



Human Trafficking in Australia: The Challenge of Responding to Suspicious Activities

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Abstract

This paper relates to the Australian government's community awareness campaign, as part of the *Action Plan to Eradicate Trafficking in Persons*, which was announced in October 2003 in response to evidence of human trafficking in Australia. The authors explore the challenges that are likely to be encountered during the implementation of the campaign using empirical data from two Victorian studies, the first of which explored community awareness of trafficking and the second of which examined Victoria Police and local government's responses to trafficking. We conclude that there are significant barriers to both the community and authorities identifying suspicious activities and acting on reports by community. In addition, institution challenges faced by Victoria police and local government in dealing with referred information appropriately will jeopardise the success of the initiative.

Keywords: Human trafficking, Australia

Introduction

Human trafficking¹ (hereinafter referred to as trafficking) is a human rights issue of grave concern that has, befittingly, received increasing global attention over recent years. In saying this, trafficking is not a new phenomenon, but rather one that 'has been part of civilization since the beginning of human history' (Bales 2005:126), dating as far back as Roman and Biblical times (Cwikel and Hoban 2005). The literature cites an abundance of 'guesstimates' with regard to the current magnitude of the problem: for example, the US Department of State, in their fourth Trafficking in Persons Report, estimates that 600,000 to 800,000 men, women, and children are trafficked across international borders each year (US Department of State 2004). Whereas, a study of trafficked women in five countries (Indonesia, the Philippines, Thailand, Venezuela, and the United States), cites global trafficking figures of between 700,000 and 4 million (Raymond 2002). However, in reality we remain ignorant to the full extent and complexity of this heinous and intolerable crime, notwithstanding broad consensus that the scope of the problem is expanding in tandem with growing socio-economic inequalities across and within regions and against the background of increasing illegal migration (Marshall 2005).

Moreover, current debate has been channeled towards the trafficking of women and girls for sexual exploitation, mainly due to the dominance of feminist voices in the global campaign against trafficking (Doezema 2000). In addition to women and girls, large numbers of men and boys are trafficked for a range of exploitative purposes including, *inter alia*, domestic labour, marriage, industrial and agricultural work, and the trade in human organs (Kempadoo et al. 2005). While this paper, along with much of the current literature, focuses on the trafficking of women into the sex industry, it is important to recognise that trafficking for sexual exploitation is pervasive, yet not the only form of trafficking existent in Australia (Project Respect 2004).

This paper draws on empirical data gathered in Melbourne from the general public, Victorian Police and local governments to provide an overview of the challenges incurred when responding to suspected trafficking-related activities in Australia. Firstly, the situation of trafficking in Australia and the Australian Government's response to trafficking is declared. Barriers to reporting, as well as institutional obstacles faced by the authorities upon receipt of pertinent information are then discussed in relation to data collected by the first and third authors. Finally, in identifying gaps in the community's awareness of the situation and the existing response system, practical recommendations are offered to improve the manner in which the prevention of trafficking is addressed at the community level.

Trafficking in the Australian Context

Trafficking in the Australian context is seriously under-researched, resulting in a paucity of accurate information on the intricacies of the problem and, until recently, apathy and lack of acknowledgement on the part of our nation's leaders of the domestic relevance of trafficking. Recent research on trafficking in Australia, both published and unpublished work, including Burn and Simmons 2005; Farr 2005; Hoban et al. 2003; Project Respect 2004, has, however, uncovered the presence of trafficked persons in this country, chiefly in the Australian sex industry.

The Australian Federal Police (AFP) consider Australia attractive to human traffickers (No author 2003a), due to its geographic proximity to Asia, a recognised hub of trafficking (Piper 2005), and its high and continuing demand for Asian sex workers (Batros 2004). However, the clandestine and illicit nature of trafficking, reluctance of trafficked persons to cooperate with the authorities, limited coordination between government agencies and non-government organizations (NGOs), application of differing definitions of trafficking and varied methods of gathering statistics has inhibited the accurate assessment of the scope of the problem in Australia (Carrington and Hearn 2003). Figures collated from an array of secondary sources by Carrington and Hearn (ibid), for example, consider there is between four and 1000 trafficked women in the Australian sex industry at any given time.

Lack of accurate statistics aside, evidence indicates that persons are trafficked into Australia primarily from Southeast Asia (Hoban et al. 2003). The US State Department's most recent Trafficking in Persons Report corroborates these findings, listing Australia as 'a destination country for women from Southeast Asia, South Korea, and the People's Republic of China (P.R.C) who are trafficked for the purposes of sexual exploitation' (US Department of State 2006: 62). Internally, an anti-trafficking NGO identified trafficked women in Sydney, Melbourne, Canberra, Perth and Darwin, in both licensed and unlicensed brothels (Project Respect 2004). It is important to note that in Australia legislation relating to prostitution varies by state, for example, in Victoria, Western Australia and Queensland prostitution is legal and regulated by government authorities, whereas in the remaining states prostitution remains illegal.

