



Sex Workers Outreach Project

Submission to:

**The Review of the Australian Government's
Measures to Combat People Trafficking**

September 2006

1. THE AIDS COUNCIL OF NSW INC (ACON)

ACON was formed in 1984 as part of the community response to the impact of the HIV/AIDS epidemic in Australia. Since 2000 ACON has been a health promotion organisation based in the gay, lesbian, bisexual and transgender (GLBT) community, with a central focus on HIV/AIDS.

ACON provides education, health promotion, care, support, and advocacy services for members of the GLBT community, including injecting drug users and Indigenous people, to sex workers, and all people living with HIV/AIDS (PLWHA).

ACON is home to the Community Support Network (CSN), the Positive Living Centre (PLC), the Lesbian and Gay Anti-Violence Project (AVP) and the Sex Workers Outreach Project (SWOP). ACON has an office in the City of Sydney as well as branches in Illawarra, Northern Rivers, Hunter and Mid North Coast.

2. THE SEX WORKERS OUTREACH PROJECT (SWOP)

The Sex Workers Outreach Project promotes the health, safety and wellbeing of sex industry workers in a way which enables and affirms their occupational rights and is the leading agency in NSW for HIV prevention amongst sex industry workers. SWOP provides education, health promotion and advocacy services, and utilises peer education, harm minimisation and community development models in service delivery.

SWOP has a high level of access to the sex industry in NSW, including all sectors of the industry, including both authorised and unauthorised premises. In the year to June 2006, SWOP provided over 18,000 occasions of service, of which 3,400 occasions of service were to individuals of NESB backgrounds. SWOP employs 3 language speaking staff in their Multicultural Project who have a very high level of access to migrant sex workers, including

debt contract workers. It is our direct work with the sex industry that informs the views and information provided within this submission.

3. BACKGROUND: SWOP'S WORK RELATING TO MIGRANT SEX WORK AND TRAFFICKING

3.1 Level of service and access to the sex industry

The Sex Workers Outreach Project has 16 years experience of service provision to the NSW multicultural sex industry, including migrant sex workers and the owners and operators of the places in which they work.

The SWOP Multicultural Project staff speak Thai, Chinese and Korean, and work with partnership agencies to provide translated resources in a range of key languages. These language resources include video and DVD resources, booklets and posters. SWOP has strong partnerships across the sexual health sector and also across the key services, both government and non-government, which are addressing issues of migration and people trafficking.

The SWOP service provides:

- comprehensive health education services
- over 200 multicultural workplaces were visited in the year to June 2006
- 3, 467 occasions of service were to Non English Speaking Background (NESB) individuals in the year to June 2006
- 18% of SWOP service users in the year to June 2006 were people of Non English Speaking Background
- multicultural sex workers, owners and operators access services during outreach, and also at the SWOP office and by phone
- resources and information are also delivered by mailout, email or the website

3.2 Policy development and training provision on migrant sex work and trafficking

SWOP has contributed to submissions and presented at conferences, inquiries and meetings, both in Australia and overseas on migrant sex workers and people trafficking, including:

- Parliamentary Joint Committee of the ACC, 2003
- AFP Leadership in Criminal Intelligence Program Colloquium 3 Transnational Exploitation of Women and Children, 2006
- NSW Government Working Party-Illegal Non-Citizens in the Sex Industry, including the public hearing, 2003
- International AIDS Conference, Bangkok 2004
- The Consortium for Social and Policy Research on HIV, Hepatitis C and Related Diseases, 2006
- Stop the Traffic 2, Melbourne

In collaboration with Scarlet Alliance, SWOP provides training on migrant sex workers and trafficking to a range of organisations including:

- Australian Federal Police's TSETT Program
- Department of Immigration, Compliance Training
- Anti Slavery Project, Community Response Network

SWOP has represented issues relating to trafficking and the sex industry to the Australian and NSW Governments and has monitored the impact and outcomes of the response in relation to the health and safety of sex workers in NSW. In SWOP's experience, trafficking has been conflated with sexual servitude, and the sex industry has become the primary focus of the Australian response. This submission attempts to document the impacts of the Australian response to trafficking on sex workers health and safety.

