

**Puongtong Simplee –
The Death of a Trafficked Woman in Villawood**

Media Kit

By Project Respect

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Puongtong Simplee – victim of child trafficking

On September 23, 2001, Puongtong Simplee was detained by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and placed in the Villawood Immigration Detention Centre (VIDC). Less than 72 hours later she was dead.

She was 38 kilos when she was detained at VIDC. When she died on September 26, she weighed 31 kilos. She had been vomiting consistently since she was detained. She was not taken to the VIDC clinic, or to a hospital.

Ms Simplee told DIMIA officials that she had been **brought into Australia for prostitution between ten and twelve years old**, and had been in the sex industry almost continuously since that time.

Under Australian law, slavery and sexual servitude are offences against humanity (see page 4). Child prostitution is also a serious crime under NSW law. Commonwealth policy states that when a department establishes organised crime within its portfolio, it must report it to the Australian Federal Police. According to Senator Ellison, Ms Simplee was detained ‘as a result of a major compliance operation in Sydney associated with the sex industry and people smuggling within that industry’.¹ The AFP was not notified about Ms Simplee’s allegation.

A Coronial Inquest into the death of Puongtong Simplee will be held on March 12 to 14, 2003. Project Respect is seeking to be represented as an party at this Inquest.

¹ Hansard, Sept 27 2001, p. 28215.

Project Respect Application for Legal Standing

Project Respect

Project Respect Inc addresses violence against women in the sex industry. It has a particular focus on trafficking in women for prostitution.

Project Respect works directly with women in the sex industry, and also conduct community education on trafficking and other violence against women in the sex industry.

It is one of the few organisations in Australia that seeks out trafficked women and tries to offer them information and support.

Research currently being undertaken by Project Respect and partners has found that there are 1,000 'contract' women in Australia at any one time. Average contracts for Thai women at present last around three months.

Application for Legal Standing

Ms Puongtong Simplee's death raises important concerns about the appropriateness of detaining victims of trafficking for prostitution.

In 1999 the Australian government brought in legislation to address this. Despite this, there have been no prosecutions of traffickers. Instead, the victims of this crime are routinely detained and deported. The perpetrators continue their trade while women and children are punished.

Ms Simplee alleged to DIMIA that she was a victim of this trade. Project Respect believes that steps should have been taken to ensure her safety.

Project Respect is applying for legal standing in the Enquiry. Its submission will be heard at the start of the Enquiry on March 12.

The Enquiry will be heard from March 12 to 14, 2003, at the Westmead Coroners Court.

Copies of Project Respect submissions to the Coroners Court will be available at the Court on March 12.

Trafficking in Women and Children

Definition of Trafficking

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.¹

In essence, trafficking is the movement of persons into a situation of extreme exploitation

Scope

The number of trafficked people is difficult to estimate. It is believed that 700,000 to two million women and children are trafficked across international borders every year,² and the UN estimates that 4 million people in total are trafficked both across borders and within states. The UN also estimates that trafficking is a US\$5-7 billion operation annually.³

Project Respect estimates that there are 1000 – 1500 trafficked women in Australia. Gary Glazner is known to have trafficked over 40 Thai women to Melbourne, but was only charged with offences relating to illegal prostitution and received a fully suspended 30-month sentence and \$30,000 fine.

Abuses

Trafficked women and children experience the most horrifying abuses, such as rape; physical abuse, including beatings with weapons; threats and violence against them and their family; verbal abuse; imprisonment; little or no access to health care; minimal food, and of poor quality; dirty and cramped living conditions; forced abortions; and forced use of drugs and alcohol.

Trafficked women and children are kept in an environment of fear, and are thus vulnerable to being exploited by pimps, corrupt immigration officials and police, and the men who create the demand for prostitutes.

Causes of Trafficking

- Unemployment and underemployment, poverty, and lack of access to education all contribute to women seeking either overseas work, or employment in dangerous sectors.
- The scarcity of legitimate migration options for women leads them to seek other means of migration, so that they can provide for themselves and their families.
- Natural disasters and wars lead to homelessness, loss of jobs, and economic downturn, pushing women into more undesirable sorts of work.
- The low-risk, high-profit nature of trafficking makes it attractive to criminals.
- A huge worldwide sex industry creates demand for exotic and vulnerable women and children.

