



**Australian Government**

# **TRAFFICKING IN PERSONS**

**The Australian Government Response**

1 July 2015 – 30 June 2016

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



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978-1-925290-88-2 2015–16 IDC Report (Print)  
978-1-925290-89-9 2015–16 IDC Report (Online)

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# Foreword

We are pleased to present this eighth report of the Interdepartmental Committee on Human Trafficking and Slavery. This report details the important work of Australian Government agencies and their partners during 2015–16 to address the scourge of human trafficking, slavery and slavery-like practices both within Australia and our region.

Although identified instances of human trafficking, slavery and slavery-like practices, such as servitude, forced labour, debt bondage and forced marriage, remain relatively rare in Australia, any instance of crimes of this nature is unacceptable. These crimes reduce human beings to mere commodities to be traded or exploited for personal gain, either material or otherwise, and are amongst the most egregious of crimes contained in the *Criminal Code Act 1995* (Cth) (Criminal Code).

The Australian Government continued its work across government, business, the non-government sector, unions and academia over 2015–16 to cease and disrupt the terrible trade in, and exploitation of, human lives. The Australian Government response to human trafficking and slavery has remained robust and effective. It was the first full year of the operation of the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* (National Action Plan). The National Action Plan sets the strategic framework and key objectives of Australia's whole-of-community response to human trafficking and slavery to 2019, and includes measures to quantify the impact and effectiveness of the collective efforts of the Government and its partners. The National Action Plan reaffirms Australia's strong commitment to a future where no one is subjected to human trafficking or slavery, and the human rights of all people are valued equally.

In March 2016, the Australian Government launched Australia's *International Strategy to Combat Human Trafficking and Slavery*. The Strategy complements the National Action Plan and amplifies our efforts to address human trafficking and slavery in the region. The Strategy sets priorities for Australia's engagement, enhances our leadership and coordination role and facilitates more effective advocacy for regional and international cooperation to address human trafficking and slavery. Recognising the often transnational nature of these crimes, it is essential that countries work together to share expertise, experience and information.

Australia, as Co-Chair with Indonesia of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process), has an established leadership role in the region and is resolved to remain a regional leader in this struggle against human trafficking and slavery. However, we recognise that our credibility on the international stage is supported by the effectiveness of our domestic response.

The Australian Government has developed a sophisticated, comprehensive and joined-up response to address all forms of human trafficking and slavery. Indeed, the interplay of state, territory and Commonwealth responsibilities in our federal structure, combined with a need to work with business, unions and civil society, means that effective coordination and

cooperation is a critical component of our response. The National Roundtable on Human Trafficking and Slavery (National Roundtable) continues to be an important consultative mechanism between government, NGOs, academia, business and industry, and unions. The National Roundtable is supported by a Senior Officials forum and a range of working groups convened to address priority matters and emerging challenges. The Australian Government and its agencies remain grateful for the collaborative and cooperative relationship they have with a range of stakeholders across industry and the non-government sector as exemplified in the enduring National Roundtable. Together these organisations are united in the goal of eradicating human trafficking, slavery and slavery-like practices nationally and within our region.

In the year ahead, we will continue to work with our partners to thwart those criminals and criminal networks who have no regard for the dignity of human life and national borders. We will convene a Labour Exploitation Working Group to develop recommendations on measures to address serious forms of labour exploitation in Australia. We will respond to the recommendations of the Supply Chains Working Group convened in 2015–16 to investigate exploitative practices in industry supply chains.

Following the criminalisation of forced marriage in 2013, there has been an increase in the number of suspected cases of forced marriage in Australia and the referral of minors to the Support for Trafficked People Program administered by the Department of Social Services. Accordingly, we will continue to build an integrated national response to end forced marriage in Australia. To that end, and acknowledging the specific needs of minors, this year we will also finalise and launch an addendum to the Australian Government's Support for Trafficked People Program Communications Manual outlining protocols for the treatment of children suspected as victims of human trafficking, slavery or slavery-like practices.

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 Peter Dutton MP**

Minister for Immigration and Border Protection

**Senator the Hon Michaelia Cash**

Minister for Women

Minister for Employment

**The Hon Christian Porter MP**

Minister for Social Services



## Notes on terminology

### **Human trafficking and slavery**

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 people 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 victim’s 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. Among other things, the Act amended the 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. For this reason, where a Criminal Code provision is referenced in relation to a particular matter, the report specifies whether the section numbers referenced are as they appeared before or after the 2013 legislative amendments.

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# Abbreviations

Adult Migrant English Program	AMEP
Association of Southeast Asian Nations	ASEAN
Attorney-General's Department	AGD
Australia-Asia Program to Combat Trafficking in Persons	AAPTIP
Australian Border Force	ABF
Australian Crime Commission <sup>1</sup>	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 Ombudsman	FWO
Human Rights Council	HRC
Human Trafficking Team	HTT
Interdepartmental Committee on Human Trafficking and Slavery	IDC
International Labour Organization	ILO
International Organization for Migration	IOM
International Police	INTERPOL
Non-government organisation	NGO
Operational Working Group on Human Trafficking and Slavery	OWG
Referred Stay (Permanent) visa	RFV
United Nations Convention against Transnational Organized Crime	UNTOC
United Nations Office on Drugs and Crime	UNODC
Witness Protection (Trafficking) (Permanent) visa	WPTV

<sup>1</sup> On 1 July 2016, the Australian Crime Commission (ACC) and CrimTrac joined forces as the Australian Criminal Intelligence Commission (ACIC). As this occurred before the end of the 2015–16 reporting period the ACC is referred to throughout this report.



# 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.<sup>2</sup> The second report covered the period 1 May 2009 to 30 June 2010, and the third, fourth, fifth, sixth and seventh reports covered the financial years 2010–11, 2011–12, 2012–13, 2013–14 and 2014–15 respectively. This is the eighth annual report of the IDC and covers the period 1 July 2015 to 30 June 2016.

On 2 December 2014, the Minister for Justice, the Hon Michael Keenan MP, launched the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* (National Action Plan), which provides the strategic framework for Australia's response to human trafficking and slavery over the next five years. During the reporting period the Australian Government continued to work to combat human trafficking and slavery.

The Australian Federal Police received 169 new referrals relating to human trafficking and slavery matters in 2015–16, taking the total to 691 since 2004. Of these 169 referrals, 69 related to forced marriage, 39 related to sexual exploitation, 36 related to other forms of labour exploitation, and the remainder related to other types of exploitation. As at 30 June 2016, four Commonwealth human trafficking and slavery-related matters were before the courts, involving seven defendants. 2015–16 saw the second ever conviction for an offence of trafficking in children and the first ever prosecuted by the CDPP. The offender was sentenced in the Victorian County Court to a significant period of imprisonment for trafficking in children.

In 2015–16, the Support for Trafficked People Program (Support Program), administered by the Department of Social Services and delivered by the Australian Red Cross, provided assistance to 80 clients, including 38 new clients. The highest number of new referrals was for clients suspected of being in a forced marriage situation (13) and for clients suspected of experiencing labour exploitation in a commercial setting (12). Ten children were referred to the Support Program during this period.

The Australian Government continued to prevent and address forced marriage in 2015–16 through the introduction of the *Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015*. This legislative reform further strengthened the Criminal Code offences by expanding the definition of forced marriage and increasing the associated penalties. These amendments reflect the seriousness of forced marriage as a slavery-like practice, a form of gender-based violence, and an abuse of human rights. The

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<sup>2</sup> Previous reports are available online at: <[www.ag.gov.au/humantrafficking](http://www.ag.gov.au/humantrafficking)>.

Australian Government also continued to support the important work of non-government organisations (NGOs) with almost \$500,000 in funding over three years to Anti-Slavery Australia, the Australian Catholic Religious Against Trafficking in Humans, and the Australian Muslim Women's Centre for Human Rights to progress outreach, education and awareness-raising initiatives on forced marriage.

Through the Human Trafficking Visa Framework (Visa Framework), the Department of Immigration and Border Protection (DIBP) granted five Referred Stay (Permanent) visas (RSV) in 2015–16. During the reporting period, DIBP also granted 31 Bridging F visas (BVF) to suspected trafficked people and their immediate family members, compared to 17 and nine in 2014–15, respectively.

On 1 July 2015, the Australian Government introduced regulatory reforms to the Visa Framework. The reforms, which were fully implemented in January 2016, address civil society concerns that existing visa titles may be stigmatising for trafficked people, and to facilitate trafficked people's access to improved education and training opportunities. The reforms changed the title of the Witness Protection Trafficking Visa (WPTV) to the RSV, and redesigned the BVF so that trafficked people are not placed on a Criminal Justice Stay Visa (CJSV) while they remain in Australia to assist with the criminal justice process. The Government now also waives the 104 week Newly Arrived Resident's Waiting Period for income support payments other than Special Benefit for Referred Stay (Permanent) visa holders. This will enable trafficked people to enrol in courses of study longer than 12 months' duration, while still maintaining access to income support.

In 2015–16, the Australian Government's Working Group on Protections for Private Domestic Workers Working for Diplomats or Consular Officials (working group) completed its work program by finalising a suite of awareness-raising materials to decrease the vulnerability of private domestic workers entering Australia to work in the households of foreign officials. Copies of public facing awareness-raising documents developed by the working group will be made available online at the AGD website. The working group was chaired by AGD with representatives from DFAT, DIBP and the Department of Employment. These agencies will continue to meet on an ad hoc basis as required. During the reporting period the Supply Chains Working Group concluded the first and second phases of its formal work program. The working group is currently in recess while the Government considers its response to the nine recommendations.

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 2015–16. On 23 March 2016, at the Sixth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Minister for Foreign Affairs and Trade, the Hon Julie Bishop MP, launched Australia's *International Strategy to Combat Human Trafficking and Slavery*. The strategy complements the National Action Plan and demonstrates Australia's commitment to being a regional leader in the eradication of these crimes—crimes which result in the gravest violation of humans rights and have a detrimental impact on sustainable development and regional security.

# Introduction

Human trafficking and slavery are serious and complex crimes that manifest in a myriad of ways and result in grave human rights violations. The Australian Government has taken a comprehensive, whole-of-government approach to combating human trafficking and slavery since 2004. Australia remains committed to working with other governments domestically and internationally, and with intergovernmental organisations and NGOs, business and industry, and unions to prevent human trafficking and slavery, detect and prosecute the perpetrators, and protect and support the victims.

While human trafficking and people smuggling are both serious crimes, they are inherently different in nature. People smuggling is the organised, irregular movement of people across international borders, usually on a payment-for-service basis, and does not involve the ongoing exploitation of the victim by the offender. By contrast, human trafficking is fundamentally concerned with exploitation. Trafficking may involve a person being physically moved over domestic or international borders for the purpose of exploitation, or a person already in Australia being subject to exploitative practices. Australia's response to human trafficking therefore also addresses the exploitative practices of slavery and slavery-like practices.

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 for labour or services, 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 (hereafter, human trafficking and slavery) 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.

Limited reliable data is available on the nature and extent of human trafficking and slavery at a global, regional or domestic level. However, there is general international consensus that human trafficking and slavery affect every country in the world in one way or another – whether as a source, transit or destination country, or as a combination of these. According to the United Nations Office on Drugs and Crime's *Global Report on Trafficking in Persons 2014*, trafficked people with 152 different citizenships were identified in 124 countries worldwide throughout 2010–12.

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 exploitation in the sex industry. However, around the world, men, women and children are being increasingly exploited for a wide range of other purposes, including forced labour in industries such as hospitality, construction, forestry, fishing, mining, agriculture, domestic and sweatshop labour, street begging, forced recruitment into militias and armed forces and the harvesting of body organs.

## Human trafficking and slavery in Australia

Australia's geographic isolation, strong migration controls, and high degree of regulation, compliance and enforcement limit opportunities to traffic people into, or exploit people within, Australia. These factors ensure Australia remains a hostile environment that discourages potential offenders. However, this is not to say Australia remains untouched by these serious crimes.

Australia is traditionally a destination country for human trafficking and slavery. The majority of trafficked people identified by Australian authorities to date have been women from Asia who have been exploited within the sex industry. However, in recent years the Australian Federal Police (AFP) are seeing a more diverse group of victims – both men and women originating from countries including but not limited to Sudan, Pakistan and Afghanistan who have been exploited in a range of industries other than the sex industry, or within intimate and family relationships. In 2015–16, 130 of the 169 human trafficking referrals received by the AFP related to forms of exploitation not involving the sex industry. Of the 80 clients on the Support Program in 2015–16, 65 experienced exploitation other than in the sex industry. To a limited extent, Australia is also a source country for people who are forced to marry. In 2015–16 the AFP received 69 referrals related to forced marriage.

## Australia's response to human trafficking and slavery

Australia's comprehensive, whole-of-government strategy to combat human trafficking and slavery has been in place since 2004 and is founded on four central pillars:

1. Prevention and deterrence
2. Detection and investigation
3. Prosecution and compliance, and
4. Victim support and protection.

Each pillar is informed by the overarching consideration of the rights and needs of trafficked people, ensuring all stages of Australia's response to human trafficking and slavery are focused on the needs of victims.

