



## **CATWA response to the National Action Plan to Combat Modern Slavery 2020-24 Public Consultation Paper**

January 2020

*1. Do the 12 goals capture key areas of focus for Australia over the next five years?*

Trafficking into Australia's sex industry is wholly uncaptured in the draft Plan, despite international organisations worldwide, including the United Nations, recognising that trafficking for the purpose of prostitution is the most common form of the crime. Australia has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), and this obliges the government to enact measures to fulfill Article 9.5:

States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

Discouraging demand for the commercial services of Australia's sex industry is an effective way to reduce the profitability of trafficking, and therefore to suppress the crime. Currently Australia hosts a sex industry where between a third and a half of people on sale are foreign born, non-English speaking, or subject to employment 'contracts', which are described in a 2015 Australian Institute of Criminology research report as dictating conditions of debt repayment (<https://aic.gov.au/publications/rpp/rpp131>). These three things are recognised internationally as red flags of trafficking crime. The countries from which victims are trafficked into Australia's sex industry from Asia do not legalise or decriminalise prostitution, and the Australian government even invests in anti-trafficking strategies in these countries. To strengthen these efforts being made abroad, we encourage the Committee to introduce anti-demand strategies within the National Action Plan that discourage local prostitution buying, denounce sex tourism, and block web-cam live-stream pornography services available online.

*2. Should there be additional goals to address other areas of focus, emerging issues or trends? If so, what should they be?*

The phrase 'modern slavery' does not appear in either Divisions 270 or 271 of Australia's Commonwealth Criminal Code Act 1995 that criminalises trafficking, slavery and servitude. The former national action plan included the word 'trafficking' in its title, and this word better aligns with international legal instruments and global conversation against the crime, which is understood worldwide to be one of 'trafficking'. Indeed, the United Nations Trafficking Protocol uses the word trafficking, and not modern slavery. 'Modern slavery' is a phrase coined most recently by the business world to refer to auditing processes for supply chains, and to enact shadow barriers to trade against countries not upholding 'human rights' standards like China, and is therefore not appropriate for a national action plan combatting the crime of trafficking. We encourage the Committee to re-align Australia with the language and approach of the Trafficking Protocol to bring us back into conversation with our Asian bilateral partners where most trafficking victims in Australia's sex industry originate.

Pornography filming, and web-cam pornography live-streaming, are booming businesses of the sex industry worldwide, including Australia. Victims are trafficked for the purpose of

pornography production, which is driven by consumer demand, including for the live streaming of sex acts with Asian children, as described in Anti-Slavery Australia's 'Behind the Screen' (2017) report. Cybersex trafficking is an emerging trend that Australia's Action Plan can tackle through enacting requirements of responsible commercial service against Australian Internet Service Providers who currently operate in a largely deregulated business environment.

*3. The Government is committed to ensuring victims of modern slavery are supported, protected and empowered. Are there ways in which the Government can better reflect the voices of victims and their lived experiences in the 2020-24 Plan and Australia's response to modern slavery?*

Most trafficking victims in Australia's sex industry remain unrecognised because state and territory governments enact legislative regimes in which prostitution is established as a business sector, rather than a commercial activity of sexual violence. This means that, even when women in Australia's sex industry cannot speak English, hold temporary visas, or are subject to employment/debt 'contracts', they are not recognised as likely victims, and no investigation of the conditions of their commercial sexual exploitation is undertaken. To better reflect the voices of these victims, the National Action Plan should incorporate measures to actively investigate and detect trafficking in Australia's sex industry through education and training on typical red flags of trafficking crime commonly understood by police and judiciaries overseas. Asian women are a major population of Australia's sex industry, but their euphemistic characterisation as 'sex work migrants' currently discourages the creation of appropriate investigative tools and training to guide police and the courts in combatting sex trafficking.

Domestic victims of sex trafficking are also mostly unrecognised, even though Australia's anti-trafficking provisions require no crossing of borders to establish the crime. Online businesses openly advertise women for prostitution as part of 'tours' in Australia, and profit from their movement between Australian cities for pimping to sex buyers. Pimps traffic women into Australian mining towns, resort towns, and also into Canberra during times of population movement into that city. These domestic victims of trafficking, some of whom are described in Prostitution narratives: stories of survival in the sex trade (2016), can better have their lived experiences reflected in the National Action Plan through measures encouraging airlines and hotels to adopt anti-trafficking and anti-pornography strategies as part of their business practice.

*4. The Government is committed to ensuring that we can measure the impacts of the 2020-24 Plan. Are there evaluation methods, data sources or metrics the Government should consider in developing an evaluation framework?*

The three red flags of sex trafficking crime: overseas origin, poor English proficiency and prostitution debt 'contracts' should form the basis of nationwide surveys of likely rates of trafficking into Australia's sex industry, and particularly in venues describing themselves as 'massage parlours' which are usually neither registered with local councils nor hold licences. The number of people in Australia's sex industry nationwide should first be gauged, and then the proportion of these people holding temporary visas. Demand for prostitution

among the Australian population, and the Action Plan's success in discouraging this demand, should be measured through male population surveys as well as audits of sex industry patronage rates(including escort agencies, brothels, strip clubs, massage parlours). Contracting the size of Australia's industry to reduce rates of sex trafficking should be the aim that forms the basis of the Action Plan's efforts in data collection. Reductions in sex industry size should be established as the core quantitative target of the Plan's measurement of success in relation to anti-trafficking measures.