



Submission to Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012

Committee Secretary

Senate Legal and Constitutional Affairs Committee

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Inner South Community Health Service (ISCHS)

Inner South Community Health Service Ltd is a major provider of health and community services across metropolitan Melbourne. ISCHS works effectively as part of the local service system, developing innovative, responsive services to meet community needs. ISCHS were extremely pleased to be granted the 2010 Primary Health Service of the Year by the Victorian government. More information is at www.ischs.org.au.

Resourcing Health and Education Program (RhED)

As a program of ISCHS, RhED aims to improve the health and wellbeing of sex workers across Victoria, via the following objectives:

- i. To provide relevant health promotion and support services to improve the health and wellbeing and minimise risk to sex workers;
- ii. To use a community participation model to ensure the responsiveness of RhED to the needs of sex workers;
- iii. To advocate for systemic changes to improve the health and wellbeing of sex workers;
- iv. To develop and strengthen key partnerships that support RhED to achieve positive health and wellbeing outcomes for sex workers.

Response to Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012

1. Evidence based approaches

A lack validated data related to trafficking into either the regulated or illegal aspects of the sex industry in Australia creates difficulty in accurately estimating the extent or nature of this issue.¹ In order to ensure that current responses are effective in reducing the impact and prevalence of trafficking, it is vital to conduct rigorous and verified research². Evidence on numbers and means of trafficking, as well as the effectiveness of prevention and intervention approaches would enable rigorous evaluation and the development of best practice approaches. Understanding the impacts of anti-trafficking responses on the wider community, particularly on the sex industry, would enable reflective and responsive work to be undertaken by regulatory bodies.

Undertaking such rigorous research and evaluation would also enable more effective cooperation between the sex industry and regulatory bodies. A greater understanding of the trafficking situation in Australia will enable more cooperation between all relevant parties.³

2. Well being of migrant sex workers

Any interventions, policy and legislative reform relating to trafficking for sex work must be based around the central concern of the well being and rights of sex workers. Consistent anecdotal experiences of RhED demonstrates that some sectors of the sex industry view current strategies for addressing trafficking to be overly punitive and invasive, and can result in erosion of the trust and relationships that the sex industry has with other services. These factors lead to an increases isolation of migrant sex workers and hinder their access to support and services.

¹ Fiona David, *Research and Public Policy Series No. 95: Trafficking of women for sexual purposes*, Australian Government Australian Institute of Criminology, Canberra, 2008, p. i.

² Parliamentary Joint Committee on the Australian Crime Commission 2004, *Inquiry into the trafficking of women for sexual servitude*, Parliament of the Commonwealth of Australia, Canberra, http://www.aph.gov.au/Senate/Committee/acc_ctte/completed_inquiries/2002-04/sexual_servitude/report/report.pdf, accessed 24/9/2009.

³ Parliamentary Joint Committee on the Australian Crime Commission 2004, *Inquiry into the trafficking of women for sexual servitude*, Parliament of the Commonwealth of Australia, Canberra, http://www.aph.gov.au/Senate/Committee/acc_ctte/completed_inquiries/2002-04/sexual_servitude/report/report.pdf, accessed 24/9/2009.

3. Prevention

One of the inherent issues relating to trafficking for the purposes of sex work relates to the lack of choice available to those seeking to work in this industry from overseas. Sex workers who want to work in Australia face barriers to migration (such as visa legislation and perceived discrimination), factors that encourage sex workers into unfeasible “contract” arrangements. The lack of working visa arrangements available for migrant sex workers who wish to work in Australia, brings about situations where few options exist other than to go through migration contractors, who may have varying degrees of respect for the workers rights. Issues of constrained choice, whereby an individual’s right to choose their work conditions may be compromised by those who enabled their work in Australia, are central to the debate around trafficking.⁴

4. Conclusion

Legislative and policy reform relating to trafficking for sex work must be evidence based, and informed by the well being and rights of those affected. The preservation of rights including safety, informed consent and ethical and culturally appropriate services are integral to the effectiveness of any approaches to people trafficked for sex work.⁵ Working with sex industry in order to address the issue of trafficking for the purposes of sex work will enable a more holistic, equitable and empowering response for all involved.

⁴ Fiona David, *Research and Public Policy Series No. 95: Trafficking of women for sexual purposes*, Australian Government Australian Institute of Criminology, Canberra, 2008, p. x.

⁵ Working Group of the National Roundtable on People Trafficking to assist Non-Government organisations working with trafficked people, *Guidelines for NGOs Working with Trafficked People*, Working Group of the National Roundtable on People Trafficking to assist Non-Government organisations working with trafficked people, Canberra, 2008.