4. RESPONSE TO MEASURES TO COMBAT PEOPLE TRAFFICKING

4.1 General comments

SWOP welcomed the package announced in 2003, as the package offered a set of measures which would provide support to individual victims of trafficking, whilst investigations and prosecutions were undertaken, and some options for longer term protection would be made available following an investigation. SWOP believes the victim care and visa components of the package have been of great assistance to those individuals able to come forward, however, many do not feel that assisting the police is a safe or viable option.

The Australian response needs to be broadened to become a victim-centred approach, such that the support offered is available to all victims of trafficking, not only those who are able to assist in an investigation or prosecution.

COMMENTS ON SPECIFIC MEASURES

5. NEW VISA ARRANGEMENTS

New visa arrangements commenced in January 2004 to provide a comprehensive visa scheme for trafficking victims. The Government considers that the visa framework provides a balanced approach to the issues of granting temporary stay visas to alleged victims who may be able to assist in law enforcement, and of providing protection and support to victims who may be traumatised, or in need of shelter or health care. The new visa framework was specifically designed to support efforts of law enforcement agencies in combating people trafficking while at the same time offering protection to suspected victims in genuine need of protection.

5.1 Barriers to obtaining the new visas and support

SWOP notes from DIMIA's 2004 to 2005 annual report that DIMIA had identified and referred 159 suspected trafficking victims to the AFP. 42 Bridging Visa F were granted and 26 Criminal Justice Stay Visas were

granted. However at June 2005, no Witness Protection (Trafficking) Visas, temporary or permanent had been granted to any of those 159 individuals.

There appear to be some barriers to individuals obtaining the new visas and receiving the support offered by the package. The lack of access to victim support services, including visas, may discourage individuals who may be considering coming forward. This is not good for the morale of victims assisting the AFP or agencies working with people who may have been trafficked. After 3 years the Australian authorities do not appear to be delivering on the full range of measures described in the package.

One key issue is the relationship between the victim being “of interest to the AFP” in order to be eligible for the initial Bridging Visa F, and that they are able to further assist with investigations in order to be eligible for the ongoing Criminal Justice Stay Visa. There are trafficking victims in the community who have weighed up their options and feel the risks are too great to be able to actively assist the police. They need protection from deportation, as they have been threatened with retribution if they are found, and would be particularly at risk in their country of origin. Those who have recently run away may simply need a period of reflection, during which they can assess their options.

Recommendation:

SWOP would wish to see some change to the criteria for the Bridging F Visa, such that being reasonably shown or thought to be a trafficking victim, whether of interest to the AFP or not, becomes the trigger for this visa application. This would allow victims who are at present adrift and living in fear in the community to come forward for a period of support and reflection.

5.2 Visa case study

It is problematic that where a person has an existing application under consideration by DIMA, that process must be followed. Surely, in trafficking cases, where the victim was not in control of the immigration application process, any current application should be deemed void, as the application was a mechanism used as part of the trafficking crime against the person.

This is demonstrated by the case *VXAJ v MINISTER FOR IMMIGRATION & ANOR [2006] FMCA 234 (20 April 2006)* of the FEDERAL MAGISTRATES COURT OF AUSTRALIA. This case is described as follows:

MIGRATION – Application to review a decision of the Refugee Review Tribunal – applicant forced into sex slavery upon arrival in Australia after having been recruited under deception by an international network of people traffickers – applicant assisted police with the prosecution of alleged Australian traffickers.

This trafficking victim would appear to be eligible for one of the new visas, and the victim support package, yet is battling her way through the MRT for a refugee visa, presumably applied for under direction from her traffickers. Somehow, despite taking the risk of assisting the police, she has not experienced ease of access to support.

In the US, their victim centred approach provides victims with an essential platform upon which to rebuild their lives: a visa which allows them to live and work in America. Whilst this is small compensation for their pain and suffering, it is one way to give back some dignity to the individual, for, after all, the destination country has been the place of the crimes against that individual, and their home country is unlikely now to be a safe place.

Recommendation

Where it is known that a person was a victim of trafficking, or where the person has assisted the AFP in any way, or has expressed fear of violence or re-trafficking upon returning to their country, they should be offered the Witness Protection Visa.

