



## AUSTRALIAN WOMEN'S COALITION Incorporated

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# Anti-Trafficking Leading Practice Research Project

## Background

In accordance with the contract between the Australian Women's Coalition (AWC) and the Office of the Status of Women, the Australian Women's Coalition undertook to do a research project and report on the findings of the research by the end of May 2004. The Australian Women's Coalition elected to research and report on international anti-trafficking leading practice with respect to prevention/prosecution and with respect to support services for victims of trafficking. This topic was chosen in light of current developments/publicity around anti-trafficking and because a number of AWC member organizations are working in the anti-trafficking area or have a particular interest in it – eg. Catholic Women's League Australia, Zonta International – Zone 23 and 24, UNIFEM, National Council of Women of Australia etc.

## Methodology

AWC approached this project by:

- Liaising with Australian government agencies and NGOs, seeking their advice on known examples of international anti-trafficking leading practice in the areas specified.
- Undertaking an extensive literature and website search of international anti-trafficking measures.
- Liaising with known experts in the field – in particular, Project Respect in Melbourne and Brian Iselin of Iselin Consulting. (As part of this project AWC funded the visit of Brian Iselin to Australia and worked in conjunction with Zonta International – Districts 23 and 24, and NCWA to convene a number of public forums on anti trafficking.)
- Collating examples of innovative/progressive anti-trafficking initiatives, identifying 'gaps'/fragmentation, and documenting examples of good (or potentially good) anti-trafficking initiatives.

## General Findings

The findings of the Australian Women's Coalition's research into international anti-trafficking leading practice can be divided into two distinct areas – (1)



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administration/communication about anti-trafficking initiatives, and (2) anti-trafficking policies and practices.

With respect to (1) administration/communication about anti-trafficking initiatives, the Australian Women's Coalition found that many organizations (both within Australia and internationally) who were contacted about anti-trafficking initiatives were either non-responsive, very slow to reply to requests for information and/or relatively unhelpful in sharing information. There could have been a number of reasons for this – eg. most organizations working in the area of anti-trafficking (particularly NGOs) are under-resourced and responding to enquiries from a small Australian NGO undertaking a small research project is not 'core business' for them. Alternatively, it may have been the case that the Australian Women's Coalition project time line was simply not in keeping with their work priorities and that more information may have been made available at a later date. Either way, difficulties in communication and the collection of data/information made this research project difficult. More importantly however, this difficulty demonstrates that attempts to consolidate and analyse leading practice is not easy and that this in itself may prohibit progress towards advancing anti-trafficking initiatives.

With respect to (2) anti-trafficking policies and practices, two major findings were uncovered by the Australian Women's Coalition's research: (i) there is an abundance of information available but the information is very fragmented in nature, and (ii) it is difficult to discern how up to date particular reports/analyses of anti-trafficking initiatives are - partly because of (1) the fragmentation of information, and partly because developments in the area of anti-trafficking change quickly and it is not easy to tell what progress or changes may have been made with particular initiatives since various reports/initiatives have been documented.

With respect to (2) anti-trafficking policies and practices, the Australian Women's Coalition found a diverse range of good (or potentially good) anti-trafficking initiatives. These initiatives covered the many dimensions and diverse range of issues involved in the trafficking phenomenon – from the social context in which many boys/men develop into seeing women as commodities, to paying for sex being 'normalised', to trafficking being at the end of the 'supply-demand' chain, to the social and economic contexts which lead to women being vulnerable to trafficking, to the lack of training and lack of sensitivity by law enforcement agencies/officers to victims of trafficking, to flawed legal systems which see victims of trafficking as only illegal immigrants, to the lack of infrastructure to support victims of trafficking.

Because of the fragmentation of information, unclear currency of information, and wide range of anti-trafficking initiatives, the Australian Women's Coalition's research project only reports on examples of good (or potentially good) anti-trafficking initiatives in a number of 'sample' areas. It is not a 'compare and contrast' research document.



## The Foundations of Trafficking

Trafficking is founded on the following premises or occurs in the following context. Initiatives that address these premises/context are those that contribute the most to stopping the trade.