Brockett and Murrey (1994) claim that the majority of foreign women entering Australia to work in the sex industry are transported into Australia from Southeast Asia by plane, passing through customs with the aid of a tourist visa. Evidence collected from trafficked women indicates that many traveled willingly to work in the Australian sex industry, only to find themselves trapped in conditions of debt bondage and/or sexual servitude upon arrival (US Department of State 2004; Murphy 2006). For example, trafficked women interviewed in Melbourne and Sydney by Hoban and colleagues (Hoban et al. 2003) discussed being unable to refuse clients or leave their place of residence or work, and being subjected to threats, violence, systematic rape and unprotected sex. Yet, many trafficked women do not perceive themselves as victims, rather, they perceive benefits in their situation i.e. the opportunity to address indebtedness and economically improve their lives, and that of their families (Commonwealth of Australia 2005a).

The Australian Government's Response to Trafficking

Since the late 1990's, trafficking has slowly crept onto the political agenda of the Australian Government, with increasing knowledge of the problem and external pressure creating progressively larger ripples of action. Movement started in 1999, when the Australian Government conducted a major reform of the criminal law to introduce the Commonwealth *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (Commonwealth of Australia 1999). Yet, it wasn't until the death of Puongtong Simaplee, a Thai woman trafficked into sexual servitude in Australia who died in custody at Villawood Immigration Detention Centre on the 26th of September 2001 (Commonwealth of Australia 2003), that the Australian Government's failure to

adequately address trafficking was publicly exposed, community and media support galvanised and serious action incited.

Over the past five years, and in particular since the Coronial Inquiry into Ms Simaplee's death in April 2003 (Milovanovich 2003), the Australian Government has worked towards a series of additional policy and legislative reforms to address trafficking. In October 2003, the Australian Government demonstrated its commitment to addressing trafficking by announcing a \$20 million package to combat all forms of trafficking in persons (Attorney-General's Department 2003). In January 2004, a new visa regime was introduced, including the creation of two new visa categories to provide temporary or permanent stay to trafficked persons willing to make a significant contribution to criminal investigations or prosecutions, or who face probable danger upon return to their country of origin (Burn and Simmons 2005). Later the same year, the *Australian Government's Action Plan to Eradicate Trafficking in Persons* (hereinafter referred to as the Action Plan), comprising four central elements: i) prevention; ii) detection and investigation; iii) criminal prosecution; and iv) victim support and rehabilitation, was launched (Commonwealth of Australia 2004). Most recently, the Australian Government has introduced the *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005* (Commonwealth of Australia 2005b) to include debt bondage and human trafficking related offences, and on the 15th of September 2005 ratified the United Nations Protocol to prevent, suppress and punish trafficking in persons (Attorney-General's Department 2005).

Despite these significant advances in addressing trafficking, as highlighted in a recent NGO Shadow Report on trafficked women in Australia (UNANIMA International et al. 2006), presented at the 34th Session of the Committee for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in January 2006, the current response requires further strengthening. For example, the Australian Government has been criticised for assisting only trafficked persons who agree to provide evidence that will assist in investigations and prosecutions, rather than supporting all trafficked persons irrespective of their willingness or ability to collaborate with the authorities to bring about prosecutions (Burn and Simmons 2005). Furthermore, it has been strongly suggested that future advances be addressed from a gendered perspective, within the human rights framework (United Nations 2002), and by placing the victim at the centre of any response to trafficking, as advocated in the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking (UNANIMA International et al. 2006). At present, responses in Australia remain couched in wider immigration, economic and border security policies.

Community Awareness

In launching its Action Plan in 2004, the Australian Government allocated significant financial resources to trafficking-specific activities, thereby allowing the establishment of a number of key initiatives, including: the establishment of a Transnational Sexual Exploitation and Trafficking Team within the AFP; the location of a Senior Migration Officer in Thailand; a comprehensive victim support program for those granted visas to remain in Australia to assist with investigations or prosecutions; reintegration assistance for trafficked persons returning to Southeast Asia; and, of particular relevance to this

paper, a community awareness strategy to increase consciousness about trafficking issues within Australia (Commonwealth of Australia 2004).

The proposed community awareness strategy aims to facilitate domestic deterrence and prevention of trafficking through increased awareness of trafficking-related matters, reporting of suspicious activity and support for trafficked persons (Commonwealth of Australia 2004). The resultant campaign will comprise two streams: the first to target trafficked persons working in the sex industry in Australia as well as others who are likely to come in contact with these people, for example, other sex workers, clients and brothel owners; the second to target the media as a means of fostering informed community debate on the issue (*ibid*). The Attorney General's Department is overseeing the strategy, which is anticipated to take approximately 4 years and cost \$0.4 million (J Baker 2004, personal communication, 27 October). Despite having commissioned initial actioning of this strategy to a Melbourne-based media consultant group, in 2004, the campaign is yet to be implemented. According to the Parliamentary Joint Committee of the Australian Crime Commission:

...the community awareness strategy that was intended to be implemented has been very slow in its implementation. A sum of \$400 000 was to be spent on the community awareness strategy to combat sex trafficking, but government consultant Open Mind Research are finding it difficult to get appointments with the targets of the advertising – the sex industry workers and their clients. Stage 1, which is to determine the focus of the strategy and identify target audiences and to develop key messages, is still where the campaign is at².