Since 2003, the Australian Government has provided more than \$150 million to support a range of domestic, regional and international initiatives to prevent and address human trafficking and slavery. Key measures include:

- the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* (National Action Plan), which sets the strategic framework for Australia's whole-of-community response to human trafficking and slavery
- Australia's *International Strategy to Combat Human Trafficking and Slavery*, which complements the National Action Plan and amplifies our efforts as a regional leader in preventing and addressing human trafficking and slavery

- specialist teams within the AFP to investigate human trafficking and slavery, and AFP-led training of domestic law enforcement agencies across jurisdictions
- 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 Commonwealth criminal proceedings
- support for the Commonwealth Director of Public Prosecutions to prosecute human trafficking and slavery, including funding and training
- a victim support program which provides targeted, individualised case management support to trafficked people
- a visa framework that enables witnesses and suspected victims of human trafficking and slavery to remain in Australia to receive support and assist in the investigation and prosecution of offences
- an overseas network of DIBP and Australian Border Force (ABF) officers working in countries that are a key source of trafficked people, positioned to detect and deter human trafficking to Australia
- 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 and justice officials and promote stronger laws in the region, and assist victims under Australia's overseas aid program, including through the Australia-Asia Program to Combat Trafficking In Persons and bilateral country programs
- renewing collaboration with the International Labour Organization, investing \$20 million in a second phase of the *Tripartite Action to Protect Migrants within the Greater Mekong Sub-Region from Labour Exploitation* project (TRIANGLE II), planned to run until 2025
- community partnerships with specialist NGOs, business and industry, academics, and unions through the National Roundtable on Human Trafficking and Slavery, its supplementary Senior Officials' Meeting, and practical support for the work of NGOs
- training of frontline officials, including police, prosecutors, labour inspectors, and immigration compliance and visa processing officers, to recognise and respond appropriately to human trafficking and slavery
- awareness-raising measures to assist the general community and groups recognised as vulnerable to understand human trafficking and slavery, referral pathways, and support available, and
- research into national and regional human trafficking and slavery-related trends by the Australian Institute of Criminology.

Together, these initiatives address the full cycle of trafficking, from recruitment to reintegration, and give equal weight to the critical areas of prevention, victim support, and criminal justice outcomes.

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

- Australian Criminal Intelligence Commission (ACIC)
- Australian Federal Police (AFP)
- Australian Institute of Criminology (AIC)
- Commonwealth Director of Public Prosecutions (CDPP)
- Department of Employment
- Department of Foreign Affairs and Trade (DFAT)
- Department of Immigration and Border Protection (DIBP)
- Department of the Prime Minister and Cabinet
- Department of Social Services (DSS), 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, DIBP and DSS operates 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 to the broader IDC for consideration.

This is the eighth report of the IDC and covers the period from 1 July 2015 to 30 June 2016.





# Key outcome 1: Launch of Australia's *International Strategy to Combat Human Trafficking and Slavery*

On 23 March 2016, at the Sixth Ministerial Conference of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*, the Minister for Foreign Affairs and Trade, the Hon Julie Bishop MP, launched Australia's *International Strategy to Combat Human Trafficking and Slavery*.

The strategy complements the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* and demonstrates Australia's commitment to being a regional leader in the eradication of these crimes—crimes which result in the gravest violation of humans rights and have a detrimental impact on sustainable development and regional security.

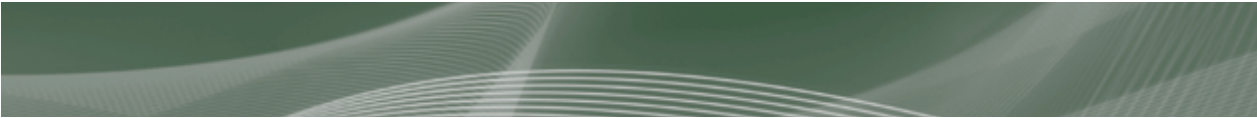
This strategy amplifies our efforts to address human trafficking and slavery by setting priorities for our engagement, enhancing our leadership and coordination, and enhancing our advocacy to promote regional and international cooperation on this issue.

## Key outcome 2: Supply Chains Working Group

In 2014, the Supply Chains Working Group (working group) was established under the National Roundtable on Human Trafficking and Slavery to provide expert recommendations to government about possible strategies to address serious exploitation in supply chains. The working group is chaired by AGD and comprises experts from government, business, industry, civil society, unions and academia.

During the reporting period, the working group met face to face four times and concluded the first and second phases of its formal work program. The first phase, 'understanding the problem', was completed in July 2015. This phase required the working group to develop an evidence-based understanding of exploitation in supply chains and the scope for response. The working group subsequently completed phase two of its work program, 'developing the response' in early 2016. As part of phase two, the working group assessed in detail how best-practice measures to address supply chain exploitation could be implemented in Australia and developed nine recommendations for the consideration of government.

The working group is currently in recess while the Government considers its response to the nine recommendations.



## **Key outcome 3:** Third edition of the *Guidelines for NGOs: Working with trafficked people*

The third edition of the *Guidelines for NGOs: Working with trafficked people* (Guidelines) was officially launched on 6 November 2015, at the Senior Officials' Meeting of the National Roundtable on Human Trafficking and Slavery (National Roundtable).

Developed by NGOs for NGOs, the Guidelines are a best-practice resource which provides practical advice to NGOs working with trafficked people. They promote the best interests of trafficked people, including the importance of informed consent, privacy protection and services tailored to the individual.

The Guidelines were originally developed by a working group established at the first meeting of the National Roundtable in 2008 and led by the then Sex Discrimination Commissioner, Ms Elizabeth Broderick. The first edition was published in late 2008, with the second published in 2010 following changes to the Support for Trafficked People Program and Human Trafficking Visa Framework. The third edition reflects significant updates in legislation, policy and practice relevant to working with trafficked people, including the criminalisation of forced marriage in 2013.

The Guidelines are a testament to the genuine, collaborative nature of the working relationship between government and non-government members of the National Roundtable.

## Key outcome 4: Funded Projects on Forced Marriage

Civil society organisations play an important role in identifying and supporting people in, or at risk of, forced marriage, as well as improving public understanding of forced marriage issues in Australia. Recognising these efforts, the Minister for Justice allocated almost \$500,000 in funding over 2014–17 to three specialist NGOs to progress outreach, education and awareness-raising activities on forced marriage issues.

With a grant of \$355,393, Anti-Slavery Australia developed *My Blue Sky*<sup>3</sup>, Australia's first comprehensive online resource dedicated to preventing and addressing forced marriage. *My Blue Sky*, launched by the Minister for Justice on 25 November 2015, is an easy to use, accessible website with information, resources, and links to support services for vulnerable people, as well as teachers, health professionals and other service providers. *My Blue Sky* also includes a national helpline and free confidential legal advice service offered primarily by text message and email for people in, or at risk of, forced marriage (see page 50 for more information).

With a grant of \$61,000, Australian Catholic Religious Against Trafficking in Humans delivered targeted education and awareness-raising initiatives on forced marriage in the education sector. This included rolling out a pilot curriculum project and resource kit for teachers, school support staff and students in nine government and Catholic secondary schools across three states. The pilot project led to multiple forced marriage referrals to the AFP (see page 53 for more information).

With a grant of \$69,532, the Australian Muslim Women's Centre for Human Rights piloted a multi-layered community education and training program aimed at increasing the capacity of frontline welfare organisations in vulnerable communities to recognise and respond appropriately to forced marriage. The program included training for more than 100 frontline service providers and law enforcement officials, as well as focus groups with young women and mothers (see page 57 for more information).

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3 *My Blue Sky* can be accessed at: <[www.mybluesky.org.au](http://www.mybluesky.org.au)>. The national forced marriage helpline can be contacted on (02) 9514 8115.



# Key outcome 5: Strengthened legislative response to forced marriage

Forced marriage has been comprehensively criminalised under the Criminal Code since March 2013.

On 26 November 2015, the *Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015* further strengthened the Criminal Code offences by expanding the definition of forced marriage and increasing the associated penalties. These amendments reflect the seriousness of forced marriage as a slavery-like practice, a form of gender-based violence, and an abuse of human rights.

The forced marriage offences now apply in circumstances in which one or both parties does not freely and fully consent because he or she is incapable of understanding the nature and effect of a marriage ceremony, including for reasons such as age or mental capacity. To increase protections against the forced marriage of children, the amendments also introduced a rebuttable presumption that a person under the age of 16 does not understand the nature and effect of a marriage ceremony.

In addition to the broadened definition, the amendments also increased the penalties for forced marriage from four to seven years' imprisonment for a base offence, and from seven to nine years' imprisonment for an aggravated offence. The increased penalties ensure the forced marriage offences attract the same penalties as the most serious slavery-related facilitation offence in the Criminal Code (deceptive recruiting for labour or services).

# Investigation and prosecution

The National Action Plan includes key goals and performance indicators relating to the investigation, prosecution, and conviction of people involved in human trafficking and slavery-related criminal activities.

Given the complexity of human trafficking and slavery matters, a range of agencies, both domestic and international, cooperate closely to ensure matters are effectively detected, investigated and prosecuted. In addition to disrupting criminal activities and apprehending offenders, relevant agencies and organisations work together to ensure trafficked people are appropriately protected and supported throughout the criminal justice process.

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. This network is complemented by DIBP and Australian Border Force (ABF) officers working in the overseas network, particularly in countries that are a key source of trafficked people, who are positioned to detect and deter human trafficking to Australia.

The AFP Human Trafficking Team (HTT) investigates human trafficking and slavery matters, both proactively and through referrals from other Australian Government or state and territory government agencies, civil society, business and industry, unions or the general public. 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 located across other regional offices. 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.

AGD's International Crime Cooperation Central Authority (ICCCA) is Australia's central authority for extradition and mutual assistance in criminal matters. Complementing the work of the AFP, ICCCA has progressed mutual assistance and extradition enquiries and requests to support ongoing investigations relating to human trafficking.

## Primary legislative provisions

### Criminal Code offences

Human trafficking, slavery and slavery-like practices are comprehensively criminalized under Divisions 270 and 271 of the Criminal Code.<sup>4</sup>

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. Australia's slavery offences have universal jurisdiction, meaning they 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, or where one or both parties is incapable of understanding the nature and effect of a marriage ceremony, including for reasons such as age or mental capacity (see below).

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. These offences cover trafficking in all its forms, including:

- 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, intending or 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.

<sup>4</sup> The Criminal Code is available online at <[www.legislation.gov.au](http://www.legislation.gov.au)>.

**Table 1: Criminal Code provisions as at 30 June 2016**

Section	Offence	Maximum penalty
270.3(1)	Intentionally reduce a person to slavery, <sup>5</sup> possess or exercise rights of ownership over a slave, engage in slave trading, <sup>6</sup> 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 <sup>7</sup>	15 years, or 20 years for an aggravated offence <sup>8</sup>
270.5(2)	Conduct a business <sup>9</sup> 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 <sup>10</sup>	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

5 '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.

6 '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.

7 '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 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.

8 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.

9 '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.

10 '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 <sup>11</sup> 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, <sup>12</sup> 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 <sup>13</sup>	7 years, or 9 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	7 years, or 9 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 <sup>14</sup> to obtain that person's compliance	12 years, or 20 years for an aggravated offence <sup>15</sup>
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 <sup>16</sup>	12 years, or 20 years for an aggravated offence

11 '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.

12 '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.

13 '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.

14 '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.

15 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.

16 '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; or 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 <sup>17</sup>
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; or 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
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 <sup>18</sup>	12 years, or 20 years for an aggravated offence <sup>19</sup>

17 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.

18 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.

19 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.

Section	Offence	Maximum penalty
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 <sup>20</sup>
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 <sup>21</sup>
271.8	Intentionally cause another person to enter into debt bondage <sup>22</sup>	4 years, or 7 years for an aggravated offence <sup>23</sup>

## 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 maximum penalty for committing such an offence is two years' imprisonment. 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 maximum penalty for committing an aggravated offence is five years' imprisonment.

20 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.

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

22 '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.

23 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.

**Table 2: Migration Act provisions as at 30 June 2016**

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 <sup>24</sup>
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
245AR	Prohibition on asking for or receiving a benefit in return for the occurrence of a sponsorship related event.	The maximum criminal penalty per offence, for an individual, is imprisonment for two years and 360 penalty units. In the case of a body corporate the maximum penalty is 1800 penalty units.  The maximum civil penalty is 240 penalty units for an individual or 1200 penalty units for a body corporate.

<sup>24</sup> 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.

Section	Offence	Maximum penalty
245AS	Prohibition on offering to provide or providing a benefit in return for the occurrence of a sponsorship related event.	The maximum civil penalty is 240 penalty units for an individual or 1200 penalty units for a body corporate.
245AT	Criminal liability of executive officers of bodies corporate.	The maximum criminal penalty is 360 penalty units
245AU	Civil liability of executive officers of bodies corporate.	The maximum civil penalty is 240 penalty units

DIBP also has a national communication strategy which includes a media and stakeholder engagement campaign to educate businesses on their obligations to employees. DIBP encourages employers to use the Visa Entitlement Verification Online (VEVO) system to more easily check employees' work entitlements.

## State and territory criminal offences

Australian 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.

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 and territory offences may be used in conjunction with Commonwealth offences.

## Vulnerable witness protections

A major impediment to successfully prosecuting human trafficking and slavery-related offences is the reluctance of suspected victims and witnesses to give evidence, particularly as they or their families may have been subjected to, or threatened with, acts of violence.

The Commonwealth *Crimes Act 1914* (Crimes Act) provides a range of protections for vulnerable witnesses giving evidence in Commonwealth criminal proceedings, including victims of human trafficking and slavery. These protections allow trafficked people to give evidence by closed-circuit television or video recording, have their contact with the defendant or members of the public limited, and have a support person with them while they give evidence. Under Division 279 of the Criminal Code, trafficked people are also able to provide evidence by video link. The vulnerable witness protections in the Crimes Act make

it an offence to publish material identifying a trafficked person, and allow trafficked people to make victim impact statements to the court outlining the harm they have experienced.