- Trafficking is first and foremost a human rights violation. It is a crime against the person and consequently the victim's rights are the most important. Trafficking may involve illegal immigration but that is secondary to the crime of personal violence and exploitation.
- Trafficking is not just a single act. It involves a chain of events and a myriad of organisers/conspirators. There may be many points along the way where trafficking can be prevented, interrupted and/or stopped.
- Trafficking starts with or is founded in a context of vulnerability – women are vulnerable to being trafficked because of the circumstances in which they find themselves – eg, poverty. If women were less vulnerable fewer would be enticed into trafficking.
- Other women often recruit women into being trafficked. Women build trust with other women and those involved in the initial part of the trafficking process are often women who build rapport with victims of trafficking. But these women, in a sense, are also victims of the whole process, because trafficking is essentially about supply and demand, and the supply and demand is dictated by men for men. All women in the trafficking process are used.
- The supply and demand for women (i.e., the buying of women for sex) emanates from the way in which men see women, and how pornography and prostitution in particular are 'normalised'. Trafficking in women for the purpose of men buying sex is simply at one end of the supply and demand continuum. If women were not seen by men in this way the supply and demand chain would not be as it is and fewer women would be victims of men's violence against women.
- Often trafficking is connected with drugs and organised crime activities. Attempts to address trafficking may involve complex investigative and anti-corruption strategies.
- All individual instances of trafficking come to an end – i.e., no one stays trafficked. Women pay off their debts to those who traffick them and/or they are discarded by them. This is the point at which many governments fail the victims of trafficking. It is at this point that many who are trafficked come to the notice of government authorities and too often they are then just treated as illegal immigrants. Law enforcement agencies/officers properly trained in human rights/trafficking issues could be 'rescuers' of victims of trafficking rather than agents of further 'punishment'.



## Leading Practice Examples

### Human Rights

**Training in Human Rights and Trafficking Issues** – Both Sweden and Italy have introduced into their police forces/law enforcement agencies training/education in human rights and trafficking, with a particular emphasis on trafficking in women (and children). The Swedish police training is done in-house by the national police service *Rikspolis*. The Italian police training is conducted primarily by non-police organizations (mostly NGOs). The Italian NGO *IRENE* has produced a handbook for police as part of its work for one of the EC Daphne Projects. These training/education programs constitute one type of leading practice in the area of anti-trafficking because the focus of the education/training is on trafficking being a human rights abuse rather than an immigration offence. The training/education also aims to educate law enforcement officers to identify trafficking situations and to see women who have been trafficked as victims rather than illegal immigrants. In some cases the education/training challenges law enforcement officers to evaluate their own attitudes to women in the sex industry.

**'Reflection' Periods/Residency** – The Netherlands was the first country to provide temporary residency to women trafficked into the sex industry. The law has three provisions. (a) A reflection delay of three months for women who have been trafficked. During this time they can stay in the Netherlands while they make an informed decision about pressing charges. (b) Temporary residency is granted to those who press charges for the duration of the investigation and trial. (c) Applications for permanent residency on humanitarian grounds can be made regardless of whether the case is dismissed or the criminal charges succeed. The Netherlands' introduction of a reflection period and residency options for trafficked women constitutes leading practice in three respects – (i) it broke the accepted international 'norm' of treating trafficked women as illegal immigrants and deporting them upon apprehension, (ii) it set a precedent for several other countries to follow suit and also introduce reflection delays and residency options for trafficked women, and (iii) the introduction of the reflection delay in the Netherlands led to more comprehensive support services being provided to victims of trafficking. Currently, women who are residing in the Netherlands on a reflection delay are allocated a 'case manager' and are provided with medical, legal and financial assistance. They also receive a monthly allowance via the **Reception of Asylum Seekers Agency (COA)** for their living costs and are housed in a shelter.

Belgium and Italy (and some other countries) also have reflection delays and residency options for trafficked women. However, in these and other cases, the provisions of the reflection delay/residency options are not as generous as the Netherlands and hence not 'leading practice' in the sense that the Netherlands is. In Belgium for example, the reflection delay enables a



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trafficked person to remain in the country for only 45 days. To be eligible for the reflection delay trafficked women must sever all links with their trafficked environment and be in the care of one of three specialised support centres. If trafficked women decide not to lay charges against traffickers they must leave the country within 45 days. In Italy, there is no reflection delay. Victims of trafficking are entitled to temporary residence but this is granted on the condition that they participate in a social assistance and reintegration program. An extension of temporary residence can be granted after an initial six month period if trafficked women are either assisting the prosecution, enrolled in an education program or employed. Ongoing renewal of residency (or permanent residency) is determined by the degree integration into Italian society and employment (although some trafficked women may appeal for asylum based on the grounds of fear of persecution).

### **Prosecution of Traffickers**

Trafficking is either illegal in most countries or criminal charges can be made against traffickers under anti-slavery and/or anti prostitution laws. Because it is difficult to quantify the amount of trafficking per se it is difficult to quantify or apportion the degree of success particular countries have in prosecuting traffickers. Further, because in many cases trafficking is intrinsically linked to drugs, corruption and/or underworld crime, it is even more difficult to identify successful prosecution initiatives aimed only at trafficking/traffickers. It appears however, that those countries that are most successful in prosecuting traffickers are those that have made prostitution illegal. In Sweden for example, since 1999 when the law making it illegal to buy sex was introduced, a significant number of men (how many?) have been charged with buying sex, the number of prostitutes has fallen by an estimated 20% and there has been an significant associated drop (?%) in the number of foreign (including trafficked ?) prostitutes.