6. VICTIM SUPPORT

There is now a fully operational Support for Victims of People Trafficking Program, managed by the Office for Women in the Department of Families, Community Services and Indigenous Affairs and delivered by a contracted provider. A case management approach is used for each suspected victim with an independent specialist non-governmental organisation providing individualised support measures to expertly identified needs. Suspected victims who are granted a Bridging F Visa receive intensive support for the period of the visa's validity or until they wish to leave Australia, whichever occurs first. Ongoing support includes individualised care through case management, income support, secure accommodation, access to medical services through Medicare and access to medicines via the Pharmaceutical Benefits Scheme, training including English language and skills development training, access to counselling and legal services, training, and social support.

6.1 A specialist service able to provide measures to expertly identified needs

SWOP welcomes the resources allocated to a victim support program; however, the reality falls short of meeting individual's needs. The lack of reference to similar programs overseas as a benchmark or model for the Australian response has meant that victim support is ad hoc, and uninformed by best practice.

SWOP is concerned that currently the service provider is not required to have any specialist knowledge of key areas that we believe impact on the effective support of trafficking victims, where these victims are sex workers, which we understand are the majority of victims¹. In order for service delivery to be effective there is a requirement for:

- Specialist knowledge of issues for victims of trafficking
- Specialist skills in working with victims of trafficking
- Specialist knowledge of sex worker issues, and skills and experience in addressing these issues
- Specialist knowledge of working cross culturally with CALD service users
- Specialist knowledge of issues relating to migration, including health, legal and social issues

The service tender did not require services to demonstrate any special skills or knowledge which we consider essential and should be amended to include requirements for specialist skills and knowledge.

SWOP has had contact with individual women who were referred by the contracted service provider. Many of these women were experiencing considerable levels of frustration and stress arising from the situation in which they found themselves. Some of the issues identified by these women included:

- There was a lack of knowledge of the interpretation needs of the woman. No interpreter was arranged. The service provider did not understand that SWOP's language speaking staff could not act as skilled interpreters for the woman while accessing other SWOP services such as the counselling service provided only in English, despite this being communicated to SET staff.

¹ See Australian Government Tender FACS/05/T470, Section A4 Statement of Requirement

- A case worker left a woman at SWOP and went away during her appointment
- The women did not know what was happening with their case, and had little ongoing contact with the police
- There was very little meaningful activity organised to occupy their time, so they were sleeping or staying in their room, and said they were bored.

6.2 Secure accommodation:

SWOP does not believe that the accommodation is secure. There does not appear to be any screening of contacts such that safety protocols are required and followed by visitors or other service providers.

- People have named accommodation being used to house the women in open forums.
- The Daily Telegraph was able to investigate the circumstances of individual women's cases².

Recommendations

That a review of the Tender for the specialist service for victim support be conducted that includes a review of the specialist knowledge and skills described in the Tender's Statement of Requirements.

That the victim care package be evaluated against international best practice victim care models.

That secure accommodation be provided where required for victims of trafficking

² *Sex-slave safety net is abused*, *The Daily Telegraph*, Wed 02 Aug 2006, Janet Fife Yeomans

That sex workers who enter the victim care package are automatically referred to the services of a sex worker organisation in a timely manner that ensures their safety.

7. NEW LEGISLATION

Australia has strong anti-trafficking laws with severe penalties. In Australia, the act of procuring and trafficking people for the purpose of slavery or sexual servitude is punishable under Division 270 of the Commonwealth Criminal Code by maximum penalties of up to 25 years imprisonment. In August 2005 new legislation inserted tough new offences for trafficking in children, with penalties of up to 25 years imprisonment, into the Criminal Code. This legislation also expanded the deception offences to include all types of deception in recruiting people to provide sexual services, and introduced offences to prevent traffickers from using unfair debt contracts and other similar arrangements to force victims into providing sexual services or other labour to pay off large debts.

7.1 The law enforcement and compliance response has impacted on the health and safety of all CALD sex workers

The Australian Government introduced offences relating to slavery, sexual servitude and deceptive recruiting for sexual services through the Criminal Code Amendment, (Slavery and Sexual Servitude) Act 1999 and later the Criminal Code Amendment (Trafficking in Persons Offences) Act, 2005 giving new provisions around debt-bondage, which sex workers refer to as “contract work”. Scarlet Alliance, with SWOP, made written submissions and gave evidence to the Australian Crime Commission on issues for migrant sex workers, including our position on contract work, which calls for appropriate working visas to remove the need to enter into contracts. (see www.scarletalliance.org.au/laws/fed)

Over recent years, as part of the Australian response to trafficking in persons, migrant sex workers have become the focus of increased immigration and law enforcement activities, compared to both other sex workers and to migrants in other industries. This law enforcement has negative impacts for the individuals and their workplaces, and has resulted in increased isolation of these sex workers from co-workers, peer health education outreach and sexual health service providers.