These testimonial aids and witness protection measures are intended to ensure that vulnerable witnesses are able to give effective evidence to the court, including by minimising intimidation, additional trauma, fear for their personal safety and undue public embarrassment. If a witness is unable to give their best possible testimony, or is reluctant to give evidence at all, this may adversely affect the outcome of a trial.

## Investigations

Between 2004 and 30 June 2016, the AFP received 691 referrals relating to human trafficking and slavery-related offences. Where there was sufficient evidence, these matters were referred to the CDPP. Australia also sought mutual legal assistance to support ongoing human trafficking and slavery-related investigations during the reporting period, where evidence was available offshore.

The AFP received 169 new referrals in 2015–16. This compares to 119 new referrals received in 2014–15. In 2015–16, 69 of the new referrals related to forced marriage, 39 related to sexual exploitation, 36 related to other forms of labour exploitation, and the remainder of referrals related to other forms of human trafficking and slavery.

Historically, labour exploitation referrals have related to individuals working as domestic workers, however the AFP is seeing increasing referrals relating to hospitality, agriculture and construction industries.

A table setting out a breakdown of matters accepted for further investigation is below. Between 8 March 2013, when the forced marriage offences in the Criminal Code entered into force, and 30 June 2016, the AFP have received 116 referrals relating to forced marriage. Sixty-nine of these referrals were received in 2015–16.

**Table 3: Type of AFP investigation by financial year**

	2013–14 FY	2014–15 FY	2015–16 FY
Forced marriage	11	33	69
Sexual exploitation	31	34	39
Labour exploitation	22	33	36
Child trafficking	2	11	10
Trafficking	2	4	13
Other	2	4	2
<b>Total</b>	<b>70</b>	<b>119</b>	<b>169</b>

## 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.

The AFP currently has a number of human trafficking related matters before the Court, utilising offences under Division 270/271 of the Criminal Code, other Commonwealth offences and/or State/Territory legislation.

### Operation AQUEOUS

See information in relation to this case (*DPP (Cth) v McIntosh (a pseudonym)* [2016] VCC 622) under the 'prosecutions' section on page 26.

### Operation ARC

In August 2015, the AFP commenced an investigation into 23 foreign nationals believed to be working in forced labour conditions domestically. During the investigation a further 35 foreign nationals were identified.

As of 30 June 2016, the matter was expected to go before the Brisbane Magistrates Court for committal on 26 August 2016.

### Operation CUPOLA

In September 2015, the AFP commenced an investigation into the alleged, systematic, long-term exploitation of a foreign national brought to Melbourne in 2007 to perform domestic labour.

At the time of referral it was alleged the exploitation had been happening for nearly eight years. It is one of the few slavery investigations undertaken by the AFP in recent years. The matter is currently before the Court.

### Operation KITRINO

In October 2011, the AFP commenced an investigation into the trafficking of persons through illegal brothels in Victoria. Five persons were charged in relation to offences contrary to the *Sex Work Act 1994* (Vic), living off earnings of a sex worker in addition to proceeds of crime offences. In December 2015, sentences were imposed ranging from 4 years (2 years 6 months to serve) to 3 years, 2 months (2 years to serve). Two offenders have since appealed the severity of their sentence. One matter is still before the court.

## 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* (Australian Policing Strategy) was endorsed by the AFP and all state and territory police.

In response to stakeholder feedback which suggested that interagency arrangements may now be better served by a business-as-usual protocol, the AFP has now drafted a new agreement entitled the *National Policing Protocol to Combat Human Trafficking, Slavery and Slavery-like Practices* (National Policing Protocol).

The purpose of this agreement is to provide the national framework for Australian police agencies to combat human trafficking, slavery and slavery-like practices in the future. A draft of the National Policing Protocol was distributed to stakeholders for review and comment. The AFP is currently reviewing proposals to the Protocol and amendments are yet to be endorsed across all states and territories.

The AFP recognises the need for a comprehensive, coordinated national law enforcement response to human trafficking, and will continue to work towards broadening the collective law enforcement understanding of human trafficking matters through education and awareness training.

The AFP has dedicated human trafficking teams in Sydney and Melbourne, including a National Coordination Team located in Canberra. AFP members trained in human trafficking investigations are also located in Brisbane, Canberra and Perth, working cooperatively with state and territory policing partners.

## Source of 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 Australian 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.

In 2015–16, DIBP reported 59 instances of possible human trafficking and slavery-related offences (20 reports for premises only where persons have not been identified, and 39 reports relating to 42 persons) to the AFP for assessment. In 2015–16, reports of possible human trafficking and slavery-related offences were received from government agencies, NGOs, Australian policing agencies and directly from members of the public, including a number self-reported by suspected victims.



Victims of human trafficking and slavery have been identified across all Australian states and territories. However, 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.

DIBP has a network of ABF officers in every state and territory in Australia. ABF 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 suspected victims have entered Australia on a valid visa, although immigration malpractice or fraud may later become apparent. Suspected victims enter Australia on a variety of visa classes, including tourist, student, and temporary work visas. Some hold electronic visas. Some visas have expired by the time their holders are located, making them unlawful 'overstayers', while the immigration status of others remains lawful.

## Criminal methodology

In Australia, human trafficking and slavery matters have largely involved small crime groups, rather than large organised criminal elements. 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.

Traditionally, the majority of human trafficking and slavery matters investigated in Australia have related to women subjected to sexual exploitation. However, statistics indicate that in recent years there has been an increase in the number of referrals and investigations relating to other forms of labour exploitation, and most recently, relating to forced marriage. The number of trafficked people identified by Australian authorities as exploited in a range of other industry sectors (including construction, agriculture, hospitality and domestic service) is now comparable with those subjected to sexual exploitation.

Referrals to the AFP in relation to forced marriage continued to increase during 2015–16. In the reporting period, the AFP received 69 referrals relating to forced marriage.

Operational experience 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 organised, or to be organising, a marriage for them overseas without their full and free consent.

Cases of young women and girls in, or at risk of, forced marriage or serious exploitation within intimate relationships continue to be identified, with some of these cases involving young women and girls from Australia being taken overseas to be married. Since the introduction of forced marriage legislation in March 2013, this crime type has risen to represent 41 per cent of all AFP human trafficking referrals in 2015–16. While there is currently insufficient information available to determine whether human trafficking for this purpose has increased in prevalence, or whether a greater awareness has led to increased reporting, it is anticipated that matters relating to forced marriage will continue to increase in the medium term given the legislative changes and greater community engagement.

## Challenges: responding to reports of forced marriage

The AFP face a range of challenges in providing a response to reports of Australian's who may be victims, or potential victims, of forced marriage offshore.

Australian legislation on forced marriage, housed under Division 270 of the Criminal Code, has extended geographic jurisdiction that, in some circumstances, allows for the prosecution of matters that have occurred outside Australia.

The nationality of the victim is irrelevant for the purposes of jurisdiction. Rather, the extended jurisdiction is tied to the nationality of the suspected offender, (ie being an Australian citizen), or that part of the conduct that constitutes the offence was conducted wholly or partly in Australia. The legislation does not cover instances where Australian nationals travel overseas and are subsequently forced to marry by their families in that country, as these circumstances lack an Australian nexus.

The AFP may not be able to utilise the mutual assistance regime to progress enquiries or gather evidence from other countries in an admissible format in relation to referrals of alleged Australian forced marriage offences, where equivalent offences within that country do not exist.

## 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*.

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 matters such 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 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.

In appropriate cases, the CDPP also provides advice to agencies during an investigation before a brief of evidence is referred. During the 2015-2016 reporting period, the CDPP provided advice to the AFP in relation to ten matters, covering a range of allegations including slavery, people trafficking, debt bondage, forced marriage and servitude. Some of these matters have proceeded to charges being filed.

Since the commencement of Divisions 270 and 271 of the Criminal Code, 17 people have been convicted of trafficking in persons and slavery-related offences following prosecution by the CDPP. 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.

On 4 August 2015, CDPP discontinued the prosecution of three persons charged with trafficking in persons, contrary to s 271.2(1B) Criminal Code. The charges were discontinued because the CDPP formed the view that there was insufficient admissible evidence for there to be a reasonable prospect of conviction for those charges.

2015–16 saw the second ever conviction for an offence of trafficking in children and the first ever prosecuted by the CDPP. The offender was sentenced in the Victorian County Court to a significant period of imprisonment for trafficking in children, contrary to section 271.4 Criminal Code and for other sexual abuse and child pornography offences.

A summary of the case follows:

**Child trafficking: *DPP (Cth) v McIntosh (a pseudonym) [2016] VCC 622*<sup>25</sup>**

On 19 May 2016, the offender was sentenced to a total of 22 years' imprisonment with a non-parole period of 15½ years, having pleaded guilty to 38 charges involving child trafficking, incest, indecent acts and child pornography offences.

The offender fathered twin daughters born via an overseas surrogate and brought them to Australia with the intention of committing sexual acts on them. He sexually abused them and produced video recordings and images of those assaults for the purpose of making it available to others online.

He was convicted of trafficking in children for bringing the children to Australia for these purposes. He was also convicted of committing acts of incest and indecent acts against his daughters on 40 occasions in 2014 when they were aged 1-8 months, and producing video recordings and photographs of those assaults, which was child pornography material, for the purpose of making that material available to others online (s 474.20(1) Criminal Code). The offender was also convicted of other child pornography and sexual abuse offences, some of which involved two of his nieces.

The offender was sentenced to 22 years' imprisonment reflecting the seriousness of the offending and the importance of deterrence, protection of the community, denunciation and punishment. The longest individual sentence of 8 years' imprisonment was imposed for each of the child trafficking offences.

Currently, the CDPP has human trafficking-related prosecutions against 7 accused before Australian courts:

*Melbourne*

- Two accused before the Melbourne Magistrates Court for committal charged with slavery offences.

*Perth*

- One accused before the Perth Magistrates Court charged for committal charged with trafficking in persons.

*Brisbane*

- Two accused have been committed for trial for causing a person to enter into or remain in servitude.
- In related matters, one accused has been committed for trial for dealing in money or property which could become an instrument of crime. The offending arose in a servitude related context. A second accused has been committed for sentence for supporting a criminal organisation and for dealing in proceeds of crime where the offending arose in a servitude related context.

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<sup>25</sup> A non-publication order applies

The following table provides a summary of convictions since 2004, including one conviction for the reporting period 2015–16.

Convictions, by Criminal Code provision, 2004–16	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								
SEIDERS, Johan								
TANG, Wei								
TANUCHIT,Kanokporn								
TRIVEDI, Divye								
WONG,Chee Mei								
YOTCHOMCHIN (KENT), Somsri								
McINTOSH (a pseudonym)								

## Law enforcement training

### Human Trafficking Investigations Course

The curriculum for the Human Trafficking Investigations Course has recently been reviewed, assessed and endorsed for delivery. The AFP is currently planning to deliver a Human Trafficking Investigations course during the 2016–17 reporting period.

The course is designed to advance expertise in areas critical to the successful investigation of human trafficking, including legislation, investigative methodologies, interviewing and victim liaison and support. A number of government agencies and NGOs are expected to participate in the course.

In addition to the Human Trafficking Investigations Course, AFP delivers training in human trafficking legislation, indicators and investigation to its officers. Awareness and education presentations on human trafficking have been delivered to a large number of state and territory government agencies, NGOs and civil society groups.

The AFP has also commenced a review of human trafficking training materials which will be delivered to front line policing members.

## Immigration compliance training

DIBP progressed its commitment under the National Action Plan to develop an online training module on human trafficking for DIBP staff. The package was launched in April 2016 and as at 30 June 2016, 279 departmental staff had successfully completed the course. In future, the package will become a mandatory training requirement for all relevant departmental staff.

DIBP also provides face-to-face training to staff through the human trafficking module of the Compliance Training Program. A total of 48 onshore ABF officers received this training in 2015–16. An additional 50 officers preparing to be posted overseas were provided with training on the detection and prevention of human trafficking and slavery tailored to the overseas context. Specialist induction is also provided to DIBP officers at overseas posts prior to the commencement of their respective roles.

## 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 reported to Australian law enforcement authorities. DFAT provides policy guidance and training for officers posted overseas, including on the management and reporting of consular cases involving forced marriage.

## Training for civil marriage celebrants

In 2015–16, AGD continued to work with marriage celebrants to raise awareness of forced marriage issues. Annual professional development training is compulsory for Commonwealth-registered marriage celebrants. A module on forced marriage and servile marriage, developed in 2013, is an available elective.

Information about forced marriage was provided to Commonwealth-registered marriage celebrants in a biannual newsletter prepared by AGD, and at the April 2015 meeting between AGD and marriage celebrant professional associations. This included information about where to access the Forced Marriage Community Pack, Anti-Slavery Australia's free online e-learning course, and the opportunity to participate in forced marriage workshops. Further information is also contained in the Guidelines on the *Marriage Act 1961* (Marriage Act) for Marriage Celebrants, developed by the Australian Government to assist celebrants to understand the Marriage Act, and accessible online.

## 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, as well as those 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. Serious and organised crime groups are more complex and pervasive than ever before. These groups are well resourced, highly adaptive and have diversified their operations across multiple crime types and jurisdictional boundaries.

Australia adopts a capability-led approach to respond to the challenges of serious and organised crime. Under this approach, five enduring capabilities underpin a collaborative and effective national response:

- enhanced intelligence and information sharing
- strengthened connections between national and international efforts
- a focus on disrupting and dismantling the criminal business model
- preventative partnerships with industry and the community, and
- responsive and effective legal and policy frameworks.