Clearly, the Australian Government has encountered significant challenges in implementing its community awareness strategy: it is anticipated the evidence provided in this article will be beneficial to the campaign through the provision of baseline knowledge with regard to current attitudes and knowledge of trafficking amongst the Victorian community and public institutions.

Methodology

This paper presents data from two studies conducted in Melbourne between 2002 and 2004. These studies were carried out in the Cities of Yarra and Port Phillip, local government areas that are both located within close proximity to Melbourne's central business district. These sites were chosen because of the extensive media coverage in 1998 of a criminal trial of Gary Glazner, a Melbourne brothel owner: the media reported the trafficking operations of Glazner, who purchased women to work in brothels in Victoria (Ford 2001), many of which were located in the City of Port Phillip. In addition, there is a considerable presence of the sex industry in the study locations, for example, at the time of planning the second study, the City of Yarra had 16 licensed sexual service providers, which is equivalent to 20 percent of the licensed brothels in Victoria (Hoban et al. 2003). NGO's that support women in the sex industry also have anecdotal evidence of ongoing trafficking activities in both municipalities.

The first study was conducted by the first author [EK] between June and August 2004 and sought to explore community awareness of i) the local sex industry; ii) trafficking activities in the City of Yarra; and iii) community attitudes and perceptions towards

women working in the sex industry, in particular trafficked women. An initial analysis of sex industry advertisements in *The Melbourne Times*, a magazine distributed weekly throughout Melbourne, and *The Yarra Leader*, a local newspaper distributed weekly throughout the City of Yarra, was conducted to locate the street addresses of licensed brothels operating in the City of Yarra. Residential streets located in close proximity to these brothels were identified using the aid of a *Melway Greater Melbourne Street Directory* (No author 2003b: 2C & 2G) and used as a starting point for data collection. Every third household on these streets was approached and the residents who opened the door were invited to complete a brief survey on their awareness, attitudes and concerns regarding trafficking in Australia and the City of Yarra. In cases where the resident declined to participate, the household on the opposite side of the street was approached. A total of 120 surveys were conducted in four suburbs of the City of Yarra (Fitzroy, Collingwood, Richmond and Clifton Hill).

Following the completion of the surveys, 10 participants were interviewed by the researcher on the basis of their age, gender, country of birth and level of knowledge of trafficking (determined from the survey) and availability to be interviewed, with the goal of obtaining a representative sample of the demographic profile of residents in the study sites. These interviews explored participants' perceptions of and attitudes towards the local sex industry, in particular foreign women working in the industry and trafficking for sexual exploitation. Interviews were conducted in residents' houses and ranged in length from 20 minutes to 1.5 hours.

The second study was conducted by the third author [EH] between May 2002 and March 2003 in conjunction with three community-based organizations: International Social Service, Good Shepherd Youth and Family Service and Project Respect, and was funded by the Myer Foundation. It explored the nature and extent of trafficking in Australia, in particular in Victoria (Hoban et al. 2003). A case study of the Cities of Port Phillip and Yarra was conducted, involving semi-structured surveys with 55 Victoria Police Region 1 (which encompasses both the City of Yarra and City of Port Phillip) regular duty uniform and criminal investigation unit (CIU) officers. Six council planning and permit personnel completed a different semi-structured survey. Participants were selected on a random basis (i.e. those working on the day the survey was conducted) and surveyed in a face-to-face manner at their place of employment by a team of trained volunteer researchers.

Additionally, interviews were conducted with six senior members of Victoria Police, 20 Commonwealth government authorities, 15 State government authorities, including council planning and permit and statutory body personnel, 15 NGO representatives and three sex industry representatives. Interviews were also conducted with 10 women who had been trafficked to Australia from Thailand for prostitution, and their families and friends; however data from these interviews will not be presented here as it does not relate directly to the focus of this paper.

Survey data from both studies were analysed independently using the statistical analysis software package, SPSS 11. Univariate and bivariate analysis was undertaken to determine associations between participants' demographic variables and their knowledge of trafficking activities. Data drawn from the semi-structured interviews were analysed manually using thematic analysis. Robson's quality control check was used to establish

interpretative rigor (Miles and Huberman 1994). Deakin University Human Ethics Committee granted approval to conduct the first study. The second study was monitored by a Project Reference Group, established by the three NGO's conducting the study to oversee and guide the ethical conduct of the research. While these two studies provide an opportunity to explore in-depth community knowledge, attitudes and responses to trafficking, as they focus on only two local government areas, in particular the City of Yarra, their findings cannot be generalised across Victoria or Australia.