Up to 25% of brothel and massage parlour sex workers in NSW are of non-English speaking backgrounds (NESB)³. These NESB sex workers have a wide range of migration or residential status, from second generation Australian-born residents, to permanent residents (spouse, family reunion), through to those recently arrived (students, tourists) with all of these women having arrived legally in Australia. In 2004, less than 10% of NESB sex workers surveyed were working under contract, and the majority of these sex workers found work on their own.⁴ Over the last three years, the countries of origin have also changed significantly with more individuals from countries where visas allowing people to work in Australia are available.⁵

SWOP outreach staff are providing health education services to NESB sex workers in the same workplaces that the Department of Immigration and Multicultural Affairs (DIMA) targets for compliance visits or “raids”. DIMA raids require people in the building to provide evidence of their identity, and residency or work visa if relevant, including clients and receptionists, particularly if they may not be of “Anglo” origin. It has come to our attention that some brothels in Sydney have put notices in the client waiting areas to warn clients of this potential intrusion. The intensity of these visits has resulted in significant changes to workplaces. Many now offer only escort or “out call” services, and state that they have no sex workers on site. Therefore,

³ *Health Needs Assessment of Parlour Based Sex Workers in South Western Sydney Area Health Service, 2002*

⁴ *Changes in Migration Status and Work Patterns in Asian Sex Workers attending a Sexual Health Centre, Sydney Sexual Health 2005*

⁵ SWOP statistics, and anecdotal reports from key service providers

both DIMA and SWOP staff experience reduced access to sex workers, as these businesses seek to avoid the impacts caused by DIMA raids.⁶

The sex worker peer educators and partnership services report increasing difficulty in maintaining contact with these migrant workers and their workplaces. The impacts of law enforcement and the media reporting of “sex slavery”⁷ are as follows:

- Workplaces move or close to avoid the impact of law enforcement action, and the accompanying media coverage
- Operators fear any person may be a “dobber”
- Workplaces limit the sex workers’ contacts with people other than clients
- Migrant sex workers are cut off from services, and other sex workers, in the new workplace arrangements
- Migrant sex workers become marginalised, less able to access services and less likely to be able to influence workplace conditions, such as occupational health and safety
- Migrant sex workers become isolated and exposed to reduced power to negotiate at work, all of which increases health and safety risks for these sex workers
- Migrant sex workers experienced a decreased sense of support from the wider community than migrant sex workers had experienced in the past

Women working in escort work places are generally isolated from their co-workers, as they wait for the agency to call and advise them of the next appointment. They become more vulnerable as they may only have contact with the clients, and perhaps a driver or minder and have reduced access to

⁶ Analysis of advertisements for adult services in June 2006 show that of advertisements indicating that the sex workers are “Asian”, there are between 8 and 11 advertisements for Asian escorts or “out” in 2006, being 30% of all Asian sex work advertisements. In 2003, there were very few advertisements for escort services provided by Asian sex workers, and SWOP’s Multicultural Outreach work was predominantly to fixed location premises.

⁷ *Special immigration investigation*, Daily Telegraph, May 15, 2004 Charles Miranda and Martin Wallace

information on laws, safe sex practices, service types and prices and safety information. These women may be debt-contract workers, and a tiny number may have been forced, coerced or deceptively recruited, however, due to the impacts of law enforcement on the workplace organisation they are cut off from the sex industry and the broader community.

Recommendation

That the impact of DIMA and AFP on the sex industry be monitored, and balanced against the health and safety needs of the women working in the industry, such that the response to trafficking does not in itself, exacerbate the issues for these people.

That media activity involving DIMA and AFP in relation to trafficking does not further stigmatise sex workers and the sex industry.