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 initiatives developed under this capability-led approach are:

- the ACC 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
- multi-agency responses, such as special operations, 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 2015

The ACC released the *Organised Crime in Australia 2015* report which is an unclassified version of the OCTA that 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 activities, including human trafficking and slavery.

## National Organised Crime Response Plan 2015–18

The *National Organised Crime Response Plan 2015–2018* (the Response Plan) articulates Australia's national response to the current threat posed by serious and organised crime. The Response Plan was agreed by all Commonwealth and state and territory governments in May 2015 and outlines the practical initiatives that jurisdictions will pursue over the three years to 2018 across the following six focus areas:

- tackling the increasing prevalence of methylamphetamine in the community
- reducing gun-related crime and violence
- targeting organised crime groups committing technology-enabled crime
- developing a strengthened national approach to financial crime
- tackling the criminal proceeds of organised crime, and
- reducing barriers to information sharing between agencies.

The Response Plan outlines practical activities, including both immediate operational responses as well as longer-term capability-building, that the Commonwealth, states and territories will pursue to make a real difference and impact on the serious and organised crime environment in Australia, including human trafficking.





# Support and assistance for trafficked people

Australia's strategy to combat human trafficking and slavery is fundamentally concerned with assisting and empowering trafficked people to move on from their trafficking experience by providing appropriate, victim-centred support services and to develop options for a new life.

## Support for Trafficked People Program

Australia provides a comprehensive range of support services for trafficked people through the 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. Once identified, 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, or exploited within intimate relationships. This was reflected in referrals to the Support Program in 2015–16, where the majority of new clients experienced exploitation other than in the sex industry.

The Support Program is administered by DSS. The Australian Red Cross has been funded to provide case management services for the Support Program until June 2018.

The Australian 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 Australian 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
- referral 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 also receive assistance with arranging childcare, schooling, counselling and medical support. They can also be assisted to access parenting support or education.

## Support Streams

The Support Program is comprised of four different support streams.

### Assessment and Intensive Support Stream

All trafficked people referred by the AFP receive intensive support for up to 45 days on the Assessment and Intensive Support Stream, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence.

This Stream provides a recovery and reflection period, and time for trafficked people to assess their options, consistent with Australia's obligations under the Trafficking Protocol. If the person is not an Australian citizen and does not have a valid visa, they can be granted a BVF for up to 45 days.

Trafficked people on the Assessment and Intensive Support Stream have access to the following support as needed: case management support; Medicare, Centrelink Special benefit (If holding a BVF); 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 and migration advice.

### Extended Intensive Support Stream

The Extended Intensive Support Stream provides access to a further 45 days' support for trafficked people to assist with the investigation or prosecution of a human trafficking or slavery-related offence, for reasons including age, ill health, trauma or practical impediment. If required, a second BVF for up to 45 days may be granted in such cases.

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. Children are automatically entitled to access the Extended Intensive Support Stream, if it is in their best interests.

## Justice Support Stream

The Justice Support Stream provides the trafficked person with support until the investigation and/or prosecution of a human trafficking and slavery-related matter is finalised. If the trafficked person is not an Australian citizen and does not have a valid visa, they can be granted a BVF for the duration of the criminal justice process.

Clients on the Justice Support Stream 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

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

## Transition period

Trafficked people leaving the Support Program receive a 20-day transition period. This allows case managers to make the necessary arrangements and referrals to ensure the client is adequately supported in their transition back to the community.

This transition period may be extended on a case-by-case basis, if needed.

# Statistical profile of the Support Program

## New clients referred to the Support Program between 1 July 2015 and 30 June 2016

Thirty-eight new clients entered the Support Program between 1 July 2015 and 30 June 2016. Of these new clients, 31 were female and seven were male. The highest number of referrals was for clients suspected of being in, or at risk of, a forced marriage and for clients suspected of experiencing labour exploitation in a commercial setting (13 clients and 12 clients, respectively). During this reporting period, nine clients referred to the Support Program were from Australia, six clients referred were from India, and the other 23 clients referred were from other countries.<sup>26</sup> Ten children were also referred to the Support Program during this period.

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<sup>26</sup> 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.

**Table 1: New clients referred to the Support Program between 1 July 2015 and 30 June 2016 by country of citizenship**

Country of citizenship	New clients
Australia	9
India	6
Other <sup>27</sup>	23
<b>Total</b>	<b>38</b>

**Table 2: New clients referred to the Support Program between 1 July 2015 and 30 June 2016 by the state and territory in which they were residing at time of referral**

State or territory	New clients
Victoria	16
New South Wales	12
Other <sup>28</sup>	10
<b>Total</b>	<b>38</b>

### Total number of clients on the Support Program during 2015–16

There were a total of 80 clients supported on the Support Program during 2015–16, compared to 88 clients in 2014–15.

As at 30 June 2016, a total of 311 clients had been referred to the Support Program since its inception in 2004.

<sup>27</sup> For privacy reasons, the Australian Government does not provide data on individual descriptors (such as country, gender, or state/territory) where there are less than five trafficked people per category.

<sup>28</sup> Combined client total where there were less than five clients per state or territory.

**Table 3: Total number of clients on the Support Program per financial year**

Financial year	Clients on Support Program <sup>29</sup>
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
2014–15	88
2015–16	80

Of the 80 clients supported during this reporting period, 18 were forced marriage clients (see Table 4).

**Table 4: Number of clients on the Support Program by sex and type of exploitation during financial years 2014–15 and 2015–16**

	Exploitation in sex industry		Other forms of exploitation <sup>30</sup>		Forced marriage		Total	
	2014–15	2015–16	2014–15	2015–16	2014–15	2015–16	2014–15	2015–16
Male	0	0	18	18	0	-	18	19
Female	38	15	26	29	6	-	70	61
<b>Total</b>	<b>38</b>	<b>15</b>	<b>44</b>	<b>47</b>	<b>6</b>	<b>18<sup>31</sup></b>	<b>88</b>	<b>80</b>

As shown in Table 5 below, the main countries of citizenship for clients on the Support Program in 2015–16 were Australia, India, the Philippines, Thailand, and Afghanistan.

29 This is not cumulative data as many clients have remained on the Support Program for multiple years.

30 For the purpose of this table, 'other forms of exploitation' includes all other forms of human trafficking and slavery-related exploitation that occurs outside the sex industry, except forced marriage, including exploitation in other industries (such as the hospitality and domestic services industries), or in intimate and family relationships, or organ trafficking.

31 Combined client total where there were less than five clients in one category.

**Table 5: Number of clients on the Support Program during 2015–16 by country of citizenship at time of referral**

Country of citizenship	Clients
Australia	12
India	10
Philippines	7
Thailand	7
Afghanistan	5
Other <sup>32</sup>	39
<b>Total</b>	<b>80</b>

Twenty-eight clients exited the Support Program between 1 July 2015 and 30 June 2016. As at 30 June 2016, there were 52 clients on the Support Program, of whom 37 were female and 15 were male.

## Case studies: Support Program clients

### CASE STUDY 1: HUMAN TRAFFICKING

P\* was referred to the Support Program when the AFP identified him as a suspected victim of labour exploitation. While on the Support Program, P worked to overcome health problems, build on his existing work skills, reunite with his family, and establish a new life in Australia.

During his time on the Support Program, P was able to help the AFP in their investigation against his alleged offender. The AFP supported P being invited to apply for a Witness Protection (Trafficking) (Permanent) visa (WPTV)<sup>33</sup> by DIBP.

From the outset, P was determined to work and support himself. Australian Red Cross helped P in applying for, and gaining access to, formal recognition of his vocational skills, and to access further vocational training. Once he was eligible to work, P gained part-time work, and eventually secured a full-time job in his chosen field.

Like other families, living apart from his wife and children was highly stressful. As a result of being granted a WPTV, P's wife and children were able to join him in Australia permanently. An Australian Red Cross caseworker worked closely with P and his family to help them connect to community groups and services. P's caseworker also worked with P and his family to secure long-term housing and enrol in English classes, as well as to apply for Centrelink and Medicare.

<sup>32</sup> Combined client total where there were less than five clients from an individual country.

<sup>33</sup> On 1 July 2015, the title of the Witness Protection (Trafficking) (Permanent) visa was changed to the Referred Stay (Permanent) visa.

Upon exiting the Support Program, P said he felt things were falling into place and going well. He and his wife were enjoying their English language classes, and were settling into their new home. Importantly, upon leaving the Support Program, P said he felt confident he could seek further support independently, if he ever needed it. He was also feeling optimistic about the future with his family and watching his children go to school.

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

### **CASE STUDY 2: FORCED MARRIAGE**

F\*, a young woman, was referred to the Support Program because of a suspected forced marriage situation. Australian Red Cross helped F immediately to move to safe short-term accommodation and to register for Youth Allowance while she also explored new educational opportunities.

The alleged perpetrators in this case were F's family members, who wanted F to return home, but who also believed she had dishonoured and brought shame to the family by going to the police. This and a history of violence in the family, further exacerbated F's difficult situation. Throughout much of F's time on the Support Program, F felt undecided and conflicted about what to do regarding her family, including whether or not she should make a statement to the AFP.

Whilst on the Support Program, F indicated to her Australian Red Cross caseworker that she was considering returning to her family home. However, F also chose to work with her Australian Red Cross caseworker to look into alternative housing options in case she was not able to return home. This included looking at youth housing and shared housing options. In this search, they discovered that there were very few options compatible with F's culture and religion. There is a need to find options for safe, secure and sustainable accommodation for young women like F, outside of crisis accommodation in the youth homelessness system.

F eventually decided not to make a statement to the AFP regarding the nature of the alleged offences against her family. She also decided not to return home. With practical help and emotional support from her caseworker, F found a friend she could stay with and found new educational opportunities.

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

## Challenges in delivering the Support Program

### **Supporting clients in, or at risk of, forced marriage**

The number of forced marriage clients referred onto the Support Program has increased this past year, including a significant increase in the number of children and young people referred to the Support Program. There are unique challenges to supporting clients who are in, or at risk of, forced marriage, or have left a forced marriage situation, in particular where children and young people are concerned.

### **Supporting children and young people in, or at risk of, forced marriage**

Children and young people affected by forced marriage often have complex needs and risks that may differ from those of people affected by other exploitative practices.

Young forced marriage clients must grapple with extremely difficult decisions. This includes deciding whether to leave their family members – who are often the alleged offenders – and coping with the consequences of leaving, such as possible threats of violence, and the legal and social ramifications for loved ones. Some may have little or no experience living independently, and face not only leaving home for the first time, but also living in unfamiliar youth housing environments, away from their familial, social and cultural networks.

### **Integrating the national response**

As part of ongoing efforts to address the complexity of forced marriage cases in Australia, it is important to continue building an integrated national response that enhances our capacity to work across multiple Commonwealth, state and territory jurisdictions and agencies.

As forced marriage is still an emerging issue in Australia, there is a need to continue to build a shared understanding among Government agencies and service providers of the nature of risks for children and young people.

### **Culturally appropriate accommodation in the youth housing sector**

Securing appropriate accommodation is challenging for all client groups, but there are particular challenges for forced marriage clients who are children or young people from culturally and linguistically diverse communities.

For clients who may have had very limited personal freedom and who do not yet have independent living skills, accommodation in the youth homelessness sector can be confronting. Finding suitable longer-term accommodation and support options to help young clients build life skills and a new community support network is also a major endeavour.

### **Meeting a greater complexity of needs for forced marriage clients**

The wide range of legal matters faced by forced marriage clients reveals yet another aspect of the forced marriage experience, and further highlights their need for additional assistance and support. Some legal issues are beyond the scope of Commonwealth forced marriage offences, and therefore require the involvement of multiple specialist lawyers



and other services. This need for a wider range of services requires time to be invested in building networks of specialist community legal services, and in capacity building and awareness-raising about the Support Program and client needs.

### **An SMS facility for consular assistance**

DFAT continues to offer 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.

## **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 valid visa holders who are suspected trafficked people, they are then able to access support through the Support Program.

### **Recent regulatory reforms**

As a result of the 2015 review of the Visa Framework, in the 2015–16 Federal Budget the Australian Government announced that it would introduce a suite of regulatory reforms to the Visa Framework to safeguard the privacy of trafficked people and facilitate better targeted government support. The Visa Framework reforms have been supported by the allocation of \$2.3 million funding over four years. DIBP has led the reforms, in consultation with the IDC and the National Roundtable.

The regulatory reforms were introduced on 1 July 2015, and were fully implemented in January 2016. Key reforms included:

- Redesigning the BVF, which supports the temporary stay of trafficked people, to enable it to both:
  - facilitate an initial period of rest and recovery, and
  - permit trafficked people to remain on a BVF while assisting in the criminal justice process, eliminating the use of a Criminal Justice Stay Visa (CJSV) and removing the perceived stigma associated with that visa.
- Renaming the Witness Protection (Trafficking) (Permanent) visa with the title Referred Stay (Permanent) visa (RSV). The neutral title of the RSV addresses the perceived stigma associated with the former visa title, affording greater privacy to trafficked people.
- Broadening the circumstances under which the Attorney-General can issue a Referred Stay certificate for trafficked people who have assisted in a human trafficking and slavery-related investigation which has not resulted in a brief of evidence to the CDPP.

- Facilitating targeted support and access to Australian Government services, including:
  - extending eligibility for up to 510 hours of free, high-quality English language tuition through the Adult Migrant English Program (AMEP) to BVF holders, and
  - waiving the two year Newly Arrived Resident's Waiting Period for trafficked people on permanent visas, allowing immediate access to a broad range of social security payments and educational opportunities.
- Broadening the definition of human trafficking in the *Migration Act 1958*, to include trafficking in persons, organ trafficking and debt bondage, and to capture a range of offences under state, territory or Commonwealth criminal codes.

The legacy caseload of trafficked people holding CJSVs has been granted BVFs to facilitate access to government support services, such as Special Benefit and the AMEP.

## Visa classes

As of 1 July 2015, the Visa Framework comprises two 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 the trafficked person's immediate family members in Australia. A second BVF may also be granted for a further 45 days (making up to 90 days available). Access to a second BVF is assessed on a case-by-case basis. Trafficked people on BVFs have work rights and are eligible to receive support through the Support Program. The BVF also allows trafficked people to remain in Australia while they assist with the administration of the criminal justice process.
- **Referred Stay (Permanent) visa (RSV)** – a trafficked person who has made a contribution to an investigation or prosecution of an alleged offender and would be in danger if they returned to their home country may be eligible for a RSV. This visa allows the holder to remain in Australia permanently, and immediate family members may be included in the visa application.

A RSV 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 has made a contribution to, and cooperated closely with, an investigation in relation to another person who was alleged to have engaged in human trafficking, slavery or slavery-like practices.
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.

## Statistics

Between 1 July 2015 and 30 June 2016, DIBP granted 28 BVFs to suspected trafficked people and their immediate family members. During this period, a total of five RSVs were granted, including two to trafficked people and two to their immediate family members. The following table includes visa grant statistics for previous years. Following the 2015 visa reforms, the CJSV is no longer issued to suspected victims of human trafficking.

**Table 6: Visas granted under the Visa Framework between 2004–16**

Financial year	2004 –05	2005 –06	2006 –07	2007 –08	2008 –09	2009 –10	2010 –11	2011 –12	2012 –13	2013 –14	2014 –15	2015 –16
Bridging F visa (BVF)*	31	11	16	34	39	33	24	12	16	8	17	31
Criminal Justice Stay visa (CJSV)**	23	8	18	18	30	23	29	17	21	15	9	0
Witness Protection (Trafficking) (Temporary) visa (WPTV)	-	-	4	13	-	The Witness Protection (Trafficking) (Temporary) visa was removed by legislative change on 30 June 2009.						
Referred Stay (Permanent) visa (RSV)***	-	-	-	-	5	21	42	26	18	7	8	5

Note:

The number of visas cited includes those granted to both suspected victims of trafficking and their immediate family members.

\* More than one Bridging F visa may be granted to the same person.

\*\* As a result of the 2015 Visa Framework reforms, trafficked people are no longer placed on CJSVs.

\*\*\* The Referred Stay (Permanent) visa was formerly titled the Witness Protection (Trafficking) (Permanent) visa

## Access to education for trafficked people

Victim support and protection is one of the four pillars of Australia's strategy to combat human trafficking and slavery. Affording trafficked people appropriate access to education and training can be a key component of their recovery process. During the reporting period, the Australian Government made efforts to significantly enhance access to education and training opportunities for trafficked people.

On 25 June 2015, the then Assistant Minister for Education and Training, Senator the Hon Simon Birmingham, extended eligibility for the Adult Migrant English Program (AMEP) to holders of a BVF under the Human Trafficking Visa Framework. The AMEP provides



participants with up to 510 hours of free, high-quality English language tuition. Access to the AMEP is already available to trafficked people holding permanent visas.

During the reporting period, the Australian Government also announced the 104 week Newly Arrived Resident's Waiting Period for income support payments other than Special Benefit will be waived for trafficked people on permanent visas. This change will mean trafficked people can enrol in courses of study longer than 12 months' duration while accessing income support such as Youth Allowance and Austudy.

In addition to these measures, the Australian Government is also working with the states and territories to improve trafficked people's access to vocational education and training.

In 2014–15, the majority of states and territories agreed, or agreed in-principle, to offer subsidised or supported places for vocational education and training to trafficked people on temporary visas. This builds on the Victorian Training Guarantee, which allows trafficked people to access vocational education and training courses in Victoria at the local student rate, making study a more affordable and attainable option.



# 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 FWO is responsible for education, advice and compliance activities in relation to Commonwealth workplace laws. The matters investigated by the FWO 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. In 2012, the ILO estimated that, globally, nearly 21 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, the Fair Work Act and other 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 (FWO)

The FWO is an independent statutory office and its jurisdiction is set out in the Commonwealth *Fair Work Act 2009*. Everyone working in Australia is entitled to basic rights and protections in the workplace and the FWO is responsible for impartially enforcing compliance with Australian workplace laws. This includes ensuring that all workers in Australia within its jurisdiction, including migrant workers, are protected and receive their workplace entitlements. The FWO's services also involve the provision of education, assistance and advice about Australia's workplace relations system.

The FWO prioritises cohorts that need the most help to understand and apply workplace laws. It also focuses on systemic non-compliance, which can significantly impact vulnerable individuals and sectors of the labour market. Although human trafficking and slavery-related offences do not fall within the FWO's operational remit, it has strong relationships with other government regulators to effectively respond to suspected instances of these exploitive practices. In particular, the FWO has a well-established relationship with the AFP for the referral of information, including where the FWO identifies behaviour that could amount to human trafficking or slavery.

Migrant workers are regarded by the FWO as particularly vulnerable to workplace exploitation, due to difficulties understanding and securing their entitlements because of age, language and cultural barriers, the remoteness of their working location and, in some cases, their concerns about preserving their visa status. For these reasons, the FWO's dedicated Overseas Workers Team has a strong focus on investigating allegations of serious non-compliance involving migrant workers, supported by the Young Workers and Regional Services Team. The FWO's ongoing work, in relation to migrant workers is coordinated by the Migrant Worker Strategy and Engagement Branch, which was established in May 2016. The new branch is working to coordinate and develop strategies for the FWO's engagement, education and compliance activities in the migrant worker community, including working with culturally and linguistically diverse community networks and business groups.

During the reporting period, the FWO assisted visa holders involved in 1,894 workplace disputes, accounting for 13 per cent of all dispute form lodgements, and was responsible for recovering more than \$3 million in unpaid entitlements for these workers.

More broadly, the FWO has also undertaken significant proactive and reactive compliance, education and engagement work to:

- further protect and promote the workplace rights and entitlements of migrant workers
- build awareness of where migrant workers can seek assistance with workplace issues, and
- enhance its data and intelligence capability.

As part of this work plan, the FWO launched an on-line anonymous report functionality in May 2016. This provides a mechanism for all members of the community to alert the agency to potential workplace issues without needing to disclose their identity.

## Inquiries and campaigns

The FWO is also undertaking long-term inquiries to examine structural and behavioural drivers that lead to systemic and entrenched non-compliance in industries, regions, supply chains and labour markets. Due to their detailed nature, inquiries are conducted over a number of years and typically involve meeting with workplace participants, industry bodies, local councils, unions and other relevant stakeholders. The FWO's completed inquiries have revealed a strong correlation between outsourcing of low skilled work, the prevalence of vulnerable migrant workers in labour markets, worker exploitation and drivers of non-compliance which involve a number of other regulatory frameworks, including corporations, immigration, and competition and taxation law.

Recent ongoing inquiries and campaigns with a focus on migrant workers include:

- inquiry into 7-Eleven (completed April 2016)
- inquiry into the procurement of housekeepers by Starwood Hotels and Resorts, The Accor Group and Oaks Hotels & Resorts (completed May 2016)
- inquiry into trolley collection services procurement by Woolworths Limited (completed June 2016)
- inquiry into the working conditions of 417 visa holders (ongoing) and
- Harvest Trail campaign (ongoing).

Inquiry reports which detail relevant findings and recommendations are available on the FWO's website at [www.fairwork.gov.au](http://www.fairwork.gov.au).

## Educational resources

In addition to compliance and inquiry work, the FWO invests significantly in producing and promoting educational resources and information to help migrant workers understand their rights and entitlements in the workplace, including:

- a translation service for people of non-English speaking backgrounds
- publications translated into 27 community languages
- a YouTube video "Working in Australia: What you need to know", presented in 14 languages
- a YouTube video "Employing Staff in Australia", presented in 12 languages
- tailored resources for international students, and
- a fact sheet developed by FWO and DIBP on the rights of 457 visa holders available on both FWO and DIBP's websites.

## Stakeholder engagement

The FWO also engages with industry, unions, government, academia and others to help identify opportunities to improve and deliver the best services for the community.

Examples of engagement, consultation and collaboration relevant to vulnerable workers in 2015–16 include:

- appearing before the Senate Inquiry into Temporary Visa Workers
- investigating allegations of worker exploitation involving temporary visa holders as a foundation member of Taskforce Cadena<sup>34</sup>
- developing a strategy to deliver effective information to the Chinese community and enlisting the support of Chinese business leaders to help educate Chinese workplace participants about workplace rights and obligations
- working with an in-language specialist to develop Chinese focused resources, including a dedicated webpage, information booklet and a range of 'quick guides'
- participating in secondments at community legal centres, Marrickville Legal Centre and JobWatch
- presenting at the 2015 International Education Providers Forum and to a group of Chinese business representatives in Melbourne
- participating in the Melbourne Law School's Migrant Worker Campaign Steering Group
- working with key industry participants to develop a Cleaning Accountability Framework which promotes a culture of compliance with workplace laws
- working with intermediaries, including Community Legal Centres, Consulates, settlement service providers, English language course providers and universities to provide information sessions and resources to increase awareness of the FWO and workplace rights within migrant worker communities
- sponsoring the Council of International Students of Australia National Conference
- commencing planning strategies for enhanced engagement with international students and the Korean community in Australia, and
- commencing development work on a new Community Engagement Grants Program.

## Working with DIBP

The FWO works closely with DIBP to share information, refer relevant matters and undertake joint operational activities.

During the reporting period, the FWO continued to monitor compliance with Temporary Work (Skilled) visa (subclass 457) sponsorship obligations in Australia workplaces, on behalf of DIBP. These obligations are that employees are in receipt of their 'nominated salary' and are performing their 'nominated position'. If the FWO suspects employers are not meeting these sponsorship obligations, it refers the matter to DIBP for further investigation, in accordance with a Memorandum of Understanding between the agencies.

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<sup>34</sup> Further information about Taskforce Cadena is set out on page X.



In addition, during the reporting period, the FWO worked with DIBP to:

- undertake joint operational activities, including as part of Taskforce Cadena
- develop a joint protocol to provide a limited assurance that DIBP would not cancel workers' visa while they were assisting the FWO as part of a 7-Eleven investigation
- develop information to support Chinese holders of Australian visas, including the newly-created Work and Holiday (subclass 462) visa
- ensure temporary visa holders, including those with Working Holiday (subclass 417) visas, know their workplace rights by providing them with information from the FWO and links to the FWO website through forms, visa grant notifications and the DIBP website, and
- progress an additional Memorandum of Understanding governing the sharing of information to ascertain the movement of employers and employees in and out of Australia.

## Taskforce Cadena

Established in June 2015, Taskforce Cadena is a Joint Agency Taskforce comprising DIBP, the Australian Border Force (ABF), and the FWO. The taskforce's objective is to enhance operational and intelligence capabilities to support whole-of-government efforts targeting organised visa fraud, illegal work and the exploitation of migrant workers in Australia.

Taskforce Cadena draws on intelligence from a range of sources to identify and investigate targets of interest and focuses on ensuring that people involved in the exploitation of foreign workers in the workplace are held to account. It also collaborates with other agencies, such as the AFP, Australian Securities and Investments Commission (ASIC), the Australian Taxation Office (ATO) and local law enforcement agencies.

Taskforce Cadena's targeting is broad in its scope and is not limited to particular industries, visa types or immigration status. During the reporting period, taskforce operations occurred across Queensland, Victoria, New South Wales and Western Australia targeting industries including hospitality, education, agriculture, poultry, security and beauty services.

Between 17 June 2015 and 17 July 2016, Taskforce Cadena received 263 allegations of illegal activities from both internal and external sources. Of the 263 allegations received, as at 17 July 2016:

- 210 had been finalised<sup>35</sup>
- 46 allegations were undergoing enhanced assessment
- 7 active referrals were under investigation by ABF and FWO, and
- 10 taskforce operations had been completed.

Current taskforce activity includes (but is not limited to) specific areas of the agriculture

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<sup>35</sup> This includes allegations which do not meet Taskforce Cadena thresholds, operations finalised and undergoing post operation analysis and a number of allegations that have been on referred for alternate resolution activity by Compliance Field teams, FWO Inspectors or other law enforcement agencies

and farming industry within New South Wales identified as using labour hire intermediaries targeting foreign or illegal workers and the hospitality industry in Western Australia. During its operations, the taskforce has identified a number of targets suspected to be involved in human trafficking or slavery-related activities and has referred these matters to AFP.

## Working Group on Protections for Private Domestic Workers Working for Diplomats or Consular Officials

Internationally, the alleged exploitation of private domestic workers by foreign officials has become a matter of significant NGO, media and public concern. Private domestic workers working for members of the Diplomatic and Consular Corps and other eligible foreign officials (hereafter foreign 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.

A key area of focus for the Australian Government under the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* (National Action Plan) is increasing awareness-raising and education for vulnerable groups, frontline responders and the general community. In 2015–16, the Australian Government's Working Group on Protections for Private Domestic Workers Working for Diplomats or Consular Officials (working group) completed its work program by finalising a suite of awareness-raising materials to decrease the vulnerability of private domestic workers entering Australia to work in the households of foreign officials. Copies of public facing awareness-raising documents developed by the working group will be made available online at the AGD website. The working group was chaired by AGD with representatives from DFAT, DIBP and the Department of Employment. These agencies will continue to meet on an ad hoc basis as required.