Results

Study One

Of all survey participants, 49.2% were male and 50.8% female. Their age ranged from 18-63 years, with the highest percentage of participants (33.3%) falling within the 32 to 45 year bracket. The majority of participants were born in Australia (74.2%), spoke English as their first language (98.3%) and had resided in the City of Yarra for 1-3 years (31.7%). Thirty-three percent resided in Fitzroy, 32.5% in Collingwood, 25% in Richmond and 9.2% in Clifton Hill. The majority of the survey sample was well educated having completed some form of tertiary education (64%), worked full-time (63%) and held professional positions (43%). These characteristics reflect those of the City of Yarra's wider population (City of Yarra 2002). However, the lack of ethnic diversity in the sample size means that these results cannot be generalised across the municipality.

The first study revealed that within the City of Yarra, awareness of prostitution was widespread; 88% of survey participants were aware of its existence within licensed brothels in the council area. Awareness, however, was limited to brothels in close proximity to residents' homes and did not extend to specific knowledge about brothel operations, size of the sex industry, or demographics of the clients patronising the brothels or women working in the sex industry. The 10 participants who were interviewed all attributed their lack of knowledge of the local sex industry to the inconspicuousness of premises and discreet nature of operations.

For most interview participants (7 out of 10), the discreetness of the local licensed brothels had resulted in the belief that legalisation had created a clean and regularly monitored sex industry. Nine out of 10 interview participants believed that women choose to engage in prostitution to make rapid financial gains to improve their lifestyle. The majority of interview participants (9 out of 10) had no knowledge of the location of unlicensed brothels in the City of Yarra and all 10 interview participants stated they would most likely be located in discreet houses or flats in geographically isolated locations with no physical markers defining them as a business.

This first study also revealed that participants had a widespread awareness of trafficking. Of those surveyed, 92% claimed to have heard about trafficking for sexual exploitation in Australia, and approximately 1 in 3 (34%) had heard of it occurring within the City of Yarra. Awareness of local trafficking was statistically related to increasing age ($2(3) = 13.6, p=.004$); increasing number of years lived at current address, ($2(3) = 9.1, p=.02$); completion of tertiary education ($2(1) = 7.2, p=.007$); and suburb of residence ($2(3) = 11.1, p=.011$), with participants in Fitzroy (49%) and Collingwood (29%) more likely to have greater awareness than Clifton Hill (12%) and Richmond (9%), presumably due

to the media's coverage of the existence of trafficked women in a Fitzroy brothel (see discussion on Club 417, below). Despite the awareness of trafficking locally, interviews with participants indicated that there was no awareness of Commonwealth legislation that addresses slavery and sexual servitude, or the Australian Government's recent anti-trafficking initiatives. All 10 interview participants said they thought trafficked women were located in unlicensed brothels only.

Of the 10 participants interviewed, six considered trafficked women to be desperate, poor and vulnerable women who had been deceived about the type of employment or conditions in which they would be required to work. The remaining four viewed trafficked women as illegal immigrants, who had previously engaged in sex work, knowingly entered the sex industry and who were not held in conditions of slavery and sexual servitude in Australia. Three of the four participants, all of whom were male, held the view that trafficked women are seeking an Australian husband in order to gain permanent residency.

The survey data shows that 48% of residents perceived trafficking to be a 'significant concern', 30% said it was a 'moderate concern', 22% said it was 'not a concern at all'. Level of concern was statistically associated to increasing age ($2 (df) = 12.2, p=.05$). However, when level of concern was explored during the in-depth interviews, the six participants who said they were 'significantly concerned' were not in favour of strategies to support trafficked women in the local community. Rather, five of those six participants indicated that they felt the issue was the Australian Government's problem and should be primarily addressed by tightening border security procedures at entry points, such as airports, to stop women entering Australia. Only two out of the 10 interviewees considered the local community had a responsibility in addressing trafficking. They felt that council resources should be increased, thereby allowing council officers' greater opportunities to identify trafficked women in unlicensed brothels. They also felt that residents need to have their awareness on the issue raised and increased volition to advocate for the rights of trafficked women.

Study Two

This study provided information about Victoria Police and Cities of Yarra and Port Phillip council officers' role in relation to: i) monitoring the sex industry; ii) identifying and investigating complaints and suspected trafficking-related activities; and iii) the enactment of State and Commonwealth legislation. The survey was conducted with a total of 55 Victoria Police officers: 72% were male and 18% female; and the majority were constables (49.1%), though the ranks of sergeant (12.7%), senior constable (23.6%), senior sergeant (5.5%) and acting senior sergeant (5.5%) were also represented. Forty percent of the police officers surveyed were employed in the suburbs of Richmond, 40% in Collingwood, and 20% in Fitzroy (in the City of Yarra). While there were no statistically significant correlations between police officers' demographic variables, ranking and knowledge of trafficking activities in their local area, we must be cognisant of the study's small sample size.

