

## Trafficking in women for sexual exploitation

Lara Fergus

Trafficking in human beings is large-scale and growing. It is a human rights abuse as well as a crime crossing international, national and regional jurisdictions. Trafficking is used for a wide variety of purposes, such as domestic, agricultural or sweatshop labour, marriage and prostitution. Australia is a destination country for victims of trafficking, and evidence suggests the majority are women trafficked into debt-bonded prostitution. Recent years have seen many changes in international and national responses to, and legislation on, trafficking in persons. In this paper we review some of the theoretical approaches to trafficking for the purposes of sexual exploitation, as well as examine the current legislative, policy and service responses. We aim to provide an overview of recent developments and navigate the varied and often opposing modes of analysis surrounding the issue. Overall, ACSSA intends this paper to serve as an informative resource for services, policy makers and researchers on the subject of trafficking in women for sexual exploitation in Australia.

Trafficking in persons is, in itself, a human rights violation, and one which can result in a series of further abuses, involving debt-bondage, forced labour and slavery-like conditions, as well as rape, torture, imprisonment and even murder. The treatment of human beings as commodities, or products to be bought and sold, is considered a violation of their most basic rights to freedom, autonomy and human dignity by the United Nations (UN) and international human rights groups (United Nations Office on Drugs and Crime 2005; Human Rights Watch 2004; Amnesty International and Anti-Slavery International 2004). The UN Office on Drugs and Crime notes that “over the past decade, trafficking in human beings has reached epidemic proportions. No country is immune” (2005). They estimate that 700,000 people worldwide are trafficked into forced labour and prostitution each year, and a more recent United States (US) government estimate of 600,000 to 800,000 supports this figure (US State Department 2004a: 6). This latter report also estimates that “80 per cent of the victims trafficked across international borders are female and 70 per cent of those females are trafficked for sexual exploitation” (2004: 23).

Trafficking in persons is also an international crime: one that is highly profitable for offenders, with relatively low risk. The United Nations estimates that trafficking in persons generates \$US 7 to 10 billion annually for traffickers. At the time of writing this paper, the US Justice Department’s senior special counsel for trafficking issues and civil rights, T. March Bell, announced that “trafficking



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people for forced labour and sexual slavery has become the world’s No. 2 most lucrative crime” (March Bell 2005), equal with the trade in weapons, and second only to the drugs trade. The profits are huge, he told reporters, citing the example of a brothel owner in Southeast Asia who typically might pay US\$8,000 for a young woman. “We think that owner can make a US\$200,000 profit on that US\$8,000 investment” (2005). The US State Department notes that:

**“Human cargo can often be moved across borders and past immigration officials easier than narcotics or weapons caches, which are often seized when found. Trafficking victims, even if caught [sic], can be re-trafficked. Traffickers can make additional money off victims by re-selling them to another employer after their often-inflated debt is paid. Traffickers may earn a few hundred to thousands of dollars for a trafficked child labourer and brothel owners may make a few thousand to tens of thousands of dollars for each woman forced into prostitution” (United States State Department 2003: 8).**

Internationally, women, children and men are trafficked for various purposes: sexual servitude, domestic labour, marriage (as “mail-order brides”), sweatshop and agricultural labour, begging, and in the case of children, for illegal adoptions. All forms of trafficking involve an increased risk of sexual assault, due to the vulnerability and isolation of the victims and the subsequent environment of impunity for the perpetrators. Human Rights Watch has stressed the importance of this point, noting that: “while government delegates legitimately talk of the horrors of sexual violence against trafficking victims who end up in sexual slavery, they ignore the sexual violence and abuse that is rampant among victims forced into other forms of forced labour. If you talk with women and children who work in sweatshops, in domestic servitude - you will hear the stories of physical and sexual abuse - because at its core, trafficking is about the process of reducing human beings to property” (Human Rights Watch 2002: 2). Women sold into marriage are considered to be trafficked into both domestic labour and sexual servitude<sup>1</sup>.

However, for the purposes of this paper, ACSSA has decided to focus on the form of trafficking where not only is sexual assault experienced on a daily basis, it is the very purpose of the trafficking itself. In this

form – trafficking of women for sexual exploitation – the trafficker profits from the rape and sexual assault of the trafficked woman. The US Government estimates that over half of all victims trafficked internationally, and 70 per cent of all trafficked women, are trafficked for sexual exploitation (United States State Department 2004). While adult men are certainly trafficked internationally into various forms of labour (particularly agricultural), 98 per cent of those trafficked into sexual exploitation are women and girls (International Labour Organisation 2005: 15). In order to reflect this fact, we use the terms “women” and “she” when referring to victims of trafficking for sexual exploitation<sup>2</sup>. Also, in line with ACSSA’s focus on the sexual assault of women and girls over fifteen years of age, our emphasis in this paper is on the trafficking of adult women. It should be noted, however, that children are also trafficked in large numbers into sexual exploitation.

In Australia, evidence suggests that trafficking of women into debt-bonded prostitution is the major form of trafficking, accounting for the majority of victims within our borders (Commonwealth Attorney-General’s Department 2005, Project Respect 2004). Debt bondage is recognised as a form of slavery under the Australian Criminal Code and international law (see boxed text “Definitions”). Interview-based and documentary research by Project Respect, an Australian non government organisation (NGO) working to challenge the various dimensions of exploitation and violence against women in the sex industry, shows that currently these “debts” tend to be between \$40,000 to \$50,000:

**“That means they are doing eighteen, twenty jobs of prostitution a day. They are often having to have sex without condoms. They are often exposed to really intense forms of violence. They’re beaten, they’re raped, they’re threatened. If they run away, they are beaten, they’re starved” (Maltzahn 2003).**

Project Respect’s research (2004) estimates the number of women and children in this situation in Australia to be about one thousand at any one time. ACSSA will examine how trafficking works in Australia in further detail, later in the paper. But first we think it is important to establish the international context in which trafficking takes place, and the recent debates surrounding the issue. Theorisations of, and attitudes toward, trafficking for the purpose of sexual exploitation often run parallel to those surrounding sexual assault. Issues of “consent” and false distinctions between “deserving” and “undeserving” victims abound, and those working to end sexual assault will be familiar with such arguments.

### **The “Trafficking Protocol”: Definitions and interpretations**

Before looking at what trafficking *is*, it is important to define what it *isn’t*. A common confusion is between “trafficking” and “smuggling”. Smuggling is the receipt of some form of payment to transfer a person from one country to another illegally. It is not for the purpose of exploiting that person once they arrive in their destination country. Importantly, particularly in the Australian context, the payment made to the smuggler is final. In the case of trafficking, not only is the person transferred to another country illegally, they are then exploited once they arrive, usually through debt-bondage. That is, the payment made to the trafficker(s) is not only inflated relative to the “services” being paid