7.2 Inclusion of debt bondage in 2005 amendments: traffickers target inexperienced women

In submissions to the Attorney General on the draft bill, 2005, we expressed concern about the inclusion of debt bondage, or consensual contract work, and the impact that criminalising this method of migrant work organisation may have. As a result of these changes we now see younger, inexperienced women recruited into the Australian sex industry, as there is no reason to recruit sex workers if the penalties are so great, and consent is not a mitigating circumstance in defence of the crime. In other words, there is no difference in the sentence whether the victim is a consensual sex worker or a vulnerable woman attracted by the offer of travel and money. With these “new” workers, there is no sex work experience, and therefore less control in the workplace, and the lack of condom use results in pregnancies and STIs.

It is also of concern that the inclusion of debt bondage has, in effect, re-criminalised and marginalised that sector of the sex industry which employs migrant sex workers, particularly from Asian countries of origin. This has

occurred at a time when the NSW sex industry had just emerged from an unlawful past, so creating opportunities for criminals to once again, have some control over the sex industry⁸.

Recommendation/s

That the Government monitors the profile of the victims of trafficking in order to better understand the impact of the current response on traffickers' patterns of recruitment.

That the Government introduce appropriate working holiday visas in key countries of origin, thus reducing the need for sex workers to depend upon traffickers and debt bondage contracts for migration.

8. TRAFFICKING INVESTIGATIONS

Dedicated teams have been established within the Australian Federal Police (AFP) under the Government's package to target people trafficking. The AFP's Transnational Sexual Exploitation and Trafficking Teams are responsible for investigating offences against people under the Criminal Code and the Commonwealth Crimes Act 1914, including trafficking, slavery, sexual servitude, debt bondage, and child sex tourism offences. The AFP has undertaken over 160 investigations into allegations of sexual servitude and slavery since 1999 when those offences were introduced into the Criminal Code.

8.1 Investigations have impacted only on the sex industry

There is now a 23 member Transnational Sexual Exploitation and Trafficking Team (TSETT) within the Australian Federal Police (AFP) and a Sex Industry Compliance team within the Department of Immigration (DIMA). Both of these authorities have been active, such that DIMA referred 36 people trafficking

⁸ The NSW sex industry was decriminalised in 1995, and is regulated in the same manner as other commercial business. See *Sex Services Premises Planning Guidelines*, NSW Planning, 2004

matters (from across all industries) to the AFP, and detected 224 women working illegally (no work visa or expired visa) within brothels in NSW in the year to June 2005⁹. These illegal sex workers represented 7.5% of all illegal workers located in Australia. In contrast, the NSW sex industry employs an estimated 10,000 people in NSW, or 0.3% of all employed persons¹⁰ indicating the extraordinary impact of compliance on the sex industry

At the same time as investigations are focused on finding trafficking victims in the sex industry, other industries which have high levels of illegal workers are not being investigated. In addition, the media focus on “sex slaves” as the only trafficking victims in Australia makes the community blind to cases occurring in other industries. Countries like the US have found that trafficking can occur into any industry or family environment, and some of the most significant cases have occurred in large, well known businesses in down-town locations that have involved tens of victims who had been enslaved for years.¹¹

The trafficking which undoubtedly occurs into other industries seems to go undetected, despite the profile that such crimes have in the media, particularly in international documentaries. While the Australian response is solely focused on the sex industry, and predominantly on contract sex workers, the Australian response is weakened and creates opportunities for traffickers which we are, no doubt, witnessing, but failing to recognise. The Chinese print workers in Melbourne, the Cook Islander boys brought into roofing construction and the isolated cases of individuals who exploit, such as the Blue Mountains Indian restaurant owner are rarely identified as victims of trafficking, simply because the focus is too much on one industry, and the media profile of a trafficking victim has created just one image: that of a “sex slave”¹².

⁹ *Managing the Border: Immigration Compliance 2004-2005 edition*, Commonwealth of Australia 2005 pp64 and 95

¹⁰ *NSW in Focus 2006*, ABS Commonwealth of Australia 2006, p 126 shows a total of 3,211,000 employed persons in NSW for 2004-2005.

¹¹ Jenny Stanger, ASP, Los Angeles, USA personal communication

¹² *Restaurant man “kept as slave”*, The Australian, July 22, 2006, Natalie O’Brien, *Our guest workers who’ve had enough*, The Age September 6, 2006, Michael Bachelard, *Islanders bashed and used as slaves*, CFMEU website, www.cfmeu-construction-nsw.com.au sighted September 20, 2006, *If slavery*

Recommendation

That the response to trafficking is broadened to all industries, and that the issues of trafficking and slavery are raised in all areas of work and migration.