Of the 55 police officers surveyed, 34.5% said there was State legislation that addressed trafficking for sexual exploitation, 25.5% said there was no relevant legislation, and 40% said they did not know what legislation existed. Importantly, no police officers

identified the *Prostitution Control Act (PCA) 1994* (Commonwealth of Australia 1994), the primary legislation used to regulate the Victorian sex industry, or other relevant state legislation. Thirty-one percent of police officers said there was relevant Commonwealth legislation addressing trafficking for sexual exploitation, 24% said there was not and 45% said they did not know. Importantly, no officers could name the Commonwealth *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (Commonwealth of Australia 1999), which was the sole Commonwealth legislation that addressed trafficking-related offences in Australia at the time of the study. During the constables' probationary training program, which runs for 20 weeks at the Police Academy in Glen Waverley in Victoria, the *PCA* is mentioned; however, the *Criminal Code (Slavery and Sexual Servitude) Act 1999* is not covered.

Eighty percent of Victoria Police officers surveyed were aware of the existence of trafficking in Australia. Few survey participants had collaborated with other police officers (6.9%), government agencies (17.9%) and/or community organizations (25%) on issues relating to the Victorian sex industry or trafficking-related issues. Only 33.3% of officers surveyed perceived there to be any degree of force-wide coordination with respect to policing the sex industry, however, of this group the majority could not state what type of coordinated efforts were in place. When asked how they personally responded to reports of suspicious activities in their area, the majority said they refer the matter onto more senior officers in their station or to the relevant specialist units within Victoria Police, namely the Organized Crime Unit or the Asian Squad; there is no one Specialist Squad responsible for trafficking-related matters in Victoria Police. There was a widespread belief among survey participants that women who were trafficked for prostitution were more prevalent in unlicensed versus licensed brothels.

Interviews with six senior Victoria Police officers revealed that there is a dearth of information on trafficking in the organization, no force-wide statistics are kept, and there is an absence of any preventative strategies or interest in developing them i.e. trafficking was a low priority issue for Victoria Police. They also considered there was a reactive response to policing of the Victorian sex industry, in particular after the licensing of the sex industry in 1994 (Sullivan 2005), therefore limiting police officers' exposure to trafficking-related activities in the sex industry. It was felt that the current situation in the Victoria Police force is one of the main reasons why suspicious activities are rarely reported.

Interviews with local government personnel revealed a widespread understanding that trafficking-related activities occur in unlicensed as opposed to licensed brothels. Their rationale was, brothel licenses are expensive and applicants' personal and business background is scrutinised by the Business Licensing Authority (BLA) and Victoria Police, who conduct a probity check on applicants prior to issuing them with a brothel license, a process that may take more than 12 months. The local government personnel reasoned that, if traffickers wanted to earn a large sum of money quickly, they would be more likely to place a woman in an unlicensed brothel because the brothel operators have less to lose financially if they are detected. They stated that council authorities may take several weeks to investigate a claim, by which time unlicensed brothels, usually located in rented buildings, can close down at short notice and move to another council area thereby escaping punishment. All council officers interviewed had some understanding

of issues surrounding trafficking of women for prostitution, but their comprehension on the subject was limited. Some had heard rumors of 'foreign women' working in unlicensed brothels in their area; however, they had no evidence to substantiate these claims. The majority considered that trafficking related to the movement of people from other countries into Australia, in particular, illegal migration, and did not include the movement of women between Australian states. No council officer spoke of the nature, characteristics or extent of exploitation that is involved in trafficking.

Interviews with council officers revealed they were fully versed with the *PCA 1994* and the *Planning and Environment Act (PEA) 1987* and the criteria for granting a planning permit for a brothel. Council permit compliance officers said they checked brothels' permits annually and promptly investigate suspected illegal brothels. The council compliance officers have the most contact with the sex industry, compared to other government agencies. However, council officers reported that they were not responsible for illegal activities inside brothels, such as trafficking: their primary concern is that of the business permit. Enforcement officers claim they act on complaints by the community about licensed and unlicensed brothels, undertake investigations and proceed with action based on the findings of the investigation.

Interviews with six council enforcement officers highlighted some of the challenges of their role, for example, limited enforcement staff to monitor compliance of premises in the area, limitations of the *PCA 1994* and *PEA 1987*, and the timely nature, costs and ethical issues involved in carrying out an investigation. They expressed concern and frustration at the lack of reprisal when disciplinary action is taken by the council against illegal brothels operators. There was a sense among enforcement officers that other local councils in Melbourne and Victoria Police were doing little to address the problems of the unlicensed sex industry, which enabled operators to move their business quickly if needed and continue their illegal operations unnoticed and undisturbed by local authorities. In addition, interviewees felt there was limited coordination between the local council areas, Victoria Police, the business sector, and community groups to address illegal activities in the sex industry, including trafficking.