Small, but perhaps effective, related prosecution strategies have been introduced in some other countries. For example, in India, law enforcement officers' performance appraisals take into consideration their individual efforts to investigate trafficking and/or apprehend traffickers.

Some countries have very harsh penalties for traffickers – eg, in Uganda traffickers may face the death penalty under certain circumstances. This may serve as a deterrent to 'would be' traffickers. However, countries such as Uganda don't necessarily demonstrate anti-trafficking 'leading practice' with such harsh penalties. Generally their harsh penalties are simply reflective of an overall, cruel, national punishment regime. Further, it is difficult to estimate how many traffickers have been prosecuted, how many have been prosecuted for trafficking as opposed to or in conjunction with other offences, and whether or not trafficking has decreased as a result of these harsh penalties.



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### **Prevention of Trafficking**

Because it is so difficult to quantify the amount of trafficking, it is difficult to quantify the effectiveness of prevention strategies. Further, it is often difficult to distinguish prevention strategies from prosecution strategies. They may be one in the same thing – i.e., trafficking may be prevented in some instances because the prosecution strategies serve as a deterrent. It is worth noting though that some countries have set up apparently small initiatives that may have important, 'leading practice' effect. For example, in Nepal, former victims of trafficking work alongside Nepalese border officials to identify traffickers and victims at key crossing points. They seek out and assist 'would be' victims and apprehend known or suspected traffickers. In Thailand and Nigeria law enforcement agencies also work with NGOs to identify traffickers, and in South Korea the police frequently threaten to publish the names of brothel owners (including those involved in trafficking or in receipt of trafficked women) and their patrons. Since many owners and patrons in South Korea are prominent citizens this strategy has proven to be a deterrent.

### **Vulnerability of Women/Poverty**

There are no specific leading practice examples orientated specifically towards reducing poverty or poor circumstances for the purposes of stopping trafficking, but countries that are working towards empowering women (particularly 3<sup>rd</sup> world countries) may advance the anti-trafficking cause as a result.

### **Social/educative initiatives to change the way men view women (supply and demand)**

Education and social programs aimed at re-defining masculinity have been introduced in Finland, Belgium, Sweden and a number of other countries. These programs are broad based and challenge 'traditional' attitudes and male/female stereotypes. If sustained and successful these initiatives may constitute longer term anti-trafficking leading practice strategies in that they may lead to such a change in the way men view women that it will become culturally unacceptable for women to be bought/traded/trafficked for sex. In Sweden the re-defining masculinity programs involve comprehensive education initiatives in schools and for young men in other areas of their lives. In schools for example teachers are educated about the impact of gender on the learning process, classroom (and other behaviours), and study choices. Each municipality is required to report on what initiatives have been introduced to promote gender equality between male and female students in consideration of these factors. In addition, Sweden runs comprehensive fatherhood programs for 'soon to be' fathers which address fathering responsibilities from an equality premise. Parental leave provisions reinforce parenting equality by providing exactly the same amount of parental leave for fathers as mothers, and it stipulates that the leave entitlements cannot be transferred. These programs are set within and complement Sweden's anti-



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discrimination, anti violence against women and anti-trafficking context (both legally and culturally) thus constituting a multi faceted approach to changing the way men view women (or are allowed to view women) and thereby potentially contributing to a change in the 'supply and demand' aspect of trafficking.

### **Rescuing victims**

Those countries that provide 'reflection' periods and/or residency options for trafficked women (see above) demonstrate some leading practice with respect to 'rescuing' victims. Other rescue related leading practice initiatives of a different kind include witness protection programs and comprehensive care and support programs. Italy for example has a sophisticated witness protection program where among other things verbal evidence from victims may be replaced with the reading of written affidavits or video testimony in which victims' appearance and/or voice may be altered. In Germany victims may be placed in safe accommodation and provided with daily living assistance from local authorities as part of the German care and police protection schemes. (The leading practice benefit of the latter type of scheme however is eroded in cases where a condition of the care/protection program is that victims are isolated, not allowed to communicate with people they know from the sex industry, and are not permitted to seek employment.)

