



# Inquiry into Human Trafficking

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ECHO PROJECT'S SUBMISSION TO THE PARLIAMENTARY JOINT COMMITTEE  
ON LAW ENFORCEMENT

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1	Introduction	2
2	Summary of Echo Project	2
3	Background	2
4	Term of reference #1: The prevalence of human trafficking in Australia, including in culturally and linguistically diverse communities	5
5	Term of reference #2: The role and effectiveness of Commonwealth law enforcement agencies in responding to human trafficking	5
6	Term of reference #3: Practical measures and policies that would address human trafficking	7
7	Term of reference #4: The involvement of organised crime, including transnational organised crime, in human trafficking	8
8	Term of reference #5: The extent to which human trafficking is facilitated by migration visas, technology and false identities	8
9	Term of reference #6: The effectiveness of relevant Commonwealth legislation and policies	10
10	Term of reference #7: Other related issues	11
11	Conclusion	12

## **1 Introduction**

Echo Project welcomes the opportunity to provide a submission to the Parliamentary Joint Committee on Law Enforcement in response to the Inquiry into Human Trafficking (**the Inquiry**).

Echo Project is a not for profit group which raises awareness about human trafficking issues through the voice of powerful leaders who have front line experience with both victims and perpetrators.

Echo Project works closely with and has a strong association with Christine Dolan who is a highly informed and respected investigator of international human trafficking. Christine has conducted over 500 interviews across the world with human trafficking victims, human traffickers, local and national police, Interpol agents, non-government organisations, members of the European Parliament, and experts on paedophilia, pornography, sex tourism, human trafficking and immigration.

Christine is an expert on human trafficking and her work has been endorsed by numerous Heads of States, members of the European Parliament, the United States Congress, the Organization for Security and Co-operation in Austria, Interpol, the Australian Federal Police and other international law enforcement agencies.

Christine has addressed the United Nations in Geneva and New York on the issue, as well as the European Union, the Organisation of African Unity in Ethiopia, the Organization for Security and Co-operation in Austria and the French National Assembly at the invitation of President Jacques Chirac.

In 2016, Christine was invited to Australia to address both commercial and not for profit organisations on the state of human trafficking in Australia.

## **2 Summary of Echo Project**

Echo Project's submission addresses all of the Inquiry's terms of reference.

Human trafficking targets highly vulnerable people and marginalised communities. Human trafficking is contrary to national, state, and international laws.

Echo Project supports the practical measures already implemented by the Australian government in response to human trafficking, but submits that more measures must be taken in order to properly address the crime.

## **3 Background**

Human trafficking, slavery and slavery-like practices, such as servitude, forced labour and forced marriage, are complex crimes and a major violation of human rights. Around the world men, women and children are trafficked for a wide range of exploitative purposes, such as:

- (a) servitude;
- (b) slavery;
- (c) forced labour;
- (d) debt bondage;
- (e) forced marriage;
- (f) organ harvesting;
- (g) sex tourism;
- (h) internet child pornography;
- (i) adult pornography;
- (j) sex trafficking;
- (k) child soldiers and terrorism;
- (l) skin trafficking; and
- (m) ritual abuse torture.

While human trafficking takes place in every country in the world, on the street and over the internet, much remains unknown about the incidence and extent of human trafficking, or the lived experience of its victims and perpetrators.

Australia's international obligations in respect of human trafficking derive from various instruments to which Australia is a party. These instruments include the United Nations Convention against Transnational Organised Crime; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the United Nations Convention against Transnational Organised Crime; and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

Australia has been involved in a number of important human trafficking initiatives, demonstrating leadership at a national and international level. For example, in addition to the National Action Plan to Combat Human Trafficking and Slavery and the National Roundtable on Human Trafficking and Slavery, the Commonwealth government has amended the following legislation:

- (a) Criminal Code Act 1995 - to include offences for trafficking in persons and debt bondage, slavery and slavery-like practices;
- (b) Crimes Act 1914 – to protect victims of human trafficking when they are giving evidence in court;
- (c) Migration Act 1958 – to provide for offences relating to employment of migrants in breach of visa conditions, and for receiving or facilitating payment for visa sponsorship;