Discussion and Recommendations

Community Awareness

Despite the widespread claim that trafficked women are predominately working in the unlicensed sex industry in Victoria, there is no empirical data that validates this claim; in fact, there is evidence to support the contrary. On 4 June 2006 in the County Court in Melbourne a jury found Wei Tang, an Australian citizen, guilty under the *Commonwealth Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* on ten counts of slavery; five counts of possessing a slave and five counts of using a slave (field notes [EH] 5 June 2006), and was sentenced to 10 years jail with a six year non-parole period (Fiamenga 2006). Wei Tang was the owner of Club 417, a licensed brothel in the City of Yarra. The charges in this instance relate to slavery; however the evidence presented during the trial by five female complainants, all of whom were Thai nationals, outlined deceptive recruitment, which included the extent to which they were free to leave their residence and place of work, debt bondage and the confiscation of their travel or identity documents (*R v Tang Wei*).³ These allegations are in accordance

with the definition of human trafficking outlined in United Nations (UN) Trafficking Protocol (UN 2000) and the Australian Government's *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005* (Commonwealth of Australia 2005b).

Data from both studies indicate that while there is widespread awareness of sexual service providers in the City of Yarra, and to a lesser degree the presence of trafficking-related activities in the area, the community's and authorities' knowledge on the subject was limited. Residents who lived in close proximity to brothels were more aware of the presence of the industry in their immediate locale than those who lived further away; however, they were unable to provide specific information about the nature and characteristics of the local sex industry, women's working conditions and clientele.

Victoria Police and most council officers assumed that the licensing of the sex industry under the *PCA 1994* has created a clean, regulated and well-monitored industry where women engage in prostitution legally and as an economic strategy. This is certainly true for many licensed sexual service providers in Victoria. However, as the recent criminal trial of *Crown v Wei Tang* demonstrated, there are several licensed brothels in Melbourne where women who are either undocumented or in breach of their visa conditions are providing sexual services (field notes [EH] 5 June 2006). The trial proceedings showed that Club 417 undertook deceptive measures to escape the impunity of the law, for example, the brothel's management was aware that Department of Immigration and Multicultural Affairs (DIMA) staff regularly conducted raids on brothels on Thursday and Friday nights. In order for 'contract' women to pay off their debt of \$40-50,000 to their 'bosses', resulting in a considerable profit for the brothel owners, the brothel management went to considerable trouble to hide women who were undocumented or in breach of their visa conditions on those nights (field notes [EH] 5 June 2006). Moreover, evidence from the trials of *Crown v Wei Tang* and *Gary Glazner* in 1998 (Ford 2001), and the findings described by Hoban and colleagues (Hoban et al. 2003) for the Cities of Yarra and Port Phillip demonstrate that the licensed sex industry in Victoria is not in fact clean, regulated and well-monitored. Mr John Dickinson, the Defense Barrister in the case of *Crown v Wei Tang*, stated that Club 417 was no different to many other brothels in Victoria that were facing difficulties recruiting working women. Mr Dickinson went on to say, 'all, or a vast majority of brothels attracted workers under a similar set-up' (field notes [EH] 5 June 2006). Data from the two studies discussed in this paper, and information obtained during the trial of *Crown v Wei Tang* places the onus on the Victoria Police force to educate their officers as to the realities of the Victorian sex industry and their roles and responsibilities in terms of its regulation.

The community's assumption that trafficked women are located in unlicensed versus licensed brothels is compounded by their limited knowledge of the location and characteristics of unlicensed brothels in their area. They considered that unlicensed brothels were located in isolated pockets of the municipality, and that brothel premises had no distinctive physical markers that would allow the premise to be identified as an unlicensed sexual service provider. Yet, unlicensed brothels are commonly located in busy residential and business zones in the City of Yarra, including along busy shopping strips. However, according to local council authorities interviewed by Hoban and colleagues (2003), many unlicensed brothels share similar, distinctive markers, such as being located on or nearby a main road, having the house number painted on the front

of the building (often using an over-sized font), and having blinds covering windows at the front of the premise, which are often drawn 24 hours a day. Residents' limited knowledge in this respect will undoubtedly affect their ability to locate unlicensed brothels in their area, thereby inhibiting the reporting of suspicious activities.

