



Australian Government

TRAFFICKING IN PERSONS

The Australian Government Response

1 July 2013 – 30 June 2014

THE SIXTH REPORT OF THE INTERDEPARTMENTAL COMMITTEE
ON HUMAN TRAFFICKING AND SLAVERY

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Foreword

We are pleased to present this sixth report of the Interdepartmental Committee on Human Trafficking and Slavery. This report details the important work of Australian Government agencies and their partners during 2013–14.

Human trafficking and slavery are serious crimes that fundamentally curtail freedom, making them amongst the most grave of human rights violations. No country in the world is immune to these crimes.

In 2013–14, the Australian Government continued to implement a strong program of initiatives to combat human trafficking and slavery. These initiatives recognise the importance of preventing these practices before they occur; detecting and investigating possible circumstances of human trafficking and slavery; ensuring perpetrators are brought to justice; and protecting and supporting those who have experienced human trafficking and slavery.

Australia is traditionally a destination country for human trafficking and slavery, with people being exploited in a range of sectors including the domestic services, hospitality and sex industries. Increasingly, Australian authorities are also identifying people, mainly young women, who are in or at risk of forced marriage.

Fortunately, instances of human trafficking and slavery remain comparatively rare in Australia, with only 235 victims referred to the Support for Trafficked People Program between 1 January 2004 and 30 June 2014. However, the impact of these crimes on victims must not be underestimated and we continue to provide a strong framework of protection and assistance for trafficked people, including through the Support for Trafficked People Program and the Human Trafficking Visa Framework.

The Australian Federal Police (AFP) carried out 70 new investigations and assessments in 2013–14, 60 of which were progressed for further investigation. This compares to 52 new investigations and assessments in 2012–13.

Operation Kitrino, the joint investigation between the AFP and Victoria Police into a Korean syndicate allegedly involved in the deceptive recruitment and debt bondage of sex workers at licenced brothels in Melbourne continued. The investigation culminated on 2 July 2013 with the execution of 13 search warrants and the arrest of the five principal suspects. Operation Kitrino resulted in approximately \$1 million worth of assets being restrained by the Criminal Assets Confiscation Taskforce under Commonwealth proceeds of crime legislation.

Civil society organisations continue to play a key role in identifying and supporting trafficked people, as well as raising awareness of all forms of human trafficking and slavery in Australia.

In March 2014, the Australian Government provided a total of \$1.44 million in funding for four non-government organisations to continue their efforts to prevent and address human trafficking and slavery. The Australian Government has also asked a working group, which is comprised of a wide-range of experts from government, business and industry, civil society and academia, to examine ways to address the use of serious labour exploitation in the supply chains of goods and services.

In 2013–14, Australia continued to lead international efforts to combat human trafficking. The Australia-Asia Program to Combat Trafficking in Persons, a key measure to combat human trafficking and slavery under Australia's aid program, commenced in late 2013. In 2014, Australia was active and influential in the drafting process for a new International Labour Organization Protocol seeking to eliminate forced labour.

In the coming year, we will launch the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* (Action Plan) following extensive consultations. By setting the strategic aims of Australia's whole-of-community response to human trafficking and slavery over the coming five years, the Action Plan reaffirms Australia's commitment to a future where no one is subjected to human trafficking or slavery, and the human rights of all people are valued equally.

We look forward to presenting the next report of the Interdepartmental Committee on Human Trafficking and Slavery.

The Hon Michael Keenan MP

Minister for Justice

The Hon Julie Bishop MP

Minister for Foreign Affairs

The Hon Kevin Andrews MP

Minister for Social Services

Senator the Hon Michaelia Cash

Minister Assisting the Prime Minister for Women

Assistant Minister for Immigration and Border Protection

Notes on terminology

Human trafficking vs people trafficking

In 2012–13, the Australian Government formally replaced references to ‘people trafficking’ with references to ‘human trafficking, slavery and slavery-like practices’. This change was made to more accurately reflect work undertaken by members of the Interdepartmental Committee on Human Trafficking and Slavery and the National Roundtable on Human Trafficking and Slavery (previously the Anti-People Trafficking Interdepartmental Committee and the National Roundtable on People Trafficking respectively), and to recognise forms of exploitation that do not require an element of movement.

For ease of reference, this document uses ‘human trafficking and slavery’ as a general term that encompasses slavery-like practices including servitude, forced labour, deceptive recruiting for labour or services, debt bondage and forced marriage.

Trafficked person vs victim

The term ‘trafficked people’ is also used as a general term that encompasses all victims of human trafficking, slavery and slavery-like practices. The exception is where the term ‘victim’ is used in relation to a proper noun or has a specific meaning in relation to law enforcement, for example, victim impact statements or victims of crime compensation schemes.

Criminal Code provisions

The *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* entered into force on 8 March 2013. Amongst other things, the Act amended the Commonwealth *Criminal Code Act 1995* (Criminal Code) to repeal the existing offences of sexual servitude and deceptive recruiting for sexual services and replace them with the broader offences of servitude and deceptive recruiting for labour or services. The Act also introduced new offences of forced marriage and harbouring a victim and standalone offences of forced labour and organ trafficking, changing some of the section numbers of existing provisions. At 30 June 2014, no offenders had been charged with, or convicted of, the human trafficking or slavery offences as amended by the Act. For this reason, where a Criminal Code provision is referenced in relation to a particular matter, the section numbers referenced are those in the Criminal Code as they appeared prior to 8 March 2013.

Titles of Australian Government agencies and departments

This report details the activities of the Interdepartmental Committee on Human Trafficking and Slavery during 2013–14. Following the outcome of the federal election of 7 September 2013, the titles of some Australian Government agencies and departments have changed. For this reason, the titles of Australian Government agencies and departments listed in this report appear as in use at 30 June 2014. Former agency and departmental naming arrangements are outlined in footnotes where applicable.

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Abbreviations

Association of Southeast Asian Nations	ASEAN
Attorney-General's Department	AGD
Australia-Asia Program to Combat Trafficking in Persons	AAPTIP
Australian Crime Commission	ACC
Australian Federal Police	AFP
Australian Human Rights Commission	AHRC
Australian Institute of Criminology	AIC
Bridging F visa	BVF
Commonwealth Director of Public Prosecutions	CDPP
Criminal Justice Stay visa	CJSV
Culturally and linguistically diverse	CALD
Department of Foreign Affairs and Trade	DFAT
Department of Immigration and Border Protection	DIBP
Department of Social Services	DSS
Fair Work Building and Construction	FWBC
Fair Work Ombudsman	FWO
Human Rights Council	HRC
Human Trafficking Teams	HTT
Interdepartmental Committee on Human Trafficking and Slavery	IDC
International Labour Organization	ILO
International Organization for Migration	IOM
International Police	INTERPOL
Operational Working Group	OWG
Non-government organisation	NGO
United Nations	UN
<i>United Nations Convention against Transnational Organized Crime</i>	UNTOC
United Nations Office on Drugs and Crime	UNODC
Witness Protection (Trafficking) (Permanent) visa	WPTV

Executive summary

In 2009, in response to a recommendation of the Australian National Audit Office, the Australian Government agreed to undertake more systematic annual reporting of outcomes under our strategy to combat human trafficking and slavery. In June 2009, the Australian Government tabled in Parliament the first report of the Interdepartmental Committee on Human Trafficking and Slavery (IDC), covering the period from January 2004 to 30 April 2009.¹ The second report covered the period 1 May 2009 to 30 June 2010, and the third, fourth and fifth reports covered the periods 1 July 2010 to 30 June 2011, 1 July 2011 to 30 June 2012 and 1 July 2012 to 30 June 2013 respectively. This is the sixth annual report of the IDC and covers the period 1 July 2013 to 30 June 2014.

In 2013–14, the Australian Government continued its commitment to supporting the important work of non-government organisations working to prevent and address human trafficking and slavery. The Minister for Justice, the Hon Michael Keenan MP, announced a total of \$1.44 million in funding for Anti-Slavery Australia, the Australian Catholic Religious Against Trafficking in Humans (ACRATH), Project Respect and Scarlet Alliance. Under the Grants to Australian Organisations Program, each of these organisations will receive \$360,000 over 2014–17.

In April 2014, Anti-Slavery Australia launched an e-learning tool, which is Australia's first-of-its-kind online training program on human trafficking and slavery. The e-learning course, which was developed using Australian Government funding, is aimed at frontline workers, community and social workers, lawyers, health care professionals, government workers, teachers and law enforcement. The course covers all forms of human trafficking and slavery, including servitude, forced labour, debt bondage, forced marriage and organ trafficking, and includes a comprehensive module on Principles for Working with Trafficked People, as well as identification and referral pathways.

During the reporting period, the Australian Government continued to develop and consult on the next *National Action Plan to Combat Human Trafficking and Slavery* (Action Plan). The Action Plan will set the strategic aims of the ongoing Australian response to human trafficking and slavery, and has been developed after extensive consultation with the National Roundtable on Human Trafficking and Slavery.

The Australian Federal Police received 70 new referrals relating to human trafficking and slavery matters in 2013–14, taking the total to 469 since 2004. Of these 70 referrals, 60 were accepted for further investigation. Almost 43 per cent of these investigations related to sexual exploitation, 35 per cent to other forms of labour exploitation and 17 per cent related to forced marriage. As at 30 June 2014, four human trafficking and slavery matters were before the courts, involving nine defendants. Three of these matters relate to labour exploitation and one to sexual exploitation.

¹ Previous reports are available online at: <<http://www.ag.gov.au/humantrafficking>>.

In 2013–14, the Support for Trafficked People Program (Support Program), administered by the Department of Social Services and delivered by the Australian Red Cross (Red Cross), provided assistance to 76 clients, including 21 new clients. Twenty of the new clients were female and one was male. Of the 21 new clients, eight (38 per cent) were exploited in the sex industry and the remaining 13 (62 per cent) were subjected to other forms of exploitation. Three minors were referred to the Support Program during this period.

Through the Human Trafficking Visa Framework, the Department of Immigration and Border Protection granted seven Witness Protection (Trafficking) (Permanent) visas (WPTVs) in 2013–14, including four to suspected victims of human trafficking and slavery, and three to immediate family members. This compares with a total of 18 WPTVs granted in 2012–13 (12 to suspected victims and six to immediate family members). Eight Bridging F visas were granted to suspected victims of human trafficking and slavery in the reporting period (16 in 2012–13), as well as 15 Criminal Justice Stay visas (21 in 2012–13).

As co-chair of the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process), Australia played a leading role in regional cooperation on human trafficking issues in 2013–14. In particular, Australia led the development of a Bali Process *Policy Guide on Criminalizing Trafficking in Persons*. The policy guide is a short, practical tool which will assist policymakers and practitioners to strengthen legislative frameworks relevant to human trafficking in line with international obligations, with key ‘tips’ on how to establish and implement strong laws.

The Australian Government also continued to be the lead aid donor funding activities to combat human trafficking in East Asia, beginning its \$50 million flagship program, the Australia-Asia Program to Combating Trafficking in Persons (AAPTIP). The program will run until 2018 and aims to reduce the incentives and opportunities for human trafficking in the ASEAN region.

In early 2014, the Australian Government joined the international community in supporting the adoption of a new International Labour Organization Protocol seeking to eliminate forced labour. The new Protocol and its accompanying Recommendation supplement the *Forced Labour Convention 1930* (No. 29) which Australia ratified in 1932. These new instruments encourage practical measures aimed at preventing forced labour, as well as measures to protect and assist victims of forced labour.

During the next year, Australia will launch the Action Plan and continue to work collaboratively with civil society to develop awareness-raising materials both on forced marriage and labour exploitation. We will co-chair the inaugural meeting of a Bali Process Working Group on trafficking in persons, back-to-back with the working group’s first activity – a regional symposium on addressing trafficking for the purposes of labour exploitation. We will also work through the Bali Process to develop policy guides on victim identification and protection, and with business and industry, civil society, unions and academia to examine possible ways to address exploitative practices in product supply chains.



Introduction

Human trafficking and slavery are complex crimes and major violations of human rights. The Australian Government takes a comprehensive, whole-of-government approach to combating human trafficking and slavery. Australia is committed to working with other governments domestically and internationally, and with intergovernmental and non-government organisations (NGOs), business and industry, and unions, to prevent human trafficking and slavery, detect and prosecute the perpetrators, and protect and support the victims.

Human trafficking is a very different crime from people smuggling. Along with slavery, Australia conceptualises human trafficking as encompassing a range of crimes including those where a person is moved domestically or transnationally for the purposes of exploitation – as well as those where a person already in Australia is subjected to exploitative practices like slavery and slavery-like practices. By contrast, people smuggling is the organised, irregular movement of people across borders, usually on a payment-for-service basis, and does not involve the ongoing exploitation of the victim by the offender.

Slavery is where a person exercises the rights of ownership over another person. Practices involving exploitation so serious that they are considered similar to slavery are known as slavery-like practices. Slavery-like practices include servitude, forced labour, deceptive recruiting, debt bondage, and forced marriage. Australia comprehensively criminalises human trafficking, slavery and slavery-like practices.

The link between human trafficking, slavery and slavery-like practices is that they involve the manipulation of complex relationships between the offender and the victim, and that they result in the serious undermining of the victim's personal freedom.

There is little reliable data about the nature and extent of human trafficking and slavery at a global, regional or domestic level. However, there is general consensus that human trafficking and slavery affect almost every country in the world, whether as a source, transit or destination country – or as a combination of these. The United Nations Office on Drugs and Crime's (UNODC) *Global Report on Trafficking in Persons 2012* found that between 2007 and 2010, victims from at least 136 countries were detected in 118 countries worldwide.

The nature of human trafficking and slavery varies from region to region. The most visible form of these crimes involves the transnational movement of women for sexual exploitation. However, around the world men, women and children are exploited for a wide range of other purposes, including forced labour in industries such as hospitality, construction, forestry, mining and agriculture; domestic and sweatshop labour; street begging; forced recruitment into militias and armed forces; and the harvesting of body organs.

Opportunities to traffic people into, or exploit people within, Australia are limited because of our strong migration controls, geographic isolation, and high degree of regulation, compliance and enforcement. Australia's comprehensive whole-of-government strategy to combat human trafficking and slavery also helps to ensure that Australia is a hostile environment for offenders.

Australia is traditionally a destination country for human trafficking and slavery, with the majority of trafficked people identified by Australian authorities to date being women from Asia (particularly Thailand, the Republic of Korea and Malaysia) who have been exploited within the sex industry. In recent years, cases of men and women exploited in a range of other industries have increasingly been identified. In 2013–14, 35 per cent of investigations conducted by the Australian Federal Police (AFP) related to forms of labour exploitation not involving the sex industry. Of the 21 clients referred to the Support for Trafficked People Program in 2013–14, 62 per cent experienced exploitation other than in the sex industry.

Since the establishment of Australia's strategy to combat human trafficking and slavery, the Australian Government has provided more than \$150 million to support a range of domestic, regional and international initiatives. In 2013–14, key measures included:

- a comprehensive legislative framework that criminalises human trafficking, slavery and slavery-like practices, such as forced labour and forced marriage, and provides specific protections for victims giving evidence in court
- specialist teams within the AFP to investigate human trafficking and slavery, an *Australian Policing Strategy to Combat Trafficking in Persons*, and training of domestic law enforcement agencies by the AFP
- support for the Commonwealth Director of Public Prosecutions to prosecute human trafficking and slavery, including funding and training
- a victim support program which provides individualised case management support
- visa arrangements to enable suspected victims and witnesses of human trafficking and slavery to remain in Australia and support the investigation and prosecution of offences
- specialist immigration officers posted in Thailand, China, the Republic of Korea and the Philippines, who focus on human trafficking issues and aim to prevent trafficking in source countries
- regional engagement in the Asia-Pacific on human trafficking issues through the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*
- regional activities to deter human trafficking and slavery, train law enforcement officials, and assist victims under Australia's overseas aid program
- community partnerships with NGOs, academics, business and industry, and unions through the National Roundtable on Human Trafficking and Slavery, and practical support for the work of NGOs, and
- research into national and regional human trafficking and slavery-related trends by the Australian Institute of Criminology.



These initiatives reflect the four central pillars of Australia's strategy to combat human trafficking and slavery: prevention and deterrence; detection and investigation; prosecution and compliance; and victim support and protection. Together these measures address the full cycle of trafficking from recruitment to reintegration and give equal weight to the critical areas of prevention, prosecution and victim support.

Australia's strategy to combat human trafficking and slavery is overseen by the Interdepartmental Committee on Human Trafficking and Slavery (IDC), chaired by the Attorney-General's Department (AGD), with membership from the following agencies:

- Australian Crime Commission (ACC)
- Australian Federal Police (AFP)
- Australian Institute of Criminology (AIC)
- Commonwealth Director of Public Prosecutions (CDPP)
- Department of Employment²
- Department of Foreign Affairs and Trade (DFAT)³
- Department of Immigration and Border Protection (DIBP)⁴
- Department of the Prime Minister and Cabinet
- Department of Social Services (DSS)⁵
- Fair Work Building and Construction (FWBC),⁶ and
- Fair Work Ombudsman (FWO).

The IDC is responsible for monitoring the implementation of the strategy, reporting to the Australian Government on its effectiveness, and ensuring that emerging issues are addressed on a whole-of-government basis. Relevant agencies remain responsible for administering individual components of the strategy.

An Operational Working Group (OWG) comprising AFP, AGD, CDPP, DSS and DIBP has been established as a subcommittee of the IDC to resolve systemic operational issues that arise in the management of individual cases. The OWG also has an important role in referring emerging policy issues for the IDC's consideration.

This is the sixth report of the IDC and covers the period from 1 July 2013 to 30 June 2014.

2 Following the federal election of 7 September 2013, the Department of Education, Employment and Workplace Relations became the Department of Education and the Department of Employment.

3 On 1 November 2013, AusAID was integrated into the Department of Foreign Affairs and Trade to better align Australia's development, foreign policy and trade objectives.

4 Following the federal election of 7 September 2013, the Department of Immigration and Citizenship was renamed the Department of Immigration and Border Protection.

5 Following the federal election of 7 September 2013, the area responsible for administering the Support for Trafficked People Program from the Department of Families, Housing, Community Services and Indigenous Affairs became part of the Department of Social Services.

6 In September 2013, FWBC transferred its role in relation to regulatory oversight for wages and entitlements in the building and construction industry to the Fair Work Ombudsman. As a result, as at 30 June 2014, FWBC ceased its formal membership of the IDC.

Practical support for NGOs

On 25 March 2014, the Minister for Justice, the Hon Michael Keenan MP, announced a total of \$1.44 million in funding for four non-government organisations to continue their efforts to prevent and address human trafficking and slavery. Under the Grants to Australian Organisations Program, each organisation will receive \$360,000 over three years.

This funding is in addition to the \$2.4 million of funding provided to these organisations over 2008 to 2014 under the *Proceeds of Crime Act 2002*, and demonstrates the Australian Government's ongoing commitment to building and maintaining strong partnerships with civil society.

Anti-Slavery Australia: Anti-Slavery Australia is the only specialist research, legal and policy centre in Australia focused on human trafficking, slavery and extreme labour exploitation. Anti-Slavery Australia will continue to use its Commonwealth funding to provide specialist immigration and legal advice and representation to trafficked people, to raise awareness about human trafficking and slavery amongst the general community, vulnerable groups and frontline officers, and to run specialised training programs including its online learning tool. More information on the online training tool is at page 8.