- (d) Fair Work Act 2009 – to empower the Ombudsman to enforce compliance with the Act and related instruments, and to provide minimum entitlements for all employees in the federal workplace system;
- (e) Marriage Act 1961 – introducing the offence of solemnising a marriage where both parties are not of marriageable age, or to go through a ceremony of marriage with a minor; and
- (f) Proceeds of Crime Act 2002 – in relation to tracing, restraining and confiscating proceeds of crimes, including human trafficking and slavery.

Echo Project commends the Commonwealth government on the amendments to the above.

At the international level, Australia works at bilateral, regional and multilateral levels to address human trafficking and slavery. Australia has been a leader in addressing human trafficking and slavery in south east Asia, particularly through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. The Australian government has also partnered with foreign governments in order to strengthen national and regional criminal justice responses to human trafficking, enhance regional cooperation and promote gender and victim sensitive approaches to anti-human trafficking campaigns.

While Australia has taken laudable anti-human trafficking measures, further action must be taken in order to properly address the crime. Recent anti-human trafficking schemes have struggled to achieve impact due to lack of impact at the root cause.

Echo Project submits that through a combination of measures which aim to research and investigate human trafficking, raise awareness, increase identification and reporting and better support victims, Australia will be in a stronger position to address human trafficking.

### **Recommendations**

Echo Project makes the following main recommendations.

- Establish an independent commissioner responsible for monitoring Australia's anti-human trafficking and slavery framework.
- Create a Trafficking of Persons office within the Department of Justice to establish an internal research fund to investigate human trafficking in Australia and the broader Asia Pacific.
- Fund research into the incidence of human trafficking and the extent to which organised criminal groups are involved in human trafficking in Australia.
- Collaborate and work with the Australian Federal Police (AFP) and state and territory police, community support networks and people staffing front line services in order to improve the identification of human trafficking operations and to refer survivors to appropriate support services.
- Work towards the harmonisation of laws in the human trafficking, child pornography, child abuse, slavery, servitude and related areas across all jurisdictions, through either the Council of Australian Governments or another appropriate avenue.

- Increase funding for organisations with expertise in human trafficking to ensure that legal assistance and education can be effectively provided to groups who are at risk.
- Provide adequate funding for organisations which provide legal assistance to victims of human trafficking.
- Establish a National compensation scheme for victims of human trafficking. A scheme which is separate from any compensation survivors receive in exchange for assisting law enforcement agencies.
- Develop a Business Leaders Advisory Board to engage business leaders in investigating and addressing human trafficking issues in business supply chains.
- Establish a national licensing regime for labour hire businesses in specific industries where there is a high risk of people on temporary work visas being subjected to human trafficking and slavery.

#### **4 Term of reference #1: The prevalence of human trafficking in Australia, including in culturally and linguistically diverse communities**

The prevalence of human trafficking in Australia is unclear, due to an insufficiency of targeted research. To date, the data has been piecemeal, focusing on forced marriage or the sex industry. As such, there is a need for more extensive investigation into the pipelines of human trafficking practices, including the labour market and supply chains.

While research into human trafficking has increased over time, without more targeted research programs, it is impossible to accurately quantify the prevalence of human trafficking in Australia. The number of known victims of human trafficking in Australia is not large when compared with other crimes. However, the recorded figures are likely to be under-reported. This is due to fear associated with deportation or breach of visa conditions, personal or family safety, loss of job, shame, mistrust of authorities and ignorance of rights and availability of support. Additionally, the highly federalised model of the anti-human trafficking response results in there being less awareness of human trafficking issues at state and local levels.

The Australian Institute of Criminology has published the most comprehensive research to date on the incidence of human trafficking in Australia. This work should be further supported in order to achieve a better understanding of the extent of the Australian human trafficking problem and the ways in which it manifests in practice. The collection of data to develop an understanding of how human trafficking is occurring in practice is critical to the formulation of effective anti-human trafficking policies and campaigns.