### **Are good examples of anti-trafficking initiatives really 'leading practice'?**

Although there are many examples of anti-trafficking initiatives that appear to be advancing the prevention of trafficking, prosecution of offenders and/or support for victims, care needs to be taken in interpreting good (or potentially good) anti-trafficking initiatives as 'leading practice'. This is because in many cases the anti-trafficking initiatives are in their infancy and there has not been enough time to truly evaluate their effectiveness. Many reports of anti-trafficking initiatives and the effects of them do not include qualitative or quantitative data/information and so it is difficult to measure the real difference they have made. Secondly, it may be argued that good (or potentially good) anti-trafficking initiatives may be less effective if one of the effects of them is to simply move the trafficking trend elsewhere. Moving it elsewhere may in fact exacerbate trafficking in a different area and this will thereby diminish the value of the 'leading practice'. Thirdly, because of the fragmentation in available information and lack of research that has been done with the victims of trafficking themselves, it may be that current good (or potentially good) anti-trafficking initiatives are not as targeted or as effective as they could be. They may be 'leading practice' in the sense of being the most innovative that there is at the moment but they may not be leading practice or best practice in the proper sense. Further research and a fine tuning of anti-trafficking strategies may be necessary.



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### Key aspects of leading practice anti-trafficking initiatives

Real and effective leading practice anti-trafficking initiatives need to embrace the following:

- The needs and rights of victims must come before all other considerations – including a state/country's position on illegal immigrants. Restorative justice which protects the rights of the victims should be pursued before criminal prosecution for illegal immigration.
- Law enforcement agencies/officers need to be educated in human rights and trafficking issues. Such education should embrace a shift in emphasis from immigration law enforcement to rescuing victims and arresting traffickers. It should also cover supply and demand issues driven by men for men and challenge law enforcement agencies/officers to be non-sexist, non-racist and non-discriminatory in carrying out their duties.
- The importance of anti-trafficking should be heightened within law enforcement agencies and more adequately resourced.
- There should be a broadening of the approach law enforcement agencies take to organised crime and corruption so that trafficking which occurs in this context is specifically and more appropriately tackled.
- Harsh penalties should be introduced for all those involved in the trafficking 'system', and throughout the supply and demand continuum.
- Reflection delays of at least three months duration should be implemented along with a range of residency options tailored to the circumstances of particular victims.
- Caring for the rights of victims should include holistic victim protection – freedom from reprisals as well as facilitating the right to legal redress and access to justice. A multi-disciplinary team approach should also be taken (as is it is with cases of domestic violence and child abuse) to include the services of counsellors, psycho-social workers, medical practitioners etc.
- Further research should be done into the link between criminalizing the buying of sex and a reduction in trafficking with a view to international criminalizing of the buying of sex if the link is proven.
- A wide range of educational, societal and cultural initiatives should be put in place to change the way men view women and the current 'normalising' of buying sex. Boys and men in all contexts should be targeted in an effort to make buying sex culturally unacceptable.
- Public education campaigns highlighting the reality of sex work in other countries (i.e., what trafficking really involves for the victims) should be implemented so that more women and girls say 'no'.
- All organizations involved in combating trafficking – from the smallest community group to the largest government strategy – should be encouraged to persist with and unify their efforts.



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- All countries/agencies should make a concerted effort to report on their anti-trafficking initiatives and to keep their anti-trafficking information that is in the public domain up to date.
- The ideas and needs of victims of trafficking should be continually drawn on in devising new leading practice or best practice ways of preventing trafficking, prosecuting traffickers and supporting victims of trafficking.

### Resources and References

The Australian Women's Coalition has drawn on the following resources, agencies and references in the research and preparation of this report.

- Australian government agencies including:
  - Department of Prime Minister and Cabinet (Office for the Status of Women),
  - Attorney-General's Department,
  - Department of Immigration and Multicultural and Indigenous Affairs
  - Australian Federal Police
- Coalition Against Trafficking in Women (CATW)
- Project Respect
- Brian Iselin and Iselin Consulting
- ***Human Traffick, Human Rights: Redefining Victim Protection***, Anti-Slavery International
- ***Trafficking in Persons Report***, US Department of State
- ***Combating Trafficking in Persons: A Directory of Organisations***, Anti-Trafficking Programme
- ***Inquiry Into Trafficking Women for Sexual Servitude***, Submission to the Parliamentary Joint Committee Inquiry into the Australian Crime Commission's Response to Trafficking in Persons
- ***United Nations Office on Drugs and Crime Anti-Trafficking Assessment Tool***
- ***United Nations Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices***
- ***Trafficking in Women and Children in Asia and Europe***, Ministry for Foreign Affairs, Department for Asia and the Pacific
- IRENE Italy
- EC Daphne Projects – 2001-2004
- Government websites of Sweden, Finland, Belgium, Thailand, United Kingdom, United States of America, Italy, Nigeria etc.
- Other relevant websites/links.



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**Enquiries**

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