



# PROJECT RESPECT

SUBMISSION

## INQUIRY INTO ESTABLISHING A MODERN SLAVERY ACT IN AUSTRALIA

TO THE

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

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PROJECT RESPECT SUBMISSION TO THE INQUIRY INTO ESTABLISHING A MODERN SLAVERY ACT

## **INTRODUCTION**

Project Respect makes this submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade for its Inquiry to establish a Modern Slavery Act.

## **WHO IS PROJECT RESPECT?**

Project Respect is a feminist, secular, non-profit community based organisation offering a support and referral service for women trafficked for the purpose of sexual exploitation, and for women in the sex industry.

We recognise that discrimination, violence and exploitation of women in the sex industry is significant, widespread and harmful. Human rights are fundamental to our work and we believe that all women have the right to feel safe and respected. Project Respect plays a unique role in connecting women in the sex industry and women who have been trafficked to essential services.

We regularly visit brothels in greater Melbourne to provide support for women when needed. To date in 2017, we have undertaken 120 visits to brothels and met 237 women, of which approximately 60% are from culturally and linguistically diverse (CaLD) backgrounds. We also provide training and support to other organisations so they can better understand the experiences of women in the sex industry and women trafficked.

Project Respect is a member of the National Roundtable on Human Trafficking and Slavery Senior Officials Meetings (The National Roundtable) and the Labour Exploitation Working Group, which are both facilitated by the Australian Attorney-General's Department.

We advocate to all levels of government and civil society for gender equality and raise awareness about human trafficking for sexual exploitation, including the harms women may experience in the sex industry.

## EXECUTIVE SUMMARY

Project Respect welcomes the opportunity to make this submission to the Inquiry to establish a Modern Slavery Act.

Project Respect's submission is informed by its work as a direct service provider in the community sector. This includes:

- Supporting women in the sex industry and women who have been trafficked for sexual exploitation
- Brothel outreach services within the Greater Melbourne area
- Meeting with government organisations and authorities, including the National Roundtable on Human Trafficking and Slavery

## SUMMARY OF TERMS OF REFERENCE AND RECOMMENDATIONS

- 1. The nature and extent of modern slavery (including slavery, forced labour and wage exploitation, involuntary servitude, debt bondage, human trafficking, forced marriage and other slavery-like exploitation) both in Australia and globally;**
  - The sex industry (in both legal and illegal sectors) be recognised as a high-risk industry for human trafficking, wage and labour exploitation, and slavery
  - The gendered and racialised dimensions of trafficking should inform the Australian Government's approach in protecting survivors and preventing trafficking
  - Develop a coordinated and collaborative approach to proscribe illegal brothels which places the safety and welfare of women in these spaces at the forefront of operations
- 2. The prevalence of modern slavery in the domestic and global supply chains of companies, businesses and organisations operating in Australia;**
  - The link between the legal sex industry and human trafficking should inform the Australian government's legislative approach
  - Sex industry businesses should be held to standards of responsibility and accountability in identifying and avoiding the employment of trafficked persons
  - Sex industry businesses should have more robust policies to assess and manage risk in relation to slavery and human trafficking
  - Due to the high risk nature of the sex industry, individual sex industry businesses

should be made to prepare and make publicly available a 'slavery and human trafficking statement' each financial year reiterating their commitment to understanding modern slavery risks and ensuring there is no modern slavery in their own business

- Slavery and human trafficking training including identification strategies should be a mandatory requirement in obtaining a sex industry business licence or management license

**3. Identifying international best practice employed by governments, companies, businesses and organisations to prevent modern slavery in domestic and global supply chains, with a view to strengthening Australian legislation;**

- Australian states should implement the Sex Buyer Law criminalising the purchase of sex and decriminalising the selling of sex contributing to a nationally cohesive model
- The Australian Government should encourage a national approach to human trafficking within the sex industry, recognising that the sex industry is incompatible with women's equality, and undermines efforts to prosecute, protect and prevent trafficking and slavery offences
- On a state level, there should be increased support services and exit strategies for women exiting the sex industry
- Australian Government should develop mechanisms for cross-agency information sharing relating to human trafficking to increase identification of survivor/victims
- Australian Government should develop a collaborative multi-sectoral and human rights approach to identification and protection of survivor/victims

**4. The implications for Australia's visa regime, and conformity with the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* regarding federal compensation for victims of modern slavery;**

- Australia should adopt a human-rights based approach for protection and support for survivor/victims
- Support for survivor/victims should be delinked from criminal justice proceedings as support should not be conditional on, or otherwise related to, the success of criminal proceedings
- Longer reflection periods and stronger visa pathways should be provided to survivor/victims that are not dependent on criminal justice proceedings
- The Australian Government should implement a coordinated, national victim

compensation scheme

**5. Provisions in the United Kingdom’s legislation which have proven effective in addressing modern slavery, and whether similar or improved measures should be introduced in Australia;**

- Sex industry businesses should be held accountable to standards of responsibility and accountability in identifying and avoiding the employment of trafficked persons
- Sex industry businesses should have more robust policies to assess and manage risk in relation to slavery and human trafficking
- Training on slavery and human trafficking should be a mandatory requirement in obtaining a sex industry business licence
- Australia should adopt a Modern Slavery Commissioner, wholly independent from the Government
- Human trafficking survivor/victims should have unconditional access to compensation, regardless of whether or not they decide to participate in criminal justice proceedings
- Australia should re-evaluate the conditional support given to survivor/victims of human trafficking as a part of its National Action Plan

**6. Whether a Modern Slavery Act should be introduced in Australia;**

- A Modern Slavery Act should be implemented within the context of broader reforms, including
  - A human rights centred approach to trafficking
  - Greater responsibilities placed on industries disproportionately affected by trafficking, such as the sex industry
  - The implementation of the Sex Buyer Law in Australia

**7. Any other related matters.**

- Both State and Federal government should take a strong stance against the sex industry as a whole
- The government to recognise the sex industry as incompatible with gender equality and to take a position against the sex industry in all its forms
- Women in the sex industry and women who have been trafficked to have their specific experiences recognised and included in violence against women initiatives

**1. The nature and extent of modern slavery (including slavery, forced labour and wage exploitation, involuntary servitude, debt bondage, human trafficking, forced marriage and other slavery-like exploitation) both in Australia and globally;**