There was a view among City of Yarra residents that foreign sex workers in general and trafficked women in particular come from poor backgrounds with few economic opportunities available to them, have 'broken into Australia' to engage in prostitution, and remain in the country illegally to earn large sums of money and gain permanent residency through marriage. Information obtained during the trial of *Crown v Wei Tang* supports the views held by City of Yarra residents. Judge McInerney, who resided over the case said, 'given the women's circumstances at the time of their arrival [referring to the five complainants], the women would not have been well off... They serviced 900 men in 3 months. They would only do this from a base of poverty'. Mr Dickinson, the Defence Barrister, disagreed with Judge McInerney's statement saying, 'these women entered into contracts to make a lot of money', to which the Judge replied, 'the women entered into contracts to pay off a debt, to service 900 men and pay off that debt... these women must have come from poor backgrounds to service 900 men... to do this day-in-day-out. What do you expect? Remember what X said, "I could make a lot of money and then return to Thailand. I would not have to work in the sex industry again"'. Mr Dickinson replied, 'you do not know their backgrounds', to which the Judge answered, 'I am making an inference' (field notes [EH] 5 June 2006).

Data obtained during Study One and during the trial of *Crown v Wei Tang* demonstrates that foreign women entering Australia to work in the sex industry are stereotyped and stigmatised. Government authorities and the community fail to engage in the contextual issues that lead to women's involvement in prostitution in Australia, such as women's lived experiences prior to entering into prostitution, choices (or lack of) that influenced women's decision to come to Australia, women's understanding of the terms and conditions of their work contract, reasons for women's migration across international borders for employment, their psycho-social and emotional wellbeing while on contracts in Australia, and so on. A failure to acknowledge the complex nature of trafficking, as it is experienced by women and their families, has the propensity to trivialise women's experiences, incite racism and sexism and create apathy towards their plight. The stigma surrounding foreign women in the sex industry could potentially discourage residents from offering assistance to trafficked women and/or wrongly identifying and reporting suspicious markers of trafficking, all of which may jeopardise the success of an awareness campaign that relies on community reporting.

Community Awareness Strategy – the way forward

The Australian Government's proposed community awareness strategy seeks to target trafficked persons working in both the legal or illegal sex industries, and people who are likely to come into contact with them on a regular basis (Commonwealth of Australia 2004). In addition, it aims to raise awareness of trafficking issues in the general community by working with the media to communicate information regarding trafficking in a culturally appropriate and context sensitive manner (*ibid*). A range of initiatives will be incited to disseminate knowledge on indications of trafficking, victims' rights and available assistance and support (UNANIMA International et al. 2006). It is now evident

that the planned community awareness campaign will focus exclusively on sex trafficking rather than providing education and information about trafficking more broadly.

We recommend that the community awareness campaign provide general and State/Territory-specific information about trafficking and reporting strategies. It is the primary responsibility of the Australian Government to fund national public awareness campaigns, such as the Anti-Terrorism Campaign (Amnesty International Australia 2005); the prevention of trafficking is of significant national interest at the human rights, economic and border-security level. We recommend that the campaign be population-based and target a wide range of groups, including: the general public; key industry groups such as the sex, tourism, manufacturing and agricultural industries; labour, trade unions and migration organisations; relevant government authorities; the judiciary; community-based organisations such as Migrant Resource Centres; ethnic communities; legal centres; sexual assault centres; health professionals and schools. It should include urban, rural and remote communities. All Australians should be provided with information about the relevant Commonwealth legislation, in addition to State/Territory-specific legal information. It should not be targeted solely on sex trafficking and address the easy to access groups, such as the proposed target groups. The narrow approach of the proposed strategies ignores the scope of trafficking activities in Australia and the role and responsibilities of the general public in preventing trafficking, thereby limiting effective reporting of suspicious activities and subsequent action.

This paper, however, is interested in campaign strategies relating specifically to the prevention of trafficking of women for the Victorian sex industry. As Australian States and Territories differ in terms of prostitution legislation, regulations and enforcement, each will need to tailor their campaign strategies to suit their legislative environment. However, there are some key elements of a campaign that need to be considered for a national lobby: i) information must be factual, for example, derived from case studies in Australia and the region, such as the trial of the Crown v Wei Tang; ii) the campaign must provide culturally-sensitive analyses of trafficked women's social and cultural backgrounds and address global gender-based social and economic inequalities that ensures a ready supply of women and governs the general increase in migration among women, especially from resource-poor to resource-rich settings; and iii) women's motivations to accept work contracts coming to Australia. These issues must be addressed in a respectful, non-judgemental manner, and in a way that does not incite racist, sexist stereotypes that further stigmatise foreign women in general and foreign sex workers in particular. In addition, we recommend that the campaign speak to the following issues: i) a definition of human trafficking; ii) exploitative nature of the trafficking experience; iii) migration fraud that accompanies work contracts; iv) nature of profits gained by traffickers; v) magnitude and characteristics of trafficking operations in Australia and the region; vi) location of trafficked women in the Victorian sex industry; vii) women's working conditions, with a focus on labour rights and occupational health and safety issues; viii) legislation and regulations that apply to the Victorian sex industry; ix) roles and responsibilities of Victoria Police and local government authorities in preventing trafficking and responding to community complaints; and x) the Australian Government's initiatives that address trafficking, such as the \$20 million Action Plan, which has to date received little publicity.