8.2 Women's experience upon assisting the police

The Australian response to trafficking, and the recent inclusion of debt bondage has resulted in an undue focus on women brought on consensual contracts into the sex industry. This has impacted on the women negatively, and these sex workers have reported to SWOP that they experience:

- high levels of scrutiny by DIMA and the AFP
- become "victim/witnesses" to the prosecution
- lose their work, income and home, whether they testify or not
- may later be at risk in their country of origin
- receive conditional and limited support, with restrictions on their freedom, such as not being allowed to work, or not being allowed to work in the sex industry
- receive no financial compensation

Meanwhile, traffickers experience:

- Bail, and the freedom to continue their lives until convicted
- Freedom to contact networks which may deliver threats to the workers
- Freedom to organise legal advice (victims have limited access to advice)

Experienced sex workers who consent to contracts (debt bondage) do not identify as trafficking victims, which is frustrating for investigators and law

was abolished in the 19th century, why is it still flourishing in your neighbourhood?, Emerald Hill Weekly cover story June 14-20, 2006

enforcement and makes convictions difficult to obtain. These witnesses (experienced sex workers) are easily discredited by defence lawyers. A dynamic has become possible where the victim/witness is treated with dignity and respect until the trial commences. In the courtroom, they experience a transgression, where, once again, they are made into stereotypical sex workers, referred to informally by their first names, and portrayed as women who would work in an illegal occupation in their own country and so are easily depicted as criminals or at least as undeserving of pity, due to their occupation, and choice to migrate for work. The defence can then move a jury to find the witness's testimony untruthful, simply because she is a sex worker, drawing on the hidden stereotyping and discrimination in our community about this occupation. More recently, the media has portrayed the "victim/witnesses" themselves as abusers of the system!¹³

This makes it difficult for our services to encourage sex workers in problematic debt contract situations to go forward to the police. After looking at the options and possible outcomes, the risks for each individual are usually greater than the possible benefits, and so most sex workers make the decision to take the next flight home. This does not achieve the Australian Government's goal of creating deterrents to traffickers, and sends a message to both victims and traffickers that our response has little impact on trafficking activity.

Recommendations

Sex workers who are identified as victims of trafficking should be dealt with within a human rights framework, where their right to work and choice of occupation is not discriminated against, nor made central to the investigation and prosecution.

¹³ *Sex-slave safety net is abused, The Daily Telegraph* ibid

Victims should not experience re-victimisation when assisting in an investigation or prosecution, and measures, such as training for the judiciary should be implemented to prevent such re-victimisation.

9. COMMUNITY AWARENESS STRATEGY

A Community Awareness Strategy has been implemented by the Government as part of the action plan. The Government has consulted with a range of stakeholders to determine the focus of the strategy, identify target audiences and the key messages for each audience. The Community Awareness Strategy aims to inform and educate target audiences about the nature of people trafficking and provide information on how they can report it, or seek assistance if they have been trafficked.

As part of the strategy, a Non-English Speaking Background consultant has been contracted by the Attorney-General's Department to undertake services related to communicating the messages of the campaign against people trafficking to selected audiences, including sex workers from non-English speaking backgrounds, relevant service providers such as health professionals, and ethnic media. The Department anticipates that communication products will be tested and distributed in the second half of this year.

By creating awareness among sex workers, customers, health workers and others who may come into contact with trafficked victims, it is expected that victims of trafficking will not be exposed to further exploitation.

9.1 Sex worker organisations and communication strategies

SWOP had a representative on the Attorney General's Advisory Group to the Community Awareness Strategy, and has worked as a partner in the development of resources. The Community Awareness Strategy resources have yet to be released.

A sex worker organisation, the Prostitutes Collective of Victoria, developed the first national "SIREN Project" resources on migration and health in 1992, in 4 languages, funded by the Commonwealth Department of Health. These resources are still requested, and have been palatable to owners and operators as well as sex workers and key service providers. In a similar manner, SWOP communicated the NSW Occupational Health and Safety legislation through a tailored project funded by WorkCover NSW which included language resources and 36 workshops for sex workers and owners of workplaces, which included CALD audiences. These organisations have the capacity and experience to develop and deliver appropriate information and referral resources, and due to their reputation as trusted information sources, the resources have good uptake and impact.