***i. Human trafficking in Australia and globally***

Project Respect’s submission to the Inquiry will primarily address trafficking and sexual exploitation within the broader context of modern slavery. The current state of trafficking in Australia must be viewed in light of broader global trends and movements. The UN’s Global Report on Trafficking in Persons observes that “the crime of trafficking in persons affects virtually every country in every region of the world”.<sup>1</sup> Between 2010 and 2012, survivors with 152 different citizenships were identified in 124 countries across the globe.<sup>2</sup>

Trafficking is subject to significant regional variations. Australia has mainly been identified as the destination for trafficked persons.<sup>3</sup> According to the Australian Commonwealth Government’s 2016 Report on the Trafficking of Persons, the opportunities for trafficking into Australia have been limited by “geographic isolation, strong migration controls, and high degree of regulation, compliance and enforcement”.<sup>4</sup> Whilst the total number of persons entering Australia for the purposes of trafficking is unknown, official statistics indicate that between 2004-2015, the Australian Federal Police (AFP) has received 691 referrals in relation to human trafficking.<sup>5</sup> Since 2004, there has been four convictions for human trafficking, one of which was for child trafficking, under 271.2 and 271.4 of the *Criminal Code Act 1995* (Cth).<sup>6</sup> Of these 691 referrals, 311 individuals have received support through the Support for Trafficked People Program (STPP).<sup>7</sup> 38 new clients were provided support from the STPP between 2015-2016.<sup>8</sup>

***ii. Trafficking for Sexual Exploitation in Australia***

The sex industry is a high risk industry for human trafficking on both a global and national level.<sup>9</sup>

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<sup>1</sup>United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons*, (Report, United Nations, 2014, November 2014), 7.

<sup>2</sup> Ibid.

<sup>3</sup> Interdepartmental Committee on Human Trafficking and Slavery, Parliament of Australia, *Trafficking in Persons: The Australian Government Response, 1 July 2015-30 June 2016*, 2016, 3-4.

<sup>4</sup>Ibid, 4.

<sup>5</sup> Ibid, 1.

<sup>6</sup> Ibid, 27.

<sup>7</sup> Ibid, 34.

<sup>8</sup> Ibid, 1.

<sup>9</sup> Above, n 1,

According to United Nations Office on Drugs and Crime, trafficking for sexual exploitation is one of the most frequently detected forms of exploitation used in human trafficking globally.<sup>10</sup>

The current state of trafficking in Australia is consistent with global trends. Investigations by the AFP relating to sexual exploitation continues to steadily increase.<sup>11</sup> In 2015-2016, the AFP received 39 referrals for sexual exploitation, out of a total of 169 overall referrals.<sup>12</sup> Despite the increase in investigations, the number of survivor/victims supported on STPP for sexual exploitation has decreased. In 2014-2015 there were 38 clients who were trafficked for sexual exploitation on the STPP, however, in 2015-2016 only 15 who people were trafficked for the purpose of sexual exploitation were on the STPP, despite the increase in investigations.<sup>13</sup>

Further, official government statistics are limited, as trafficked persons who are either not on the STPP or who have not been identified as trafficked by the AFP are not counted in these reports. Project Respect believes the total number of trafficked persons to be significantly higher than what official reports indicate, based on our direct service work and work with women experiencing exploitation in the sex industry.

#### CASE STUDY

Eun was trafficked to Australia and exploited in the sex industry. Travel and visa documents were organised by her traffickers. She entered Australia on a working holiday visa. To extend her working holiday visa, which required her to work in an Australian rural area, a company in rural Australia signed documents confirming that she worked for them. Yet, Eun never worked for this company. Eun is aware that this was fraud. She didn't report crimes perpetrated against her due to fear of being deported back to her home country or of having to face criminal charges in relation to visa fraud. Her case was not reported, she never received assistance through the STPP and her case is not reflected in any official statistics.

#### *iii. The Gendered Nature of Trafficking*

Project Respect recognises that trafficking is affected by structural inequalities between men and women, and that women are disproportionately affected by trafficking both globally and in Australia. In 2010-2012, 49% of trafficked persons were adult women, and 21% were girls, compared to only 18% of men and 12% of boys.<sup>14</sup> United Nations Office on Drugs and Crime

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<sup>10</sup> Above n 1, 33.

<sup>11</sup> Above, n 3, 20.

<sup>12</sup> Ibid.

<sup>13</sup> Interdepartmental Committee on Human Trafficking and Slavery, Parliament of Australia, *Trafficking in Persons: The Australian Government Response*, 1 July 2014 - 30 June 2015, 35-36; Above, n 3, 36.

<sup>14</sup> Above, n 1, 5.

(UNODC) also reports that 72% of traffickers were men.<sup>15</sup> Furthermore, the majority of survivor/victims in trafficking for sexual exploitation have been women, according to UNODC.<sup>16</sup>

To date, the majority of detected survivor/victims of human trafficking in Australia have been women.<sup>17</sup> Project Respect also wishes to highlight that whilst the majority of the “supply” for trafficking are women, that men disproportionately constitute the “demand” for trafficked women in Australia. Project Respect believes legalisation and decriminalisation of prostitution has sustained and legitimated male demand for sexual services, and have created further opportunities for trafficking in Australia.<sup>18</sup>

#### *iv. The Racialised Nature of the Sex Industry*

Project Respect submits that race plays a determinative role in Australian trafficking trends. The survivor/victims of trafficking in Australia tend to be women from South-East Asia. From 2004-2011, 70% of referrals to the STPP program were from South-East Asia, and over 40% of whom originated from Thailand.<sup>19</sup> Other countries of origin include Korea, the Philippines and China.<sup>20</sup>

Similar demographics are reflected in the illegal sector. One study found a significant amount of women mainly from China, Thailand and Korea, working in the illegal industry. All of the foreign workers who participated in the research worked in ‘massage parlours’ and many were ‘working illegally and in breach of their visa conditions.’<sup>21</sup>

Project Respect suggests that the traffic of Asian women to Australia is reflective of the strong demand from male buyers. A recent study examining online advertising for brothel and escort businesses in Melbourne found that more than 40% of all advertising promoted mainly Asian women.<sup>22</sup>

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<sup>15</sup> Above, n 1, 10.

<sup>16</sup> Above, n 3, 10.

<sup>17</sup> Above, n 3, 4.

<sup>18</sup> Seo-Yung Cho, Axel Dreher, Eric Neumayer, ‘Does Legalised Prostitution Increase Human Trafficking?’ (2013) 41 (1) *Word Development* 67.