Australian Catholic Religious Against Trafficking in Humans (ACRATH): ACRATH works to facilitate community education and awareness programs, to provide direct support for trafficked people, and to network with like-minded organisations to advocate for measures to address human trafficking and slavery. ACRATH will continue to use its Commonwealth funding to support its Anti-Trafficking Education, Direct Service, and Networking project.

Project Respect: Project Respect is a not-for-profit, community-based organisation that aims to empower and support women in the sex industry, including women who have experienced human trafficking and slavery in Australia. Project Respect will continue to use its Commonwealth funding to support its outreach to women in the sex industry.

Scarlet Alliance: Scarlet Alliance provides training and education to other organisations and government agencies on issues relating to the Australian sex industry and the migration of sex workers into Australia. Scarlet Alliance will continue to use its Commonwealth funding to support its Migration Project, which aims to prevent human trafficking for sexual exploitation at its source, and to support outreach to migrant sex workers in Australia.

Further information on the work of these organisations can be found starting at page 41.



International action against forced labour

In 2014, the Australian Government joined the international community in supporting the adoption of a new International Labour Organization (ILO) Protocol seeking to eliminate forced labour. The Australian Government acknowledges that even though Australia has strong legal protections to prevent and prosecute forced labour on our shores, it continues to be a significant problem for many countries, including in our region.

Despite efforts to reduce and prevent forced labour over many years, the ILO has estimated that at least 20.9 million people still experience forced labour each year, with over half (11.7 million) of these people coming from the Asia-Pacific region. Fifty-five percent of victims are women and girls, and one quarter of victims are under the age of 18.

The new Protocol supplements the *Forced Labour Convention 1930* (No. 29) which Australia ratified in 1932. The new Protocol encourages practical measures aimed at preventing forced labour, as well as measures to protect and assist victims of forced labour.

Australia chaired the Committee on Forced Labour at the ILO's International Labour Conference, and the Australian delegation were active and influential participants in the drafting process. The ILO is the only tripartite United Nations agency with representation from government, employer and worker representatives; the Protocol was also strongly supported by the Australian Council of Trade Unions and the Australian Chamber of Commerce and Industry.

Australia was re-elected to the Governing Body of the ILO in June 2014. Australia will represent the Far-East Asia and Pacific Sub-Group of countries on the Governing Body for a three-year term until 2017. The ILO is responsible for setting international labour standards, relying on cooperation between governments, employers' and workers' organisations to foster social and economic progress.

The text of the Protocol is available online at: <www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_248900.pdf>.

Anti-Slavery Australia e-learning

In April 2014, Anti-Slavery Australia launched an e-learning tool, Australia's first-of-its-kind online training program on human trafficking and slavery. The e-learning course, which was developed using Australian Government funding, is aimed at frontline workers, community and social workers, lawyers, health care professionals, government workers, teachers and law enforcement. The course is an important pillar of the Australian Government's *Communication and Awareness Strategy* including the forced marriage community pack. More information on the forced marriage community pack is available on page 53.

The course covers all forms of human trafficking and slavery, including servitude, forced labour, debt bondage, forced marriage and organ trafficking. The course also includes a comprehensive module on Principles for Working with Trafficked People, as well as identification, referral pathways, and next steps.



Infographics from Anti-Slavery Australia e-learning

Throughout the development of the course, Anti-Slavery Australia undertook several rounds of consultation with over 50 individuals, and community and government stakeholders. The consultations focused on the design of the course and the content of the modules to both determine their relevance and ensure the course would meet the needs of intended users.

Since the April 2014 launch, over 450 people have signed up to the course. In a survey designed to gauge user feedback, over 80 per cent of respondents confirmed that they had a strong understanding of human trafficking and slavery since accessing the course. Respondents also gave very positive reviews concerning the overall aesthetic and content of the course, with 100 per cent of respondents stating that they would recommend the e-learning course to a friend or colleague.

The e-learning course is available online at: <<http://www.antislavery.org.au/e-learning.html>>.



Bali Process policy guide

As part of Australia's ongoing commitment to building regional capacity to combat human trafficking and slavery, from August 2013 to May 2014, Australia led the development of a *Policy Guide on Criminalizing Trafficking in Persons* under the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process).

The policy guide is a short, practical tool which will assist policymakers and practitioners to strengthen legislative frameworks relevant to human trafficking in line with international obligations, with key 'tips' on how to establish and implement strong laws.

A complementary *Policy Guide on Criminalising Migrant Smuggling* has also been developed to provide practical tips to assist states to effectively criminalise people smuggling, including clearly identifying how human trafficking and people smuggling are different crimes that require different responses.

The two policy guides were developed by a drafting committee co-chaired by the Australian Attorney-General's Department and the Thai Office of the Attorney-General. The committee comprised experts from Indonesia, Sri Lanka, New Zealand, and the United Nations Office of Drugs and Crime, with support by the Regional Support Office to the Bali Process.

As part of the consultative process to develop the policy guides, in March 2014 Australia and Thailand convened a major regional workshop, involving 38 countries and organisations, to discuss the content of the draft policy guides. The Ad Hoc Group of the Bali Process subsequently endorsed the policy guides for use as official publications of the Bali Process.

The two policy guides are available on the Bali Process website at <www.baliprocess.net>. They are currently being translated into six regional languages (Urdu, Bahasa Indonesia, Khmer, Laotian, Burmese and Thai). Regional launches of the guides are scheduled for early 2015.

This work under the Bali Process will continue in 2014–15, when Australia will work with a drafting committee to develop policy guides on the identification and protection of trafficked people.

Launch of AAPTIP

In 2013–14, Australia also strengthened its commitment to addressing human trafficking and slavery in the region through our aid program.

Australia's \$50 million flagship program, the Australia-Asia Program to Combating Trafficking in Persons (AAPTIP), began in August 2013. The program will run until 2018 and aims to reduce the incentives and opportunities for human trafficking in the ASEAN region.

Australia announced the implementation of AAPTIP at the 2012 East Asia Summit to build on the achievements of the \$21 million Asia Regional Trafficking in Persons (ARTIP) Project (2006-2011). AAPTIP represents Australia's continued commitment to improving the criminal justice response to anti-human trafficking in the ASEAN region, while promoting a victim-centred and gender responsive approach to combating this crime. The four objectives of AAPTIP are to:

- improve the effective and ethical investigation of trafficking in persons and related cases by law enforcement agencies
- improve the effective and ethical prosecution of trafficking cases
- improve the fair and timely adjudication of trafficking cases, and
- enhance regional cooperation and leadership on the criminal justice response to human trafficking in the ASEAN region.

In 2013–14, AAPTIP established country offices in all seven partner countries (Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, Thailand and Vietnam), and held strategic planning workshops in five partner countries to establish demand-driven plans for AAPTIP activities over the first and subsequent program years.

Engagement with the ASEAN Secretariat is primarily through the Senior Officials Meeting on Transnational Crime Working Group on Trafficking in Persons, which is the principal forum for ASEAN criminal justice agencies to collaborate on human trafficking matters. Through this mechanism, AAPTIP also works with the Heads of Specialist Units, which consists of senior officials that head the national anti-trafficking units within each ASEAN member state to facilitate greater cross-border cooperation on trafficking cases.

AAPTIP is currently implementing activities in Cambodia, Lao PDR, Myanmar, and the Philippines. Implementation in Indonesia, Thailand and Vietnam will begin in 2014–15.



Investigation and prosecution

Australia's strategy to combat human trafficking and slavery includes performance indicators relating to the investigation, prosecution, and conviction of people involved in human trafficking and slavery-related criminal activities.

Given the complexity of matters involving human trafficking and slavery, a range of Australian Government agencies work together to ensure that matters are effectively investigated and prosecuted, and that victims are appropriately protected and supported.

The *United Nations Convention against Transnational Organized Crime* (UNTOC) and its supplementary *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Trafficking Protocol) establish a framework for international cooperation, including various forms of assistance for the conduct of investigations and prosecutions and for the extradition of offenders.

The AFP maintains an extensive network of officers posted to Australia's overseas missions. The officers provide a conduit for Australian and overseas law enforcement agencies to exchange information and progress investigations. In 2013–14, this network was complemented by DIBP specialist immigration officers posted in China, the Philippines, the Republic of Korea and Thailand who focus on human trafficking issues and aim to prevent trafficking in source countries.

The AFP Human Trafficking Team (HTT) investigates human trafficking and slavery matters, both proactively and through referrals from other Commonwealth or State and Territory Government agencies, industry, unions or NGOs. The HTT National Coordinator is based in Canberra, with HTTs located in Sydney and Melbourne. The AFP also has members trained in human trafficking and slavery in Adelaide, Brisbane, Darwin and Perth. For human trafficking and slavery matters in other locations, the HTT can draw upon additional support from the AFP's crime operations function, which has members in each capital city.

Since 2004, the majority of victims have come to the attention of authorities in New South Wales and Victoria, reflecting the population concentration and the relative size of industry in these jurisdictions. Victims of human trafficking and slavery have also been identified in Queensland, Western Australia, South Australia, Tasmania and the Australian Capital Territory.

Primary legislative provisions

Criminal Code offences

Australia's human trafficking and slavery-related offences are set out in Divisions 270 and 271 of the Commonwealth *Criminal Code Act 1995* (Criminal Code).

Division 270 of the Criminal Code criminalises slavery, which is defined as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. The slavery offences have universal jurisdiction and can therefore apply whether or not the conduct occurred in Australia, and whether or not the victim or the offender are Australian citizens or residents.

Division 270 also criminalises slavery-like practices, including servitude, forced labour and deceptive recruiting. These offences can apply to the exploitation of a person's labour or services in any industry, or to exploitation within intimate relationships. Forced marriage is also considered a slavery-like practice under Division 270, and applies where one or both parties do not fully and freely consent to the marriage because of coercion, threat or deception.

The slavery-like offences in Division 270 have extended geographic jurisdiction, and can apply where the conduct occurred in Australia, or where the conduct occurred outside Australia but the offender was an Australian corporation, citizen or resident. None of the offences in Division 270 require the victim to be subject to an element of movement.

Division 271 of the Criminal Code contains specific offences for trafficking in persons, fulfilling Australia's obligations under the Trafficking Protocol. The offences in Division 271 are not limited to trafficking for the purposes of sexual exploitation, and cover trafficking in all its forms. Division 271 includes:

- trafficking in persons offences, which criminalise organising or facilitating the transportation of the victim into, from, or within Australia, using coercion, threat or deception, or by being reckless as to the exploitation of the victim
- trafficking in children offences, which criminalise organising or facilitating the transportation of a child into, from, or within Australia, intending or reckless as to whether the child will be used to provide sexual services or will be otherwise exploited
- organ trafficking offences, which criminalise organising or facilitating the transportation of the victim into, out of, or within Australia, reckless as to whether the victim's organ will be removed
- an offence of harbouring a victim, which criminalises harbouring, receiving or concealing a victim to assist or further the purpose of another person's human trafficking, slavery or slavery-like offence, and
- an offence of debt bondage, to prevent offenders from using unfair debt contracts or other similar arrangements to force victims into providing services to pay off large debts.

Table 1: Criminal Code provisions

Section	Offence	Maximum penalty
270.3(1)	Intentionally reduce a person to slavery, ⁷ possess or exercise rights of ownership over a slave, engage in slave trading, ⁸ enter into a commercial transaction involving a slave, or exercise control or direction over, or provide finance for, slave trading or a commercial transaction involving a slave	25 years
270.3(2)	Recklessly enter into a commercial transaction involving a slave, or exercise control or direction over, or provide finance for, slave trading or a commercial transaction involving a slave	17 years
270.5(1)	Cause another person to enter into or remain in servitude ⁹	15 years, or 20 years for an aggravated offence ¹⁰
270.5(2)	Conduct a business ¹¹ involving the servitude of another person or persons	15 years, or 20 years for an aggravated offence
270.6A(1)	Cause another person to enter into or remain in forced labour ¹²	9 years, or 12 years for an aggravated offence
270.6A(2)	Conduct a business involving the forced labour of another person or persons	9 years, or 12 years for an aggravated offence

7 'Slavery' is defined in section 270.1 of the Criminal Code as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.

8 'Slave trading' is defined in subsection 270.3(3) of the Criminal Code as including the capture, transport or disposal of a person with the intention of reducing the person to slavery; or the purchase or sale of a slave.

9 'Servitude' is defined in subsection 270.4(1) of the Criminal Code as the condition of a person (the victim) who provides labour or services, if, because of the use of coercion, threat or deception: a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services or to leave the place or area where the he or she (the victim) provides labour or services; and the victim is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.

10 Under subsection 270.8(1) of the Criminal Code, a servitude, forced labour, deceptive recruiting or forced marriage offence is aggravated where: the victim is under 18; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

11 'Conducting a business' is defined in section 270.1A of the Criminal Code to include taking any part in the management of the business; exercising control or direction over the business; or providing finance for the business.

12 'Forced labour' is defined in subsection 270.6(1) of the Criminal Code as the condition of a person (the victim) who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services; or to leave the place or area where he or she (the victim) provides labour or services.

Section	Offence	Maximum penalty
270.7	Intentionally induce another person to enter into an engagement to provide labour or services, where the other person is deceived ¹³ about the extent to which the person will be free to leave, or to cease providing labour or services; the quantum or existence of a debt owed or claimed to be owed; the fact the engagement will involve exploitation or the confiscation of travel or identity documents; or, if the engagement is to involve the provision of sexual services ¹⁴ , that fact, or the nature of sexual services to be provided	7 years, or 9 years for an aggravated offence
270.7B(1)	Cause another person to enter into a forced marriage ¹⁵	4 years, or 7 years for an aggravated offence
270.7B(2)	Be a party to a forced marriage, where you are not a victim of the forced marriage	4 years, or 7 years for an aggravated offence
271.2(1), (1A)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, using coercion, threat or deception ¹⁶ to obtain that person's compliance	12 years, or 20 years for an aggravated offence ¹⁷
271.2(1B), (1C)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, reckless as to whether the other person will be exploited ¹⁸	12 years, or 20 years for an aggravated offence

13 'Deceive' is defined in section 271.1 of the Criminal Code as to mislead as to fact (including the intention of any person) or as to law, by words or other conduct.

14 'Sexual service' is defined in the Dictionary to the Criminal Code as the use or display of the body of the person providing the service for the sexual gratification of others.

15 'Forced marriage' is defined in subsection 270.7A(1) of the Criminal Code as a marriage where, because of the use of coercion, threat or deception, one party to the marriage (the victim) entered into the marriage without freely and fully consenting.

16 'Coercion' and 'threat' are defined in section 270.1A of the Criminal Code. Coercion is defined as including coercion by any of the following: force; duress; detention; psychological oppression; abuse of power; or taking advantage of a person's vulnerability. Threat means: a threat of coercion; or a threat to cause a person's deportation or removal from Australia; or a threat of any other detrimental action, unless there are reasonable grounds for the threat of that action in connection with the provision of labour or services by a person. Threat includes a threat made by any conduct, whether express or implied and whether conditional or unconditional.

17 Under subsection 271.3(1) of the Criminal Code, a trafficking in persons offence is aggravated where: the offender intended for the victim to be exploited; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

18 'Exploitation' is defined in section 271.1A of the Criminal Code as conduct which causes the victim to enter into any of the following conditions: slavery, or a condition similar to slavery; servitude; forced labour; forced marriage; or debt bondage.

Section	Offence	Maximum penalty
271.2(2), (2A), (2B), (2C)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, deceiving the other person about the provision, or nature of the provision, of sexual services; the extent to which the person will be free to leave, or to cease providing sexual services; the quantum or existence of a debt owed or claimed to be owed; the fact the engagement will involve exploitation or the confiscation of travel or identity documents	12 years, or 20 years for an aggravated offence
271.4(1), (2)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of a person who is under 18, intending or reckless as to whether the person will be used to provide sexual services or will be otherwise exploited	25 years
271.5(1)	Organise or facilitate the transportation of a person from one place in Australia to another, using coercion, threat or deception to obtain that person's compliance	12 years, or 20 years for an aggravated offence ¹⁹
271.5(2)	Organise or facilitate the transportation of a person from one place in Australia to another, reckless as to whether the other person will be exploited	12 years, or 20 years for an aggravated offence
271.5(2A), (2B)	Organise or facilitate the transportation of a person from one place in Australia to another, deceiving the other person about the provision, or nature of the provision, of sexual services; the extent to which the person will be free to leave, or to cease providing sexual services; the quantum or existence of a debt owed or claimed to be owed; the fact the engagement will involve exploitation or the confiscation of travel or identity documents	12 years, or 20 years for an aggravated offence
271.7	Organise or facilitate the transportation of a person who is under 18 from one place in Australia to another, intending or reckless as to whether the person will be used to provide sexual services or will be otherwise exploited	25 years

¹⁹ Under subsection 271.6(1) of the Criminal Code, a domestic trafficking in persons offence is aggravated where: the offender intended for the victim to be exploited; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

Section	Offence	Maximum penalty
271.7B(1), (2)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, reckless as to whether the other person's organ will be removed ²⁰	12 years, or 20 years for an aggravated offence ²¹
271.7D	Organise or facilitate the transportation of a person from one place in Australia to another, reckless as to whether the other person's organ will be removed	12 years, or 20 years for an aggravated offence ²²
271.7F(1)	Harbour, receive or conceal a victim, assisting or furthering the purpose of another person's human trafficking, slavery or slavery-like offence	4 years, or 7 years for an aggravated offence ²³
271.8	Intentionally cause another person to enter into debt bondage ²⁴	4 years, or 7 years for an aggravated offence ²⁵

Employer sanctions offences

Australia's employer sanctions framework aims to reduce instances of illegal work and is focused on encouraging voluntary compliance by building awareness of the consequences of using illegal workers and informing businesses how they can comply with migration laws. The overall intention is to maximise voluntary compliance by using a graduated series of educational measures and sanctions.

Under the *Migration Act 1958* (Migration Act), it is an offence to allow to work, or refer for work, an unlawful non-citizen or a lawful non-citizen who is working in breach of a visa condition. The penalty for committing such an offence is two years' imprisonment.

20 Under section 271.7A of the Criminal Code, the removal of a person's organ is captured by the organ trafficking offence if: the removal, or entering into an agreement for the removal, would be contrary to the law of the State or Territory where it is to be carried out; or neither the victim, nor the victim's guardian, consented to the removal, and it would not meet a medical or therapeutic need of the victim.

21 Under subsection 271.7C(1) of the Criminal Code, an organ trafficking offence is aggravated where: the victim is under 18; the offender intended for the victim's organ to be removed; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

22 Under subsection 271.7E(1) of the Criminal Code, a domestic organ trafficking offence is aggravated where: the victim is under 18; the offender intended for the victim's organ to be removed; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

23 Under subsection 271.7G(1) of the Criminal Code, a harbouring a victim offence is aggravated where the victim is under 18.

24 'Debt bondage' is defined in the Dictionary to the Criminal Code as the status or condition that arises from a pledge by a person of his or her personal services, or of the personal services of another person under his or her control, as security for a debt owed, or claimed to be owed, (including any debt incurred, or claimed to be incurred, after the pledge is given), by that person if: the debt owed or claimed to be owed is manifestly excessive; or the reasonable value of those services is not applied toward the liquidation of the debt or purported debt; or the length and nature of those services are not respectively limited and defined.

25 Under subsection 271.9(1) of the Criminal Code, a debt bondage offence is aggravated where: the victim is under 18; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

The Migration Act escalates these offences to aggravated offences if the worker is being exploited and the offender knows of, or is reckless to, that circumstance. Under the Migration Act, exploitation occurs if a person causes another person to enter into slavery, or a condition similar to slavery, servitude, forced labour, forced marriage, or debt bondage. The penalty for committing an aggravated offence is five years' imprisonment.

DIBP also has a national communication strategy which includes a media and stakeholder engagement campaign to educate businesses on their obligations, and continues to encourage the use of DIBP systems to assist employers to more easily check employees' work entitlements through the Visa Entitlement Verification Online system.

Table 2: Migration Act provisions as at 30 June 2014

Section	Offence	Maximum penalty
234(1), (2)	Provide false documents or false and misleading statements relating to non-citizens	10 years or \$170,000 or both
234A(1), (2)	Provide false documents or false and misleading statements relating to at least five non-citizens	20 years or \$340,000 or both
245AB(3)	Allow an unlawful non-citizen to work	2 years
245AC(3)	Allow a lawful non-citizen to work in breach of a work-related condition	2 years
245AD(1), (2)	Aggravated offence – allow an unlawful non-citizen to work; allow a lawful non-citizen to work in breach of a work-related condition	5 years for an aggravated offence ²⁶
245AE(3)	Refer an unlawful non-citizen for work	2 years
245AEA(3)	Refer a lawful non-citizen for work in breach of a work-related condition	2 years
245AEB(1),(2)	Aggravated offence – referring an unlawful non-citizen to work, referring a lawful non-citizen to work in breach of a work-related condition	5 years for an aggravated offence

State and Territory criminal offences

State and Territory Governments are responsible for regulating the sex industry in Australia. Most jurisdictions have enacted legislation relating to sexual servitude and deceptive recruiting which allow for the prosecution of cases involving sexual exploitation. However, in practice, State and Territory police services generally refer human trafficking and slavery-related matters to the AFP. This is because the AFP has the appropriate specialisation to conduct human trafficking and slavery-related investigations. The AFP is also responsible for referring suspected victims to the Support for Trafficked People Program (see page 27).

²⁶ Under subsections 245AD(1) and(2) and 245AEB(1) and (2) of the Migration Act, an offence of allowing a non-citizen to work is aggravated if the worker is being exploited and the person knows of, or is reckless to, that circumstance. Under section 245AH, 'exploited' is defined to have the meaning provided in section 271.1A of the Criminal Code.

All jurisdictions have a range of offence provisions to cover related crimes such as assault, sexual assault, forced prostitution, kidnapping and deprivation of liberty. State offences may be used in conjunction with Commonwealth offences.

Investigations

Between January 2004 and June 2014, the AFP HTT undertook 469 investigations and assessments of human trafficking and slavery-related offences. Where there was sufficient evidence, these matters were referred to the CDPP.

The AFP received 70 new referrals in 2013–14, 60 of which were accepted for further investigation. This compares to 52 new referrals resulting in 29 investigations in 2012–13. Historically, most referrals investigated by the AFP have related to sexual exploitation, with a smaller number involving other forms of labour exploitation as the primary criminal conduct. In 2013–14, approximately 43 per cent of the new investigations related to sexual exploitation, 35 per cent related to other forms of labour exploitation, and 17 per cent related to forced marriage. The remainder of investigations related to other forms of human trafficking and slavery. Between 8 March 2013, when the Criminal Code forced marriage offences entered into force, and 30 June 2014, the AFP undertook 13 investigations relating to forced marriage. Ten of these investigations were commenced in 2013–14.

Significant AFP operations

The investigation of matters involving human trafficking and slavery can be protracted, complex and resource intensive, particularly given their often transnational nature.

There are significant practical challenges in investigating crime across international borders, including the challenges of communication, and differences in the role of national institutions, legal and political systems. Victims, offenders and evidence can be located in more than one country, and the same set of circumstances can generate investigations and prosecutions in more than one jurisdiction. Larger operations can involve concurrent investigations in multiple locations throughout Australia, and require the support of the AFP's overseas liaison network.

Operation Kitrino

Operation Kitrino commenced in September 2012 as a joint investigation between the AFP and Victoria Police into a Korean syndicate allegedly involved in the deceptive recruitment of sex workers and debt bondage at licenced brothels in Melbourne.

On 2 July 2013, the investigation culminated in the execution of 13 search warrants and the arrest of the five principal suspects. Approximately \$1 million worth of assets was restrained by the Criminal Assets Confiscation Taskforce under Commonwealth proceeds of crime legislation.

Charges laid against the suspects included dealing with proceeds of crime worth \$100,000 or more, contrary to section 400.4(1) of the Criminal Code, by virtue of living on the earnings of sex workers contrary to subsection 10(1) of Victoria's *Sex Work Act 1994*. These charges were identified and utilised in an effort to dismantle and disrupt the crime syndicate.

Working with international law enforcement

In May 2013, the AFP received a request from authorities from the United States of America (US) to assist with gathering evidence in relation to Damion St Patrick Baston who was alleged to be involved with the sexual exploitation of women in Australia, Dubai and the US. The AFP assisted in the US investigation by coordinating witnesses, obtaining evidence and providing victim support as required. Baston was subsequently arrested in December 2013 by US authorities. He was found guilty of 21 charges under US law, including sex trafficking through means of force, fraud and coercion and the importation of an alien for prostitution.

Working with State and Territory law enforcement

Australian Policing Strategy to Combat Trafficking in Persons

On 4 May 2011, the *Australian Policing Strategy to Combat Trafficking in Persons* was endorsed by the AFP and all State and Territory police. The AFP and its State and Territory policing partners are committed to working collaboratively to respond to human trafficking and slavery, including emerging trends and issues. The Australian Policing Strategy focuses on all forms of human trafficking and slavery, including labour exploitation and organ harvesting.

The Australian Policing Strategy outlines a number of obligations, primarily for the AFP, but also for State and Territory police agencies, which are:

- promoting awareness of human trafficking and slavery as crimes
- maintaining partnerships with government and NGOs and developing prevention programs
- contributing to assessments and intelligence products prepared by the Commonwealth, States and Territories
- ensuring that appropriate technical tools are available to police agencies
- ensuring that all suspected victims are given the option of referral to the Support for Trafficked People Program
- providing appropriate training and education to police personnel, and
- contributing to reviews of legislation and regulatory regimes.

The AFP is working with all State and Territory police agencies to review the strategy and to consider next steps.

Referrals

In Australia, human trafficking and slavery-related matters have been referred to authorities by various sources. The referral of many matters has resulted from official State, Territory, and Commonwealth Government activities, including those activities undertaken by State and Territory police together with DIBP. Some matters have been referred by industry representatives or NGOs, while others have been referred by concerned individuals or co-workers of suspected victims. A small number of referrals have also been received from those either working at, or connected to, various embassies and diplomatic missions located in Australia.

The majority of referrals received by the AFP in 2013–14 were from government agencies, primarily DIBP. Referrals from NGOs and members of the public, including self-reporting by suspected victims, contributed to 18 per cent and 17 per cent of referrals respectively. Referrals from Australian policing agencies contributed to 9 per cent of all referrals.

DIBP has a network of compliance officers in every State and Territory in Australia. DIBP officers conduct field operations to locate foreign nationals who have breached their visa conditions, or who are unlawfully in Australia. These officers are provided with specific training in identifying possible indicators of trafficking activity during compliance operations. They are trained to ask questions designed to elicit information that might indicate whether a person has been trafficked. Any indicators of human trafficking or slavery are referred to the AFP for further assessment, irrespective of the visa status of the person concerned.

Human trafficking does not imply illegal entry. The vast majority of all suspected victims have entered Australia on a valid visa, although immigration malpractice or fraud may later become apparent. In 2013–14, 49 reports of possible human trafficking or slavery (involving 36 possible victims) were referred by DIBP to the AFP for assessment. Suspected victims had entered Australia on a variety of visa classes, including tourist, student, and temporary work visas. Some held electronic visas. Some visas had expired by the time their holders were located, making them unlawful 'overstayers', while the immigration status of others remained lawful.

Criminal methodology

In Australia, human trafficking and slavery matters have largely involved small crime groups, rather than large organised crime groups. These small crime groups use family or business contacts overseas to facilitate recruitment, movement and visa fraud. Human trafficking and slavery matters have also generally involved other crime types, including migration fraud, identity fraud, document fraud and money laundering.

Research undertaken by the AIC has shown that offenders convicted of human trafficking and slavery offences under the Criminal Code often share similar backgrounds, experiences and characteristics with their victims. As well as being of the same sex, offenders often share similar cultural, language, socio-economic and migration backgrounds and work histories with their victims. Female offenders may also have prior histories of victimisation.

Traditionally, the majority of human trafficking and slavery matters investigated in Australia have related to women being subjected to sexual exploitation. Statistics indicate that in recent years there has been an increase in the number of matters relating to other forms of labour exploitation. Labour exploitation referrals have related primarily to foreign domestic workers, as well as people exploited in the hospitality, agriculture and construction industries.

In the reporting period, the AFP commenced 10 new investigations relating to forced marriage. Three of these investigations related to marriages that had already taken place. Operational evidence has demonstrated that forced marriage matters require a different investigative approach from other human trafficking and slavery matters. The forced marriage referrals received to date have primarily involved Australian citizens under the age of 18, with relatives alleged to have arranged, or to be arranging, a marriage for them overseas without their full and free content.

Prosecutions

Securing prosecutions is a key objective of the Australian Government strategy to combat human trafficking and slavery.

The CDPP is an independent prosecuting service established by the Australian Parliament to prosecute offences against Commonwealth law. The CDPP has no investigative function, and matters are referred to the CDPP from the AFP and other investigative agencies.

Decisions about whether to proceed with human trafficking or slavery-related prosecutions are guided by the *Prosecution Policy of the Commonwealth*.²⁷

The CDPP must be satisfied that:

- there are reasonable prospects of a conviction being secured, and
- the prosecution would be in the public interest.

In making this decision, the prosecutor must evaluate how strong the case is likely to be when presented in court. This evaluation continues at each phase of the trial process. The decision can only be made based on admissible evidence. Not all the information gathered during the course of the investigation will necessarily be admissible. The evaluation must take into account such matters as the availability, competence and credibility of witnesses and their likely effect on the arbiter of fact, and the admissibility of any alleged confession or other evidence. The prosecutor should also have regard to any lines of defence open to the defendant and any other factors that could affect the likelihood of a conviction.

The cooperation of suspected victims is essential to the investigation and prosecution of human trafficking and slavery-related offences. The major impediment to prosecuting these offences is the reluctance of people to give evidence, particularly as they (or their families) may have been the subject of violence or threats of violence. Because the prosecution of matters involving human trafficking and slavery relies heavily on the evidence of individual

²⁷ *The Prosecution Policy of the Commonwealth* is available online at: <<http://www.cdpp.gov.au/Publications/ProsecutionPolicy/>>.

victims, corroboration of that evidence is frequently necessary to meet the high standard of proof in criminal proceedings. It is often challenging to corroborate this evidence.

Amendments made to the framework criminalising human trafficking and slavery in 2013 aimed to address some of the challenges in obtaining successful prosecutions. For example, the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* inserted a definition of coercion into the Criminal Code to ensure the subtle means by which an offender may gain a victim's compliance is captured and criminalised. The *Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013* extended protections to assist trafficked people to participate in the criminal justice system, including by allowing them to give evidence by closed-circuit television, video link or video recording, and by ensuring the identities of trafficked people are protected. AFP, AGD and the CDPP are continuing to monitor the impact of these legislative changes.

Since the commencement of Divisions 270 and 271 of the Criminal Code, 17 individuals have been convicted of human trafficking or slavery-related offences. Ten of those individuals were convicted of slavery offences, four of servitude offences and three of human trafficking offences. One of the human trafficking convictions was for a matter involving labour exploitation. There were no convictions in the 2013–14 period. As at 30 June 2014, four human trafficking and slavery matters were before the courts, involving nine defendants. Three of these matters relate to labour exploitation, and one to sexual exploitation.

The following provides a summary of convictions since 2004. Detailed information on some of these matters, and on ongoing matters, can be found at Appendix 1.

Table 3: Convictions, by Criminal Code provision, 2004-14²⁸

	270.3(1) Slavery	270.3(2) Slavery	270.6(1) Sexual servitude	270.6(2) Sexual servitude	271.2(1B) Trafficking in persons	271.2(2B) Trafficking in persons	271.4(1) Trafficking in children	271.8(1) Debt bondage
DOBIE, Keith								
DS								
HO, Ho Kam								
HO, Kam Tin								
K								
KOVACS, Melita								
KOVACS, Zoltan								
LEECH, Sarisa								
McIVOR, Trevor								
NANTAHKHUM, Watcharaporn								
NETTHIP, Namthip								

²⁸ These convictions relate to the Criminal Code provisions as they were in force prior to 8 March 2013.

	270.3(1) Slavery	270.3(2) Slavery	270.6(1) Sexual servitude	270.6(2) Sexual servitude	271.2(1B) Trafficking in persons	271.2(2B) Trafficking in persons	271.4(1) Trafficking in children	271.8(1) Debt bondage
SEIDERS, Johan								
TANG, Wei								
TANUCHIT, Kanokporn								
TRIVEDI, Divye								
WONG, Chee Mei								
YOTCHOMCHIN (KENT), Somsri								

Law enforcement training

Human Trafficking Investigations Program

The AFP delivered its annual Human Trafficking Investigations Program in Canberra from 28 April to 6 May 2014. The program is designed to advance expertise in areas critical to the successful investigation of human trafficking and slavery, including legislation, investigative methodologies, interviewing and victim liaison and support.

Twenty-five participants attended the course, including 16 AFP investigators, seven State and Territory police, and two representatives from DIBP. Since 2004, 237 investigators have completed the course, including 161 AFP investigators, 47 investigators from State and Territory police (all jurisdictions), eight representatives from DIBP and 21 investigators from foreign police services.

In August 2013, members of the AFP HTT attended the International Law Enforcement Academy (ILEA) to deliver a two week International Human Trafficking Investigation Workshop to participants from 11 South East Asian countries. The participants were a mix of investigators, prosecutors, immigration officers and social welfare members, reflecting the cooperation between different agencies in human trafficking and slavery-related investigations. The course will run next in August 2014.

To enhance the knowledge and skills of frontline police in Victoria, during the reporting period the AFP provided a full-time resource to the Victoria Police (VicPol) to assist with the development of an information and awareness package on human trafficking. The package is a joint initiative between the AFP and VicPol and provides frontline police officers with an interactive training package as well as portable resources to assist in the identification of victims of human trafficking and slavery, and in investigation management. The package was launched in October 2014, with the intention that the package will be rolled out nationally to all state and territory law enforcement agencies.

Immigration compliance training

DIBP continues to provide training through the human trafficking module of the Compliance Training Program. A total of 48 onshore compliance officers received this training in 2013–14. An additional 68 officers preparing to be posted overseas were provided with training on the detection and prevention of human trafficking and slavery, including on trafficking indicators. Specialist induction is also provided to Human Trafficking Contact Officers (HTCOs) and Senior Migration Officers (Integrity) (Trafficking) (SMOITs) prior to the commencement of their respective roles.

In addition to the standard human trafficking and slavery training curriculum, in April 2014 the DIBP Human Trafficking Unit facilitated a two-day workshop. The aim of the workshop was to:

- bring together all sectors of the DIBP network and all officers who have a role in combating human trafficking in all its forms
- draw on respective experience to identify ways in which to better support each other, and
- bring together onshore and offshore strategies in the identification and management of suspected cases of human trafficking.

The workshop was well attended by both the onshore and offshore network of officers, with nine HTCOs (at least one from each State and Territory) and four SMOIT representatives from Bangkok, Manila and Seoul participating in the workshop.

Training for Australian consular officials overseas

DFAT officers posted overseas are required to report on the possible commission of extraterritorial crimes to ensure that, where appropriate, such matters are referred to Australian law enforcement authorities. This includes policy guidance and training for DFAT officers posted overseas including on the management and referral of consular cases involving forced marriage.

Training for civil marriage celebrants

During the reporting period, AGD continued to work with marriage celebrants to raise awareness of forced marriage issues. Following the introduction of forced marriage offences into the Criminal Code in March 2013, a module about forced marriage and servile marriage was included in the compulsory professional development training provided to civil marriage celebrants during 2014. Information about forced marriage is also contained in the *Guidelines on the Marriage Act 1961 for Marriage Celebrants* prepared by the Australian Government. As part of the ongoing implementation of the forced marriage offences, in 2014–15 AGD will work with religious marriage officiants to raise awareness about forced marriage.

Australia's response to serious and organised crime

Human trafficking is a complex form of transnational organised crime. A range of people may be involved in the trafficking process, including those engaged in the recruitment, transport and harbouring of trafficked people, and in providing false identification or immigration documentation.

The Australian Government is committed to preventing, disrupting, investigating and prosecuting serious and organised crime in all its forms. Australia adopts a capability-led approach to respond to the challenges of serious and organised crime. Under this approach, five key capabilities are used to guide the development of concrete measures to combat serious and organised crime. These capabilities are:

- the development of intelligence, information sharing and interoperability at a whole-of-government level
- removing the profit motive of organised crime by targeting the criminal economy
- investigation, prosecution and offender management laws and processes that are able to respond to the flexible, innovative, resilient and multi-jurisdictional nature of organised crime
- the development of preventative partnerships with industry and the community, and
- the development of strong domestic and international partnerships.

This approach aims to ensure effective cooperation and collaboration among policy, regulatory, law enforcement and intelligence agencies to combat serious and organised crime. It also aims to improve information and intelligence sharing between law enforcement and partner agencies to create a more accurate picture of serious and organised crime in Australia and enhance the Government's ability to address all forms of serious and organised criminal activity.

Three of the key initiatives developed under this capability-led approach are:

- the ACC's classified Organised Crime Threat Assessment (OCTA), prepared every two years, to provide a picture of the most significant threats from serious and organised criminal activity. The next OCTA is expected to be released in July 2014.
- multi-agency responses, such as taskforces, and working groups to respond to operational, policy, regulatory and legislative issues, and
- the National Organised Crime Response Plan, agreed with States and Territories, which sets out a framework for strengthened multi-jurisdictional collaboration and coordination in combating serious and organised crime in Australia.

Organised Crime in Australia 2013

During the reporting period, the ACC released the *Organised Crime in Australia 2013* report.²⁹ The report is an unclassified version of the OCTA, and provides a comprehensive profile of serious and organised crime in Australia. The report summarises the context in which organised crime operates in Australia, and outlines each of the key illicit markets and the activities which fundamentally enable serious and organised crime, including human trafficking and slavery.

National Organised Crime Response Plan 2010–13

Commonwealth, State and Territory Governments developed the National Organised Crime Response Plan (the National Response Plan) in 2010 to set out strategic principles and protocols to underpin a national response to serious and organised crime. The National Response Plan provided a framework to strengthen multi-jurisdictional collaboration and coordination in combating serious and organised crime in Australia through a range of measures, including measures aimed at:

- improving the consistency of legislation to fight serious and organised crime
- removing impediments to effective sharing of information and intelligence, and
- targeting the priority organised crime risks identified in the OCTA.

The National Organised Crime Response Plan expired in June 2013 and the Australian Government is currently working with State and Territories to develop a new plan.

ACC Making Australia Hostile to Serious and Organised Crime Special Operation

The ACC's Making Australia Hostile to Serious and Organised Crime (MAHSOC) Special Operation aims to ensure Australia's institutions, industries and economy are hostile to serious and organised crime, including human trafficking.

Through the MAHSOC Special Operation the ACC bolsters partner agencies' intelligence capabilities through the bespoke targeting of human traffickers and effective deployment of coercive and covert assets to inform operations and contribute toward prevention, mitigation, policy and law enforcement outcomes.

²⁹ The *Organised Crime in Australia 2013* report is available online at: <<http://www.crimecommission.gov.au>>.



Support and assistance to trafficked people

The Australian Government response to human trafficking and slavery continues to focus on providing appropriate support services for trafficked people.

Support for Trafficked People Program

Australia provides a comprehensive range of support services for trafficked people through the Support for Trafficked People Program (Support Program). Trafficked people may be identified through a number of avenues, including immigration officials, law enforcement agencies, NGOs, hospitals, medical practitioners, consulates, and government agencies. Trafficked people are referred to the AFP for assessment and, where appropriate, entry to the Support Program. Eligibility for the Support Program is determined by the AFP and is based on whether a person is, or may have been, the victim of a human trafficking or slavery-related offence. The person must also be an Australian citizen, or hold a valid visa.

To date, most trafficked people identified in Australia have been women working in the sex industry, from both legal and illegal brothels. However, in recent years, Australian authorities have identified an increasing number of men and women trafficked into, or exploited within, other industries, including the hospitality and domestic services industries. This was reflected in referrals to the Support Program in 2013–14, where 62 per cent of new clients experienced exploitation other than in the sex industry.

The Support Program is administered by DSS. The Red Cross has been funded to provide case management services for the Support Program since 2009.

The Red Cross provides a 24 hours a day, seven days a week, 365 days a year national response within all States and Territories in Australia. The Red Cross allocates an individual case manager to each client referred to the Support Program. Case managers are responsible for ensuring the appropriate delivery of support services tailored to meet the client's individual needs.

Case managers help clients to access a range of support services to improve their mental and physical health and well-being following the trauma of their trafficking experience, and to provide opportunities to learn new skills and develop options for life after exiting the Support Program.

These services may include:

- case management support
- suitable accommodation that meets the AFP's security and safety requirements
- medical treatment (through Medicare and the Pharmaceutical Benefits Scheme, or as approved)
- counselling
- access to legal and migration advice
- appropriate skills development training including English language and vocational guidance, where appropriate, and
- social support.

Clients who have dependent children living with them may receive assistance with arranging child-care, schooling, counselling and medical support. They can also be assisted to access parenting support or education.

The Support Program is divided into the following streams:

- **Assessment and Intensive Support Stream** – intensive support for up to 45 days to all trafficked people referred by the AFP, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence. If the person is not an Australian citizen and does not have a valid visa, they can be granted a Bridging F visa (BVF) for up to 45 days. The Assessment and Intensive Support Stream provides an extended recovery and reflection period and time for trafficked people to assess their options. Trafficked people on the Assessment and Intensive Support Stream have access to the following support as needed: case management support; secure accommodation; a living allowance; an amount for the purchase of essentials such as clothing and toiletries; access to health care, including counselling; access to interpreters; and access to legal services.
- **Extended Intensive Support Stream** – access to a further 45 days' support for trafficked people who are willing, but not able, to assist with the investigation or prosecution of a human trafficking or slavery-related offence, for reasons including age, ill health or trauma. This extended period of support is provided on a case-by-case basis and is designed to provide flexibility in the support available to trafficked people. If required, a second BVF for up to 45 days may be granted in such cases.
- **Justice Support Stream** – support until the investigation and prosecution of a human trafficking or slavery-related matter is finalised. On the Justice Support Stream, clients have access to the following support as needed and if eligible: Special Benefit, Rent Assistance, and a Health Care Card administered by Centrelink; assistance with securing longer-term accommodation; assistance to purchase essential furniture and household items; access to Medicare and the Pharmaceutical Benefits Scheme; access to legal services and interpreters; assistance to obtain employment and training (including English-language training) if desired; links to social support; as well as case management support.

- **Temporary Trial Support Stream** – intensive support (similar to that provided under the Assessment Stream) for trafficked people giving evidence pertaining to a human trafficking or slavery-related prosecution. Recipients are entitled to short-term accommodation and a weekly living allowance.

There is also a 20-day **transition period** for trafficked people leaving the Support Program.

Statistical profile of the Support Program

New clients referred to the Support Program between 1 July 2013 and 30 June 2014

Twenty-one new clients entered the Support Program between 1 July 2013 and 30 June 2014, and of these, 20 were female and one male. Eight clients were exploited in the sex industry, and the remaining 13 clients were subjected to other forms of exploitation. During this period, the Support Program did not receive more than five client referrals from any one country. For privacy reasons, the Australian Government does not provide data on individual countries where there are less than five trafficked people per country referred to the Support Program. Three minors were also referred to the Support Program during this period.

Table 4: New clients referred to the Support Program between 1 July 2013 and 30 June 2013 by State and Territory

State/Territory	Number of new clients
ACT	1
NSW	11
NT ³⁰	1
QLD	1
TAS	0
VIC	6
WA	1
TOTAL	21

³⁰ While an individual was placed on the Support Program in the Northern Territory, the alleged offending occurred in a different jurisdiction. This discrepancy is reflected when comparing this table to the information provided by the AFP on page 18 of this report.

Total number of clients on the Support Program during 2013–14

There were a total of 76 clients supported on the Support Program during 2013–14, compared to 83 clients in 2012–13. As at 30 June 2014, a total of 235 clients had been referred to the Support Program since its inception in 2004 (see Table 5).

Table 5: Total number of clients on the Support Program during the financial year

Financial year	Number of clients
2005–06	41
2006–07	48
2007–08	60
2008–09	59
2009–10	67
2010–11	81
2011–12	77
2012–13	83
2013–14	76
TOTAL	235

As at 30 June 2014, there were 51 clients on the Support Program, with 41 female and 10 male clients. Twenty-five clients exited the Support Program between 1 July 2013 and 30 June 2014. Fifty-seven per cent of clients supported during this period were exploited within the sex industry, all of whom were female (see Table 6).

Table 6: Number of clients on the Support Program by type of exploitation and gender during financial years 2012–13 and 2013–14

	Non-sexual exploitation*		Sexual exploitation		Total	
	2012–13	2013–14	2012–13	2013–14	2012–13	2013–14
Male	11	11	0	0	11	11
Female	9	16	63	49	72	65
Total	20	27	63	49	83	76

* Non-sexual exploitation includes all other forms of human trafficking and slavery-related exploitation that occurs outside the sex industry, including exploitation in other industries (such as the hospitality and domestic services industries), or in intimate relationships, or organ trafficking.

The main countries of citizenship for clients on the Support Program in 2013–14 were China, Malaysia, the Philippines, Republic of Korea, and Thailand (see Table 7).

Table 7: Number of clients on the Support Program during financial year 2013–14 by country of citizenship at time of referral

Country of citizenship	2013–14
Thailand	18
Malaysia	16
Philippines	8
Republic of Korea	7
China	6
Other*	21
TOTAL	76

* Combined client total where individual countries had less than five clients.

Challenges in delivering the Support Program

DSS's funding agreement with the Red Cross has provided the service provider with flexibility to deliver case management services and tailor support for individual clients.

Supporting minors

DSS's challenge is to ensure that Red Cross is positioned to respond effectively to the possibility of a changing client population following the 2013 introduction of new offences to the *Criminal Code Act 1995*. DSS is actively working with relevant government agencies and the Red Cross to ensure processes are in place to manage new cases as they arise, in particular potential cases involving clients who are minors. As at 30 June 2014, there were two minors on the Support Program. Specialist services are available, in accordance with the principle of the best interests of the child, for any minor identified as, or suspected of, having been trafficked into Australia.

Supporting victims, and potential victims, of forced marriage

During 2013–14, the Support Program received its first referrals of clients who were in, or at risk of forced marriage. Although there is a diversity of experiences among clients, and support is tailored for individual clients, preliminary observations indicate that this client group has particular support needs. These differing support needs present challenges including in citizenship status (as clients may be Australian), age (as they may be minors), and the relationship to the alleged offenders (who may be family members). Providing support to people in, or at risk of forced marriage has also highlighted the complexities of working across State, Territory and Commonwealth jurisdictions and agencies.

CASE STUDY

A Support Program client

B* was trafficked into Australia for labour exploitation and referred to the Support Program. B received intensive casework support from the Red Cross for over three years. While on the Support Program B was assisted to secure long-term accommodation and referred to various agencies including generalist health care, educational training and legal and migration advice.

During her time on the Support Program, B chose to prioritise paid employment over accessing the vocational and educational training offered by the program. However B's caseworker ensured that she was aware of all the options available to her, and that she understood how to find and access training and education opportunities in the future. B stated that she now has a strong understanding of how to find and access training and education.

B was very keen to become more independent and, with the support of her caseworker, she was able to accomplish this. Through the services provided to clients on the Support Program, B accessed driving lessons, an English as a Second Language course and TAFE English classes. B is now fluent in English and has a high level of literacy – a significant improvement from when B was first referred to the Support Program.

As B's confidence grew, she gained employment and moved from part-time to full-time work. With this new found confidence B told her caseworker that she is in a better place mentally and is happy to be working to support herself.

As B was willing and able to assist in the criminal justice process, she was granted a Criminal Justice Stay visa (CJSV) and provided assistance under the Justice Support Stream of the Support Program. Towards the end of B's time of the Support Program, she was granted a Witness Protection (Trafficking)(Permanent) visa (WPTV). Being granted a permanent visa to stay in Australia improved B's emotional well-being as she no longer had to worry about the uncertainty of her future.

Towards the end of B's time on the Support Program, she told her caseworker that during her time with the Red Cross, she developed career goals and made plans for the future. B reported that she now has a new career path and in the future would like to volunteer at Red Cross.

* Given the small number of clients on the Support Program and the need to preserve the privacy of individual clients, personal details (such as clients name) have been changed, and all information that may make the client easily identifiable has been removed.

Human Trafficking Visa Framework

The Australian Government's comprehensive Human Trafficking Visa Framework (Visa Framework) enables foreign nationals who do not already hold a valid visa and are suspected victims of human trafficking or slavery to remain lawfully in Australia. Like Australian citizens and other valid visa holders who are suspected trafficked people, they are then able to access support through the Support Program.

The Visa Framework comprises three visas:

- **Bridging F visa (BVF)** – a person assessed by the AFP as a suspected trafficked person may be eligible for a BVF for up to 45 days. A BVF can also be granted to immediate family members in Australia. There are no work rights associated with a BVF, but the trafficked person can receive intensive victim support through the Support Program. There is also an option to grant a second BVF for a further 45 days (taking the total to 90 days). During this time the trafficked person will continue to receive intensive support. The offer of a second BVF is considered on a case-by-case basis.
- **Criminal Justice Stay visa (CJSV)** – after the expiry of a BVF, a CJSV may be granted to a suspected trafficked person at the request of the police. A CJSV allows the holder to remain in Australia for as long as their presence is required for the administration of criminal justice. A trafficked person on a CJSV is allowed to work and receives support under the Justice Support Stream of the Support Program.
- **Witness Protection (Trafficking) (Permanent) visa (WPTV)** – a trafficked person who has made a contribution to an investigation or prosecution of an alleged offender may be eligible for a WPTV. This visa allows the holder to remain in Australia permanently, and immediate family members may be included in the visa application.

A WPTV may be granted to a trafficked person if the criteria prescribed in the *Migration Regulations 1994* are met. These include, but are not limited to:

1. the Attorney-General certifies that:
 - the person made a contribution to, and cooperated closely with, the prosecution of a person who was alleged to have trafficked a person or who was alleged to have forced a person into exploitative conditions (whether or not the person was convicted), or
 - the person made a contribution to, and cooperated closely with, an investigation in relation to which the Director of Public Prosecutions has decided not to prosecute a person who was alleged to have trafficked a person or who was alleged to have forced a person into exploitative conditions
2. the person is not the subject of a prosecution for an offence that is directly connected to the prosecution mentioned in the Attorney-General's certificate, and
3. the Minister for Immigration and Border Protection is satisfied that the person would be in danger if he or she returned to his or her home country.

Between 1 July 2013 and 30 June 2014, DIBP granted eight BVFs and 15 CJSVs to suspected trafficked people and their immediate family members. During this period, a total of seven WPTVs were granted, four to trafficked people and three to their immediate family members. The following table includes visa grant statistics for previous years.

Trafficking visas granted 2004–05 to 2013–14

Financial Year	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12	2012–13	2013–14
Bridging F visa	31	11	16	34	39	33	24	12	16	8
Criminal Justice Stay visa (CJSV)	23	8	18	18	30	23	29	17	21	15
Witness Protection (Trafficking) (Temporary) visa	-	-	4	13	-	The Witness Protection (Trafficking) (Temporary) visa was removed by legislative change on 30 June 2009.				
Witness Protection (Trafficking) (Permanent) visa	-	-	-	-	5	21	42	26	18	7

Note:

- The number of visas cited includes those granted to both suspected victims of trafficking and their immediate family members.
- For the Bridging F and Criminal Justice Stay visas only, the number granted reflects the ability to grant such visas more than once to the same person.

DIBP has introduced additional measures to protect the confidentiality of trafficked people by preventing disclosure of possibly sensitive personal information to third parties through the Visa Entitlement Verification Online system. These measures are in response to concerns raised by stakeholders, including through the UN Special Rapporteur on trafficking in persons, especially women and children, about the need to ensure confidentiality and respect for the privacy of trafficked people.



Protection for vulnerable workers

Australian workplace law and practice – supported by migration law and relevant State and Territory laws – requires all people who undertake productive work in Australia to be engaged in accordance with its provisions (including salary, employment conditions and standards, workers' compensation, and occupational health and safety).

The Fair Work Ombudsman (FWO) and Fair Work Building and Construction (FWBC) are responsible for education, advice and compliance activities in relation to Commonwealth workplace laws. In September 2013, FWBC transferred its regulatory oversight role for wages and entitlements in the building and construction industry to the FWO.

The matters investigated by the FWO and FWBC include claims of substandard working conditions that do not meet the threshold of the human trafficking and slavery criminal offences, including forced labour. A person may be in a situation of forced labour if he or she does not feel free to cease providing labour or services because of coercion, threat or deception. The ILO estimates that, globally, at least 20.9 million people are victims of forced labour.

Forced labour is a type of exploitation for which people may be trafficked into, from, or within Australia, but not all victims of forced labour are trafficked. It is important to recognise that Australian citizens and permanent residents may experience substandard working conditions and more serious forms of exploitation, including slavery, servitude and forced labour, within Australia.

Migrant and other foreign workers can be particularly vulnerable to substandard working conditions and more serious forms of exploitation, either by those who facilitate their journey to Australia or by employers once they arrive. This may be because of cultural and language barriers, a lack of knowledge of local workplace laws and standards, and in some cases, their reliance on their employer for their immigration status.

Australian employers who wish to employ foreign workers must be willing and able to meet certain obligations, including complying with any requirements regarding the pay and conditions of workers that are set out under the Migration Act and workplace relations laws. Foreign workers are entitled to receive the same protection as Australian nationals, including investigation by the competent Australian authority of all claims of underpayment and substandard working conditions.

There is an important distinction to be drawn between people in circumstances of forced labour, and those who may experience substandard working conditions. However, substandard working conditions, including the underpayment of wages, are not acceptable in Australia, and may be an indicator of more serious exploitation.

Fair Work Ombudsman

The FWO is an independent statutory agency created by the *Fair Work Act 2009* (FW Act) and is responsible for providing education, assistance and advice about the Commonwealth workplace relations system. In addition, the agency is also responsible for impartially enforcing compliance with the FW Act and related instruments.

The FW Act contains minimum entitlements for all employees in the federal workplace system. The FWO's jurisdiction extends to ensuring that all national system workers in Australia receive these workplace rights, including foreign workers on short- or long-term visas and international students.

The FWO places a strong emphasis on assisting migrant and other foreign workers because of their vulnerability in the workplace. In 2013–14, the FWO continued to build upon its compliance and education strategies in responding to the specific challenges faced by these workers.

Since 1 July 2013, the FWO has also had an expanded role to monitor Temporary Work (Skilled) visa (subclass 457) sponsorship obligations. The *Migration Amendment (Temporary Sponsored Visas) Act 2013* amended the Migration Act to appoint Fair Work Inspectors as Migration Inspectors. The role is limited to ensuring that sponsors of employees on subclass 457 visas are complying with two specific sponsorship obligations: receipt of 'nominated salary' and performing their 'nominated position'. If employers are suspected of not meeting these sponsorship obligations the FWO refers the matter to DIBP for further investigation.

On 5 July 2013, the FWO entered into a Memorandum of Understanding (MOU) with DIBP following its expanded role in relation to subclass 457 visa holders. The MOU provides a formal referral mechanism and information sharing mechanisms. Additionally, DIBP and FWO have an ongoing relationship to work collaboratively in relation to matters regarding any type of visa holder.

The FWO continues to operate a specific team focused on employers of foreign workers. Through this initiative, the FWO has, for example, conducted targeted education and compliance activities in geographic areas and industries identified as employing high numbers of foreign workers, including the horticulture, meat, hospitality, cleaning and retail industries. The team primarily undertakes proactive education and compliance activities as these employees are often unaware of their workplace rights or can be reluctant to make complaints against their employer themselves.

During 2013–14, the FWO conducted a number of strategic enforcement activities and audits after receiving intelligence from stakeholders. In August 2013, the FWO commenced a three year compliance and education programme centred on the Harvest Trail. This campaign has a heavy focus on the Working Holiday visa (subclass 417) holders, who are often employed in regional areas in the horticulture industry.

During 2013–14, the FWO finalised 2,625 complaints involving visa holders, and recovered \$1,103,442 in unpaid entitlements for these workers. Of these, 1,042 matters involved subclass 417 visas (recoveries of \$344,097) and 404 involved subclass 457 visa holders (recoveries of \$315,362).

The FWO also continues to litigate matters involving migrant and other foreign workers to enhance deterrence in the community. During 2013–14, the FWO finalised 11 litigations concerning migrant and other foreign workers, with \$757,066 awarded in penalties by the courts.

Penalties imposed by the courts as a result of actions taken by the FWO during 2013–14 include:

- \$21,420 on 2 April 2014, awarded against Extradis Solutions Pty Ltd and the company director Peter Johnson. The nature of proceedings included the employer's non-compliance with a FWO compliance notice. The matter involved a Chinese national on a subclass 457 visa and resulted in a total payment of \$10,813 in wages and annual leave to this worker.
- \$7,854 on 24 March 2014, awarded against Moussa Ghorbani-Palangi, who owned and operated M.G.P Electricial in Bayswater in Victoria before it ceased trading. The employee, who was a Thai national on a bridging visa, was underpaid a total of \$22,473.
- \$28,512 on 18 February 2014, awarded against Siu Kit Chan, the sole director and majority owner of Iwood Australia Pty Ltd, a furniture company in Montmorency Victoria, before it went into liquidation. In this case, two employees were underpaid \$12,704. One of these employees was a Malaysian national on a bridging visa.

To enhance engagement and cooperation with relevant stakeholders, the FWO established a dedicated Community Engagement team during 2013–14. The team is primarily responsible for implementing the FWO's Community Engagement Strategy. The strategy is designed to extend the agency's reach to vulnerable sectors of the workforce through close cooperation with targeted community organisations.

The strategy utilises various educational and assistance services and resources that the FWO has developed to assist culturally and linguistically diverse (CALD) communities, including:

- a translation service free of charge for people of non-English speaking backgrounds
- translated resources, predominately in PDF, Rich Text Format and You-Tube videos that are translated into 27 different languages
- seven English-language resources targeted at migrant workers in PDF, online and You-Tube video formats
- a community presentation package in 14 languages, including English, for community leaders and groups to educate their members about workplace rights, and
- a new fairwork.gov.au website with a renewed focus on providing plain English information that is easy to understand. The website offers a dedicated 'visa holders and migrants' web page.

Whilst offences relating to human trafficking and slavery do not fall within the operational remit of the FWO, the agency has developed strong relationships with other government regulators to effectively respond to suspected instances of serious exploitation. In particular, the FWO has a well-established relationship with the AFP for the referral of information. Where the FWO identifies behaviour during its public interactions that could amount to human trafficking or slavery, evidence is referred to the AFP. FWO staff have access to information provided by the AFP to assist in the identification of potential referrals. The FWO also works cooperatively with other government and community stakeholders representing vulnerable foreign workers through the IDC and National Roundtable.

Fair Work Building and Construction

FWBC is an independent statutory authority established on 1 June 2012. FWBC's primary responsibility is to regulate compliance with Commonwealth workplace laws in the building and construction industry through education, advice and compliance activities, including investigations and litigation. FWBC ensures building and construction work is carried out fairly and productively for the benefit of all building industry participants and the Australian economy as a whole. FWBC's role includes assisting industry participants to understand workplace relations laws, and investigating alleged contraventions.

In 2013–14, FWBC recovered approximately \$517,250 on behalf of 234 employees in the building and construction industry. A significant number of these workers were believed to be migrant workers, and many could be classified as vulnerable.

On 1 July 2013, FWBC was delegated responsibility to assist in monitoring three subclass 457 sponsor obligations, specifically:

- ensuring 457 visa holders receive the same wages as nominated in the visa application
- ensuring 457 visa holders perform duties consistent with those nominated in the visa application, and
- cooperating with inspectors.

To discharge this function, FWBC and DIBP entered into an MOU on 18 July 2013. The MOU established an agreed framework regarding:

- the appointment of Fair Work Building Industry Inspectors as Migration Inspectors
- FWBC's role in monitoring the three subclass 457 sponsor obligations
- sharing of, and ready access to, operational information between FWBC and DIBP, and
- mutual agreement regarding the scope of education and compliance activities.

FWBC's regulatory oversight role for wages and entitlements in the building and construction industry transferred to the FWO on 13 September 2013. The MOU between FWBC and DIBP remains in place and FWBC continues to work cooperatively with DIBP on matters relating to the working conditions of subclass 457 visa holders employed in building work. However, as a result of these changes, as at 30 June 2014 the FWBC ceased its formal membership of the IDC.



Working Group on Protections for Foreign Domestic Workers Working for Diplomats or Consular Officials

Internationally, the alleged exploitation of foreign domestic workers by diplomats and consular officials has become a matter of significant NGO, media and public concern. Foreign domestic workers working for diplomats or consular officials are, as a group, vulnerable to exploitation due to their isolation in private residences; their reliance on their employers for accommodation and migration status; and their employers' immunity from prosecution.

In March 2014, a working group was established to consider a range of initiatives to increase protections for, and reduce the vulnerability of, foreign domestic workers working for diplomats and consular officers in Australia. The working group is chaired by AGD with representatives from DFAT, DIBP and the Department of Employment.

It is anticipated that the working group will complete its work in the 2014–15 reporting period.

Building partnerships with the community

The Australian Government works to build and maintain strong partnerships with the non-government sector.

National Roundtable Senior Officials' Meeting

In November 2010, members of the National Roundtable on Human Trafficking and Slavery (National Roundtable) agreed that a less formal meeting should be held annually to supplement the ministerial-level Roundtable.

The fourth Senior Officials' Meeting of the Roundtable, chaired by AGD, took place in Sydney on 22 November 2013. At the meeting, government members provided updates on the post-election ministerial and machinery-of-government changes which impacted on Australia's strategy to combat human trafficking and slavery, including the status of the work of the Communication and Awareness Working Group and the Supply Chains Working Group. Members discussed issues including existing protections available to migrant workers, trafficked people's access to education, return costs for minors taken overseas for exploitative purposes, and Australia's work to combat human trafficking in our region through the Bali Process.

Guest speaker Dr Anne Gallagher AO shared information about her project for the UNODC, which will consider three definitional aspects of the Trafficking Protocol that have proved problematic in domestic implementation.

Practical support for non-government organisations to address human trafficking and slavery in Australia

Civil society, business and industry, and unions play a key role in identifying and supporting trafficked people, as well as raising awareness of all forms of human trafficking and slavery in Australia.

Between 2008 and 30 June 2014, the Australian Government provided over \$3.8 million to support four Australian NGOs in their efforts to combat human trafficking and slavery. Anti-Slavery Australia, the Australian Catholic Religious Against Trafficking in Humans, Project Respect and Scarlet Alliance provide outreach for trafficked people and conduct education and awareness-raising initiatives on human trafficking and slavery-related issues.

This funding is in addition to grants targeting specific human trafficking and slavery issues, such as the almost \$500,000 awarded to five organisations over 2011–13 to undertake projects to combat labour exploitation in Australian industries. Further information on the work of these organisations, along with details of activities of other Roundtable members in 2013–14, is available below.

Anti-Slavery Australia – University of Technology, Sydney



Outreach and training

In April 2014, Anti-Slavery Australia launched an e-learning tool. This is Australia's first-of-its-kind online training program on slavery, slavery-like practices and human trafficking and was funded by a grant from the Australian Government. More information on the

e-learning course is at page 8.

In 2013–14, Anti-Slavery Australia Youth Advocate teams have reached over 1,500 students and young people in NSW, including primary, high school and university students. The Anti-Slavery Australia Youth Advocate program raises awareness of the human rights abuses of forced marriage and forced labour by establishing peer-to-peer connections, facilitating workshops and seminars, and through the distribution of Anti-Slavery Australia's educational resources. Outreach programs are targeted to school groups, universities, newly arrived migrant and refugee communities and the broader community.

Community engagement



Co-Chair Pam Stewart addressing the Interfaith Forum on Forced Marriage

Anti-Slavery Australia and the Women's Interfaith Network (WIN) convened the first Australian Interfaith Forum on Forced Marriage at New South Wales Parliament House in March 2014. The forum was introduced by the Hon Gladys Berejiklian MP and included speeches from Associate Professor Jennifer Burn, Director of Anti-Slavery Australia, and Dr Eman Sharobeem, Director of the Immigrant Women's Health Service. The speakers were followed by a panel discussion, representing the major faith traditions of Buddhism, Christianity, Hinduism, Islam and Judaism. The forum examined the issue of forced marriage from an interfaith perspective and explored the ways it can be prevented in the future, with all participants agreeing that there is a need for more research in the area.

In October 2013, Anti-Slavery Australia hosted its third annual Freedom Awards ceremony. The ceremony was

held at the UTS Aerial Function Centre where over 100 guests gathered to recognise the outstanding work and longstanding contributions of individuals and organisations to initiatives against human trafficking, slavery and slavery-like practices. Awards were presented to Melissa Stewart (World Vision) for her significant work in the area of policy and research on trafficking in persons in Australia and globally since 2009; Christine Caroline (ACRATH) for her instrumental work in ensuring the successful operation of ACRATH's anti-trafficking initiatives; and the Human Trafficking Section (Commonwealth Attorney-General's Department) for their significant contribution to Australia's anti-trafficking efforts. Sr Marie White (Sisters of St Joseph) was awarded the Anti-Slavery Australia Award for her significant contribution to and work with Anti-Slavery Australia from 2007–2009.



Sr Marie White (centre) awarded the Anti-Slavery Australia Award.



Anti-Slavery Australia Freedom Awards 2013

Anti-Slavery Australia, in conjunction with the Red Cross, convenes the Sydney Trafficking Response Network (STRN) for frontline service providers and non-governmental organisations – as well as periodically with AGD, AFP and DIBP – that come into contact with people who have been trafficked or experienced slavery.

The STRN works collaboratively to address trafficking, pool resources, consult on the development of policies and to build capacity in the community to assist survivors of human trafficking and slavery.

Anti-Slavery Australia has also established a Forced Marriage Community Reference Group in collaboration with the Red Cross. This reference group will provide a platform for key service providers, community leaders and government agencies to share knowledge and coordinate a collaborative response to forced marriage in New South Wales.

In 2013–14, Anti-Slavery Australia collaborated with Plan International to conduct the first comprehensive study of child marriage in the Indo-Pacific region. The report ‘Just Married, Just a Child: Child Marriage in the Indo-Pacific Region’ analyses the emerging human rights issue of early and forced marriage in Australia and puts forward recommendations for addressing these issues to State, Territory and Federal Governments.

Anti-Slavery Australia has also been involved in a number of stakeholder seminars and events including:

- Amnesty International & UNSW Human Trafficking Event. May 2014
- AFP Human Trafficking Investigation Program: Guest speaker. May 2014
- Human Trafficking Workshop: Presentation to DIBP. April 2014
- Big Picture Film Festival: Panellist at screening of ‘Belle’. March 2014
- International Women’s Day event at Bankstown City Chambers. March 2014
- Illawarra Women’s Domestic Violence Advocacy Forum: Guest speaker. March 2014
- Anti-Slavery Australia, an introduction: Guest speaker at Loreto Normanhurst. November 2013
- Slavery in Australia in 2013: Guest speaker at Rotary Club of Sydney. November 2013
- Gender, human trafficking and forced marriage: Presentation at Relationships Australia Standing Together Conference. November 2013
- Child Trafficking and Exploitation in Australia: Webinar Presentation at Global Online Counter Child Trafficking Conference. October 2013
- Modern Slavery: Global Social Justice Network Film Screening and Panel Discussion. September 2013, and
- The Right to Refuse: Examining Forced Marriage in Australia: Facilitated workshop at Good Shepherd Forum. September 2013.

Pro bono legal service

Anti-Slavery Australia's legal practice has continued to achieve significant outcomes for clients, assisting them in obtaining visas, navigating the criminal justice process and applying for compensation. In the past year, a total of 15 visas were granted to clients of Anti-Slavery Australia.

Submissions to government inquiries

In February 2014 Anti-Slavery Australia provided oral evidence to the Senate Legal and Constitutional Affairs Committee's inquiry into the Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013.

Australian Catholic Religious Against Trafficking in Humans



The Australian Catholic Religious Against Trafficking in Humans (ACRATH) has three main objectives:

Objective 1: *Raise awareness of human trafficking, its causes and the scope for local action.*

Objective 2: *Work to ensure that the needs of people trafficked into Australia are met.*

Objective 3: *Collaborate with like-minded organisations in Australia, in the Asia-Pacific region, and globally to advocate for measures to address human trafficking.*



ACRATH members pause to reflect at the beginning of the annual ACRATH National Conference.

In 2013–14 ACRATH has continued to facilitate community education and awareness programs and provide direct support for trafficked people. ACRATH has given 388 presentations on human trafficking and slavery, uploaded over 300 items to its website, distributed 439 newsletter and e-news bulletins and provided support to 54 trafficked people. Other key successes are set out below.

An online education resource on human trafficking for senior secondary students has been developed and is in the process of being rolled out nationally. Fifty teachers have been trained in Victoria. The resource is available online at: <http://acrath.org.au/education-resource/>.

More sophisticated and effective advocacy in Canberra has grown out of the relationships ACRATH have built over the past eight years with Ministers, their advisers and departmental staff.

CALD groups have been a big focus of ACRATH work in South Australia, Victoria, New South Wales and Western Australia. ACRATH groups continued to engage in the ACRATH Radio & Print Awareness Project (RAP), a project that aims to raise awareness of human trafficking within CALD communities. This project has involved ACRATH partnering with Anti-Slavery Australia and the AFP.

Slavery-free supply chains: ACRATH, in partnership with other NGOs, has had great success with the Slavery-free Easter Chocolate campaign. Chocolate companies are using an increasing amount of cocoa from ethical sources, including Cadbury, Nestle, Mars and Haighs. Over Easter 2014 almost all the Easter chocolate products sold at Aldi were UTZ certified.

ACRATH's young women's group in Victoria engaged in a campaign to meet with Victorian MPs to address the need for implementation of the recommendations of the Victorian Inquiry into People Trafficking for Sex Work.

ACRATH worked with Melbourne law firm, Allens, and a pro bono barrister, and have successfully assisted five trafficked people to access the maximum Victims of Crime Assistance available in Victoria.

Australian Red Cross



The Red Cross is the contracted service provider for the Australian Government's Support for Trafficked People Program. With the introduction of the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*, people who are victims of forced marriage or forced marriage-like circumstances can be referred by the Australian Federal Police for welfare and health support offered under the Red Cross' Support for Trafficked People Program.

The Department of Social Services, in response to the criminalisation of forced marriage in Australia, has funded the Support for Trafficked People Program to undertake a 12 month scoping project to assist Red Cross in determining how to best respond to this new client group. This exercise involves identifying client needs, available services, service gaps and implications for the Support Program.

Project Respect



Project Respect is a non-profit, non-faith based community organisation established in 1998 that works towards a world where women are free from trafficking and sexual exploitation.

Highlights from Project Respect's work in 2013–14, as supported by Australian Government funding, include:

- engaging four skilled outreach and support workers, two of whom are bilingual, plus a number of skilled bilingual volunteers to provide information and support to women in the sex industry in Victoria
- regular outreach to 88 legal brothels within Victoria, supplying each with information kits containing details on human trafficking and slavery and other issues raised by women in the sex industry (in a large number of languages)
- providing ongoing counselling, individual case management and material aid to 43 women in the sex industry including those who have been trafficked to Australia. In 2013-2014 Project Respect spent 2,575 hours on individual case management
- providing shelter and other forms of support to women who have been trafficked to Australia to assure their safety and well being
- providing referrals and access to more than 50 other specialist service providers, including for counselling, housing, legal assistance, drug and alcohol assistance, family violence, immigration assistance, reporting crime to authorities, victims of crime compensation, English lessons, alternative employment, and mental health
- the continued active involvement of a number of women from the sex industry in the organisation's planning and service delivery, including on the Committee of Management, staff team and volunteers
- continued peer support and education through weekly community lunches and two annual weekends away
- art therapy for women in the sex industry including women who have been trafficked to Australia on a fortnightly basis
- developing relationships and sharing knowledge with government departments, authorities and NGOs that support women trafficked in other countries, including Sweden, Austria, Germany and the Republic of Korea
- providing over 30 training and information sessions to ensure that other services and the wider community are aware of issues in the sex industry (including human trafficking and slavery) plus a large number of public speaking engagements and conference presentations
- advocacy to all levels of government, as informed by the organisation's direct work with women, around issues of the sex industry and human trafficking and slavery, and
- active participation in the National Roundtable.

Salvation Army



Trafficking and Slavery Safe House

Since 2008, the Salvation Army has privately operated a 10-bed Safe House for women who experience human trafficking, slavery or slavery-like conditions. The Safe House also provides outreach support and case management to men, women and children living in the community. Assistance may be provided to client families overseas through Salvation Army operations in 130 countries.

In 2013–14, the Safe House supported a total of 42 people. An increasing number of service clients were young people at risk of forced marriage, adult women who experienced forced marriage, and adult women seeking asylum because of forced marriage. A significant number of service clients experienced slavery-like conditions at the hands of intimate partners. Fifteen volunteers were engaged in direct support to Safe House clients and staff by teaching English, organising excursions, assisting with job readiness skills and improving the Safe House facility.

Safe House staff significantly expanded its network of pro bono professionals which now includes general practitioners, dentists, psychologists, physiotherapists, acupuncturists, yoga and meditation instructors and songwriters.



Volunteer training

The Sisters of St Joseph Counter-trafficking Project (Srs Margaret Ng and Margaret Lergessner) partnered with the Safe House to provide pastoral care, social and emotional support to the clients on a weekly basis.

Salvos Legal Humanitarian provided comprehensive legal advice and representation to most Safe House clients and Artemis Legal has acted for clients in relation to victim compensation.

The 2013 Stella Fella campaign, run by the not-for-profit organisation, Project Futures, raised \$100,000 to support the operation of the Safe House.

In March 2014, Senior Caseworker Sarah Boyle was honoured with the Case Worker of the Year Award at the Migrant and Settlement Awards at Parliament House in Canberra. Supervisor Jenny Stanger was a finalist for the Unsung Hero award by the HESTA Community Sector Awards and the Pride of Australia medal in recognition of her anti-slavery work.



*Minister for Social Services, the Hon Kevin Andrews MP,
with Sarah Boyle and Kelvin Alley (Salvation Army)*

The Freedom Partnership

In April 2014, the Salvation Army began a new national initiative known as 'The Freedom Partnership to End Modern Slavery' to engage the broader community in taking measureable actions to end slavery in Australia. The following activities occurred in the reporting period:

- identifying and responding to modern slavery trainings in Melbourne and Adelaide
- scoping for a national Slavery HelpLine in collaboration with Washington DC-based Polaris and Stop the Traffik
- continued active membership in Stop the Traffik
- leadership of a Partner Campaign Action Network with Uniting Church and Project Futures, sponsored and supported by Walk Free
- human trafficking training for police, prosecutors and NGOs in Tonga, supported by the US Department of State
- human trafficking training for police in Kiribati, supported by the US Department of State, and
- assessment of five refuges in Jordan and training delivered to stakeholders for the ILO.



Scarlet Alliance, Australian Sex Workers Association



Scarlet Alliance, Australian Sex Workers Association is a community-based organisation that provides culturally appropriate direct and indirect services to migrant sex workers, some of whom have travelled

to Australia under contract or may have experienced trafficking-like conditions.

Scarlet Alliance's work is underpinned by an evidence and rights-based approach that recognises the need for the people affected by the response to trafficking to be central to development of the response.

In 2013–14, Scarlet Alliance continued to promote and advocate for evidence based, migrant-sex-worker driven approaches to trafficking prevention as part of its Migration Project.

To address identified gaps in the support and services available to migrant sex workers, Scarlet Alliance has produced resources, translated into appropriate languages, which are available as PDFs for peer educators to print out and distribute when conducting outreach. The materials can also be accessed online through Scarlet Alliance's website, which has resources in Chinese, Korean and Thai with in-language navigation tabs, assisting sex workers who speak little or no English to readily access and navigate the site.

Scarlet Alliance has also worked with government and the anti-trafficking community to improve the understanding of the sex industry and migration. Scarlet Alliance staff have provided training to a variety of stakeholders, including presentations at universities and at national and international conferences. In addition, Scarlet Alliance continues to lobby government on key issues that affect migrant sex workers through the National Roundtable on Human Trafficking and Slavery, as well as providing input into submissions to government and responding to negative and inaccurate media reporting on human trafficking issues.



To ensure its work is truly representative and continues to meet the needs of migrant sex workers, Scarlet Alliance continues to hold regular steering committee meetings. The steering committee is comprised of sex workers from Chinese, Korean and Thai-language backgrounds

and CALD peer educators from state and territory sex worker organisations and sex worker representatives from Zi Teng (Hong Kong) and Empower Foundation

(Thailand). These meetings have continued to grow with each successive meeting, being larger in number and with increasing engagement. Direct contact by migrant sex workers has also consistently increased. In the 2013–14 period, three new CALD peer educators in State and Territory sex worker organisations have been recruited through the steering committee. The successful partnership with Empower Foundation in Thailand has continued to strengthen ties and the ability to respond to sex workers needs with 8,200 sex workers in Thailand receiving support and information on legal and migration rights and responsibilities.

The Migration Project has recently completed a three year external evaluation of the projects activities from July 2011 to June 2014. The evaluation addressed project management, achievement of milestones and objectives, project impacts and performance against the key performance indicators over the life of the project. External evaluation deemed that the Migration Project had achieved significant successes in all of these areas.

Uniting Church in Australia

Key achievements for the Uniting Church during the 2013–14 period include:

- funding four migrant workers to attend a meeting organised by the ILO in Bangkok in May 2014. This meeting was attended by the Thai Government, Thai seafood industry and foreign buyers such as Coles, Simplot and Nestle. At the meeting a range of actions were agreed to address the deaths of trafficked workers on Thai fishing boats, as well as actions to combat trafficking and forced labour in processing plants
- working with Coles to ensure one of their pineapple supplier factories was free from trafficked workers and meets the labour standards Coles expects
- engaging in dialogue with ALDI and Woolworths on ensuring their suppliers from Thailand are free from trafficked and forced labour
- engaging with a large Thai seafood processing company, resulting in them taking action to stop middle managers extorting extra payments from migrant workers for work permits and visas
- running an online campaign targeting Whiskas cat food, which resulted in Mars (the owner of the Whiskas brand) opening dialogue about taking concrete steps to address the risks of human trafficking and slavery in the supply chain of seafood used in the cat food in Thailand
- an inspection of Tropical Canning in Thailand, the owner of SAFCOL in Australia, which found allegations of elements of trafficking amongst some migrant workers supplied by labour brokers to the factory. After dialogue with the factory, it is believed some corrective actions have been taken

- campaigning by the Uniting Church, ACRATH and the Australian Council of Trade Unions resulted in Myer publicly committing to taking reasonable steps to ensure Uzbekistan cotton is not used in their products until such time as Uzbekistan ends the use of forced labour in cotton production, and
- continuing the Slavery Free Guarantee campaign with members of the Australian public urging the Australian Government to take steps to ensure that Australian companies are taking reasonable steps to ensure the goods they import into Australia are free of human trafficking, slavery and forced labour.

UnitingWorld is also working on the Anti-Human Trafficking through Education project in the East Himalayan Diocese of the Church of North India. The work includes the building of a school for remote villages that allows children to attend school locally, therefore reducing the risk of human trafficking. Uniting Church is also in the process of developing an existing centre that assists young women to return to their communities after being “rescued” and to help the communities to have a sustainable livelihood. Finally, Uniting Church is working with the diocese to address the root causes of human trafficking, including lack of education, lack of employment, and lack of community leadership.

World Vision Australia



Strengthening the response to human trafficking is central to World Vision Australia’s (WVA) broader work in child protection and a priority area in both WVA’s international programming and advocacy work.

Through public advocacy campaigns, WVA informs Australians about the types and extent of trafficking around the world and empowers them to use their voice, votes and purchasing power to encourage government and business to combat forced, child and trafficked labour, and to protect children from other forms of exploitation and abuse. The campaigns also deepen public understanding of the complexity of these issues and encourage consideration of how individual actions can contribute to the fight against exploitation.

Recognising the role of the corporate sector can have on addressing these issues, WVA advocacy has a strong emphasis on exploitation in supply chains. WVA encourages corporate reform by engaging and influencing businesses at high risk of rights abuses within their supply chains. WVA is also working constructively to address supply chain issues at community level through innovative inclusive business partnerships with the private sector, ensuring that local level practices are sustainable.

In 2014, WVA published its report, *Creating Markets for Child-friendly Growth: addressing child labour in G20 public procurement*, and worked with the G20 Employment Taskforce and labour and employment ministers across G20 member states to advocate for coordinated action to tackle child labour. In the September 2014 Ministerial Declaration, the G20 labour and employment ministers unanimously committed to “take a strong stand against forced and child labour, and ... explore the scope for further work on this issue”. World Vision will continue to work with the taskforce as this commitment takes shape.

WVA has continued to contribute to a range of government-led trafficking and human rights fora and roundtables. During 2013–14, WVA continued to implement programs designed to combat forced, child and trafficked labour as well as child protection more broadly. WVA continued to implement the End Trafficking in Persons Program, a five year, regional program designed to prevent and respond to trafficking in persons across the Greater Mekong Subregion. A key achievement in this was the finalisation of an innovative baseline study designed to support program effectiveness and impact measurement in challenging areas such as reducing vulnerability to trafficking among migrant populations. WVA also implemented the final year of the DFAT-funded Project Childhood initiative, which worked with governments, communities and the travel and tourism sector in the Mekong Region to raise awareness of, and build community resilience to, the risks of children becoming victims of sexual exploitation in tourism. During 2014, a new project was commenced in Dhaka, Bangladesh, which seeks to bring about a reduction of children engaged in hazardous labour in selected slums of Dhaka City.

More broadly, WVA invested nearly \$24 million for 2014 across over 100 projects that address child protection, participation and rights. This includes specialised projects on anti-trafficking and child labour. For example, a child protection and participation project in Senegal has started to strengthen community-based child protection mechanisms in four regions. A community driven approach will raise awareness and build capacity of children, families and communities to prevent harmful traditional practices and child labour for improvement in child well-being.

Raising community awareness

Communication and Awareness Working Group

The Communication and Awareness Working Group, which includes members of both government and civil society, was established under the National Roundtable in May 2013.

Between February and June 2014, the working group developed a range of materials for a forced marriage community pack, including information and frequently asked questions sheets on forced marriage; a small fold-away booklet for people in, or at risk of, forced marriage which includes information on referral pathways; a how-to guide (including a template) on preparing a safety plan for people in, or at risk of, forced marriage; a media factsheet and 'expert spokesperson list'; and a booklet on information about forced marriage for agencies, community organisations and service providers. These materials have been developed for, and will be disseminated amongst, frontline officers, teachers, and vulnerable groups.

These materials, which are expected to be delivered in December 2014 following a community consultation process, will be translated into relevant languages as appropriate.

The working group's next focus will be developing education and awareness-raising materials on forced labour.

Australian Federal Police awareness-raising initiatives

The AFP actively seeks out opportunities to engage with NGOs and community organisations for collaborative approaches to prevention, disruption, information-sharing and harm reduction to combat human trafficking in all its forms. During the reporting period the AFP facilitated training and awareness sessions to a number of NGOs including the Salvation Army and the Red Cross.

Introduction of an SMS facility for consular assistance

As part of ongoing consular efforts to adapt to the evolving nature of communications, during the reporting period DFAT made an SMS facility available to enable Australians seeking consular assistance to communicate with DFAT by way of SMS text. The SMS facility was specifically developed for use in forced marriage cases, given that victims of forced marriage are in a vulnerable position, and often require a discreet means to seek consular assistance.

Building partnerships in our region and beyond

Bali Process

Australia and Indonesia, as co-chairs of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process), worked closely with member countries during the reporting period to address human trafficking.

From August 2013 to May 2014, Australia led the development of a Bali Process *Policy Guide on Criminalizing Trafficking in Persons*. More information on the policy guide is at page 9.

At the fifth Bali Process Ministerial Conference in April 2013, Ministers also endorsed the establishment of a Bali Process Working Group on Trafficking in Persons, specifically focused on human trafficking issues. Ministers also noted that trafficking for the purposes of labour exploitation had been identified as an increasing problem for the region, and directed the working group to consider and identify avenues for cooperation to address the issue.

For its first term, the working group will be co-chaired by Australia and Indonesia. The working group will bring together a network of experts from Bali Process Ad Hoc Group member countries and organisations, and through its work will draw, where relevant, on the expertise of community, industry, private sector groups and other relevant regional and consultative processes. The working group will enable members to share information on key initiatives and trends related to human trafficking, identify avenues for cooperation and address capacity building needs.

The working group's terms of reference will be developed in consultation with key regional partners, and are expected to be endorsed at a Bali Process Ad Hoc Group Senior Officials Meeting on 6 August 2014. The first meeting of the working group is expected to be held in the first half of 2015, back-to-back with its first event: a regional symposium on trafficking for the purposes of labour exploitation.

United Nations

In 2013–14, Australia continued to actively engage on human trafficking and slavery issues in the United Nations (UN) General Assembly and at UN Human Rights Council (HRC) sessions, as well as through the UN Commission on the Status of Women (CSW). Australia also progressed our reporting obligations under relevant UN treaty bodies during the reporting period.

United Nations General Assembly

The 68th session of the UN General Assembly took place between 24 September 2013 and 1 October 2013. During this session, Australia cosponsored resolutions which:

- called for ongoing cooperation between States to address child, early and forced marriage
- expressed concern about all forms of violence against girls, including human trafficking and slavery
- emphasised the importance of improving the coordination of efforts to combat human trafficking, and
- promoted increased ratification and full implementation of UNTOC and the Trafficking Protocol.

United Nations Human Rights Council

During 2013–14, Australia also participated in the 24th, 25th and 26th sessions of the HRC. During these sessions, Australia made statements³¹ at the following events:

- an interactive dialogue with the Special Rapporteur on contemporary forms of slavery on 12 September 2013
- an interactive dialogue with the Special Rapporteur on the sale of children, child prostitution and child pornography on 12 March 2014
- an annual full day meeting on the rights of the child on 13 March 2014
- an interactive dialogue with the Special Rapporteur on trafficking in persons, especially women and children on 13 June 2014
- a high-level panel discussion on female genital mutilation on 16 June 2014, and
- a panel discussion on preventing and eliminating child, early and forced marriage on 23 June 2014.

Australia also cosponsored two HRC resolutions on human trafficking and slavery during 2013–14: on 27 September 2013, Australia cosponsored a resolution calling for States to strengthen efforts to prevent and eliminate child, early and forced marriage; and, on 26 June 2014 Australia cosponsored a resolution to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children, for a further three years.

Regional Consultations on the *Draft Basic Principles on the Right to an Effective Remedy for Trafficked Persons*

In 2013–14, the Office of the UN High Commissioner for Human Rights (OHCHR), in close cooperation with the then Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo OON, convened a series of regional and global consultations

31 Statements made by Australia during HRC sessions are available online at: <<http://www.geneva.mission.gov.au/gene/statements.html>>.

on the draft Basic Principles on the Right to an Effective Remedy for Trafficked Persons. On 27 September 2013, Australia participated in a regional consultation on the draft Basic Principles in Thailand. A summary of the consultations and an outline of the finalised Basic Principles were subsequently presented by the OHCHR to the 26th Session of the HRC on 2 May 2014.

The Basic Principles provide States with useful guidance on operationalising the right to an effective remedy and were developed in response to HRC Resolution 20/1. The right to an effective remedy is an essential component of a number of the core international human rights treaties, including all of the rights set out in the ICCPR. The HRC has stated that the right to an effective remedy encompasses an obligation to bring perpetrators to justice, and to provide appropriate reparation to victims. Reparation can involve measures including compensation, restitution, rehabilitation, public apologies, guarantees of non-repetition and changes in relevant laws and practices.

Australia's sixth report under the *International Covenant on Civil and Political Rights*

As a signatory to the *International Covenant on Civil and Political Rights* (ICCPR) Australia is required to periodically report on how we are meeting our ICCPR obligations. Australia's fifth report under the ICCPR was submitted to the UN on 25 July 2007, and our sixth report is expected to be submitted in 2014.

The sixth report will respond to the List of Issues Prior to Reporting (LOIPR), issued by the HRC on 21 December 2012. The LOIPR is compiled by the HRC based on previous reports and appearances, submissions by the Australian Human Rights Commission (AHRC), NGOs, other UN bodies and independent research. The LOIPR includes questions about Australia's efforts to eliminate human trafficking and slavery under Article 8 of the ICCPR.

Australia's fifth report under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

Australia's fifth report under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) was submitted to the UN Committee against Torture on 31 July 2013. The report focused on key initiatives and developments since 2005, including Australia's efforts to prevent and punish human trafficking and slavery and provide effective remedies for trafficked people. The development of Australia's fifth report was informed by State and Territory governments, Australian Government agencies, the AHRC, and the public.

UN Commission on the Status of Women

CSW is the principal global policy-making body dedicated exclusively to the advancement of women. Its annual meetings are designed to evaluate progress, identify challenges and determine the way forward for international action on gender equality.

The Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, led the Australian delegation to the 58th session of CSW, held from 10-21 March 2014 in New York. The priority theme of this session was the challenges and achievements in the implementation of the Millennium Development Goals for women and girls. During the negotiations, Australia worked to ensure that the Commission would call for gender equality to be addressed in the post-2015 development agenda. Australia also advocated for a robust focus on key women's issues, including violence against women, women's economic security and workforce participation, women's political participation, sexual and reproductive health, and recognition of the increased vulnerability and marginalisation of particular groups of women. Australia's commitment was reflected in the comprehensive set of Agreed Conclusions, the key policy recommendations of which set the international standard for action on these important issues.

Among other things, the Agreed Conclusions addressed:

- child, early and forced marriage
- recognising the specific needs of women and girls affected by natural disasters
- promotion of education, including secondary and tertiary education, and ensuring girls' safety whilst commuting to, and while at, school
- cooperation with and increasing support for civil society organisations
- recognition of the role of women human rights defenders
- ensuring men and boys are fully engaged in addressing gender inequality, and
- addressing discriminatory social norms.

UN Committee on the Elimination of Discrimination against Women

Australia is currently preparing our eighth periodic report on our efforts under the *Convention on the Elimination of all forms of Discrimination against Women* (CEDAW). The report is expected to be submitted to the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) in early 2015. Australia has also funded the development of an independent shadow report for the CEDAW Committee's consideration. This shadow report is intended to reflect the views of the community sector in relation to women's human rights, and to give voice to the views of Australian women and Australian women's organisations. The shadow report is also consistent with Australia's commitment to working collaboratively with civil society to address gender inequality.

Gender Equality and Women's Empowerment: Beijing +20 (2015) reporting

In early August 2014, Australia reported to UN Women on our actions and major achievements in progressing gender equality as part of obligations under the 1995 Beijing Declaration and Platform for Action and the outcomes of the 23rd special session of the UN General Assembly in 2000.

Australia's whole-of-government report outlined the progress made over the past 20 years in relation to gender equality and women's empowerment. In particular, the report highlighted Australia's actions to prevent of human trafficking and slavery, as well as Australia's work in other areas such as domestic violence.

In 2015, the CSW will carry out a review and appraisal of the implementation of the Beijing Declaration and Platform for Action. The review and appraisal will focus on current challenges that affect implementation and the achievement of gender equality and the empowerment of women, and the post-2015 development agenda through the integration of a gender perspective.

UN Convention against Transnational Organised Crime Working Group on Trafficking in Persons

Australia participated in the UNTOC Working Group on Trafficking in Persons held in Vienna from 6 to 8 November 2013. At this meeting, Australia discussed key issues in relation to human trafficking, including how to reduce demand for human trafficking, addressing forms of exploitation not specifically mentioned in the Trafficking Protocol, and approaches to the issue of consent in legislation. The formal report of the meeting of the Working Group will be considered by the UNTOC Conference of Parties in late 2014.

Asia and Pacific Preparatory Meeting for the 13th United Nations Crime Congress

During the reporting period, Australia also attended the Asia and Pacific Preparatory Meeting for the 13th UN Crime Congress. The Preparatory Meeting was held in Bangkok from 22 to 24 January 2014 and included a workshop on criminalisation, mutual legal assistance and effective protection of witnesses and trafficked people. The recommendations from this workshop, and other regional workshops, will be considered by the 13th UN Crime Congress to be held in Doha from 12 to 19 April 2015.

23rd session of the Commission on Crime Prevention and Criminal Justice

During the reporting period, Australia participated in the 23rd session of the Commission on Crime Prevention and Criminal Justice (CCPCJ), which was held in Vienna from 12 to 16 May 2014. During this session, the CCPCJ adopted a resolution on preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal. The resolution was tabled by Belarus and, after textual amendments, was adopted by the CCPCJ by consensus. The resolution requests the UNODC to conduct a study on trafficking in human organs for consideration by the CCPCJ at its 25th session.

United Nations Office on Drugs and Crime Global Report on Trafficking in Persons

The UNODC Global Report on Trafficking in Persons is published every two years and provides an overview of human trafficking at global, regional and national levels. In September 2013, Australia provided comprehensive information about Australia's response to human trafficking and slavery to the UNODC to assist with the production of the 2014 Global Report, which is expected to be released in late 2014.

United Nations Office on Drugs and Crime case studies on consent and exploitation

In 2013–14, Australia participated as a case-study country in UNDOC studies on the concepts of 'consent' and 'exploitation' under the Trafficking Protocol. Australia participated in an Expert Group meeting in Vienna on 17–18 February 2014 to discuss the main findings of the consent study.

Ambassador for People Smuggling Issues

The Ambassador for People Smuggling Issues is responsible for the high-level promotion of international and regional cooperation to address human trafficking through the Bali Process. As Bali Process co-chair, the Ambassador encouraged the development of a strong anti-trafficking agenda in the Bali Process during the reporting period. This included the development of a policy guide on criminalising trafficking in persons, and the agreement of terms of reference for a Working Group on Trafficking in Persons (see pages 9 and 54). The Ambassador works with other Australian Government agencies, as well as with regional partners including Indonesia, Malaysia and Thailand, to enhance practical regional collaboration on addressing human trafficking.

Ambassador for Women and Girls

The Ambassador for Women and Girls advocates internationally for women's equal participation in political, economic and social affairs. Since her appointment to this role in December 2013, Natasha Stott Despoja has used her bilateral, regional, and multilateral engagement to advance international cooperation to end trafficking in women and girls.

During a visit to Indonesia in February 2014, Ambassador Stott Despoja promoted Australia's regional partnerships to combat human trafficking. She represented Australia at meetings of the ASEAN Commission on the Promotion and Protection of Women and Children, whose work addresses the trafficking of women and children, and met with Australian supported civil society organisations (such as Migrant Care in Indonesia) working to combat human trafficking and slavery of women.

In March 2014, the Ambassador advocated for Australian policies and programs to end human trafficking during bilateral meetings at CSW in 2014. She has also used her media engagement to draw attention to trafficking issues during 2013–14, including in relation to the mass kidnapping of girls by Boko Haram in Nigeria.

The Commonwealth

Australia participated in the 18th Commonwealth Law Ministers Meeting, which was held in Botswana from 5 to 9 May 2014. The theme of the meeting was ‘Consolidating the rule of law and human rights in the Commonwealth’, and Ministers discussed issues of common concern, including violence against women.

Building regional capability

Human trafficking and slavery are complex crimes that occur within countries and across borders. Victims of human trafficking and slavery include women and men, girls and boys and combating these crimes requires regional cooperation—no country can tackle the issues alone. ASEAN and Bali Process members support regional responses.

East Asia is the fastest growing region in the world and has seen the greatest reductions in poverty in human history. However, despite impressive economic growth, development has been uneven between and within countries. There is inequality in income, education and access to basic services.

The ability to migrate for work has created new opportunities for many people in East Asia – including the poorest. However, as migrant workers cross borders to take up jobs in informal or poorly regulated labour markets, they are at risk of exploitation. There are large numbers of trafficked people and a high incidence of exploitative labour conditions in the East Asia region.

Tourism also plays an important role in promoting new opportunities for economic growth in East Asia. However, increasing flows of tourists can have adverse effects on vulnerable groups and communities, including the sexual exploitation of children who live in thriving tourism areas.

Australia’s response

Australia is internationally recognised as a leader in combating human trafficking and slavery in South East Asia. Since 2003, Australia has committed more than \$100 million through our aid program to address human trafficking, slavery and slavery-like practices in South East Asia. Our programs focus on strengthening criminal justice responses to trafficking, addressing labour exploitation and enhancing regional cooperation.

