact us if you wish to discuss our concerns further.

Yours sincerely

Simone Watson,
Director for NorMAC

³⁹ https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/aus/2005/r_v_kwok_2005.html?lng=en&tmpl=sherloc

⁴⁰ <http://tasmaniantimes.com/index.php/article/working-against-the-global-sex-industry#sthash.SyuaxjF2.dpuf>

⁴¹ [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI\(2016\)577950_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf)