



AFP
AUSTRALIAN FEDERAL POLICE



Joint Standing Committee
on Foreign Affairs, Defence
and Trade inquiry into
Child and Forced Marriage

July 2021

Submission by the
Australian Federal Police

Introduction

The Australian Federal Police (AFP) thanks the Joint Standing Committee on Foreign Affairs, Defence and Trade for the opportunity to make a submission to its inquiry into child and forced marriage. Following our appearance on 18 June 2021, the AFP provides this submission to further inform the committee of the AFP's role and efforts to combat child and forced marriage. The AFP notes the Department of Home Affairs and Australian Border Force (ABF) submissions to the inquiry, which provide the policy rational and further context for forced marriage, and suggests they be read in conjunction with this submission.

AFP's Role

2. The AFP is focused on the prevention, disruption, and investigation of modern slavery and human trafficking practices – including forced marriage – and the protection and support of victims. The AFP takes a victim-centric approach in dealing with all human trafficking matters – including forced marriage – and works collaboratively with domestic and international law enforcement partners, industry and non-government organisations (NGOs).

AFP Activities

Specialist Human Trafficking Teams

3. Northern Command is a specialist command within the AFP, with the national responsibility for human trafficking, including forced marriage and other forms of modern slavery. The AFP has dedicated human trafficking teams located in every capital city except Hobart and Perth, with a total of 40 full time equivalent (FTE) across locations. Human trafficking specialist trained members are also located in every AFP office across Australia, providing a surge capacity when needed. Around 390 detectives have been trained in specialist human trafficking investigations since 2004. All sworn AFP officers have also been foundation trained through the Look a Little Deeper (LALD) frontline responder program. Further information on LALD is at paragraphs 5 and 6.

Community Liaison Teams

4. The AFP Community Liaison Teams (CLT) provide pathways through which the AFP and the community can build meaningful and productive relationships. Although CLTs are focused on the prevention of terrorism and radicalisation, they allow the AFP to build trust among vulnerable groups in the community. The AFP have engaged with female leaders through these CLTs to grow awareness and education on forced marriage. These community leaders have expressed an interest in working more closely with these teams in future to prevent a broader range of crime types.

Training

5. The AFP's LALD project is a human trafficking and slavery information and awareness program for frontline police and other government agencies. The LALD campaign recognises that first responders are likely to encounter potential human trafficking and slavery in the course of their duties, and aims to equip them with the necessary skills to identify and respond to a range of indicators:

- controlling or restricting freedom of movement – being monitored, guarded or confined
- using intimidation and threats, including threats of deportation
- causing or threatening physical and/or sexual violence
- taking away travel or other important documentation
- perpetuating abuse living and/or working conditions
- forcing victims to live at the workplace or another place owned/controlled by employer
- isolating the victim – geographically, socially and/or linguistically
- withholding, underpayment or no payment of wages
- demanding excessive working hours
- using debt bondage arrangements (ie labour or services are provided as security or repayment of an inflated debt)
- deceiving or providing misinformation about nature and conditions of work
- not allowing the victim any discretion over life decisions
- preventing the victim from ending employment at any time.

6. In March 2019, the AFP commenced rolling out LALD training to commonwealth agencies, state and territory police, interagency forums and NGOs. LALD training has been delivered to 1245 external participants across 66 sessions. The AFP is developing a bespoke version of the LALD package which will specifically focus on education relating to forced marriage. This package will be delivered to the community through the CLTs and is the first of its kind in Australia.

Key Issues

7. The AFP receives the majority of its reports of modern slavery and human trafficking matters from NGOs, schools, medical providers and members of the victim's community. Reports can also come from witnesses of alleged offences, state and territory police services and other commonwealth agencies including the Department of Foreign Affairs and Trade (DFAT) and the ABF.

8. Indicators of forced marriage include the following:

- a family history of elder siblings leaving education early, marrying early or indicating concerns about an early marriage
- victims exhibiting signs of depression, self-harm, attempted suicide, panic attacks, social isolation or substance abuse
- victims having a high level of control and restrictions by family or community members over all aspects of their life
- evidence of family violence or female genital mutilation.

9. Since 2017, the AFP has received 327 reports of forced marriage, including 79 in 2020-21. Reports generally increase annually, however, it is unclear whether this is the result of increased offending, or increased awareness that forced marriage is a crime.

10. Due to COVID-19 lockdowns and travel restrictions, there has been a slight reduction in reports of all modern slavery, from 2019-20 to 2020-21. The decreased presence of young people in schools due to COVID-19 lockdown measures has also limited opportunities for schools to observe and report potential victims of forced marriage offences.

11. In dealing with forced marriage matters, law enforcement are faced with a unique set of challenges including:

- the vulnerable circumstances of victims, many of whom are young
- insufficient physical evidence to support charge and prosecution (further complicated where such evidence might be located overseas)
- perpetrators who are often family members or part of the community of the victim, making them reluctant or unable to assist with investigations
- perpetrators who may not be aware that forced marriage is illegal
- victims who may not be aware of available support services.

These challenges contribute to low prosecution and conviction rates.

12. Prevention and awareness raising activities conducted in partnership with commonwealth and state government agencies and NGOs are therefore crucial to addressing the barriers which limit law enforcement success.

13. Strategic interventions can also disrupt forced marriage from occurring. These strategies include:

- referral of victims to support programs
- engaging with victims' families to explain that forced marriage is a crime
- engaging victim and potential victims' schools to be alert to absences or unplanned travel
- the retrieval/repatriation of victims from overseas
- guardianship orders
- border alerts.

14. Between 2013 and 2021, 46% of forced marriage reports involved disruption or intervention strategies that prevented an offence from occurring, or ensured support was provided to victims who did not wish to engage with the AFP/criminal justice processes. Forced marriage cases to date have primarily involved Australian citizens with relatives alleged to have organised, or be organising a marriage for them in Australia or overseas without their free and full consent. Over 50% of cases related to victims under the age of 18 with the most vulnerable victim group being females aged 15 to 19.

Case study 1 – engagement with family members

In October 2018, the AFP received a referral concerning a 17 year old female at risk of forced marriage by her father. The AFP subsequently met with the victim on several occasions about her circumstances and concerns.

The victim was referred by the AFP to the Support for Trafficked People Program.

On 15 November 2018, the victim requested through her school counsellor that the AFP speak with her father about the criminal law preventing forced marriage, in an effort to prevent that eventuality for her. The victim also disclosed suicidal intentions due to the distress the forced marriage plans were causing her.

The AFP agreed to do this as an overt disruption mechanism which has been utilised successfully in forced marriage cases in preventing the offence.

AFP members attended and spoke with the victim's father, discussing Australia's law around forced marriage as well as welfare concerns for the victim's emotional and mental wellbeing. As a result of that interaction and other further conversations between the AFP, the victim and her school, it was identified that the father had called off the marriage plans 'tearing up the marriage contract' that had been prepared between the father and a man in Pakistan.

The AFP successfully disrupted the offence of forced marriage through engagement with the victim and her family. As a result, no criminal offence eventuated.

Case Study 2 – guardianship orders

In 2018, a Victorian school identified a 17 year old girl, of South Sudanese descent, was at risk of being removed from Australia for the purpose of a marriage in Sudan.

The Department of Social Services reported the matter to the AFP. It was ascertained that the girl was cognitively impaired and vulnerable to coercion and exploitation. The AFP therefore requested that the girl be appointed a guardian, which prevented the alleged forced marriage from occurring.

International Capacity Uplift

15. The AFP continues to maintain strong relationships with DFAT, Home Affairs and the ABF as portfolio partners to support overseas capacity building and support of victims.

16. The AFP's International Liaison Officer Network provides investigative assistance to foreign law enforcement in relation to a range of crime types including modern slavery and human trafficking. The AFP has 166 members posted to 33 countries around the world, all of whom are provided with LALD training.

17. The AFP works with its domestic and international partners to support law enforcement capacity uplift and the retrieval of victims from overseas.

Case Study 3 – victim retrieval

In 2013, a 15 year old girl was taken from Australia to Pakistan where she was forced to marry her cousin. The victim had travelled to Pakistan with her mother, expecting to study abroad. The victim did not consent to the proposed marriage and was beaten, her travel documentation taken from her, and left in Pakistan.

The AFP, in collaboration with Anti-Slavery Australia, arranged for the victim to be returned to Australia. The AFP worked with NSW Legal Aid to ensure that all decisions made on behalf of the victim were in her best interests and considered her wishes.

No prosecution occurred, however, the victim has since obtained Australian citizenship.

Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process)

18. The Bali Process assists member states in formulating individual domestic policy responses to global crises and enhances regional cooperation through the sharing of best practice models. Through this platform, Australia promotes our approach to national security and develops and maintains relationships with source, transit and destination countries for irregular migration.

19. The Bali Process Working Group on Trafficking in Persons is a network of experts from Bali Process member countries that are most affected by human trafficking. The AFP supports the efforts of the Working Group through engagement with regional partners to shape and influence strategic interests towards countering people smuggling and human trafficking, especially with countries who may not consider these issues to be priority crime types.

Australia Award

20. The AFP supported recipients of the Australia Award ahead of their arrival in Australia by providing training and awareness materials to prepare them for their time in Australia. This includes awareness of Australian legal frameworks and an overview of criminal offences. These efforts assist in the prevention of crime, including forced and child marriage, through awareness raising and early education.

Non-Government Partnerships

21. The AFP has strong relationships with several NGOs in the modern slavery space, including the Australian Red Cross, Anti-Slavery Australia, Walk Free and the Australian Catholic Religious Against Trafficking in Humans. However, our remit remains distinct. As a policing agency, we are afforded the lawful ability to conduct activities which assist in the disruption and prosecution of crime and protect victims from harm.

22. In human trafficking and slavery matters, the AFP considers disruption and intervention outcomes which result in the removal of victims from harm to be as significant an outcome as a successful prosecution. The AFP is responsible for verifying people as suspected victims of human trafficking and modern slavery and referring them for Australian Government support. NGOs play a complementary role in identifying and assisting potential victims which is integral to Australia's fight against human trafficking and slavery.

23. The Support for Trafficked People Program (STPP) assists victims of modern slavery and human trafficking. The program is administered by the Department of Social Services and delivered by the Australian Red Cross. The AFP is the only agency able to refer suspected victims of modern slavery and human trafficking to the STPP. AFP officers are specially trained to assess each case to determine if the victim has been subjected to human trafficking or slavery in accordance with the Crimes Act definitions, and then refer victims to the most appropriate support services for their circumstances. Further, the AFP is equipped to provide a range of protections to victims as needed. Noting the significant benefits available through the program, the AFP is also positioned to prevent fraudulent actors from exploiting the system.

Case study 4 – victim support

In December 2018, a 20 year old Australian woman of South Sudanese decent travelled to South Sudan believing she was going for a two-week holiday. On arrival her passport was taken and in February 2020 she was forced to marry a South Sudanese national. The victim was forced to travel to Uganda and was subjected to sexual violence from her husband.

After escaping, Anti-Slavery Australia and DFAT assisted her with her return to Australia and reported the incident to the AFP. The AFP commenced an investigation and referred the victim to STPP.

In April 2020, the victim advised the AFP that she no longer wished to assist with the prosecution, however remained on the STPP. In August 2020 the victim advised the AFP that she again did want to assist with the prosecution and provided a draft victim statement. In October 2020, the victim advised the AFP she no longer wished to assist with the prosecution.

The decision was made not to progress the prosecution due to insufficient evidence (including no victim statement) and that it was in the best interests of the victim.

The victim was an STPP client from 16 March 2020 to 1 December 2020 (about 259 days).

Project SKYWARP

24. Project SKYWARP was delivered in 2019 in partnership with Anti- Slavery Australia, the Sydney Airport Corporation and the ABF.

25. The project involved the distribution of human trafficking awareness materials in washrooms across Sydney International Airport for a period of six months. Materials sought to

educate the public on indicators of modern slavery and human trafficking and encourage victims and witnesses to seek help from authorities.

26. Project SKYWARP materials directed readers to the My Blue Sky website, run by Anti-Slavery Australia. Following Project SKYWARP, traffic to the My Blue Sky website increased from 4004 users in 2018-19 to 5704 users in 2019-20. The awareness campaign may also have contributed to a rise in reports of human trafficking to the AFP, from 61 in 2018 to 91 in 2019 and 92 in 2020.

Conclusion

27. The AFP continues to work closely with our partners across the commonwealth, in states and territories, industry and overseas to proactively respond to threats of modern slavery including forced marriage. We consistently strive to act in the best interests of victims and educate and bring offenders to justice.