

Appendix 3

Sex "Slave" Trade

The Other Side of the Sex Slave Debate

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Sex slavery is considered one the most appalling trades in the world and rightly so, because the thought of any poor young woman rushed away from her home country then forced into prostitution against her will is enough to make anyone sick. That's why so many countries, Australia included, have pushed through tough laws to try to prevent the trade in human misery we all equate with sex slavery.

But there is another side to this debate, one that's rarely discussed in the media and even more rarely considered by politicians, even when seeking ways to reduce the level of sexual servitude in Australia.

Federal police and Immigration Officials raided three Melbourne brothels in May 2004, saving 14 South Korean women from sex slavery, or so the headlines suggested. The women had been flown into the country by a convicted sex slave trafficker, who held onto their passports while they worked in the brothels and paid off their 'travel' debt.

It hard to say how pleased the women were to be removed from the brothels by Immigration but whatever joy it brought must have been short lived when their visas were promptly cancelled and they found themselves in detection, awaiting deportation.

Niki, a young Asian woman working in one of Sydney's massage parlours probably has a better idea than most how those women must be feeling. After all, she too came to Australia using an 'agent', after deciding to leave Thailand. Like many women in her country, she had few career options and none paying as well as an overseas contract in the sex industry. In her home country, sex work is a badly paid profession and the risks of HIV/AIDS infection high because the choice to use condoms is sometimes unavailable.

"I moved to Bangkok and started dancing in the clubs there, to make money for my family," says Niki. "One day I met a woman looking for girls to come to Australia to make money from sex work. It was expensive to come and I didn't know what to expect but, for me, it was an opportunity too good to turn down."

The agent helped Niki get a passport and visa, paid travel costs and found her accommodation and employment in the sex industry. In exchange, Niki agreed to have sex with 500 men, to pay off a debt of \$30,000, before earning money for herself and being free to live and work elsewhere.

This type of business arrangement is referred to as a '*debt-contract*' and it's the most common way Asian sex workers come to Australia. In the years since Niki's contract, the costs have

skyrocketed to more than \$45,000, requiring sex workers to see around 750 men before earning money for themselves.

Some women manage to get student visas to study legitimately in Australia and are then able to work up 20 hours a week, a few choosing to work in the sex industry.

After years of research into sex work, academic Dr Alison Murray has become very familiar with the debt-contract system and she believes the biggest problems the women face are caused by the hype and legal issues surrounding migrant sex workers.

"The hype means immigration and police harass these workers hence they have to rely on other people to 'protect' them," says Dr Murray. "This can end up in exploitative situations and make it harder for health and human rights services to contact the workers.

"Single women from Asia have a much harder time getting visas than, say, young Brits hence they have to go through shady channels to prove finances, get passports and airfares, which is the basis of the 'debt-contract'. If visas were easier and workers better informed about sex work in Australia, they could get here a lot cheaper and easier," she adds.

Niki admits the only way she could have come to Australia was via a debt-contract and her biggest fear once coming here was being found by immigration officials and deported.

"During the contract, I worked hard to pay it off quickly," admits Niki. "I only worked and went to the STD clinic. I didn't want to go out, I didn't want any trouble."

Niki's determination to finish her contract is by no means unusual for overseas sex workers, according to the **Sex Workers Outreach Project**.

"I think once a woman gets here, in my experience, most of them want to see out the term of their contract and make some money for themselves," says an outreach worker dealing specifically with migrant and international sex workers. "They're usually after the big haul, they feel they're a long way from home and it is difficult."

"Without government harassment it takes at least 6 months to pay off a contract," explains Dr Murray, adding that increased police attention in recent years has driven the costs of contracts up while the potential earnings remain the same.

"It's important to remember when we're talking about contracts that they do differ from agent to agent," adds the SWOP worker. "The experience of the individual women is going to be different too, depending on what parlour they're working in, whether it's a busy parlour and they get to see a lot of clients quickly. The occupational health and safety standards will vary from parlour to parlour too, as will the level of support."

While work conditions, debts and potential incomes vary greatly, sex industry advocates, like Sera Pinwill, believe that's a far

cry from the 'sex slave' label being used to describe these workers. Former Co-ordinator of **Workers In Sex Employment** and previously a sex worker herself, Pinwill is a strong feminist familiar with the discrimination faced by sex workers from non-English speaking backgrounds.

"I think the largest misconception the general public has is that most or all of these women working in the sex industry are sex slaves," she says. "The federal government has gone out of their way to build confusion between the two terms -- 'illegal worker' and 'sex slave'. Many overseas sex workers, who choose to work in Australia, are illegal workers because they're working without the correct visa. Only a very small minority could be called sex slaves. However, if you listen to government reports on the matter, they would have you believe that any Asian sex worker here without the correct visa is a sex slave who is undergoing dreadful conditions and torture on a daily basis. This is simply not the case."