¹ United Nations. 2000. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime*.

² Richard, Richard, Amy O’Neill. 1999. *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*. Washington DC: Center for the Study of Intelligence, p. 3.

³ Article Premier et. al. 2001. *Guide to the New UN Trafficking Protocol*. North Amherst: CATW, p.1.

International and Australian Law

On December 9 2002 Australia became signatory to *The United Nations Protocol to Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime*.

The UN protocol:

- clearly defines trafficked persons as victims of crime rather than immigration criminals;
- specifies that they should be protected;
- states that consent to trafficking is irrelevant, the trafficked persons themselves not being considered active agents in their illegal entry to a country, but victims of crime within that country;
- urges need to prosecute traffickers rather than focussing on the victims.

In 1999 the Australian Government introduced a Federal Criminal Code Amendment (Slavery and Sexual Servitude) and the Attorney-General, Daryl Williams affirmed that trafficking involved ‘serious violations of fundamental human rights.’¹

The detainment and deportation of women, particularly without the opportunity to testify against their traffickers is then inappropriate and not in keeping with either the UN’s recommendations or Australian criminal codes.

Whilst Project Respect believes that around a thousand women are trafficked into Australia annually, there have as yet been no charges laid under the Criminal Code.

In the United States, a visa is available for women remain in the country to testify against their traffickers. No such visa is available in Australia. A spokesman for Philip Ruddock said ‘Eventually you would find instead of people claiming to be refugees, they would claim to be prostitutes who fear going home’. He also suggested that ‘most [trafficked women] will not provide you with the level of co-operation that will get prosecutions of the Mr Bigs. They are afraid of reprisals.’²

Project Respect believes that if steps were taken to protect trafficked women from ‘reprisals,’ they would be far more likely to testify.

¹ Williams, D. Speech given in the context of a Bill: Criminal Code Act (Slavery and Sexual Servitude), 1998.

² *Sydney Morning Herald*, “Sex Slave Treated Illegal Immigrant.”

‘The consent of a victim of trafficking in persons to the intended exploitation...shall be irrelevant.’
(UN Protocol)

Australian Responses – Then and Now

1998

Daryl Williams, Federal Attorney-General, speech in the context of Bill (Slavery & Sexual servitude), 1 July: ‘sadly the indications are that Australia is becoming an important destination for [the trade in people’s] victims...

We must not wait for what is already a significant problem to become so firmly entrenched that it proves to be too difficult to rectify in the future...Australians are rightly proud of their record on human rights, and what is involved here are serious violations of fundamental human rights

Laws in Australia have not proved effective to discourage the growth of this activity in Australia...the primary focus of relevant prostitution and migration offences is on the persons subjected to trafficking...and not on the traffickers.’ (Weekly House Hansard)

1999

Senator Amanda Vanstone, Justice Minister: ‘In passing this legislation, [Slavery & Sexual Servitude] Australia has led the world in protecting women who become victims of this inhumane trade and, at the same time, has sent a firm message to the organisers and recruiters that Australia will not be a destination for their trade.’ (August 1, 1999, source?)

2002

Spokesman for Philip Ruddock, on protection visas for trafficked women: ‘Eventually you would find instead of people claiming to be refugees, they would claim to be prostitutes who fear going home...most [trafficked women] will not provide you with the level of co-operation that will get prosecutions of the Mr. Bigs. They are afraid of reprisals.’ (Sydney Morning Herald, Feb 22, 2002).

2003

John Moorhouse, First Assistant Secretary, Border Control and Compliance Division, DIMIA, in Senate Estimates Committee: ‘Generally, the people who have come to Australia to work in prostitution have been aware of what they are doing and, whilst they may be disillusioned with the circumstances under which they are working, they have not been prepared to participate in the prosecution...the people that we encounter who are involved...have entered prostitution willingly and have traveled to Australia in order to work illegally or remain unlawfully knowing what they were up to and without coercion involved. There is no shortage of people willing to engage in prostitution. Illegal immigrants would do that willingly.’

Senator Chris Ellison, Senate Estimates Committee: ‘People-Trafficking...is believed by some people to be a sort of slavery where people are traded in, as goods and chattels might be, and are chained up and moved around against their will. **We have not found that there is a slavery chain where people are brought into Australia under force and are trafficked in that manner.**’

Nu's story

Abandoned by her parents at an early age, Nu was raped by the son of her foster family and forced by him to see 'clients'. Feeling that she was already 'spoilt' and wanting to escape his control, Nu ran away to Bangkok, aged 15 and began seeing clients independently.