The campaign must also stress that trafficking is both a global and a local problem and therefore, it is the responsibility of the community to identify and report suspicious activities. Community members, particularly younger, less educated, shorter-term residents need to be encouraged to both discuss and report any suspicious activities that could be markers of trafficking. Moreover, the campaign must educate residents as to the activities they should consider suspicious and worthy of reporting. A community awareness campaign in the current political environment is impeded by the Australian Government's response to trafficking thus far; much misguided information can be traced to DIMA reports and Hansard records and ill-informed comments by senior politicians and policy makers on the issue⁴. A community awareness campaign that corrects the years of misinformation presented to the public on this issue by government departments is desperately needed and long overdue.

Responsibility for Action

City of Yarra residents considered that trafficking is a Commonwealth and not a State issue (residents' made no mention of local council's role), and one that requires the Commonwealth to develop strategies, in particular that relate to migration and law enforcement, to stop foreign women entering Australia to work illegally in the sex industry. Moreover, while Victoria Police officers had a partial understanding of trafficking issues, their knowledge of the relevant Commonwealth and State legislation and persons responsible for enacting it, including their own role in monitoring the local sex industry, was limited. Whereas, council authorities, who are at the front-line, and the agency that has the most contact with the sex industry, were aware of their role and responsibilities in terms of enforcing the *PCA 1994* and the *PEA 1987*, and the human and financial limitations of doing so, they have no authority to deal with illegal activities in the sex industry. Compounding this mismatch of responsibilities is the absence of collaboration between government agencies, in particular Victoria Police, AFP and DIMA officers, municipal councils, the BLA and the community sector. There is an urgent need for a systematic, coordinated and collaborative approach by these groups to develop State-wide strategies that draw on local partnership initiatives and assist in the identification of and response to illegal activities in the Victorian sex industry, such as the prevention of trafficking. In addition, government – community partnerships could play a vital role in the development, dissemination and re-enforcement of the community awareness campaign outlined above. At the time of writing this paper, Cities of Yarra and Port Phillip councils are initiating partnerships between local councils and the AFP, DIMIA and the Australian Tax Office to “develop a co-ordinated response to trafficking and illegal brothels” (Murphy 2006).

For the community awareness campaign to be effective there are several actions that need to be incited in Victoria: i) the provision of training for Victoria Police, including for the educators at the Victoria Police Academy, AFP and DIMA officers, the judiciary and Department of Public Prosecution, and local government officials about trafficking, relevant Commonwealth and state legislation, and appropriate methods of responding to reports of suspicious activity, including how to respond to and support victims of violence. This training should be conducted by specialist NGO's that are informed and engaged in trafficked women's socio-cultural, legal, migration and welfare needs. Whenever possible, these NGO's should encourage women who have been trafficked

into the Australian sex industry to take leadership roles in the development and delivery of such training; ii) the Victoria Police Training Academy should undergo an evaluation of their training curriculum in terms of prostitution legislation, regulations and enforcement policies and procedures. In addition, a curriculum needs to be developed that addresses the *Commonwealth Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* and the *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005*; iii) the development of a coordinated referral system between Victoria Police, AFP, DIMA, local councils and statutory bodies such as the BLA to respond to reports of suspicious activities in the Victorian sex industry; iv) the development of a Code of Practice for Victoria Police that relates to the *Prostitution Control Act 1994*, *Commonwealth Criminal Code (Slavery and Sexual Servitude) Act 1999* and the *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005*, that addresses violence against women and is based on the Code of Practice for responding to the victims of sexual assault (Victoria, Department of Health Services, 2000); v) the higher prioritisation of trafficking as a policing issue and the incorporation of regular, random checks of licensed and unlicensed brothels into the everyday practice of on-the-ground police officers and local government employees.

Conclusion

In recent years, the Australian Government has demonstrated a greater commitment to addressing the issue of trafficking. However, data from the two studies reported in this paper indicate that there remain many challenges in responding to suspicious activities at the community level. We outlined gaps within the current response system and then we made concrete recommendations for how it may be improved. Ultimately, without addressing the identified barriers to reporting and instigating a more coordinated and streamlined system that responds to reports of suspicious activity, it is unlikely that cases of trafficking will be detected and trafficked persons continue to experience gross violations of their fundamental human rights.

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Endnotes

1. According to the United Nations protocol to prevent, suppress and punish trafficking in persons, especially women and children, 'trafficking in persons' refers to *'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'* (United Nations 2000).
2. Mr Kerr, 5 September 2005. Hansard, p. 11.
3. [2006] VCC637. Case No. 04-01316
4. For example, in 2002 the Minister for Justice and Customs, Senator Chris Ellison, commented to the Senate Legal and Constitutional Committee that, in his belief, 'slavery chains where people are traded as goods and chattels [do] not exist in Australia' (Senator Chris Ellison MP, Minister of Justice and Customs. Senate Legal and Constitutional Committee. 11 February 2003. Hansard, p.155).