**Recommendation 1: Echo Project recommends that the government undertake and fund research into the incidence of human trafficking and the extent to which organised criminal groups are involved in human trafficking in Australia.**

**Recommendation 2: Echo Project recommends that a Trafficking of Persons office be created in the Department of Justice to establish an internal research fund to investigate human trafficking in Australia and the Asia Pacific.**

**Recommendation 3: Echo Project recommends the appointment of an independent commissioner who is responsible for monitoring Australia's anti-human trafficking framework and the effectiveness of commonwealth agencies in responding to human trafficking issues.**

**5 Term of reference #2: The role and effectiveness of Commonwealth law enforcement agencies in responding to human trafficking**

The burden of identifying and providing support for the victims of human trafficking falls mostly on the AFP. The AFP focuses on identifying and working with victims of forced marriage. However, in order to more effectively target and detect human trafficking there needs to be a greater coordination across front line organisations tackling the various forms of human trafficking.

We consider that greater targeted responses across multi-disciplines could be achieved by improving cooperation and awareness. This would involve both state and territory police and local community networks and services.

There is also a need for greater cooperation between the AFP and first-response services, such as healthcare, welfare and legal personnel, as well as school personnel and members of religious organisations. Raising awareness about human trafficking and providing these services with a clear plan of action to follow when they identify a potential victim of human trafficking will assist with coordinated responses.

Echo Project submits that the government should also ensure that organisations providing legal assistance to human trafficking victims are properly funded due to the complexity of the crime and its association with financial disadvantage.

Echo Project calls for an increase in funding for organisations with expertise in human trafficking to ensure that legal assistance and education can be effectively provided to groups who are at risk.

Echo Project is aware that the law governing human trafficking, slavery and servitude, child abuse, child pornography and other related offences differ in both wording and penalties between various Australian jurisdictions. The criminal law crosses between Commonwealth, state and territory legislation and there is no uniform approach shared between jurisdictions. The rationalisation and harmonisation of those laws would better enable law enforcement agencies and Courts to interpret and apply the law in cross-jurisdictional cases, which are particularly prevalent given the extensive involvement of the internet in many of the relevant offences.

**Recommendation 1: Echo Project recommends that the AFP work more closely with state and territory police, and community support networks, in order to improve the identification of human trafficking operations and to refer survivors to appropriate support services.**

**Recommendation 2: Echo Project recommends that people working in first-response services should undertake training in relation to human trafficking.**

**Recommendation 3: Echo Project submits that the government should ensure that organisations providing legal assistance to human trafficking victims are properly funded.**

**Recommendation 4:** Echo Project recommends that there should be an increase in funding for organisations with expertise in human trafficking to ensure that legal assistance and education can be effectively provided to victims and at risk communities.

**Recommendation 5:** That the Commonwealth, State and Territory Attorneys-General work towards the harmonisation of laws in the human trafficking, child pornography, child abuse, slavery, servitude and related areas across all jurisdictions, through either the Council of Australian Governments or another appropriate avenue.

**Recommendation 6:** Echo Project recommends that an independent commissioner is appointed to monitoring Australia's anti-human trafficking framework and the effectiveness of our response to human trafficking.

**6 Term of reference #3: Practical measures and policies that would address human trafficking**

Australia's human trafficking focus so far has been on identifying and prosecuting human trafficking offenders. While this is an essential element of the anti-human trafficking campaign, the Australian government must take further action in order to better identify and support human trafficking victims.

Those at risk (and victims of) human trafficking face a lack of awareness about their rights, and how they can access support. Public campaigns, which raise awareness about human trafficking, the reporting of incidents, and how victims can be supported will lead to greater awareness.

We recommend that a hotline for reporting incidents and supporting victims is created. A hot line that is co-ordinated with police will ensure immediate response is available. The hot line should be advertised across at risk areas and industries as well as in public targeted locations.

Those who work in front line services, if made aware, will be in a strong position to identify, assist and link victims to essential support services. Awareness programs on human trafficking should be provided to teachers, members of religious organisations, and those who work in healthcare, welfare and law so that they are informed on how to respond and support those at risk.