## Supply Chains Working Group

In 2014, the Supply Chains Working Group (working group) was established under the National Roundtable on Human Trafficking and Slavery to provide expert recommendations to government about possible strategies to address serious exploitation in supply chains. The working group is chaired by AGD and comprises experts from government, business, industry, civil society, unions and academia. During the reporting period, the working group concluded the first and second phases of its formal work program. Further information about the working group is available at page 8.



# Building partnerships with the community and business

The Australian Government remains committed to building and maintaining strong partnerships with our non-government partners.

## National Roundtable on Human Trafficking and Slavery

The National Roundtable continues to be an important consultative mechanism between government, NGOs, academia, business and industry, and unions, with a focus on emerging issues relating to human trafficking and slavery in Australia, the region and further afield.

During the reporting period, AGD convened the sixth Senior Officials' Meeting of the National Roundtable on 6 November 2015.

### **Sixth Senior Officials' Meeting of the National Roundtable**

Since 2010, a less formal meeting comprised of senior officials from National Roundtable organisations has been held annually to supplement the ministerial-level National Roundtable.

The sixth Senior Officials' Meeting (SOM) of the National Roundtable, chaired by AGD, took place on 6 November 2015 in Sydney. The 2015 SOM marked the formal launch of the third edition of *Guidelines for NGOs: Working with trafficked people*. Developed by NGOs, for NGOs, the Guidelines are an important resource for any organisation working with people who have experienced human trafficking, slavery or slavery-like practices, including forced marriage.

The SOM also featured a number of presentations on current issues, including a presentation from Professor Paul Redmond on the application of human rights standards to business, and a proposal for a national victims' compensation scheme for trafficked people, presented by Anti-Slavery Australia and the Law Council of Australia.

Government members provided updates on the implementation of regulatory reforms to Visa Framework, the development of Australia's *International Strategy to Combat Human Trafficking and Slavery*, and the work of the Supply Chains and Communication and Awareness Working Groups. Members also held broader discussions surrounding labour exploitation, awareness-raising initiatives, and Australia's regional engagement on human trafficking and slavery issues, including through the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process).

## Practical support for non-government organisations

Civil society organisations play a key role in identifying and supporting people affected by human trafficking and slavery, as well as raising awareness of these exploitative practices in Australia.

Since 2008, the Australian Government has committed over \$3.8 million to support four NGOs in their efforts to combat human trafficking and slavery. Anti-Slavery Australia, Australian Catholic Religious Against Trafficking in Humans (ACRATH), Project Respect, and Scarlet Alliance provide outreach services to trafficked people and conduct education and awareness-raising initiatives on human trafficking and slavery issues.

This is in addition to grants targeting specific human trafficking and slavery issues. For instance, the Australian Council of Trade Unions, the Australian Hotels Association, Asian Women at Work, the Construction, Forestry, Mining and Energy Union, and the Australian Red Cross were awarded a total of almost \$500,000 over 2011–13 to undertake projects to combat labour exploitation in Australian industries.

The Minister for Justice also awarded almost \$500,000 over 2014–17 to Anti-Slavery Australia, ACRATH and the Australian Muslim Women’s Centre for Human Rights (AMWCHR) to progress outreach, education and awareness-raising activities on forced marriage issues (see page 10).

Further information on the work of these funded organisations is available below, along with details of activities of other National Roundtable members undertaken in 2015–16.

## Anti-Slavery Australia – University of Technology, Sydney

### Anti-Slavery Australia's Mission

Anti-Slavery Australia is dedicated to the abolition of human trafficking, slavery, and slavery-like practices such as forced labour and forced marriage. In 2015–16, Anti-Slavery Australia continued to provide pro bono legal and migration advice and representation to trafficked people. Anti-Slavery Australia also launched Australia's first website dedicated to forced marriage and continued to partner in policy development with parliamentary, government and peak bodies as well as through community networks. Additionally, Anti-Slavery Australia delivered online and face-to-face educational and outreach programs nationally.

### KEY PROJECTS AND ACHIEVEMENTS:



### *My Blue Sky: Forced Marriage Website*

On 25 November 2015, the Minister for Justice and Anti-Slavery Australia launched 'My Blue Sky' ([www.mybluesky.org.au](http://www.mybluesky.org.au)), Australia's first website dedicated to forced marriage prevention, information and legal advice. The website is funded by the Australian Government and contains tailored content for children and teenagers as well as teachers, health professionals and other service providers. My Blue Sky provides a free national legal service through email and text to assist people in or at risk of a forced marriage. In addition, there is a 'locker room' facility which enables a person to send a private message to Anti-Slavery Australia without needing to enter an email address.

The website includes a service directory of relevant government agencies and non-government service providers, listing contact and program details for organisations in NSW and Victoria as well as some national organisations.

The service directory will be expanded to include organisations in other states and territories in the coming months. As at 30 June 2016, the My Blue Sky website has attracted 14,800 page views and around 20 requests for assistance, support and legal advice. A number of these matters have been referred to the Australian Federal Police for further assessment. In addition, around 10 requests have been received for interviews with researchers, journalists and international service providers for information about My Blue Sky and forced marriage in Australia. Demand for the My Blue Sky outreach materials has continued to increase. In April – May 2016, more than 2,800 My Blue Sky flyers and booklets were distributed to schools, service providers and community organisations.

### ***NSW Forced Marriage Network***

In 2015-2016, Anti-Slavery Australia and the Australian Red Cross continued to co-convene the NSW Forced Marriage Network. The network has experience significant growth over the reporting period and now includes over 170 members representing 60 different agencies including community organisations and all tiers of government.

### ***E-Learning***

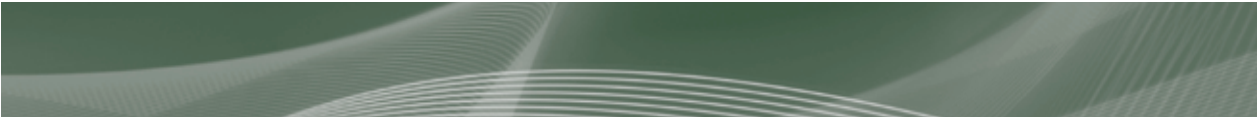
Participants in Anti-Slavery Australia's online E-learning course have completed more than 38,743 modules about human trafficking and slavery, and best-practice responses. More than 4,000 modules have been completed since January 2016.

In November 2015, the module 'Guidelines and Principles for Frontline Service Providers' was updated to reflect the third edition of the National Roundtable on Human Trafficking and Slavery's *Guidelines for NGOs: Working with trafficked people* (2015). This E-learning module provides a best-practice framework for those working in organisations that may come into contact with trafficked people.

### ***2015 Freedom Awards***

On 5 November, the 2015 Anti-Slavery Australia Freedom Awards were celebrated at the University of Technology, Sydney. The Freedom Awards recognise the outstanding work and contributions of individuals and organisations for initiatives against all forms of slavery and human trafficking. Former Sex Discrimination Commissioner, Elizabeth Broderick, delivered an inspiring keynote address and presented the awards.

Four awards were presented on the night to Alison Aggarwal, Principal Adviser/ Manager at the Australian Human Rights Commission; Baptist World Aid Australia, for their Behind the Barcode Campaign; Sister Maree Marsh csb, a Brigidine sister, psychologist and former chair of ACRATH; and Alan Morison, a veteran Australian journalist who owns and operates the Phuketwan news service in Phuket, Thailand.



*Elizabeth Broderick and the Award Recipients (L–R) Alison Aggarwal, Josh Morison accepting the award for Alan Morison, John Hickey and sr Maree Marsh.*

## **LEGAL SERVICE**

Anti-Slavery Australia’s national legal practice has continued to achieve significant outcomes for clients, including assisting clients in migration matters, navigating the criminal justice process and making applications for financial compensation as well as providing family law advice. With the launch of My Blue Sky in November 2015, Anti-Slavery Australia’s legal practice expanded its service into providing advice to people at risk of forced marriage. Anti-Slavery Australia provides legal advice in response to e-mail, text and ‘locker room’ messages received on the My Blue Sky website.

## **RESEARCH AND POLICY DEVELOPMENT**

### ***Child Cybersex Crime Research Project***

Anti-Slavery Australia received philanthropic funding to research the online sexual exploitation of children and young people. The project addresses trends in cybersex crime, the legal and policy context in Australia and overseas, and aims to identify any links to human trafficking. Through interviews with expert investigators and prosecutors, close examination of policy, cases and legislation, the research will identify and evaluate best-practice models. It will also identify gaps in identification and prosecution, in addition to making recommendations.

### ***National Compensation Scheme for Victims of Trafficking***

Anti-Slavery Australia and the Law Council of Australia prepared a discussion paper setting out the case for a National Victims’ Compensation Scheme for survivors of human trafficking, slavery and slavery-like practices for presentation at the Senior Officials’ Meeting in 2016. In preparing the paper, Anti-Slavery Australia and the Law Council of Australia consulted with a range of civil society organisations and government agencies and received valuable feedback.



### Submissions and Policy Position Papers

Anti-Slavery Australia published two policy position papers in the first quarter of 2016:

- The case for a National Compensation Scheme, and
- The case for an Anti-Slavery and Trafficking Commissioner.

Anti-Slavery Australia has also made submissions in the last six months to:

- Australian Parliament's Joint Committee on Law Enforcement Inquiry into Human Trafficking
- Inquiry into the Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015
- Inquiry into the Statutes Amendment (Child Marriage) Bill (SA) 2015, and
- Senate Legal and Constitutional Affairs Committee's Migration Amendment (Charging for a Migration Outcome) Bill 2015.

### *Indigenous Marriage Project*

Anti-Slavery Australia has partnered with a major law firm to research the intersection between the forced marriage offence set out in the Criminal Code and customary law, with a particular focus on promised marriage in the indigenous community. The research includes an assessment and evaluation of forced marriage prevention orders.

### Australian Catholic Religious Against Trafficking in Humans (ACRATH)



[www.acrath.org.au](http://www.acrath.org.au)  
People are NOT for sale

### Snapshot of ACRATH's work over the past year

In 2015–16, ACRATH have:

- delivered **132** presentations across including a number of regional cities, 5 capital cities and the ACT.
- assisted **22** trafficked women and **13** of their children.
- trialed the ACRATH forced marriage education kit in **9** schools across **3** states.
- attended **152** network meetings in Australia.
- visited **52** Members of Parliament.



### Significant ACRATH work:

During the reporting period ACRATH continued the roll-out of the forced marriage curriculum project including nine pilot schools which are incorporating forced marriage into their curriculum. ACRATH are encouraging other schools to ensure teachers, parents, welfare staff and school leadership are trained before they teach to this material.

Mayet Latonio, a social worker and counter trafficking activist from the Philippines, spent two weeks in Australia speaking at public meetings in Perth and at Deakin University in Melbourne, sharing the stories of women who have experienced trafficking and sexual exploitation in the Philippines. Mayet and her colleague, Sr Angela Reed RSM, collaborated on a research project titled 'I Have a Voice', involving trafficked girls



and young women in Cebu. 'I Have a Voice' was featured in the recently released *Australian Government's International Strategy to Combat Human Trafficking and Slavery, 'Amplifying Our Impact'* and at an Australian Embassy event in Thailand, launched by Ambassador Paul Robilliard on 25 November 2015.

*ACRATH organised a musical event in May 2016 titled, 'Music for Freedom,' showcasing music groups from 9 Sydney schools.*



ACRATH is working in networks and in regional Australian ACRATH groups to ensure justice for overseas workers facing exploitation in Australia.

ACRATH is working on a series of major community awareness raising including:

- the 16 days against gender-based violence (25 Nov-10 Dec),
- slavery-free Christmas gifts,
- Josephine Bakhita Day (8 Feb, proclaimed by Pope Francis as a world day of prayer, reflection and action against human trafficking, and
- slavery-free Easter chocolate.

## Australian Human Rights Commission

In 2015–16, the Australian Human Rights Commission (AHRC) undertook a range of activities on promoting and protecting human rights in the context of human trafficking, slavery and slavery-like practices.

### International engagement

In the international context, the AHRC:

- participated in the 60th Session of the UN Commission on Status of Women (CSW60, March 2016), which examined issues relevant to women's empowerment and sustainable development.
- addressed trafficking and slavery issues in the second cycle of the Human Rights Council Universal Periodic Review for Australia, held in November 2015,<sup>36</sup> and in its submission to the Committee Against Torture for the Information List of Issues Prior to Reporting (June 2016).<sup>37</sup>
- liaised with the Ambassador of Smuggling and Trafficking and the Department of Foreign Affairs and Trade on the implementation of Australia's *International Strategy to combat human trafficking and slavery*.

Human trafficking and slavery have been identified in the goals and targets of the 2030 UN Agenda for Sustainable Development. Human trafficking and slavery issues relevant to women's sustainable development, including in supply chains, were identified in the CSW60 Agreed Conclusions.

### Submissions

The AHRC made a submission to the Parliamentary Joint Committee on Law Enforcement's Inquiry into Human Trafficking (March 2016).<sup>38</sup>

The AHRC made a submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulatory and Legislative Aspects of Surrogacy Arrangements (February 2016) in which it identified risks of trafficking in women and children through unregulated surrogacy arrangements.<sup>39</sup>

36 Australian Human Rights Commission, *Australia's Second Universal Periodic Review (2015)*. At <https://www.humanrights.gov.au/submissions/australia-s-second-universal-periodic-review> (viewed 1 September 2016).