The sex worker projects and organisations are a key communicator to people in the industry where currently trafficking is found to be occurring, and require resources to effectively respond. Sex worker organisations are ideally positioned to develop and deliver the communication strategy aimed at the sex industry, as currently they are the principle information source for people working in, and associated with the sex industry.

Recommendations

Sex worker organisations should be adequately resourced to deliver the Community Awareness Strategy to this target audience.

If the focus on trafficking (debt-bondage) in the sex industry is to continue, then the scope of the communication strategy needs to be widened to include sex workers and sex worker organisations in the key countries of origin. This may be achieved relatively effectively and rapidly through providing resources to sex worker organisations and their existing international networks.

10. AID AND DEVELOPMENT PROJECTS

In 2003, the Australian Agency for International Development, AusAID, created a three year, \$12million, Asia Regional Co-operation to Prevent People Trafficking Project to work in Thailand, Cambodia, Lao PDR and Burma, and indirectly in Indonesia, China and Vietnam. This regional initiative recently ended and was replaced by a five year, \$21million, Asia Regional Trafficking in Persons Project that will develop on the achievements of the previous project. This project will facilitate a more effective and coordinated approach to people trafficking by criminal justice systems of governments in the Asia region. AusAID also funds an International Organization for Migration (IOM) Regional Return and Reintegration Project, and an IOM managed Pilot Thai Returnees Project for victims returning to Thailand from Australia.

10.1 Human rights approaches to reintegration

Reintegration projects need to be developed from a human rights and victim centred approach. Human rights approaches should acknowledge sex worker rights, including the right to choice of occupation.

Recommendation

That, in the reintegration project in Thailand, the sex worker organisation, Empower, which has a history of human rights achievements, should be consulted in reintegration program design and delivery where the returning victims of trafficking are sex workers.

RECOMMENDATIONS

1. SWOP would wish to see some change to the criteria for the Bridging F Visa, such that being reasonably shown or thought to be a trafficking victim, whether of interest to the AFP or not, becomes the trigger for this visa application. This would allow victims who are at present adrift and living in fear in the community to come forward for a period of support and reflection.
2. That, where it is known that a person was a victim of trafficking, or where the person has assisted the AFP in any way, or has expressed fear of violence or re-trafficking upon returning to their country, they should be offered the Witness Protection Visa.
3. That a review of the Tender for the specialist service for victim support be conducted that includes a review of the specialist knowledge and skills described in the Tender's Statement of Requirements.
4. That the victim care package be evaluated against international best practice victim care models.
5. That secure accommodation be provided where required for victims of trafficking.
6. That sex workers who enter the victim care package are automatically referred to the services of a sex worker organisation in a timely manner that ensures their safety.
7. That the impact of DIMA and AFP on the sex industry be monitored, and balanced against the health and safety needs of the women working in the industry, such that the response to trafficking does not in itself, exacerbate the issues for these people.

8. That media activity involving DIMA and AFP in relation to trafficking does not further stigmatise sex workers and the sex industry.
9. That the Government monitors the profile of the victims of trafficking in order to better understand the impact of the current response on traffickers' patterns of recruitment.
10. That appropriate working holiday visas be introduced in key countries of origin, thus reducing the need for sex workers to depend upon traffickers and debt bondage contracts for migration.
11. That the response to trafficking is broadened to all industries, and that the issues of trafficking and slavery are raised in all areas of work and migration.
12. That sex workers who are identified as victims of trafficking should be dealt with within a human rights framework, where their right to work and choice of occupation is not discriminated against, nor made central to the investigation and prosecution.
13. That victims should not experience re-victimisation when assisting in an investigation or prosecution, and measures, such as training for the judiciary should be implemented to prevent such re-victimisation.
14. That sex worker organisations should be adequately resourced to deliver the Community Awareness Strategy to this target audience.
15. That, if the focus on trafficking (debt-bondage) in the sex industry is to continue, then the scope of the communication strategy needs to be widened to include sex workers and sex worker organisations in the key countries of origin. This may be achieved relatively effectively and rapidly through providing resources to sex worker organisations and their existing international networks.

16. That, in the reintegration project in Thailand, the sex worker organisation, Empower, which has a history of human rights achievements, should be consulted in reintegration program design and delivery where the returning victims of trafficking are sex workers.