<sup>19</sup> Jacqueline Joudo Larson, Lauren Renshaw, ‘Trends and Issues in Criminal Justice: People Trafficking in Australia’ (Research Paper No 441, Australian Institute of Criminology, Australian Government, 2012), 3.

<sup>20</sup> *Ibid*, 3.

<sup>21</sup> James Rowe, *Shantusi: Surveying HIV and Need in the Unregulated Sex Industry* (RMIT University Press, 2011), 9.

<sup>22</sup> Caroline Norma and Tatum Street, ‘Sex Tourists in Their Own Country: Digital Media Advertising of Asian Women by the Australian Sex Industry’ (2016) 20 (3) *Gender, Technology and Development* 279.

### *v. The effect of legalisation on criminal activity*

Despite regulation, the licensed sex industry continues to be plagued by illegal activity, be harmful, exploitative and unsafe for women. Further, the underlying presumption of harm reduction through regulation has failed. In Victoria, law makers intended to stem the growth of trafficking, organised crime and the illegal brothel industry as a whole through regulation. However, our experience on the ground suggests regulation has unequivocally failed to achieve this. All of the women Project Respect has supported since 2003 have been from the licensed sex industry and, currently, the illegal brothel industry is estimated to be five times larger than the licensed sector.

Melbourne currently has 91 licensed brothels and an estimated 500 illegal brothels.<sup>23</sup> 'Illegal brothels' are premises operating as a brothel or other business or establishment that provides sexual services, which are unlicensed, unregulated and unregistered. Illegal brothels operate under the guise of karaoke bars, nail salons, residential dwellings and most commonly, illicit massage businesses. There are also a large number of private apartments where sexual services are offered within Melbourne's Central Business District.

Women, often from Asian backgrounds and on temporary visas engaging in the illegal brothel sector are at serious risk of exploitation, violence, sexual and physical assault. The temporary and conditioned nature of women's visas opens them to significant exploitation by the owner/operators due to fear of being reported and/or deported for contravening their visa conditions which provides the platform to exploit women to provide sexual services.

Evidence of this has been found in online forums and review sites used by sex buyers.<sup>24</sup> Sex buyers publish information detailing their use of women which includes sexual services without condoms and other physical and sexual violence they perpetrated against women, including forcing them to provide sexual services when they did not want to. Whilst Project Respect's work is focused on the licensed sector in the Greater Melbourne area, we are aware that other major Australian cities face similar issues.

Despite the visibility of illegal brothels and the widespread knowledge of their operations and locations amongst agencies, regulators and the broader community, the welfare and safety of women in these spaces continues to remain a low priority<sup>25</sup>. There is a significant lack of intent in

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<sup>23</sup> Victorian Police Sex Industry Coordination Unit (SICU)

<sup>24</sup> Online forums Project Respect frequently investigates are: The Naked Truth, Gumtree ([www.gumtree.com.au](http://www.gumtree.com.au)). Locanto ([locanto.com.au](http://locanto.com.au))

<sup>25</sup> Sharon Pickering, JaneMaree Maher and Alison Gerard, "Working In Victorian Brothels An Independent Project Respect submission to the Inquiry on a Modern Slavery Act in Australia

addressing the issue and, ongoing responsibility shifting of who should be tasked with the operation. This is despite online evidence detailing the physical and sexual assault women are subjected to readily available for anyone to read, and, anecdotal evidence provided to Project Respect from government agencies of the harm and exploitation which has been disclosed to them by women they have encountered in these spaces.

### *Recommendations*

- The sex industry (in both licensed and illegal sectors) be recognised as a high-risk industry for human trafficking, wage and labour exploitation, and slavery
- The gendered and racialised dimensions of trafficking should inform the Australian Government's approach in protecting survivor/victims and preventing trafficking
- Develop a coordinated and collaborative approach to proscribe illegal brothels which places the safety and welfare of women in these spaces at the forefront of operations

## **2. The prevalence of modern slavery in the domestic and global supply chains of companies, businesses and organisations operating in Australia;**

### ***i. Linking the Sex Industry with Human Trafficking***

Project Respect would like to underline the explicit link between the sex industry and human trafficking. Furthermore, Project Respect recognises human trafficking as a form of modern slavery that is prevalent in both the legal and illegal sectors of the sex industry. The sex industry operates on a supply and demand basis. Legalisation and decriminalisation have normalised and legitimised the sex industry and the purchasing of sexual services, and there has been a subsequent growth in the number of sex industry businesses and the overall profitability of such businesses.<sup>26</sup> The licensed sex industry alone generates over \$182 million per year with a net profit \$48.9 million.<sup>27</sup>

Project Respect's on the ground experience suggests the demand for sexual services has translated into growth in both the legal and illegal sectors. This growth in the sex industry across the board has facilitated opportunities for trafficking in order to meet this demand. In Australia, in particular, there is a high demand for women of Asian nationality. This is evidenced by the plethora of websites and punter forums advertising women in the sex industry of particular ethnicities, races and ages.<sup>28</sup>

### ***ii. Fostering Mechanisms of Transparency and Accountability in the Australian Sex Industry***

Project Respect submits that, in light of the sex industry's high level of risk for trafficking, and the overall scale and profitability of the sex industry, sex industry businesses should be targeted to comply with increased anti-slavery and human trafficking awareness measures. Furthermore, Project Respect welcomes the opportunity to implement a Modern Slavery Act, on the condition that it fosters more broad ranging mechanisms of accountability for a range of high risk industries, the sex industry included.

Project Respect recommends that the sex industry which relies on a basic supply and demand model of operation needs to be treated like other industries and be held under the same scrutiny when it comes to the global supply chains of brothels and other sex industry businesses operating in Australia.

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<sup>26</sup> Mary Sullivan, & Sheila Jeffreys, 'Legalising prostitution is not the answer: the example of Victoria, Australia', (2011) Coalition Against Trafficking in Women Australia <<http://www.catwinternational.org/Home/Article/95-legalizing-prostitution-is-not-the-answer-the-example-of-victoria-australia>>

<sup>27</sup> IBISWorld <<https://www.ibisworld.com.au/industry-trends/market-research-reports/personal-services/brothel-keeping-sex-worker-services.html>>

<sup>28</sup> For example see; Punter Planet, Locanto, International Sex Guide.

There is a distinct lack of accountability and transparency for supply chains in sex industry businesses. Due to the extreme levels of exploitation faced by women trafficked into this industry Project Respect recommends that all sex industry businesses offering sexual services should be made to comply with increased measures pertaining to global supply chains, regardless of the individual business size or annual turnover.