Another concern about overseas sex workers has been the use of deceptive recruiting practices -- where women are promised employment outside the sex industry but are forced into prostitution once they get here.

"In my experience, there's a very small number of women in that position," says Pinwill. "I'm sure it does happen -- but only in a minority of cases. What does happen is women, who are aware that they're coming to Australia to work as sex workers, are told by their

recruiters that Australian Immigration goes easier on women they believe have been coerced into working in the industry.

"The 'debt-contract' system is certainly not the most practical or humane way of facilitating labour migration in the Asia-Pacific region," she admits. "There are significant problems with some agents who insist on total repayment of debts before money can be sent back home; who may pressure sex workers to use unsafe sex to increase their income; who may confiscate passports or restrict the freedom of the sex workers once they're here.

"While these agents exercise greater and lesser degrees of control over sex workers lives, I would say the majority do not do so in a way that's overly onerous from the sex workers' perspective. However, the fact remains, that in some cases it's used in a way that's totally unacceptable to any humanitarian person, and therefore should be remedied as soon as possible," she adds.

Hoping to find that remedy and fuelled by continued press coverage of an Asian 'sex slave' crisis, new laws were considered in 1998 to deal with sex slavery.

"The Federal legislation will focus on slavery generally and the recruiting of people overseas for sexual servitude in Australia," announced the then Minister for Justice, Senator Amanda Vanstone. "The new offences provide for maximum penalties of 25 years imprisonment where the conduct amounts to slavery or 15 years imprisonment where the activity falls short of slavery but involves victims working in conditions that amount to sexual servitude."

The *Slavery Legislation*, passed in 1999, did not bring an end to the 'debt-contract' system currently in operation and many critics believe it's made things worse.

"The new legislation may not be in the best interests of the women themselves," says the SWOP worker. "It isn't about reducing the exploitation or the slavery because they're not looking at changing the actual work place practices and increasing occupational health and safety standards within the industry.

"Instead, what they're doing is looking at targeting the agents which will make it harder for the women to come here and work. When they do come, they'll be pushed further underground and the costs of contracts will increase," she adds.

While there are clearly many problems associated with the debt-contract system, the number of women detected working this way is comparatively small and generally represents less than 1 per cent of all illegal migrant workers in Australia.

But Vanstone still believes the Slavery Laws were of benefit, adding that, "During my time as Minister for Justice, I took an active interest in the issue of sex slavery. The illegal trafficking of any person is abhorrent. To traffic women to be used as sex slaves is equally abhorrent and this Government has been vigilant in ensuring protection and support for women who find themselves in this situation."

The kind of support Vanstone trumpets includes that being offered to the 14 Korean sex workers detained in Melbourne and now

awaiting deportation. It's a kind of support, perhaps, but unlikely to be the one preferred by all sex workers. Undoubtedly, having the ability to gain legitimate visas to work in the sex industry would reduce the level of coercion currently associated with the debt-contract system, but that won't be happening anytime soon.

As Vanstone, now Minister for Immigration and Multicultural Affairs (DIMA), explains, sex work is listed as an occupation in the Australian Standard Classification of Occupations and the Skilled Occupations List, both used to by DIMA to determine who qualifies for skilled migration or Temporary Business (Long Stay) visas. Occupations are divided into 10 groups, according to levels of skill and education, with sex work falling into Group 8. Unfortunately, only people from Groups 1 to 4 qualify for visas or migration so sex workers miss out.

"Research confirms that migrants skilled in an occupation from one of these four groups perform well in the labour market," says Vanstone. "There are currently no plans to make any changes to these arrangements."

With no changes in sight and no way to qualify for visas, overseas sex workers have few options but to remain where they are or seek out agents/traffickers in order to work in Australia. Some would argue that such policies 'save' women from overseas sex work but others say it's just another way to subjugate and discriminate against sex workers.

"The whole idea of choice is a difficult one when talking about countries with very different economic and political climates to Australia," admits the SWOP Worker. "But [*seeking a debt-contract*] is still a choice and it's a brave choice, one where the women have calculated the risks and benefits and made a decision based on that."

"These women do not want to be rescued," insists Pinwill. "They want to earn as much money as they can before going back to their families overseas. If they're caught before paying off their accrued debt, they still have to pay it off but by having sex with more than 10 times the number of clients in their home country as they'd have to here. If they don't pay the debt, then their lives and those of their families may be in jeopardy. This is what we're sending them back to when we 'rescue' them from active sex work. I don't believe that the contract system should be allowed to continue unmonitored, but I don't believe that deeming everyone a sex slave and sending them home under the guise of humanitarianism is the way to go either."

When it comes to sex workers, the criteria for gaining Australian visas seems just as barbaric as our treatment of refugees and asylum seekers. One has to wonder how a country built on migration and fairness could have become the playground for such policies and just who is being saved and from what?