Australia-Asia Program to Combat Trafficking in Persons

Australia's \$50 million flagship program, the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP), began in August 2013. The program will run until 2018 and aims to reduce the incentives and opportunities for human trafficking in the ASEAN region. More information on AAPTIP is at page 17.

Tripartite Action to Protect Migrants in the Greater Mekong Sub-Region from Labour Exploitation Project

Australia works with the International Labour Organization (ILO) to prevent and reduce the exploitation of migrant workers and their families through the Tripartite Action to Protect Migrants within the Greater Mekong Sub-Region from Labour Exploitation (GMS TRIANGLE) Project. Partner countries are Burma, Cambodia, Lao PDR, Thailand and Vietnam, with Malaysia as a key destination country.

GMS TRIANGLE works to improve migrant recruitment and labour protection policies and practices. Since 2010, GMS TRIANGLE has trained over 6,200 government officials to build their capacity in protecting the rights of migrant workers and promoting safe and legal migration. GMS TRIANGLE also supports 23 Migrant Resource Centres in the six partner countries, which provide migrants and potential migrants with information and skills about how to migrate safely, information on their rights and entitlements, and legal assistance.

To date, over 38,500 labour migrants, potential migrants and their family members have been provided with advice and/or legal support. An independent Mid-Term Review of GMS TRIANGLE conducted in March 2013 found it to be an effective project and highly relevant to the needs of the region.

GMS TRIANGLE Migrant Resource Centres

The GMS TRIANGLE project is funded by the Australian Government and aims to ensure safe labour migration and prevent labour exploitation for migrant workers in the Greater Mekong Sub Region. Through a network of Migrant Resource Centres in both source and destination countries, migrants and potential migrants have access to services including counselling, training and legal assistance to support safe migration and rights at work.

As migrants are often dependent on each other for information on safe migration and labour rights, peer-to-peer assistance is a key part of the project strategy. Migrant paralegals have been trained to provide assistance within the migrant community. Migrant leaders have been identified and trained to organise activities and 'labour exchanges' to share experiences and identify solutions that can better inform and protect migrants.

These centres are a powerful alternative to the often-misleading information provided by unscrupulous brokers and employers that can lead a migrant worker into an exploitative situation, or result in them being trafficked.

MTV End Exploitation and Trafficking (EXIT) Program

From 2010, Australia partnered with the United States Agency for International Development to support Music Television's (MTV) End Exploitation and Trafficking (EXIT) Program. The program aimed to raise awareness, change attitudes and behaviour and combat human trafficking in countries with a high incidence such as Cambodia, Indonesia, Malaysia, Burma, the Philippines, Thailand and Vietnam. The fourth phase of the program began in 2013.

During phase four, MTV EXIT delivered six youth roadshows and reached more than 36,000 people in six countries with human trafficking prevention information, trained 1,880 young people to become leaders and advocates on anti-trafficking in their own communities, and partnered with over 20 civil society organisations to strengthen prevention efforts in local communities.

The MTV EXIT program closed in September 2014 following changes to the program's scope and focus made by the MTV EXIT Foundation Board. MTV EXIT's counter-human trafficking awareness-raising materials and products will continue to be freely available for use and dissemination from MTV EXIT's online sources.

Project Childhood

Australia's \$7.5 million program to combat child sexual exploitation in travel and tourism, Project Childhood, ended as scheduled in June 2014. Project Childhood began in 2010 and partnered with Cambodia, Lao PDR, Thailand and Vietnam.

Project Childhood consisted of two distinct but interrelated pillars of work focusing on protection and prevention. The UNODC and INTERPOL implemented the Protection Pillar, which worked with law enforcement agencies to strengthen their ability to protect children, and arrest and convict child sex tourists. The Protection Pillar trained over 4,000 law enforcement officials and civil servants on child sexual exploitation.

World Vision Australia implemented the Prevention Pillar and worked with partner countries to develop awareness of child sexual exploitation in travel and tourism. This included raising awareness about the conditions that make children more vulnerable to exploitation, such as children selling flowers or souvenirs to tourists.

Immigration capacity building and technical assistance

DIBP undertakes capacity building activities and provides technical assistance to a number of countries to support efforts to address all forms of irregular migration, with particular focus on human trafficking and slavery.

In 2013–14, DIBP continued its targeted capacity building programs with immigration agencies in the Middle East, Asia and Pacific regions. Certain programs were delivered under the auspices of Joint Working Groups with regional countries; other capacity building programs were driven by formal arrangements, such as the MOU on migration and humanitarian cooperation between Australia, Afghanistan and the UN High Commissioner for Refugees. These programs include:

- document examination equipment and training to frontline immigration officers at airports and land borders. The training and equipment contribute to deterring human trafficking by enabling more officers to confidently and accurately detect fraudulent travel documentation at borders
- facial image comparison training to enhance agencies' ability to prevent irregular movement by developing immigration officers' skills in detecting fraudulent use of travel documents by impostors
- intelligence analysis capacity building activities to boost agencies' capacity to capture data, analyse and report on trends in irregular migration throughout the region. Immigration intelligence capacity building initiatives are currently underway with several high priority countries. These activities encourage information and intelligence sharing between DIBP and other immigration agencies, which is crucial to investigating human trafficking activities, and
- immigration investigations training to strengthen officers' capacity to investigate criminal activity related to irregular migration, such as human trafficking.

DIBP also continues to build relevant capacity through activities including border assessments, alert systems design and implementation, and development of border management systems including biometric capabilities, passport systems, identity verification, legal and regulatory frameworks, and protection frameworks.

Preventing human trafficking to Australia

In 2013–14, DIBP maintained three positions at overseas posts in the Asia-Pacific focused on preventing human trafficking at its source. These positions form part of DIBP's overseas compliance network, providing regional coverage, and are now located at Bangkok, Manila and Seoul, with the position previously located in Guangzhou relocating to Seoul during the reporting period. DIBP's overseas compliance staff are known as 'integrity officers' and the three specialised positions as Senior Migration Officers (Integrity) (Trafficking), or SMOITs.

The SMOITs vet visa applications for evidence of fraud that may indicate potential trafficking and analyse trends in visa processing, including:

- applicants' travel patterns
- suspicious activity/patterns by migration agents, and
- the visa classes being targeted by trafficking organisations.

In addition, the SMOITs analyse data relating to non-compliance with visa conditions for use in screening for immigration fraud, as well as to identify possible human trafficking cases. They also lend key support and liaison services to onshore compliance officers in the investigation of allegations concerning possible trafficked people in Australia.

The SMOITs work closely with the AFP liaison officer at post to identify trafficking links with Australia and liaise with local government and non-government agencies to identify ways to prevent trafficking.

SMOITs are part of a larger network of compliance officers attached to key overseas posts to identify, respond to and counter immigration fraud and malpractice. They also work closely with local police and immigration officials to combat human trafficking and irregular migration.

Key achievements for 2013–14 include:

- a one day workshop in Guangzhou involving the three regional SMOITs and the Senior Migration Officer from Seoul to revise the regional strategy for combating human trafficking, exchange knowledge and discuss the direction and strategies of the network
- delivering a presentation on human trafficking to the Royal Thai Police at the International Law Enforcement Academy
- facilitating a workshop on trafficking awareness for visa processing officers in the Australian Embassy visa office in Manila
- participating in the launch of AAPTIP
- developing an action plan for the SMOIT network
- the implementation of an increase in scrutiny of Temporary Work (International Relations) visas (subclass 403) for domestic workers
- contributing to ongoing investigations, including interviewing at post as a result of intelligence held by DIBP, and
- liaising with representatives of other foreign governments on issues of common concern including human trafficking.

Building legal and law enforcement capacity in our region

As part of our holistic approach to combating human trafficking and slavery, Australia works with partner countries in the region to strengthen legal frameworks and capacity to prevent human trafficking and slavery, prosecute the perpetrators, and ensure trafficked people are protected.

Regional legal assistance

In 2013–14, AGD continued its work with countries in the region to strengthen legal frameworks and capacity to address irregular migration, including human trafficking. During this period, AGD drove regional initiatives through the Bali Process (see page 54) and worked bilaterally with partner countries to share experience and expertise on combating human trafficking and related issues.

AGD also works collaboratively with other agencies such as DIBP and DFAT, and with intergovernmental organisations such as UNODC and the IOM, to maximise the effectiveness of the Australian Government's investment in regional capacity building on human trafficking.

In February 2014, AGD attended the Malaysia-Australia Joint Working Group on People Smuggling and Trafficking in Persons and presented on the topic of supporting trafficked people. The working group agreed to ongoing mechanisms to share information and cooperate on human trafficking issues, including through the Bali Process. In March 2014, AGD attended the fourth Pakistan-Australia Joint Working Group on Transnational Crime, and hosted the third meeting of the Pakistan-Australia Legal Issues Sub-Committee (LISC) in the margins. A key outcome from the LISC was agreement for Australia to conduct a peer review of Pakistan's draft human trafficking laws. In April 2014, AGD attended the second Sri Lanka-Australia Joint Working Group on People Smuggling and Transnational Crime, and presented on human trafficking. Outcomes from the meeting included a commitment to continue and expand collaboration on human trafficking in the region, including through sharing information on Australia's strategy to combat human trafficking and slavery, and the development of Bali Process policy guides on identifying and supporting victims of trafficking.

In June 2014, AGD signed a cooperative work programme with the Vietnamese Ministry of Justice that committed AGD to providing assistance to Vietnam on implementing international legal obligations under the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. Also in 2014, AGD continued to work with the Cook Islands Crown Law Office to draft a new Crimes Bill. This Bill contains human trafficking offences based on the UNODC model law on trafficking in persons.

As part of our integrated approach to combating irregular migration, AGD also continued productive cooperation with partner countries in 2013–14 to strengthen anti-money laundering and proceeds of crime frameworks in order to target the financial incentive of human trafficking and slavery. Between 23 and 25 September 2013, AGD attended the *APEC Pathfinder Dialogue on Corruption and Illicit Trade* (Pathfinder Dialogue) in Thailand. The Pathfinder Dialogue brought together anticorruption authorities, law enforcement officials, policymakers, international organisations, and NGOs to address links between corruption and human trafficking.

In August 2013, members of the AFP HTT attended the International Law Enforcement Academy (ILEA) to deliver a two week International Human Trafficking Investigation Workshop to participants from 11 South East Asian countries. The participants comprised of a mix of investigators, prosecutors, immigration officers and social welfare members, which reflects the cooperation between different agencies in human trafficking and slavery-related investigations. The course will be run again in August 2014.

The Pacific Transnational Crime Network (PTCN) plays an integral role across the Pacific region through enhancing the capacity of Pacific nations to combat transnational crime including human trafficking. The PTCN consists of 18 Transnational Crime Units (TCUs) in 13 countries across the Pacific. Members of the PTCN Board of Management are Pacific Islands Commissioners of Police representing Micronesia, Melanesia and Polynesia along with the AFP.

The AFP provides support to the PTCN through five TCU Advisors to the PTCN. The primary role of an Advisor is to mentor TCU members and to identify and implement capacity building opportunities. The 2013–14 PTCN Transnational Crime Assessment identified human trafficking as a high priority in the Pacific. Such activities are noted as being associated with both sexual and other forms of labour exploitation. It is suspected that this crime type continues to be significantly underreported due to victims being reluctant or unable to report to authorities.

DIBP works closely with other whole-of-government and international stakeholders through the Bali Process to develop regional responses to current challenges and implement a practical workshop program on border control, law enforcement and human trafficking. Under the auspices of the Bali Process's Regional Cooperation Framework and the associated Regional Support Office, DIBP supports a range of initiatives that pursue the reduction of irregular migration through enhancing migration management and border security, and promoting mechanisms to improve access to protection and durable solutions for refugees and other vulnerable people in the region.

Related practices

Female genital mutilation

Australia is committed to ending all forms of violence against women and girls, including female genital mutilation (FGM). Globally, there is a link between FGM and other harmful practices such as early and forced marriage.

FGM is an abuse of human rights and is never acceptable in Australia. The Australian Government is actively working at the domestic and international level to support women and girls affected by FGM, including through the implementation of the Second Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022* launched in June 2014.

All Australian States and Territories have enacted legislation that makes it a criminal offence to perform FGM on another person, with maximum penalties ranging from seven to 21 years' imprisonment. On 13 May 2014, the New South Wales Parliament passed the *Crimes Amendment (Female Genital Mutilation) Act 2014*. The Act entered into force on 20 May 2014 and increased the maximum penalty for performing FGM from seven to 21 years' imprisonment and created a new offence of removing a person from New South Wales with the intention of having FGM performed on that person.

Over 2013–14, the Australian Government funded grant activities aimed at raising awareness of FGM and its consequences, educating health professionals so that they are better equipped to provide support to those affected, and building the evidence base on FGM in Australia. On 7 January 2014, relevant Australian Government agencies met with NGO representatives to discuss responses to preventing and addressing FGM.

In 2013–14, Australia also continued to advocate for the elimination for FGM at an international level. To mark the International Day of Zero Tolerance for FGM on 6 February 2014, the Australian Parliament passed a motion on 7 February 2014 supporting and encouraging international efforts to eliminate this practice. The Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, also made a Ministerial Statement in response to the International Day of Zero Tolerance for FGM. Minister Cash outlined Australia's zero tolerance approach to FGM and emphasised Australia's commitment to work to address FGM at an international level.

On 16 June 2014, Australia also participated in a high-level panel discussion on the identification of good practices in combating FGM organised by the HRC. During the panel discussion, Australia emphasised the importance of collaborative, cross-sectoral engagement with affected communities to provide education and support.

Adoption and surrogacy

In the absence of an element of exploitation which amounts to human trafficking or slavery, illicit practices in intercountry adoption and surrogacy arrangements do not fall within the scope of the Australian Government strategy to combat human trafficking and slavery.

Circumstances in which illicit adoption and surrogacy practices may be considered human trafficking or slavery include:

- the sale of a child for the purpose of adoption, which may amount to an offence of slavery under section 270.3 of the Criminal Code, and
- adoption or surrogacy for an exploitative purpose, which may amount to an offence of trafficking in children under section 271.4 of the Criminal Code, or domestic trafficking in children under section 271.7 of the Criminal Code. It may also amount to a slavery-like practice under Division 270 of the Criminal Code.

An illustration of how child trafficking could manifest in a surrogacy or adoptive arrangement is the 2013 matter involving a Queensland man who ‘adopted’ a child with his American partner specifically for the purpose of sexually exploiting the child through an international paedophile network.³²

Intercountry adoption

A commitment of Australia as a contracting State under the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* is to prevent the abduction, sale of, or traffic in children for the purposes of intercountry adoption through the implementation and observance of Convention safeguards. The *Guide to Good Practice* to the Hague Convention defines the term ‘trafficking’ as referring to the payment of money or other compensation to facilitate the illegal movement of children for the purposes of illegal adoption or other forms of exploitation.³³ While there are differing interpretations of the term ‘trafficking’ within intercountry adoption and broader international frameworks, illicit practices in adoption are clearly inconsistent with the principles of the Hague Convention.

AGD, as the Australian Central Authority under the Hague Convention, has continued in its endeavours to address child trafficking and illicit practices in intercountry adoption at the domestic and international level.

In early 2011, Australia convened a working group to develop cooperative measures to prevent illicit practices in intercountry adoption cases. The working group, led by Australia, developed a discussion paper on *Cooperation between the Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption*. This paper was published by the Permanent Bureau of the

³² It should be noted that no Australian, state or territory government authorities were involved in the adoption process in this matter.

³³ The *Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to Good Practice No. 1* is available online at: < http://www.hcch.net/index_en.php?act=publications.details&pid=4388>.

Hague Conference on Private International Law in October 2012 and distributed to all member states.³⁴

At the domestic level, Australia has developed a *Protocol for Responding to Allegations of Child Trafficking in Intercountry Adoption* (the Protocol) which is available on AGD's website.³⁵ The Protocol provides information about assistance and support available to adoptive parents and adoptees where there are allegations or concerns about child trafficking within a country of origin, from where a child has been adopted to Australia, or there have been specific concerns raised in an individual case.

To maintain the integrity of our intercountry adoption programs, Australia only has programs with countries where it can be satisfied that the principles of the Hague Convention are in place. This is the case even where the country concerned is not a signatory. Australia monitors its programs to ensure a country's ongoing compliance with these principles, and to identify risks of child trafficking. Where cases of concern arise, consideration is given to whether there are broader program implications. Australia may consider introducing safeguard measures for a program, such as suspending a program or limiting new adoption applications. If child trafficking were identified as a genuine ongoing concern within a particular program, Australia may close that program.

Educating prospective adoptive parents about the realities and risks of intercountry adoption is identified in the Hague Convention's *Guide to Good Practice* as an important measure to prevent undue pressure on sending countries. To inform Australian families of the realities and inherent risks in intercountry adoption, Australia has prepared an Information Statement on the Realities of Intercountry Adoption, which is provided to prospective adoptive families when they are first considering intercountry adoption.³⁶

In the past, Australia has also contributed to the work of the Intercountry Adoption Technical Assistance Program (ICATAP). ICATAP, which is operated by the Permanent Bureau of the Hague Conference, provides assistance to governments of certain states planning to ratify or accede to the Hague Convention, or which have ratified or acceded but are experiencing difficulties with implementation of the convention. The provision of this assistance is an important way for Australia, as a receiving country, to support countries of origin.

34 The discussion paper on *Cooperation between the Central Authorities to development a common approach to preventing and addressing illicit practices in intercountry adoption* is available online at: <[http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Documents/Discussion%20paper%20Cooperation%20between%20Central%20Authorities%20\[DOC%20118KB\].docx](http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Documents/Discussion%20paper%20Cooperation%20between%20Central%20Authorities%20[DOC%20118KB].docx)>.

35 The *Protocol for Responding to Allegations of Child Trafficking in Intercountry Adoption* is available online at: <[www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Documents/Protocol%20for%20responding%20to%20allegations%20of%20child%20trafficking%20in%20intercountry%20adoption%20\[DOC%2084KB\].doc](http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Documents/Protocol%20for%20responding%20to%20allegations%20of%20child%20trafficking%20in%20intercountry%20adoption%20[DOC%2084KB].doc)> .

36 The *Information Statement on the Realities of Intercountry Adoption* is available online at: <[www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Documents/Information%20statement%20on%20the%20realities%20of%20intercountry%20adoption%20\[DOC%2068KB\].doc](http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Documents/Information%20statement%20on%20the%20realities%20of%20intercountry%20adoption%20[DOC%2068KB].doc)>.

Surrogacy

Surrogacy is regulated by the States and Territories. All jurisdictions (except the Northern Territory) have legislation dealing with surrogacy. The Australian Government understands that New South Wales and Western Australia are currently reviewing their laws.

All jurisdictions which have legislated on surrogacy have criminalised commercial surrogacy. The Australian Capital Territory, New South Wales and Queensland have also legislated to make it illegal for residents of those jurisdictions to enter into commercial surrogacy arrangements in foreign jurisdictions.

Domestic Violence

Victims of serious forms of exploitation within intimate and family relationships, such as servitude, may be identified when seeking help from domestic violence service providers.

In Australia, one in three women has experienced physical violence since the age of 15 and almost one in five has experienced sexual violence. These crimes are gendered crimes – that is, they have an unequal impact on women. In 2009, the annual cost of domestic violence to the Australian economy was estimated at more than AUD\$13.6 billion, with that figure predicted to rise to AUD\$15.6 billion by 2021.