Echo Project submits that the government should also ensure that organisations providing legal assistance to human trafficking victims are properly funded due to complexity of human trafficking scenarios. There should also be an increase in funding for organisations with expertise in human trafficking to ensure that legal assistance and education can be effectively provided to groups who are at risk.

**Recommendation 1:** Echo Project submits that the government should create a human trafficking hotline that provides support to human trafficking victims.

**Recommendation 2:** Echo Project recommends that people working in first-response services should undertake training in relation to human trafficking.

**Recommendation 3:** Echo Project submits that the government should ensure that organisations providing legal assistance to human trafficking victims are properly funded due to the complex situations victims commonly find themselves in, and the financial hardship many victims face.



**Recommendation 4: Echo Project recommends that there should be an increase in funding for organisations with expertise in human trafficking to ensure that legal assistance and education can be effectively provided to human trafficking victims.**

**7 Term of reference #4: The involvement of organised crime, including transnational organised crime, in human trafficking**

Due to an insufficiency of information about human trafficking in Australia, it is difficult to analyse the relationship between human trafficking and organised crime.

The Australian Institute of Criminology reports that human trafficking offences are committed by both large criminal organisations and small scale private networks. There is reported link between human trafficking operations and drugs, weapons and other black market commodities. Some small-scale human trafficking operations are known to be facilitated by family and business contacts overseas.

While this information sheds some light on the ways in which criminal organisations are involved in human trafficking, Echo Project submits that independent research should be conducted to closely explore the relationship between organised crime and human trafficking. This would contribute to a better understanding of the nature of human trafficking in Australia, and facilitate the development of effective human trafficking detection and prevention measures.

**Recommendation: Echo Project recommends that independent research be conducted to investigate the relationship between organised crime and human trafficking. Research should also investigate the operations of criminal entities, which encourage Australians to travel abroad for sex tourism.**

**8 Term of reference #5: The extent to which human trafficking is facilitated by migration visas, technology and false identities**

People on migrant visas are at risk of being exploited through employment. We are aware of people on visas living in fear that their visas will be cancelled if they comment on substandard work environments and poor working conditions.

There is an extreme power differential which migrant visas create between a migrant employee and their employer which increases the incidents of unfair contracting arrangements, underpayment of wages, denial of entitlements, poor working conditions, physical and sexual abuse, requests for money or sex in exchange for visas, employment discrimination, racism and labour trafficking.

Migrant workers are a particularly vulnerable class of people, who are inadequately protected by the existing workplace relations framework. The Productivity Commission's Workplace Relations Framework Inquiry Report of 2015 identified that some of the factors which make this class of people so vulnerable include their lower English proficiency, lack of awareness of rights at work and a reluctance to reveal exploitation where workers have breached visa restrictions. These breaches of visa restrictions include working hours which exceed the maximum number of hours permitted, where workers can fear that exposing this breach of visa conditions to authorities could result in their deportation.

We recommend that a national licensing regime for labour hire is established. This regime could apply to businesses operating in specific industries in which there is a

high risk of people on temporary work visas being subjected to human trafficking and slavery. These high risk industries include construction, manufacturing, agriculture, fishing, mining, and international adoption and employment agencies.

The creation of a human trafficking hotline, as already discussed, would also help to make those on migrant visas aware of their rights and the support available to them. Making workers in first-response services aware of human trafficking issues could also create more opportunities for human trafficking victims to become aware of their rights and relevant support services.

Echo Project submits that the government should also ensure that organisations providing legal assistance to human trafficking victims are properly funded due to the complex situations victims commonly find themselves in, and the financial hardship many victims face. There should also be an increase in funding for organisations with expertise in human trafficking to ensure that legal assistance and education can be effectively provided to groups who are at risk.