### *Recommendations*

- The link between the licensed sex industry and human trafficking should inform the Australian government's legislative approach
- Sex industry businesses should be held to standards of responsibility and accountability in identifying and avoiding the employment of trafficked persons
- Sex industry businesses should have more robust policies to assess and manage risk in relation to slavery and human trafficking
- Due to the high risk nature of the sex industry, individual sex industry businesses should be made to prepare and make publicly available a 'slavery and human trafficking statement' each financial year reiterating their commitment to understanding modern slavery risks and ensuring there is no modern slavery in their own business
- Slavery and human trafficking training including identification strategies should be a mandatory requirement in obtaining a sex industry business licence or management license

### **3. Identifying international best practice employed by governments, companies, businesses and organisations to prevent modern slavery in domestic and global supply chains, with a view to strengthening Australian legislation;**

#### ***i. Targeting the Demand for Sexual Services***

Project Respect strongly believes that the most effective way to prevent modern slavery and human trafficking in the sex industry is to target the demand for sexual services. Demand for sexual services is the single reason why the sex industry and, subsequently, human trafficking for commercial sexual exploitation exists. Secondary factors contributing to women's overrepresentation in the sex industry such as structural inequalities like gender, race and poverty come after the demand for women in the sex industry is established.

#### ***ii. International Best Practice***

The Sex Buyer Law is a legislative framework that has proven to be effective in targeting the demand for sexual services. The Sex Buyer Law is an asymmetrical legislative approach that makes it a criminal offence to purchase sexual services, while at the same time it decriminalises the selling of sexual services. The Sex Buyer Law originated in Sweden as the 'Swedish Model' and has been adopted in Norway, Iceland, Canada, Northern Ireland, Ireland, France and is being considered in Israel, Scotland and Lithuania. Countries that have adopted the Sex Buyer Law have seen a reduction in the demand for sexual services and a decrease in human trafficking.<sup>29</sup>

#### ***iii. The Sex Buyer Law***

The Sex Buyer Law recognises prostitution as a form of violence against women and that the sex industry is incompatible with women's equality. This approach comes from an understanding of the structural inequalities that preclude women from reaching equal status to men and recognises the gendered nature of the sex industry. Sex buyers are [mostly] men abusing their greater social and economic power when they purchase [mostly] women for sex.<sup>30</sup>

The Sex Buyer Law is the only approach that addresses the demand for sexual services and human trafficking by criminalising sex buyers as well as third parties that profit from the sex industry such as; pimps, brothel owners and agents. It simultaneously decriminalises and supports the

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<sup>29</sup> Meagan Tyler, Kathy Chambers, Sheila Jeffreys, Sue Leigh, Caroline Norma, Kate Phelan, & Kaye Quek, 'Demand Change: Understanding the Nordic Approach to Prostitution,' (2013) Coalition Against Trafficking in Women Australia <[http://catwa.org.au/files/images/Nordic\\_Model\\_Pamphlet.pdf](http://catwa.org.au/files/images/Nordic_Model_Pamphlet.pdf)>

<sup>30</sup> Ane Mathieson, Easton Branam & Anya Nobel, 'Prostitution Policy: Legalization, Decriminalization and the Nordic Model,' (2015) 14 (2) *Seattle Journal for Social Justice* 367-428.

survivors/victims of prostitution and trafficking by removing any criminal offence and offering increased social support services and exit strategies.

Project Respect believes that criminalising the purchase of sex would have a significant impact on the global supply chain of the sex industry. Australia would be a far less attractive and less profitable market for sex traffickers or 'sex business owners looking to exploit workers' if Australian domestic laws did not support the sex industry.

#### *iv. Call for a new legislative approach*

Project Respect submits that the forms of legalisation and decriminalisation currently in place in Australia have failed in their aims to protect women and combat organised crime and human trafficking and subsequently a different approach is needed. Australia has a mishmash of laws and regulations pertaining to the sex industry with each state incorporating different criminal, licensing and planning controls to different types of sex work within the sex industry. The various approaches to prostitution employed by states in Australia have all been unsuccessful in their aims. Project Respect believes that a nationally cohesive position on prostitution would allow for a coordinated approach to the sex industry and be effective in reducing harm, criminal involvement and reducing trafficking into the Australian sex industry. Project Respect joins a growing list of frontline human trafficking support organisations and prostitution survivor groups<sup>31</sup> in urging our government to adopt a legislative approach such as the Sex Buyer Law that targets the demand of sexual services and supports women.

#### *v. Identification, information sharing and referral*

The sex industry in Victoria is regulated by a number of federal, state and local enforcement and compliance agencies, however there is little harmonisation or coordination between these bodies to ensure survivor/victims of human trafficking are identified and subsequently referred to the AFP for investigation. From our long standing work with women in the sex industry, with authorities, understanding the patchwork of regulation and compliance of the sex industry and, work in the area of human trafficking, we believe agency staff lack sufficient training and skills in the identification of survivor/victims which is further impeded by significant breakdown in cross-agency information sharing. Where lawful and appropriate to do so, there should be a whole of government approach to

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<sup>31</sup> For example see; Institute for Feminism and Human Rights, the European Women's Lobby, Equality Now, Eaves charity for women, the London Abused Women's Centre, Terre Des Femmes, Resistenza Femminista, SPACE International, Kvinnofronten, Sex Trade 101, Vancouver Rape Relief, AF3IRM, Apne Aap and the Victims of Prostitution and Poverty Alliance, Nordic Model Now, and the Coalition Against Trafficking in Women Australia.

information and intelligence sharing.

Comprehensive training on the sex industry and human trafficking should be mandated for all agency staff, at all levels of government, who perform a role in regulating high risk industries such as the sex industry. To further enhance survivor/victim identification, a multi-sectoral and locally-based framework should be implemented. Any interview with a potential survivor/victim should be accompanied by a staff member from a civil society organisation and, where possible, a trauma informed, gender sensitive interpreter. This approach will decrease fear and perceived power imbalance between authorities and survivor/victims.

Fostering a collaborative inter-agency, multi-sectoral and human rights approach will strengthen Australian legislation by increasing identification of survivor/victims, increasing the capacity of the survivor/victims to disclose their experiences which will in turn increase the likelihood of successful prosecutions. Increased prosecutions may act as a deterrent to potential traffickers.