37 Australian Human Rights Commission, *Submission to Committee against Torture, Information for List of Issues Prior to Reporting – Australia (2016)*. At <http://www.humanrights.gov.au/submissions/information-list-issues-prior-reporting-australia-submission-committee-against-torture> (viewed 1 September 2016).

38 Australian Human Rights Commission, *Submission to Parliamentary Joint Committee on Law Enforcement Inquiry into Human Trafficking (2016)*. At <https://www.humanrights.gov.au/submissions/submission-inquiry-human-trafficking-2016> (viewed 1 September 2016).

39 Australian Human Rights Commission, *Submission to House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulatory and Legislative Aspects of Surrogacy Arrangements (2016)*. At <http://www.humanrights.gov.au/submissions/submission-inquiry-regulatory-and-legislative-aspects-surrogacy-arrangements-2016> (viewed 1 September 2016).

## **Business and Human Rights**

The AHRC attended and provided input for the Supply Chain Working Group meetings (June and July 2015).

The AHRC provided input and comment for the Communication and Awareness Working Group meetings (September and November 2015) on the development of communication tools on labour exploitation.

On 19 August 2015, the AHRC and the Global Compact Network Australia convened more than 100 representatives from business, government, NGOs and academia at the Australian Dialogue on Business and Human Rights. The Dialogue included a session that explored the management of human rights issues within supply chains.

The AHRC partnered with the Australian Centre for Corporate Social Responsibility and the Global Compact Network Australia to produce a report on: *Human rights in supply chains: Promoting Positive practice* (December 2015).<sup>40</sup> The research maps how Australian businesses currently deal with human rights issues in their supply chains. The report identifies current examples from leading Australian businesses who are taking ownership of their supply chains and the human rights issues within them, as well as identifying areas for improvement articulated by business.

The AHRC hosted a civil society Roundtable on the implementation of the UN Guiding Principles on Business and Human Rights in Australia (May 2016).

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<sup>40</sup> Australian Human Rights Commission, *Human rights in supply chains: Promoting Positive practice* (2016). At <https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/human-rights-supply-chains-promoting-positive-practice> (viewed 1 September 2016).

## Australian Muslim Women's Centre for Human Rights



### AUSTRALIAN MUSLIM WOMEN'S CENTRE FOR HUMAN RIGHTS *Equality without Exception*

In the 2015–16 reporting period the primary focus of the Australian Muslim Women's Centre for Human Rights (AMWCHR) has been its research into early and forced marriage among Muslim communities in Victoria. The research has explored young Muslim women's views and experiences of early marriage and the factors that shape young women's views on marriage. The researchers were also able to interview a small number of Muslim women who were forced to marry early and the impact of that experience on these women's lives.

In addition to the above research, the AMWCHR has also provided a range of education sessions to young Muslim women and Muslim parents on early and forced marriage; its definition, impact and current Australian legislative framework. Professional development seminars have also been provided to a range of community sector professionals, government departments and schools in both Victoria and New South Wales.

## Australian Red Cross

the  
power of  
humanity



The Australian Red Cross has been the official provider of case management services to people referred to the Australian Government funded Support for Trafficked People Program<sup>41</sup> since 2009.

In 2015–16, the Red Cross Support Program provided individual casework support to 80 people, including 38 new clients from six different states and territories. Ten of these new referrals were children or young people under the age of 18. During the reporting period Australian Red Cross managed a growing number of complex cases, including expanded services as we work with an increased number of referrals for forced marriage.

As part of a global movement, the Australian Red Cross draws on extensive experience and networks globally to highlight the humanitarian impact of human trafficking and forced marriage. In April 2016, the Australian Red Cross co-hosted the Asia Pacific Migration Network's forum in Kuala Lumpur, Malaysia, bringing together 17 Red Cross/Red Crescent National Societies from the Asia Pacific region. At this forum the Australian Red Cross established a regional working group on human trafficking. Australian Red Cross also presented to a further 11 Red Cross/Red Crescent National Societies at the European Anti-Trafficking Network meeting in Poland in November 2015.

In Australia, the Red Cross continues to engage the non-government sector and the community to raise awareness of human trafficking and forced marriage. As a trusted leader in the space, Australian Red Cross has contributed to specialist research undertaken by the Australian Institute of Criminology, delivered training and awareness activities to government agencies and community organisations across the country, partnered with other service providers in capacity building projects and co-facilitated state-based local service provider networks.

<sup>41</sup> The Australian Red Cross is funded by the Department of Social Services to provide the Support for Trafficked People Program. For more information please visit [www.dss.gov.au](http://www.dss.gov.au)

## HAGAR Australia



Hagar supports women and children who have experienced trafficking, slavery and gender-based violence in the countries of Cambodia, Vietnam and Afghanistan. It also undertakes advocacy to combat these human rights abuses. Hagar Australia exists to engage the Australian community in this work, through fundraising, community education and advocacy.

Over the past year, Hagar directly supported 861 individuals who had been trafficked or abused. This support included:

- **Protection** – a safe place to live and legal support
- **Recovery** – medical care and specialist trauma counselling
- **Education and Economic Empowerment** – catch-up education, vocational education, job skills training, university, and placement in a job
- **Reintegration** – ongoing case management support for two years following each individual's reintegration into the community.

### Additional highlights over the past year include:

In partnership with UNICEF, Hagar is training government workers in Vietnam to identify and respond appropriately to the signs of human trafficking. Also in partnership with UNICEF, Hagar is training legal practitioners in Cambodia to ensure appropriate protection for children who give evidence in court against those responsible for their trafficking, slavery or abuse. Hagar is



working to build strong community-based care systems for children who have been trafficked, consistent with the Government of Cambodia's commitment to reduce the number of children in orphanages by 30 per cent over the next three years.

In Australia, Hagar continues to contribute to the National Roundtable on Human Trafficking and Slavery and was an active member of the Supply Chains Working Group.

## Law Council of Australia

### National Compensation Scheme for victims of human trafficking, slavery and slavery-like offences

Consistent with previous advocacy and representations at former National Roundtable and Senior Officials' Meetings (SOM), the Law Council worked with Anti-Slavery Australia to prepare a report on a national compensation scheme to present at the August 2016 SOM. To inform the report, the Law Council and Anti-Slavery Australia prepared and distributed a discussion paper to members of the National Roundtable on Human Trafficking and Slavery in March 2016. Input was received from several non-government members of the National Roundtable, as well as Government departments. This input was considered in the drafting of the report. The Law Council also sought and received responses from all State and Territory Attorneys-General on this proposal, which were included in the report.



### Submissions

The Law Council lodged the following submissions on behalf of the legal profession in respect of human trafficking, slavery and slavery-like offences:

- Submission to the United Nations Committee on the Rights of the Child and Committee on Migrant Workers, Proposed Joint General Comment on the human rights of children in the context of international migration, 29 January 2016.
- Submission to the Joint Committee on Law Enforcement, Inquiry into Human Trafficking, 15 February 2016.
- Submission to the Hon Brendan O'Connor MP, Shadow Minister for Employment and Workplace Relations, regarding Labor's Exposure Draft concerning proposed amendments to the *Fair Work Act 2009* (Cth), 10 March 2016.
- Submission to the Senate Education and Employment Committees, Inquiry into the Fair Work Amendment (Protecting Australian Workers) Bill 2016, 31 March 2016.

### Meetings

- The Law Council met with members of the Department of Foreign Affairs and Trade's People Smuggling Taskforce, 9 February 2016.
- The Law Council joined the ACT Network for Migrant Workers and attended the 7 April 2016 and 21 July 2016 meetings of the Network.
- Together with other National Roundtable members, the Law Council met with the Department of Immigration and Border Protection on 5 August 2016 to discuss several issues, including worker exploitation and identification of victims of trafficking, slavery and slavery-like practices.



## Project Respect

Project Respect is a support service for women in the sex industry, including women who have been trafficked. Project Respect conducts outreach to brothels across the Greater Melbourne area where it supports women one-on-one, links women with essential services and advocates for women's rights.



### **Individual case management support and specialised support for women trafficked**

In 2015–16, Project Respect provided individual support to a total of 62 women. More than 50 per cent of the women supported one-on-one were from culturally and linguistically diverse (CALD) backgrounds, predominately of Asian descent. More than 26 per cent of women supported were single mothers, 45 per cent relied on social welfare services such as Centrelink payments and 80 per cent experienced financial distress. High levels of family violence and sexual assault was evident amongst the supported women, with more than 40 per cent of women experiencing sexual assault, and nearly 30 per cent of women disclosing experiences of family violence.

Project Respect's assistance also included specialised support to 16 women who have been trafficked: 14 women were trafficked internationally to Australia, one woman was trafficked domestically within Australia and one woman was trafficked domestically outside of Australia (within her country of origin).

Assistance sought for trafficked women in 2015–16 was primarily related to immigration matters, housing and homelessness, physical and mental health matters, sexual assault, family violence and material aid. Project Respect provided housing to four survivors of trafficking. Project Respect's support for survivors of human trafficking is especially important for those who cannot access the Support for Trafficked People Program.

Project Respect administers an Employment and Education Support program to support women with alternative employment and education pathways. This program was beneficial for women who have been trafficked, particularly due to barriers faced such as the difficulty to find work of their choice, language barriers, gaps in their CVs, lack of confidence and lack of opportunity to access work experience in a supportive environment.

Project Respect continued to undertake community development and peer support activities for women in the sex industry and trafficked women. Project Respect hosted fortnightly community lunches, held three recreational weekends away for women and their children and fortnightly art therapy sessions.



### **Brothel-Outreach**

During the reporting period, Project Respect undertook a total of 165 visits to 82 different brothels within the Greater Melbourne region, engaging with a total of 348 women, of which more than 63 per cent were from CALD, primarily from Asian, backgrounds.

Project Respect distributed brochures during brothel visits, which were – in addition to English – available in multiple community languages such as Korean, Thai, Mandarin, Vietnamese, Tamil, Japanese and Russian. Brothel outreach activities assist to assess brothels for indicators of human trafficking into Australia's sex industry and to identify potential survivors of human trafficking.

### **Advocacy**

Project Respect facilitated awareness raising and community education activities about human trafficking as well as the realities of the sex industry. In 2015–16, this work included panel discussions, interviews, including print media and radio, guest speaker events and network meetings (including with organisations overseas).

Project Respect produced a submission to the Sex Work Regulations consultation of Consumer Affairs Victoria which primarily related to problematic advertising of sexual services, which may put trafficked women at further risk of exploitation.

### **Students and Volunteer Program**

Project Respect continued with its volunteer and student program which was launched in the previous financial year. Highlights of these projects include:

- Research into Support and Visas for Survivors of Human Trafficking.
- Legal Information Service to strengthen access to legal advice for trafficked women.
- Support for Chinese women in the sex industry – providing guidelines on how to better respond to the needs of this cohort of women.
- Working with Gender Diverse People.

## Salvation Army



### The Freedom Partnership End Modern Slavery

#### Service delivery

In 2015–16, the Salvation Army Safe House assisted 47 people through residential and non-residential case management. More than 30 per cent of the Safe House caseload comprised adult victims of forced marriage or young people at risk. As a result, the Safe House invested in building relationships with other service providers and provided training to enable a collaborative response to early and forced marriage. Significant resources were invested to train service providers, school staff and child protection agencies on how to respond to disclosures of young people at risk.

#### Australian Freedom Fund

In February 2016, Salvation Army launched the Australian Freedom Fund (AFF). The AFF is designed to be dynamic and responsive support for emergency needs, independent living, family reunification and special requests. The AFF has been accessed by victims, NGOs and government agencies and is funded by community donations.



#### Advocacy

The Freedom Partnership continued to be an active member of the Australian Government's *National Roundtable on Human Trafficking and Slavery*.

The Freedom Partnership made submissions to:

- 1) the Senate Employment and Education References Committee Inquiry into Temporary Work Programs,
- 2) the Productivity Commission Inquiry into Workplace Relations Framework Phase II co-authored with Federation of Ethnic Communities Council of Australia, and
- 3) the Australian Labor Party Fair Work Taskforce.

The Freedom Partnership made 3 Committee/Inquiry appearances in relation to the above.

The Freedom Partnership continued to call for improved protections for migrant domestic workers, particularly for those employed in diplomatic households in Australia.

The Freedom Partnership remained an active member of 'Stop the Traffik' and supported campaigns to stop human trafficking in the supply chains of fashion, fishing, tea and chocolate industries.

In collaboration with the Global Freedom Network, The Freedom Partnership brought together 18 Australian faith leaders to form an Australian Freedom Network (<[www.afn.org.au](http://www.afn.org.au)>) to raise awareness about slavery in Australia amongst faith communities. The launch in Canberra was endorsed by the Australian Government and supported by representatives from all of the major political parties. Faith leaders are being supported by The Freedom Partnership to take meaningful and measureable actions to end slavery in Australia.

The Freedom Partnership facilitated the development of a local response in Western Australia, the Australian Capital Territory and Queensland as well as joining the 'Just Work Network' in Melbourne and leading a Migrant Workers rights Network in Sydney.



## Scarlet Alliance, Australian Sex Workers Association



The Scarlet Alliance Migration Project provides advocacy, representation and culturally appropriate support to migrant and CALD sex workers across Australia. The Migration Project also assists with capacity building for sex worker peer educators both in Australia and Thailand to ensure migrant sex workers are informed of their migration and legal rights and responsibilities.