The *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan) is a 12-year strategy that aims to make a significant and sustained reduction in violence against women and their children. The Australian Government, in partnership with State and Territory Governments, has been steadfast in our commitment to continue to fund and deliver the National Plan. It was endorsed by the Council of Australian Governments in 2011.

The National Plan's vision is that Australian women and their children live free from violence in safe communities and it focuses on building respectful relationships and working to increase gender equality to prevent violence from occurring in the first place. It also focuses on ensuring that services meet the needs of women and their children who have experienced violence, holding perpetrators to account, and improving the evidence base.

The National Plan is being delivered through a series of three four-year Action Plans. On 27 June 2014, the Prime Minister, the Hon Tony Abbott MP, the Hon Kevin Andrews MP, and Senator the Hon Michaelia Cash, launched the Second Action Plan.

The Second Action Plan contains 26 practical actions and has a strong focus on civil society and a whole of community response. This Government is investing in initiatives that support civil society to transform attitudes, that work with young people to support respectful relationships and that help us learn more about 'what works' for women and their children experiencing, or at risk of experiencing, domestic and family violence and sexual assault.

Around \$200 million has been committed to address violence against women and their children under the National Plan between 1 July 2009 and 30 June 2017, and the Commonwealth Government has allocated more than \$100 million over the next four years to support the Second Action Plan.

Understanding human trafficking, slavery and related exploitation

Australian Institute of Criminology research

The Australian Institute of Criminology's (AIC) second four-year Human Trafficking and Slavery Research Program continued into 2013–14. During this period research on migrant sex workers, trafficking and exploitation involving marriage and partner migration, and the Australian construction industry were finalised. Key areas of focus for 2013–14 included:

- help-seeking strategies of victim/survivors of human trafficking
- human trafficking and related exploitation among Indonesian domestic workers
- the nature of recovery, return and reintegration experiences among Indonesian victims of human trafficking
- forced marriage, and
- the role of migration brokers in human trafficking.

A summary of the work undertaken by the AIC that addressed these areas is provided below.

Help-seeking strategies of victim/survivors of human trafficking involving partner migration

In addition to the publication of the AIC's report on human trafficking involving marriage and partner migration (Lyneham & Richards 2014)³⁷, a second paper was published in 2014 that specifically analysed the diverse help-seeking strategies employed by eight victim/survivors to exit their exploitative partnerships (Richards & Lyneham 2014).

The research found that victims/survivors predominantly sought informal help in the first instance from family, friends, neighbours and/or colleagues; few described initially seeking help from formal service providers. A number of victims/survivors also used a combination of informal and formal help-seeking strategies; largely in circumstances where they were familiar with the person they sought help from in both a formal and informal capacity (for example, a migration agent who was a family friend).

³⁷ Lyneham S & Richards K 2014. *Human trafficking involving marriage and partner migration to Australia*. Research and public policy series no. 124. Canberra: AIC.

The paper also details the barriers that victim/survivors faced in leaving their situations, which included:

- shame and risk of stigmatisation
- fearing retribution from their husbands
- language barriers
- lack of access to their passport
- lack of familiarity with services, and
- issues of trust with police and other authorities.

As victim/survivors of human trafficking involving marriage and partner migration are likely to be identified as victims of domestic violence, the paper highlights the importance of educating the community and professionals from a wide range of sectors – including health, mental health, child protection, social welfare, social work, domestic violence, migration, legal and law enforcement services – about the help-seeking strategies employed by victim/survivors. Further education provides those who may come into contact with victim/survivors to correctly identify the situation as human trafficking and by so doing, have additional options in place to support persons leaving exploitative situations.

Assisting the International Organization for Migration with analysis of human trafficking data

In 1999, the IOM developed and implemented the Counter-Trafficking Module (CTM), which is the largest global database containing primary data on victims of human trafficking. The CTM facilitates the management of the IOM's Return, Recovery and Reintegration Program as well as mapping the victim's trafficking experience.

The AIC collaborated with the IOM to analyse the CTM database, which holds qualitative and quantitative information relating to 3,701 Indonesian trafficked people identified between January 2005 and January 2010. Five papers were generated from this analysis,³⁸ the final two in the series released in 2014. These two papers examined respectively:

- the experiences of exploitation and human trafficking among a sample of Indonesian migrant domestic workers. Over half of the victims identified in the CTM reported being exploited as domestic workers abroad, mainly in Malaysia but also in Middle Eastern countries. The vast majority of these victims were female, and were subjected to a range of abuses including being totally denied freedom of movement, being forced to work excessive hours and being fully deprived of wages (Andrevski & Lyneham 2014); and

38 Joudo Larsen J, Andrevski H & Lyneham S 2013. Experiences of trafficked persons: an Indonesian sample. *Trends & issues in crime and criminal justice* no 449. Canberra: AIC; Lyneham S & Joudo Larsen J 2013. Exploitation of Indonesian trafficked men, women and children and implications for support. *Trends & issues in crime and criminal justice* no. 450. Canberra: AIC; Andrevski H, Joudo Larsen J & Lyneham S 2013. Barriers to trafficked persons' involvement in criminal justice proceedings: an Indonesian case study. *Trends & issues in crime and criminal justice* no 451. Canberra: AIC.

- victims' experiences of recovery, return and reintegration, including the type and length of recovery received before repatriation (for example, medical and/or psychosocial), the support received during the return process (for example, monetary and/or escort assistance), and initial experiences of reintegration (for example, if victims experienced problems and what type) (Lyneham 2014).

Forced marriage in Australia and New Zealand

The AIC commenced in 2014 a project examining forced marriage in Australia and New Zealand. The purpose of the project, which is being undertaken in partnership with Shakti Australia and Shakti New Zealand, is three-fold:

- to explore perceptions and realities around forced marriage in the two countries
- to identify the potential impacts and effects of criminalising forced marriage in Australia, and compare this to New Zealand where trafficking laws are less complete, and
- describe where further response options and policy development may be required for both persons affected by forced marriage and agencies responsible for providing support and other assistance.

The research involved interviews with a broad spectrum of stakeholders representing agencies involved in the development and/or provision of responses to, or otherwise may come into formal contact with, persons in, or at risk of, forced marriage. Interviews were also held with persons who had been forced marriage or previously at risk of forced marriage.

It is anticipated a report in the AIC's *Research and Public Policy* series will be published in 2015.

Migration brokers and human trafficking

The role of migration brokers has received anecdotal mention in the literature on human trafficking. The aim of this project, relying predominantly on publicly available material, is to examine the links between the use of migration brokers and human trafficking and slavery, particularly how this relates to the current regulations and practices surrounding their use by migrants to Australia. It aims to provide an overview of:

- the international trends of migration brokerage by migration stream (i.e. migrating to study, to work or for marriage)
- the costs and benefits associated with their use
- exploitative, corrupt or fraudulent practices brokers employ and how these relate to situations of slavery, human trafficking and slavery-like practices
- the type of migration brokers used by migrants travelling to Australia, and
- the current regulations surrounding the use of migration brokers in Australia.

It is anticipated a report in the AIC's *Trends and issues in crime and criminal justice* series will be published in 2015.

The year ahead

In 2014–15, the Australian Government will advance a strong program of work aimed at supporting the four pillars under our strategy to combat human trafficking and slavery, and cementing our role as a regional leader in combating these crimes.

In collaboration with stakeholders, including the IDC and members of the National Roundtable on Human Trafficking and Slavery (Roundtable), AGD will finalise and launch the *National Action Plan to Combat Human Trafficking and Slavery* (Action Plan) in late 2014. The Action Plan will set the strategic aims of Australia's whole-of-community response to human trafficking and slavery, and contain measures to monitor the impact and effectiveness of our collective efforts to combat these crimes. Implementation of the Action Plan will continue throughout 2015.

In the next year, the Communication and Awareness Working Group will finalise a range of awareness-raising materials about forced marriage for frontline officers including law enforcement and community workers, teachers and vulnerable groups. These materials will be delivered in December 2014 and include: information and frequently asked question sheets on forced marriage; a small fold-away booklet for people in or at risk of forced marriage; a how to guide (including a template) on preparing a forced marriage safety plan; a media factsheet; and a forced marriage information booklet for agencies, community organisations and service providers. The working group will then turn its focus to developing awareness-raising materials on labour exploitation.

We will also continue the development of Australia's response to the use of serious labour exploitation, including through slavery and slavery-like practices such as servitude and forced labour, in the supply chains of goods and services. This work will be undertaken in consultation with the Supply Chains Working Group, which is comprised of a wide-range of experts from government, business and industry, civil society and academia. This work will be undertaken in four phases, the first of which – understanding the problem – is expected to be completed by June 2015.

AGD, DFAT, DIBP and the Department of Employment will continue to consider a range of initiatives to increase protections for, and reduce the vulnerability of, foreign domestic workers working for diplomats and consular officers in Australia.

The Australian Government will also table its response to the *Trading Lives: Modern Day Human Trafficking* report by the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. The report was tabled in Parliament on 24 June 2013, following the Committee's inquiry into Slavery, Slavery-like Conditions and Human Trafficking.

In addition to its ongoing role in investigating human trafficking and slavery matters, and training frontline officials in this capacity, in 2014–15 the AFP will work with State and Territory police to raise awareness through the *Look a little deeper* campaign, and to finalise a review of the *Australian Policing Strategy to Combat Trafficking in Persons 2011–13*.

The CDPP has a number of ongoing prosecutions in relation to human trafficking and slavery-related offences, and will continue in its role of assessing new briefs of evidence referred to it by the AFP.

In 2014–15, DIBP will continue the review of the Human Trafficking Visa Framework in order to continue to provide temporary, and where appropriate, permanent visa pathways for victims of human trafficking and slavery related offences. DIBP will also be strengthening its existing communication campaign targeting potential visitors who are at a high risk of being trafficked, such as those from at risk demographics from identified source countries.

In 2014–15, DSS will work with the Australian Red Cross and the Operational Working Group to finalise the Red Cross' forced marriage scoping exercise and the development of a Support Program client information kit. DSS will continue to work with the Support Program service provider to meet the needs of trafficked people.

In 2014–15, Australia will also continue to actively engage in our region and further afield on human trafficking and slavery issues, including through the key mechanism for ongoing regional collaboration on human trafficking, the Bali Process Trafficking in Persons Working Group. Under the Bali Process, Australia will also work with a drafting committee to develop policy guides on victim identification and protection. The policy guides will be short, practical tools to assist policymakers and practitioners to support trafficked people in their recovery in line with international obligations.

Australia will also appear before the UN Committee against Torture in November 2014, and prepare for its second Universal Periodic Review report which is due to be submitted to the UN Human Rights Council in July 2015.

Appendix 1: Matters finalised and ongoing matters

Matters finalised

K

On 16 April 2013, Ms 'K' pleaded guilty to one count of trafficking in children contrary to subsection 271.4(1) of the Commonwealth *Criminal Code Act 1995* (Criminal Code). Ms K also pleaded guilty to 19 charges under Queensland's *Criminal Code Act 1899*, including maintaining a sexual relationship with a child. Due to the number and gravity of the charges under Queensland criminal law, the CDPP referred the prosecution of the Commonwealth trafficking offence to the Queensland Director of Public Prosecutions (Queensland DPP).

The charges relate to Ms K's daughter, who was brought to Australia from Thailand in 2006 to reside permanently. Ms K's daughter was subsequently subjected to sexual exploitation in the illegal sex industry in Brisbane. Ms K's name is suppressed to protect the identity of her daughter.

Following her guilty plea, Ms K was sentenced to nine years' imprisonment, with a non-parole period of four years. Ms K appealed against her sentence, and on 18 October 2013 it was reduced to seven years' imprisonment, with a non-parole period of three years and six months.

Watcharaporn Nantakhum

On 11 April 2012, an Australian Capital Territory Supreme Court jury found Watcharaporn Nantakhum guilty of one count of slavery contrary to subsection 270.3(1) of the Criminal Code, two counts (one being aggravated) of allowing a non-citizen to work in breach of a visa condition contrary to section 245AC of the *Migration Act 1958* (Migration Act), two counts (one being aggravated) of allowing an unlawful non-citizen to work contrary to section 245AB of the Migration Act, and one count of attempting to pervert the course of justice contrary to section 43 of the Commonwealth *Crimes Act 1914*.

The slavery offence relates to a Thai woman recruited by Ms Nantakhum to work as a sex worker in Canberra, under exploitative conditions. The woman was forced to pay off a debt to Ms Nantakhum of \$43,000. Ms Nantakhum also allowed the woman and another sex worker to work in contravention of their visa conditions and offered the woman money to keep quiet about her circumstances.

On 24 May 2012, Ms Nantahkhum was sentenced to eight years and ten months' imprisonment, with a non-parole period of four years and nine months. Ms Nantahkhum's appeal against her sentence was heard on 13 February 2013. On 25 October 2013 the appeal was allowed and Ms Nantahkhum was re-sentenced to six years and 10 months' imprisonment, with a non-parole period of three years and six months.

Chee Mei Wong

On 11 August 2010, Chee Mei Wong was charged with conducting a business involving sexual servitude contrary to subsection 270.6(2) of the Criminal Code, organising or facilitating the entry of a person into Australia reckless as to whether the person will be exploited contrary to subsection 271.2(1B) of the Criminal Code, and several offences under the Migration Act. The charges relate to 11 women from Malaysia who worked for Ms Wong as sex workers under very harsh circumstances. Ms Wong was charged following the AFP's Operation Burlywood investigation into human trafficking, sexual servitude and migration-related offences, and committed for trial on 13 September 2011.

On 27 March 2013, Ms Wong was convicted of one count of conducting a business involving sexual servitude contrary to subsection 270.6(2) of the Criminal Code, four aggravated counts of allowing non-citizens to work in breach of their visa conditions contrary to subsection 245AC(2) of the Migration Act, and two counts of allowing non-citizens to work in breach of their visa conditions contrary to section 245AC of the Migration Act.

On 5 July 2013 Ms Wong was sentenced to six years' imprisonment, with a non-parole period of three years.

Ongoing matters

Michelle Bohol, Jeffrey Bohol and Herminigildo Bohol

On 10 October 2013, Michelle, Jeffrey and Herminigildo Bohol were each charged with four counts of organising or facilitating the entry of a person into Australia reckless as to whether the person will be exploited contrary to subsection 271.2(1B) of the Criminal Code. On 18 August 2014 each accused was committed for trial to the District Court of New South Wales. As at 30 June 2014, a trial date had not yet been set.

Song Chhoung Ea

On 2 February 2012, Mr Ea was charged with several offences against Divisions 270 and 271 of the Criminal Code and an offence against the Migration Act. Mr Ea pleaded not guilty to all charges. He was tried in the New South Wales District Court in respect of one count of knowingly conducting business that involved sexual servitude contrary to subsection 270.6(2) of the Criminal Code, two counts of trafficking in persons contrary to subsection 271.2(1B) of the Criminal Code, and two counts of allowing a non-citizen to work in breach of visa conditions contrary to subsection 245AC(2) of the Migration Act.

Three further charges of causing another person to enter into debt bondage contrary to subsection 271.(8)(1) of the Criminal Code were placed on a certificate pursuant to section 166 of New South Wales' *Criminal Procedure Act 1986*.

The charges relate to three Thai women who were allegedly told they were travelling to Australia on student visas, but who allege that on arrival they had their passports confiscated and were taken to a brothel where they were held against their will.

The trial commenced on 8 April 2013. After lengthy deliberations the jury was unable to reach a verdict on any of the charges and was discharged on 20 June 2013. The CDPP decided that the matter should proceed to retrial.

The retrial commenced in March 2014. A jury was empanelled and the Crown gave an opening address. Subsequently, the defence counsel's instructing solicitor developed a conflict and sought leave to withdraw. Leave was granted and the jury was discharged. As at 30 June 2014, the matter was listed for retrial commencing 29 September 2014.

Andres Tamleht, Henri Lebedev, Allar Ahtmann and Marko Stolts

On 20 March 2013, Andres Tamleht was charged with offences against Division 271 of the Criminal Code, and three counts of intent to extort money and personal identification particulars contrary to subsection 397(2) of Western Australia's *Criminal Code Act Compilation Act 1913* (WA Criminal Code).

The charges relate to two Eastern European men who were allegedly recruited by Mr Tamleht's company through a recruitment website. The men were allegedly told to apply for working holiday visas while Mr Tamleht's company arranged airfares, accommodation and employment for a fee. Both men were employed as welders at a factory that allegedly paid the company a fee to find the workers overseas. The men lived in backpackers' hostels and were allegedly told they would be given about \$100 a week from their pay to cover the basic costs of living. They were allegedly threatened with violence if they did not repay their debts. It is further alleged there were implied threats of violence to their families if they did not comply with the demands.

As at 30 June 2014, the accused were facing charges of two counts of human trafficking involving debt bondage contrary to section 271.2(2) of the Criminal Code, two counts of intent to extort money contrary to s.397(2) of the WA Criminal Code, and two counts of possessing foreign travel document contrary to subsection 21(4) of the Commonwealth *Foreign Passports (Law Enforcement and Security) Act 2005*. Mr Tamleht had also been charged with a further count of intent to extort money contrary to subsection 397(2) of the WA Criminal Code. As at 30 June 2014 the trial was listed to commence in the District Court of Western Australia on 13 October 2014.



Gurjit Singh

On 4 April 2013, Gurjit Singh was charged with one count of organising or facilitating the entry of a person into Australia reckless as to whether the person will be exploited contrary to subsection 271.2(1B) of the Criminal Code.

The accused made a stay application at the Downing Centre Local Court on 25 February 2014. The application was refused. The accused subsequently lodged an Application for Leave to Appeal the decision in the Supreme Court of New South Wales. As at 30 June 2014, the Supreme Court proceedings were listed for hearing on 27 November 2014. The matter before the Local Court is 'on hold' until the appeal proceedings have been dealt with.

Appendix 2: AIC research

AIC human trafficking outputs in 2013–14

Publications

Andreovski H & Lyneham S 2014. Experiences of exploitation and human trafficking among a sample of Indonesian migrant domestic workers. *Trends and issues in crime and criminal justice* no. 471. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/461-480/tandi471.html>

Lyneham S & Richards K 2014. *Human trafficking involving marriage and partner migration to Australia*. Research and public policy series no. 124. Canberra: AIC. <http://aic.gov.au/publications/current%20series/rpp/121-140/rpp124.html>

Richards K & Lyneham S 2014. Help-seeking strategies of victim/survivors of human trafficking involving partner migration. *Trends & issues in crime and criminal justice* no. 468. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/461-480/tandi468.html>

Simmons F, O'Brien B, David F & Beacroft L 2013. Human trafficking and slavery offenders in Australia. *Trends and issues in crime and criminal justice* no. 464. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/461-480/tandi464.html>

Submissions, Presentations, Papers and unpublished material

Bricknell S 2014. Human trafficking and slavery research program. Paper presented to the Delegation of the Thailand Institute of Justice, Canberra, 6 May

Bricknell S & Renshaw L 2014. Human trafficking and slavery research program. Paper presented to the Department of Immigration and Border Protection, Canberra, 10 April

Lyneham S 2013. Bride trafficking. Paper to the second International Serious and Organised Crime Conference, Brisbane, 29 July

Lyneham S 2013. Experiences of exploitation, implications for support and participation in the criminal justice system: a case study of Indonesia. Paper to the second International Serious and Organised Crime Conference, Brisbane, 29 July