### ***Recommendations***

- Australian states should implement the Sex Buyer Law criminalising the purchase of sex and decriminalising the selling of sex contributing to a nationally cohesive model
- The Australian Government should encourage a national approach to human trafficking within the sex industry, recognising that the sex industry is incompatible with women's equality, and undermines efforts to prosecute, protect and prevent trafficking and slavery offences
- On a state level, there should be increased support services and exit strategies for women exiting the sex industry
- Australian Government should develop mechanisms for cross-agency information sharing relating to human trafficking to increase identification of survivor/victims
- Australian Government should develop a collaborative multi-sectoral and human rights approach to identification and protection of survivor/victims

#### 4. The implications for Australia's visa regime, and conformity with the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* regarding federal compensation for victims of modern slavery;

##### *i. Criminal Justice Approach*

Australia is a party to the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (the Protocol), which reflects the '3P' paradigm of prosecution, protection, and prevention<sup>32</sup> used globally as a fundamental framework to combat human trafficking. Australia upholds support and protection measures as per Article 6 of the Protocol through initiatives such as the STPP and the visa pathways program.<sup>33</sup> However, the government prioritises the arrest of traffickers over the safety of survivor/victims through a conditional criminal justice approach.

Victim/survivors of human trafficking must be willing and able to assist in the investigation and/or prosecution of their trafficker(s) to access support through Australia's visa regime. This creates a situation where survivor/victims are essentially forced to cooperate with criminal justice proceedings as they have no other means to access support. This places already vulnerable women in a situation that is likely re-traumatising and potentially dangerous to their health, wellbeing and security.

Women who do not have the capacity to participate in criminal proceedings or are unwilling due to various factors such as, mental and physical health, stigma, fear of reprisals from authorities and/or cultural and linguistic barriers, are likely to be exited from the STPP. Women have also been exited from the STPP in circumstances where the investigation is closed because, although willing and able, the survivor/victims contributions are deemed inadequate to prosecute.

The criminal justice approach has not been successful. Australia has a prosecution to conviction rate of 0%, compared to the United States with a conviction rate of 78% and the United Kingdom 65%.<sup>34</sup> The US and the UK allow traumatised survivor/victims to stay for longer periods of time despite their unwillingness or inability to assist in investigations or prosecutions, suggesting a link between longer recovery time and higher prosecution to conviction rates.

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<sup>32</sup> United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons* 2000, Art 2. <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>>

<sup>33</sup> Ibid, Art 6.

<sup>34</sup> US Department of State, 'Trafficking in Persons Report 2016' (Report, US Department of State, 2016).

## CASE STUDY

Ms EL is a survivor of human trafficking and currently being supported by Project Respect.

Project Respect has known and worked with Ms EL for approximately three years. She was referred by another woman who was also supported by Project Respect. Ms EL experienced extreme sexual exploitation and abuse in Australia, from which others have profited financially. At the time of trafficking and exploitation, Ms EL (like other trafficked women), was unaware of any help or support she could access from government authorities or welfare agencies.

When Ms EL decided to provide evidence to the Australian Federal Police (AFP), she stated that she wanted to prevent more trafficking victims by helping the investigation. The Australian Federal Police acknowledged Ms EL is a victim of trafficking, and placed her on the Support for Trafficked Person's Program, as she continued to provide them with evidence about her traffickers. During this time she has established a life for herself in Australia and has taught herself English. She has studied for more than 1 year, facilitated by Red Cross on the Australian Support for Trafficked Persons Program. In February 2014, Ms EL was evicted from the program and AFP reasoned that the investigation would not lead to any convictions. Ms EL applied for a protection visa and continued to receive support through the Migration Support Program. She now has reached the last stage of her visa assessment and will very likely be deported back to South Korea where the sex industry is illegal.

Project Respect is concerned that Ms EL's recovery will be damaged and her safety will be compromised if she is deported from Australia and forced to return to South Korea. While Ms EL was providing evidence to the AFP, she experienced Post-Traumatic Stress Disorder (PTSD) symptoms such as frequent, recurring dreams, re-experiencing physical pain, flash backs, constant nervousness, an inability to sleep, anxiety, depression, suicidal thoughts and behaviour and chronic fearfulness. She is still suffering from persistent emotional and physical stress. Project Respect believes she needs stability and consistent treatment to recover from her trauma, and that Australia has a duty of care to provide this, given her valuable engagement with the Criminal Justice Process.

Project Respect is concerned that the traffickers may exact retribution on her at any time due to her assistance to the Australian authorities. In addition, being forcibly repatriated to South Korea would mean that after many years of uncertainty and fear, she would have to re-establish herself again, again in a context of uncertainty and fear.

Project Respect also wants to highlight, despite the growth of the economy in South Korea, women's rights and other mental health care systems are not as established as they are in Australia. Further, in South Korea women still get prosecuted for doing sex work. This results in having to pay a significant fine or they are sentenced to community service or probation. The criminal record follows them for their entire life. Even though women might have been doing sex work in another country, such as Australia, women still may get charged for these actions in South Korea. In addition to potential criminal charges, women often get treated with disrespect and stigma amongst family members and the workplace if anyone knows they have been in the sex industry. Further, in the media, Korean women in the foreign sex industry are regarded as a shame on the nation. For example, in 2012 the Korean police held a press conference reporting on a number of women who

were charged by Korean police due to the women's involvement in the Australian sex industry. Project Respect wants to emphasise that we are concerned about Ms EL's safety and wellbeing due to these regulations in South Korea.

### *ii. Human Rights Approach*

The current support system does not protect the rights of trafficked people and is not effective in securing trafficking convictions. There is a lack of understanding regarding trauma resulting from trafficking for sexual exploitation, and a subsequent disconnection between the need to safely and effectively engage with women experiencing trauma and the expectations for survivor/victims to cooperate with authorities. Project Respect believes that if survivor/victims were better supported and had longer periods of time to address trauma they would be more able and willing to meaningfully participate in criminal proceedings.

In our experience many women want to prosecute their traffickers but are not given adequate time to recover and access basic services before they get involved, which impacts their health and the quality of involvement. The current focus on prosecution is deemed more important than support to the victim/survivor and, subsequently, the experience of trauma is exacerbated for the survivor of human trafficking. As a result, the criminal justice system's effectiveness is hindered.

We call on the government to take a survivor centred human rights approach to survivor/victim support schemes and de-link human trafficking visas from criminal proceedings. We believe this approach will result in higher quality evidence and witness participation. Ultimately, longer visa times and comprehensive support would lead to a higher conviction rate acting as a deterrent to traffickers.