Having heard that Thai women could make money waitressing in Japan, Nu travelled there through an agent. She later learned that she had entered on a tourist visa under a false identity. Once in Japan she was taken to a karaoke bar where the owner raped her, subjected her to a blood test and then bought her. 'I felt like a piece of flesh being inspected.'

She was informed by the Thai mamasan that she had to pay off a debt of over one million yen for her entry into Japan. Her food, rent, etc. was to be added to this. She was warned that all girls who tried to escape were brought back by the Japanese mafia, severely beaten and their debt doubled. The only way to pay off the debt was to see as many clients as quickly as possible.

Living quarters were cramped, cold and unsanitary, food poor. Nu shared a small room with around thirty other women. They were not allowed to communicate with the other workers at the bar, or with any outsiders and warned to keep away from the windows.

Nu saw three or four clients a night. Often clients beat the girls with sticks, belts and chains until they bled. If women came back crying, they were beaten by the mamasan and told that they must have provoked the client. They routinely used drugs before sex 'so that we didn't feel so much pain'.

Most clients refused to use condoms. Women were given pills to avoid pregnancy and pregnancies were terminated with home abortions.

'We were under constant pressure and we often fought, screamed and punched each other. There was also a lot of peer bonding, as we only had one another to depend on...One of the girls who was depressed...slashed her wrists with a broken bottle...a girl in the next building jumped out of the window and died instantly.'

Women who managed to pay of their debt and work independently were often arrested by the Police, fined, imprisoned, raped before being deported.

Nu managed to escape, with the help of a Japanese NGO. 'In Japan I hated to be so controlled. I feel ashamed about being in prostitution but I can't change my past. I feel embarrassed when people look at me. I think they do so because they know I was a prostitute...Women need education and decently paying jobs...so they won't get into prostitution, and the same for women in prostitution so that they can get out. We also need drop-in centres like the one I'm in now and for police to penalise the recruiters and mamasans, not us.'¹

¹ UNIFEM, 2002. *Trafficking in Persons – A Gender and Rights Perspective*. <http://www.unifem-eseasia.org/Resources/TraffKit/traffkit.pdf>, pp. 3 – 4.

References

Australian Institute of Criminology - paper on trafficking in humans

http://www.aic.gov.au/conferences/other/graycar_adam/1999-07-trafficking.pdf

Coalition Against Trafficking in Women (CATW): a feminist NGO

<http://www.catwinternational.org>

CATW - Guide to the UN Protocol to Prevent, Suppress and Punish Trafficking

http://www.catwinternational.org/un_protocol.pdf

Coalition Against Trafficking in Women – Asia Pacific

<http://www.catw-ap.org/index.htm>

The European Commission Justice and Home Affairs – article on trafficking

http://europa.eu.int/comm/justice_home/news/8mars_en.htm#a

Human Rights Watch

<http://www.hrw.org/women/trafficking.html>

International Labour Organisation – Trafficking in the Mekong Region

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/>

International Organisation of Migration – Trafficking

<http://www.iom.int/en/who/main%5Fservice%5Fareas%5Fcounter.shtml>

Qweb – gender studies forum, with articles, list of references, and links about trafficking

<http://www.qweb.kvinnoforum.se/trafficking/indexII.html>

Prostitution Research and Education

<http://www.prostitutionresearch.com/>

The Protection Project – a legal human rights research institute

<http://protectionproject.org>

United Kingdom Home Office – Research paper on trafficking to the UK

<http://www.homeoffice.gov.uk/rds/prgpdfs/fprs125.pdf>

United Nations Development Fund for women (UNIFEM) - links to trafficking resources, plus UN media kit:

http://www.unifem.undp.org/global_spanner/e_se_asia.html

UNIFEM Fact-sheet on trafficking in Southeast Asia

<http://www.unifem-eseasia.org/Gendiss/downloads/UNIFEMSheet2.doc>

US Secretary of State: “Stop trafficking” web site

<http://secretary.state.gov/www/picw/trafficking/home.htm>

US State department - extensive list of resources

<http://usinfo.state.gov/topical/global/traffic/>