**Recommendation 1: Echo Project recommends that a national licensing regime for labour hire which applies to businesses operating in industries where there is a high risk of people on temporary work visas being subjected to human trafficking and slavery.**

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**Recommendation 5: Echo Project submits that the government should ensure that organisations providing legal assistance to human trafficking victims are properly funded.**

**Recommendation 6: Echo Project recommends that there should be an increase in funding for organisations with expertise in human trafficking to ensure that legal assistance and education can be effectively provided to human trafficking victims.**

**9 Term of reference #6: The effectiveness of relevant Commonwealth legislation and policies**

Echo Project submits that Commonwealth legislation should provide more support to human trafficking victims in a scheme which does not require victims to assist authorities with human trafficking investigations and proceedings.

The Australian anti-human trafficking response so far has focussed on the prosecution of human trafficking offences, without providing an adequate support scheme for human trafficking victims. Despite this emphasis on prosecutions, there have been very few successful prosecutions, with only 17 convictions to date.

The current human trafficking victim scheme is skewed to provide support mostly to victims as part of the process of identifying perpetrators of human trafficking. This scheme fails to provide adequate support to victims who do not wish to assist the

AFP with their investigations into human trafficking offences. Many human trafficking victims do not wish to assist the AFP with investigations until their personal and families safety and security can be assured. Disadvantaged victims can also be reluctant to cooperate with authorities, due to feelings of disempowerment and ignorance. Victims who feel that they do not have enough awareness or knowledge of their circumstances can also feel reluctant to assist authorities, due to feelings of helplessness or beliefs that they do not have any information of value to provide.

Support programs are currently divided into four streams:

- **The Assessment and Intensive Support Stream:**

This stream ensures that all human trafficking victims are referred by the AFP to the Support for Trafficked People Program. Victims are eligible to receive 45 days of support, regardless of whether they are willing or able to assist with an AFP investigation into their human trafficking matter. If a trafficked person does not have a valid visa, they are granted a bridging visa so that they can lawfully remain in Australia for the relevant period of time.

- **The Extended Intensive Support Stream:**

This scheme provides human trafficking victims with access to a further 45 days of support. It is available to victims of human trafficking who are willing but not able to assist with the AFP investigation into their human trafficking matter.

- **The Justice Support Stream:**

This stream provides human trafficking victims with support until the AFP concludes their investigation into the human trafficking matter and the prosecution process is finalised. If a victim does not have a valid visa, they can lawfully remain in Australia for that period of time through a Criminal Justice Stay visa.

- **The Temporary Trial Support Stream:**

This stream provides human trafficking victims with support if they give evidence pertaining to a human trafficking or slavery-related prosecution. A person who has made a contribution to an investigation or prosecution process may be eligible for a Referred Stay (permanent) visa.

Echo Project submits that human trafficking victims need to be better supported, where support should be provided without the condition that victims assist with, or participate in, human trafficking proceedings. Providing better support to victims is not only what a holistic human rights approach to the human trafficking issue requires, but it could also lead to human trafficking victims cooperating more with authorities. This could provide the AFP with more information about human trafficking occurrences, enable more successful prosecution of human traffickers and lead to more effective human trafficking prevention.

## **10 Term of reference #7: Other related issues**

Echo Project submits that in order for the Australian government to effectively address human trafficking, the business community must explore human trafficking issues in supply chains. Echo Project recommends that a Business Leaders Advisory Board be established, with the purpose of uniting business leaders to

become informed about how their business supply chains may unknowingly and haphazardly contribute to the increase in human trafficking. This advisory board could inspire business leaders to change the ways in which their businesses operate in order to eliminate the potential for human trafficking to occur, and could inspire leaders to take a stand against human trafficking at a global level. Involving business leaders in the anti-human trafficking campaign is essential to the elimination of human trafficking in supply chains.

**Recommendation: Echo Project recommends that a Business Leaders Advisory Board be established to engage with business leaders to address human trafficking issues in business supply chains.**

## **11 Conclusion**

Australia is in a strong position to implement new policies and practices that targets the crime of human trafficking more effectively. We recommend that these practices and policies should be focused on raising awareness, increasing research, appointing an independent commissioner and building stronger coordination between front line services.