### **CASE STUDY**

T.S has been supported by Project Respect since January 2014. She referred herself during Project Respect doing Outreach to the legal brothel she used to work at.

TS was trafficked<sup>35</sup> into the Australian sex industry in December 2012 and has since been working in

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<sup>35</sup> Project Respect refers to Article 3 of the Protocol to define the term "Human Trafficking: ", 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 [.]" Source: United Nations (2000): Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; Article: 3

the industry. She came to Australia on a student visa, which was arranged by her traffickers. In approximately December 2013 the traffickers released her, but she had no option but to continue working in the industry. She has stated on multiple occasions that she hated doing this work, but had no other alternative to support herself.

Project Respect met TS one day before her first student visa expired, but she didn't have the financial means to pay for a second application. However, she got lucky as her migration agent lent her the money and her student visa got processed and finally approved for another 1.5 years which was time consuming and stressful for her. During this time she had already been referred to the AFP who didn't provide any help with her visa application. She was accepted in the 45 day assessment stream and received support from the Australian Red Cross (ARC) within the Migration Support Program. During this time TS engaged with the AFP on multiple occasions, as she wanted to assist them so that others won't have to experience the same as she had despite not being obliged to assist AFP within this period. It appeared that meetings with the AFP were emotionally and mentally distressing for her, but she continued to give as much information as she could.

The support through ARC was also very valuable for TS during this time as she received income support and could address multiple physical as well as mental health issues. Her involvement in the sex industry also decreased significantly during this time, as the income support helped her to finance her living. Further, she could concentrate on her studies, which is also one of her visa requirements. She has also stated that she felt very supported.

However, after 45 days of assessment TS was not accepted in the program. AFP reasoned that they could not investigate any further and that her case could not be taken to court despite the fact that she had been trafficked.

TS was forced to work full time in the sex industry again and she stopped attending class frequently due to her work hours. She lived with a friend at this time whose boyfriend moved in as well. He just had been released from prison and Project Respect suspects he may have been involved in trafficking too.

He organised TS to work at various brothels, started controlling TS and her friend and taking money from them. He also organised trips to work at brothels in Sydney. At some stage he used TS's credit card, which put her into another problematic situation. Further TS got pregnant from customers working in the sex industry, despite the fact that by law customers are required to wear condoms when they purchase sex. In addition to this, TS had two stalkers that forced her to move to Sydney and she has been residing in Sydney since October/November 2014.

The situation did not improve much in Sydney, as she again got pregnant from a customer and kept on experiencing violence. Without appropriate support it appears difficult for her to leave the industry. Further, TS experienced periods of homelessness and had no other choice than to sleep at a brothel, which meant that she would work even more. In addition to this, TS was no longer able to attend school despite her visa obligations/conditions. Her visa will expire this year and it is very unlikely that she can renew it. Project Respect assumes that she will be required to apply for a

protection visa, even though multiple immigration lawyers have told TS that her case would be very weak. TS is very scared of potentially having to return to Malaysia as she is worried about her safety. Her mental health became worse as she did not have direct access to support services like Project Respect or the Australian Red Cross. In late December 2014 she was hospitalised due to mental health issues.

Project Respect continues to support TS, primarily via phone and through referrals to the Salvation Army as well as to organise appointments with Anti Slavery Australia and assistance to re-enrol with an education provider. However, it appears as though this support is very limited.

### *iii. Compensation Schemes*

Project Respect wants to highlight the need for a national compensation scheme for human trafficking survivor/victims. Currently, compensation is regulated differently in each state and territory and it also differs for the type of offence(s) perpetrated. This means that the amount of compensation to trafficked people in Australia can vary between \$10,000 and \$100,000 and is not coordinated. As such, crimes of sexual assault are handled by the state whereas sex trafficking is a federal matter.<sup>36</sup> Whilst we appreciate that compensation mechanisms exist, we believe that survivor/victims' compensation should be regulated nationally.

We believe that the current support system does not protect the rights of the trafficked person and that there is an overwhelming and unbalanced expectation for trafficked persons to contribute to the Australian criminal justice system but inadequate support services to empower them to do so. A uniform federal compensation scheme for survivor/victims of federal crimes tailored to meet the particular vulnerabilities of this group is needed. We strongly recommend that support needs to be delinked from criminal proceedings and that the government needs to find other ways to encourage survivor/victims to participate in the investigations.

### *Recommendations*

- Australia should adopt a human-rights based approach for protection and support for survivor/victims
- Support for survivor/victims should be delinked from criminal justice proceedings as support should not be conditional on, or otherwise related to, the success of criminal

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<sup>36</sup> Burn and McLeod, 'Report on Establishing a National Compensation Scheme for Victims of Commonwealth Crime' (2016) Law Council Australia <<http://lawcouncil.asn.au/lawcouncil/images/LCA-PDF/National-Compensation-Scheme-for-Victims-of-Commonwealth-Crime.pdf>>

proceedings

- Longer reflection periods and stronger visa pathways should be provided to survivor/victims that are not dependent on criminal justice proceedings
- The Australian Government should implement a coordinated, national survivor/victim compensation scheme

## 5. Provisions in the United Kingdom’s legislation which have proven effective in addressing modern slavery, and whether similar or improved measures should be introduced in Australia;

### Section 54 of the Modern Slavery Act (UK)<sup>37</sup>

#### *Supply Chain Transparency Requirements*

Project Respect supports the corporate transparency requirements under s54 of the *Modern Slavery Act* (UK).

- s54(1) requires commercial organisations (earning a certain amount of revenue) to publish a slavery and human trafficking statement for each financial year.
- s54(4)(a) stipulates that the report must include a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place—
  - (i) in any of its supply chains, and
  - (ii) in any part of its own business, or
- Alternatively, if no steps have been taken, the organisation must make a statement of this under s54(4)(b).

Project Respect submits that responsibility on corporations to identify and avoid trafficking in national and global supply chains provides a sound basis to implement incremental reform in high risk industries, such as the sex industry. Project Respect supports corporate transparency requirements as an important step in forming a more robust approach to human trafficking, which holds both state and non-state actors to account.

However, Project Respect submits that these transparency requirements should extend to industries at a high risk of trafficking, such as the sex industry. As already outlined, the Australian sex industry is disproportionately affected by human trafficking.<sup>38</sup> Based on these known scale of risk, alongside the sex industry’s scale and profitability, Project Respect believes sex industry businesses should not be able to operate with impunity with respect to their trafficking awareness and avoidance strategies.

Based on our experience providing support to trafficked women and responding to cases of exploitation in the sex industry more broadly, we consider the current legislative and regulatory

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<sup>37</sup> Parliament of the United Kingdom, *Modern Slavery Act 2015*, s54.

<sup>38</sup> Above, n 3, 2; Above, n 13, 24.

regime in place at the State level manifestly inadequate in preventing or otherwise addressing trafficking. In Victoria, current responsibilities placed on sex industry businesses are contained in the *Sex Work Act 1994* (Vic)<sup>39</sup>, *Sex Work Regulations 2016* (Vic),<sup>40</sup> and *Migration Act 1958*. Current responsibilities on sex industry businesses that pertain to sex worker safety and trafficking:

- Keeping a record of sex workers' names, or names they are known by <sup>41</sup>
- Posting signage that relates to trafficking within brothel premises <sup>42</sup>
- Checking working rights status of women on visas

Project Respects believes that these regulatory responsibilities do not reflect the prevalence of trafficking within the sex industry, and do little to foster greater levels of awareness of trafficking among brothel owners and managers.

The insufficiency of these laws and regulations are demonstrated by recent cases of exploitation in Melbourne. In 2013, a Chinese sex worker was found to be living in a wall cavity in a Seaford brothel, Paradise Playmates. Despite the fact the owner built the secret wall cavity, criminal charges were not laid on the brothel owner as he was not responsible for hiring the woman or checking her visa status. Victorian Civil Administrative Tribunal (VCAT) found the brothel owner to be in breach of their license under the *Sex Work Act 1994* and *Migration Act 1958*, and a fine of \$65,000 was issued, however the owner was able to keep his brothel license. The woman was voluntarily deported without any support.

The Paradise Playmates case is demonstrative of the absence of responsibilities on brothel owners or managers to identify potential signs of trafficking, and to uphold the rights and safety of women in the sex industry. Project Respect believes licensing laws, and the new safety provisions under the *Sex Work Regulations 2016*, fail to place express responsibility on brothel owners and managers to manage the risk of trafficking. The issue of a fine in these circumstances was entirely unsatisfactory, and demonstrates the inability of current laws and regulations to respond to exploitation appropriately.

Project Respect strongly recommends the implementation of more robust strategies to place responsibility on sex industry businesses to identify and manage the risk of trafficking and

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<sup>39</sup> *Sex Work Act 1994* (Vic).

<sup>40</sup> *Sex Work Regulations 2016* (Vic).

<sup>41</sup> *Ibid*, s12 (1).

<sup>42</sup> *Ibid*, s13.

exploitation. Furthermore, Project Respect encourages the State governments to enforce accountability mechanisms for sex industry businesses. This may include the publication of a report by sex industry businesses detailing the ways in which the risk of trafficking and exploitation have been managed by the business. Other solutions may include mandatory training and/or professional development requirements for brothel managers, in order to raise awareness of and actively avoid trafficking in the sex industry.

#### **Part 4 of the Modern Slavery Act (UK)**

##### ***The Appointment of an Independent Anti-Slavery Commissioner***

Project Respect wishes to see a fully independent Anti-Slavery Commissioner appointed in Australia. In doing so, we believe there are certain provisions in the Modern Slavery Act that represent good practice.

- s41 allows for the Commissioner to undertake far-reaching measures to encourage good practice, including that of research, reporting and making recommendations. This is complemented by the power to request co-operation and information from public authorities. We believe this provides a robust framework that allows for comprehensive and informed conclusions to be drawn regarding the prosecution and tracking of human trafficking and, in doing so, can draw vital conclusions as to how this may be improved.
- s41(4) allows for the Commissioner to, in the exercise of their functions, have regard to any support network or assistance that may be available to the victim/survivor. This indicates a very much needed shift in the approach of the response to human trafficking, away from a strictly law enforcement and criminal justice approach to a human rights, victim/survivor-based perspective. Examples of such practice have already been seen in the UK context, with the Independent Anti-Slavery Commissioner, Kevin Hyland incorporating a range of victim support measures in his strategic plan.<sup>43</sup>
- s42(9), requiring that the Commissioner must publish reports on the extent to which they have adhered to their yearly objectives provides an important opportunity for scrutiny and accountability, ensuring real and effective progress is being made.

However, we submit that there are areas in which the effectiveness of the UK Commissioner's role falls short. Of particular concern is the requirement that the Commissioner's Annual Strategic Plan,

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<sup>43</sup> Independent Anti-Slavery Commissioner, *Strategic Plan 2015-2017* (2015).

setting out how they wish to perform their functions, must be approved by the Secretary of State and, thus, the Government.<sup>44</sup> For maximised credibility and objective analysis, we believe a Commissioner in the Australian context must be an entirely separate entity of from the Government. It is imperative that such a level of independence be attained for the role to be truly effective and beneficial for the national human trafficking response.

Project Respect acknowledges that in the recent strategy, *Amplifying Our Impact: Australia's International Strategy to Combat Human Trafficking and Slavery*, the Ambassador for People Smuggling Issues became the Ambassador for People Smuggling and Human Trafficking.<sup>45</sup> The Ambassador advocates for regional and international co-operation in combatting slavery and in this capacity, co-chairs the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and, chairs the meetings of the International Working Group. Project Respect firmly believes that Australia requires an additional actor with the power and scope of a Commissioner, whose role can complement that of the Ambassador, acting as an important source for specific expert advice.<sup>46</sup>

### Section 8 of the Modern Slavery Act (UK)

#### *Reparation Orders for Survivors of Human Trafficking*

Project Respect submits that reparation orders are an insufficient form of support for survivors of trafficking. As per term of reference four, we believe a national compensation scheme for survivors of trafficking should be implemented for a more fair, equitable and consistent response to trafficking in Australia.

- s8(1)(a) gives Courts the power to make a reparation order for survivors of human trafficking, where an offender is convicted of a trafficking offence under sections 1, 2 or 4 **and** a confiscation order has been made against the offender.
- s8(7)(a) stipulates that the Court must consider making a reparation order (regardless of whether or not it has been requested by the Prosecution)
- If the Court decides not to make a reparation order, it must explain its reasoning under s8(7)(b) of the Act.

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<sup>44</sup> S42(1) & (2).

<sup>45</sup> Department of Foreign Affairs and Trade, *Amplifying Our Impact: Australia's International Strategy to Combat Human Trafficking and Slavery*, 2015, p28.

<sup>46</sup> Previous UN Rapporteur for Trafficking Persons, Joy Ngozi Ezeilo, has also advocated for the existence of both roles in Australia. See; UN Doc A/HRC/20/18 (18 May 2012).

Project Respect acknowledges that reparation orders provide an additional avenue of compensation for survivors of human trafficking. Compensation is undoubtedly an important part of securing positive long term outcomes for survivors of trafficking, such as financial autonomy and reintegration into society. However, Project Respect submits that reparation orders are of limited utility in addressing the complex needs of survivors of human trafficking for two reasons.

Firstly, survivors are unlikely to access compensation through reparation orders, given the high factual and evidential threshold for a conviction to be made. Under the *Modern Slavery Act*, the power to make reparation orders can only be exercised as a part of criminal proceedings where an offender has been found guilty of an offence and a confiscation order has been made. This is problematic, considering the low level of prosecutions made in Australia. Between 2004-2014, only 15 convictions were made as a result of the 346 investigations conducted by the AFP.<sup>47</sup>

Secondly, making reparation orders conditional upon survivors' compliance with criminal justice proceedings diminishes access to and quality of support for survivors. As outlined in term of reference four, conditional support reduces the choice and autonomy of survivors, such that they may be re-traumatised or at risk of further exploitation for failing to comply with proceedings.

Project Respect therefore recommends that reparation orders should only be implemented in the broader context of a human rights based approach, where survivors would have access to effective remedy regardless of whether or not they decide to comply with criminal proceedings.

Project Respect submits that the Australian Government should focus on strengthening victim support and protection as a part of the National Action Plan to Combat Human Trafficking and Slavery.

### **Recommendations**

- Sex industry businesses should be held accountable to standards of responsibility and accountability in identifying and avoiding the employment of trafficked persons.
- Sex industry businesses should have more robust policies to assess and manage risk in relation to slavery and human trafficking
- Training on slavery and human trafficking should be a mandatory requirement in obtaining a

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<sup>47</sup> Australian Institute of Criminology, *Human Trafficking and Slavery Offenders in Australia*, p 4, Frances Simmons, Brynn O'Brien, Fiona David and Laura Beacroft.

sex industry business licence

- Australia should adopt a Modern Slavery Commissioner, wholly independent from the Government
- Human trafficking survivors should have unconditional access to compensation, regardless of whether or not they decide to participate in criminal justice proceedings.
- Australia should re-evaluate the conditional support given to survivor/victims of human trafficking as a part of its National Action Plan

## **6. Whether a Modern Slavery Act should be introduced in Australia;**

Overall, Project Respect supports the development of a Modern Slavery Act in Australia. We believe an Act takes important steps toward addressing slavery and trafficking in a variety of circumstances, and has the potential to foster greater mechanisms of accountability for a wide range of actors. A Modern Slavery Act would facilitate a more comprehensive and integrated approach to trafficking in Australia by strengthening efforts at prevention and creating a broad web of accountability at a Federal level. Furthermore, Project Respect believes such an Act may pave the way for the implementation of the Sex Buyer Law, which Project Respect views as an effective framework for prevention of and responses to trafficking in a human rights centred manner.

However, Project Respect's support for the implementation of a Modern Slavery Act is conditional. We believe the Modern Slavery Act, and indeed the Australian approach to trafficking more broadly, should recognise the sex industry as a high risk industry for trafficking for the purpose of sexual exploitation. Underlying this view is Project Respect's understanding that trafficking is intrinsically linked to the legalisation and decriminalisation of sex work, and that trafficking occurs in both the legal and illegal sectors of the commercial sex industry. Project Respect strongly recommends that trafficking awareness strategies for sex industry businesses be developed, and that such businesses play a more active role in national prevention efforts.

Furthermore, Project Respect recommends that the Australian government strengthen its focus on survivor support and protection. We believe a Modern Slavery Act needs to operate as part of a legislative regime that is survivor and human rights centred. Survivors are often unable to effectively participate in criminal justice proceedings or assist the AFP in prosecution, due to fear of authorities, the risk of deportation and the fear of re-traumatisation.

Project Respect believes that there are some important changes that need to be made to the Modern Slavery Act, if it were to be implemented. Provisions for the establishment of a Modern Slavery Commissioner should be a position that is independent from the Government, and could sit alongside the position of ambassador for people smuggling and human trafficking. We also recommend that a national survivor compensation scheme be put in place in order to develop a more fair, consistent and equitable response to trafficking in Australia.

## ***Recommendations***

- A Modern Slavery Act should be implemented within the context of broader reforms, including
  - A human rights centred approach to trafficking
  - Greater responsibilities placed on industries disproportionately affected by trafficking, such as the sex industry
  - The implementation of the sex buyer law in Australia

## 7. Any other related matters.

### *i. The Sex Industry is Incompatible with Gender Equality*

We encourage the government to recognise that the sex industry is maintained by and supports gender inequality and call on the government to reject the sex industry in all its forms. The sex industry like other forms of violence against women is maintained by structural inequalities, such as; gender, race and socioeconomic class. For example, the sex industry is populated by [mostly] women, a significant amount from CaLD backgrounds and almost all enter due to financial reasons. By allowing the sex industry to flourish the government is sending mixed messages about women's role in Australia. The government condemns violence against women through various initiatives in some circumstances but at the same time it legitimates violence against women by providing places where certain women are there to be used for men's sexual pleasure. We urge the government to send a unified message that women are never sexual objects to be used by men.

### *ii. Women in the Sex Industry and Women Who Have Been Trafficked are Ignored*

Project Respect acknowledges government initiatives towards violence against women, primary prevention and gender equity strategies such as Our Watch and 1800 RESPECT. We share the vision for an Australia 'where women and their children live free from all forms of violence,'<sup>48</sup> this is why we advocate for a world where women are free from trafficking, prostitution and sexual exploitation. However, Project Respect is concerned that women who have been identified as 'victims' of human trafficking are often left out of discussions about violence against women and sexual violence. Similarly, women who experience violence in the sex industry are often excluded from the discussion around violence against women. Project Respect urges the government to recognise these women and their particular experiences in violence against women initiatives.

### **Recommendations**

- Both State and Federal government should take a strong stance against the sex industry as a whole
- The government to recognise the sex industry as incompatible with gender equality and to take a position against the sex industry in all its forms
- Women in the sex industry and women who have been trafficked to have their specific experiences recognised and included in violence against women initiatives

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<sup>48</sup> Our Watch, *Who We Are* (2017) <<https://www.ourwatch.org.au/Who-We-Are>>

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