In 2015–16, the Migration Project continued to actively represent the interests of migrant sex workers by increasing the understanding about migration and the nature of the sex industry in Australia, and to advocate for evidence and sex worker rights-based approach to trafficking prevention. The Migration Project conducted regular consultations on anti-trafficking issues within the migrant sex worker steering committee, sex worker communities and organisations both locally and internationally.

During the reporting period, the Migration Project provided multilingual peer-based support for 124 migrant sex workers with migration issues, workplace health and safety, information on laws, migration rights and responsibilities as well as referrals and linkages to sex worker organisations for appropriate support. Through the support for peer educators around Australia, the Migration Project also provided face-to-face training sessions and over-the-phone supports to new CALD peer educators including provision of peer-led supervision to assist with isolation and issues of stigma and discrimination.

Scarlet Alliance continued its partnership with the Empower Foundation, a sex worker organisation in Thailand. This partnership aims to assist sex workers considering travelling internationally to work to seek legal and migration information. In 2015–16,



the Scarlett Alliance noted successful delivery of workshops, wide distribution of a booklet produced by the project and the continued high demand for information from Thai sex workers considering travelling to Australia for work.

*Peer educators from around Australia during Scarlet Alliance Migration Project CALD Peer Educator Forum to discuss the needs and issues for migrant sex workers.*

## Uniting Church in Australia

The Uniting Church in Australia has continued to be an active member of a global network of NGOs working on ending human trafficking and forced



## Uniting Church in Australia

labour in the Thai food industry. The Uniting Church also works with a number of companies that import seafood and chicken from Thailand and with food companies in Thailand. The Thai Government has recently introduced laws that are curbing labour trafficking and forced labour in parts of the food industry. Companies are also taking voluntary actions that are having an impact, such as reduced use of labour brokers and making sure they know every fishing vessel in their supply chain.

The Uniting Church in Australia is the secretariat for the JustWork Alliance. In the 2015–16 reporting period, the JustWork Alliance looked at the operations of labour hire companies operating in the horticulture industry. The JustWork Alliance has had meetings with the National Farmers Federation, the Produce Marketing Association, Woolworths and Coles to discuss possible industry responses to end labour trafficking and gross exploitation in the Australian horticulture and agricultural industries.

The United Church also met with the Department of Employment to discuss the operation of the Seasonal Worker Program and an approved process to advise trade unions in Australia when workers are arriving in Australia.

The Uniting Church hosted a meeting with other NGOs with Gopinath Parakuni from Cividep India to develop joint work around addressing forced labour in the textile, garment and footwear industry in India, especially in relation to its connections to Australia.

## Walk Free Foundation



The Walk Free Foundation continues to work with faiths, governments and NGOs throughout the world to agitate for change and support initiatives dedicated to the eradication of slavery in all its forms. The Foundation is working closely with the Australian Government on the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, and will champion business sector engagement in this regional program.

The Foundation seeks to measure the size and scale of slavery, assess vulnerability and governmental responses through the Global Slavery Index (GSI). In May 2016, Walk Free launched the 2016 GSI, the third publication of its kind. The Index estimated that 45.8 million people are trapped in modern slavery, with 58 per cent of those living in slavery in five countries: India, China, Pakistan, Bangladesh and Uzbekistan.

The Foundation's Global Freedom Network works to engage faiths in the fight against slavery. In December 2015, the Global Freedom Network supported faith leader signings in Canberra, Australia, and New Delhi, India of the Joint Declaration of Religious Leaders Against Modern Slavery. Led by the Salvation Army with the endorsement of the Global Freedom Network, the Australian Freedom Network was launched on 2 December 2015, while the Indian Freedom Network was launched on 3 December 2015. Thirty-nine leaders representing 19 faiths have now signed the Declaration.

## Raising community awareness

### **Communication and Awareness Working Group**

The Communication and Awareness Working Group (working group) was established under the National Roundtable in May 2013 and includes both government and civil society members.

The working group has developed the *Forced Marriage Community Pack*, a suite of awareness-raising materials on forced marriage for frontline officers, service providers, agencies, and vulnerable groups, which was officially launched by the Minister for Justice on 2 December 2014. In 2015, select materials were made available in six priority community languages to raise awareness of forced marriage issues amongst vulnerable cohorts.

During the reporting period, the working group met on 30 September and 6 November 2015 to consider ways to improve education and raise awareness of serious forms of labour exploitation among vulnerable workers, employers, and the general public.

### **Forced marriage awareness-raising initiatives**

In early 2015, AGD partnered with the AFP and Anti-Slavery Australia to conduct a series of workshops on forced marriage in each Australian capital city. Two follow up workshops were held in Sydney on 5 November 2015. The workshops intended to raise awareness of forced marriage issues, including key indicators and referral pathways, among frontline officers and service providers from both government and civil society organisations who are likely to come into contact with people in, or at risk of, a forced marriage through their engagement with the community.

On 11 November 2015, AGD delivered a presentation on identifying and responding effectively to suspected cases of forced marriage at the 2015 Family and Relationship Services Australia National Conference in Brisbane.

### **Australian Federal Police awareness-raising initiatives**

The AFP actively seeks out opportunities to engage with NGOs and community organisations on collaborative approaches to prevention, disruption, information sharing and harm reduction to combat human trafficking in all its forms.

During the reporting period the AFP presented at AGD's nation-wide forced marriage workshops, and facilitated training and awareness sessions to a number of NGOs including the Salvation Army and the Australian Red Cross.

# Building partnerships in our region and beyond

## United Nations

In 2015–16, Australia continued to engage on human trafficking and slavery issues through such international fora as the 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 its reporting obligations under relevant UN treaty bodies during the reporting period and appeared for its second Universal Periodic Review in November 2015.

### United Nations General Assembly

The 70th session of the UN General Assembly took place between October and November 2015. During this session, Australia co-sponsored resolutions which:

- called on States to improve the coordination of efforts against trafficking in persons
- called on States to provide the protection of and assistance to internally displaced persons, and
- called on States for the protection of the rights of the child and the girl child

### United Nations Human Rights Council (HRC)

During 2015–16, Australia participated in the 30th, 31st and 32nd sessions of the Human Rights Council (HRC). During these sessions, Australia made statements<sup>42</sup> at the following events:

- interactive dialogue with Special Rapporteur on Trafficking and Special Rapporteur on Health, and
- clustered Interactive Dialogue with the Working Group on Arbitrary Detention and Special Rapporteur on contemporary forms of slavery including its causes and consequences.

Australia co-sponsored four HRC resolutions on human trafficking and slavery during 2015–16. Australia co-sponsored resolutions on: trafficking in persons, especially women and children in conflict and post-conflict situations, increasing technical and financial assistance to eliminate female genital mutilation, arbitrary deprivation of nationality, and accelerating efforts to eliminate violence against women (including Indigenous women).

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<sup>42</sup> Statements made by Australia during HRC sessions are available online at: [www.geneva.mission.gov.au/gene/statements.html](http://www.geneva.mission.gov.au/gene/statements.html).



## Universal Periodic Review

Australia was reviewed by UN Member States at the 23rd session of the Universal Periodic Review (UPR) on 9 November 2015. The UPR is a process through which the human rights records of UN Member States are reviewed every four years.

Australia received 290 recommendations during the review on a broad range of issues, including immigration, Indigenous disadvantage, gender, and the ratification of international human rights instruments. Australia's response to the UPR was adopted by the HRC in March 2016. Australia accepted 150 recommendations, including four recommendations related to human trafficking and slavery (recommendations 230-233 inclusive).

UPR National Reports are a key source of information considered as part of the review process. Australia's UPR National Report, response and other related materials are available on the AGD website.<sup>43</sup>

## 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 it is meeting its ICCPR obligations. Australia's sixth ICCPR report was submitted to the UN on 2 May 2016.

Australia's sixth report responded to the List of Issues Prior to Reporting (LOIPR), issued by the UN Human Rights Committee (UNHRC) on 21 December 2012. The LOIPR is compiled by the UNHRC based on previous reports and appearances, submissions by the Australian Human Rights Commission, NGOs, other UN bodies and independent research. The sixth report addresses the UNHRC's questions about Australia's efforts to eliminate human trafficking and slavery under Article 8 of the ICCPR. The report refers to key measures that Australia is undertaking to combat human trafficking and slavery, including implementing the *National Action Plan to Combat Human Trafficking and Slavery 2015–19*, the Human Trafficking Visa Framework, and the Support for Trafficked People Program, as well as regional engagement through the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime (Bali Process).

## Australia's fifth report under the *International Covenant on Economic, Social and Cultural Rights*

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) Australia is required to periodically report on how its meeting its ICESCR obligations.

Australia's fifth report ICESCR was submitted on 1 February 2016. The report responds to the issues identified by the ICESCR Committee during Australia's last reporting and appearance cycle in 2009, including questions about the development of a national strategy

<sup>43</sup> <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/Pages/Australias-Universal-Periodic-Review.aspx>

to combat human trafficking and slavery. Australia is expected to appear before the ICESCR Committee for consideration of our fifth report in June 2017.

## **United Nations Commission on the Status of Women (CSW)**

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 Ambassador for Women and Girls, Natasha Stott Despoja, led the Australian delegation to the 60th session of CSW (CSW60), held from 14–25 March 2016 in New York. The Priority Theme was ‘Women’s empowerment and its link to sustainable development’ while the Review Theme was ‘The elimination and prevention of all forms of violence against women and girls’.

The Agreed Conclusions on the priority theme were hard fought. Australia was pleased that the Conclusions ensured gender equality and the empowerment of women and girls were seen as crucial cross-cutting issues to the implementation of the 2030 Agenda and obligated the Commission to continue to progress its normative agenda in accordance with the Beijing Declaration and Platform for Action.

The Conclusions also included strong language on eliminating violence against women. Significantly, harmful practices – including female genital mutilation/cutting and forced marriage – were addressed within the broader framework of violence against women and girls, the first time this has happened since CSW51 (2007).

While the separate resolution on Women, the girl child and HIV and AIDS was overall more limited in scope than Australia might have wished, it did include a call on States to enact laws to eliminate harmful practices including child, early and forced marriage and female genital mutilation.

## **The Gender Equality And Women’s Empowerment Strategy**

The Australian Government remains committed to promoting gender equality and women’s empowerment including the full realisation of women and girls’ human rights both domestically and internationally. This commitment is set down in the Gender Equality and Women’s Empowerment Strategy launched by the Foreign Minister in February 2016. One of the three priority areas targeted is ending violence against women and girls. The Strategy recognises that violence against women and girls is not only pervasive and persistent but that it takes many forms including: forced marriage, trafficking of women and girls and female genital mutilation/cutting. The vulnerability of women and girls to such violence is exacerbated in conflict situations where they can be over-represented among displaced populations.

## **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

Australia ratified CEDAW on 28 July 1983. Australia signed the Optional Protocol to CEDAW in March 2009. The Australian Government recognises that the Optional Protocol strengthens the rights of Australian women and provides a further measure to protect them against discrimination.

The Sex Discrimination Act 1984 (Cth) (SDA) gives effect to many of Australia's obligations under CEDAW. It is federal legislation prohibiting discrimination on the basis of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding. It also protects workers with family responsibilities and makes sexual harassment against the law.

The Australian Human Rights Commission (AHRC) can investigate and resolve complaints of discrimination, harassment and bullying based on breaches of the SDA. The AHRC also holds public inquiries into issues of national importance, provides independent advice to assist courts in cases that involve human rights principles, and advises parliaments and governments on developing laws, programs and policies. Under the SDA, the Sex Discrimination Commissioner addresses sex discrimination and promotes gender equality.

The Australian Government's Office for Women (OfW) has provided periodic reports to the Committee on the Elimination of Discrimination against Women (Committee), most recently Australia's combined sixth and seventh report submitted in 2008 and an interim report in 2012. OfW is currently progressing Australia's eighth periodic CEDAW report for the period of August 2010 to July 2014. Since early 2015, OfW has been consulting across government and with states and territories to ensure the accuracy of the report. The report will then be submitted to the Committee in Geneva. Government officials will be invited to appear before the Committee approximately 12-18 months after submission of the report.

OfW also funded a consortium, led by the YWCA Australia to develop the CEDAW shadow report and parallel Aboriginal and Torres Strait Islander women's report in consultation with civil society.

## **25<sup>th</sup> session of the Commission on Crime Prevention and Criminal Justice**

During the reporting period, Australia participated in the 25<sup>th</sup> session of the Commission on Crime Prevention and Criminal Justice (CCPCJ), which was held in Vienna from 23–27 May 2016. During this session, Australia worked closely with international partners to finalise a resolution on trafficking in persons for the purposes of organ removal, which urged UN member states to consider a range of measures to strengthen their responses to trafficking persons, including for the purposes of organ removal.

## **United Nations Office on Drugs and Crime Report on successful interventions and strategies to address Trafficking in Persons**

In April 2016, Australia provided information to the UNODC on Australia's domestic interventions to address trafficking in persons, to assist the UNODC in compiling a report on successful interventions and strategies. Australia's input covered information on prevention and deterrence, criminalisation, detection and investigation, prosecution and compliance, victim support and protection, training and regional engagement.

## **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. The most recent report – the 2014 Global Report – was launched on 24 November 2014. In 2015–16, Australia provided whole-of-government input to inform the 2016 Global Report.

## **United Nations Guiding Principles on Business and Human Rights**

In 2016, Australia continues to progress domestic consultations on the implementation of the UN Guiding Principles on Business and Human Rights. The Guiding Principles were endorsed by the UN Human Rights Council in 2011, making the framework the first corporate human rights responsibility initiative to be endorsed by the UN. They have enjoyed widespread uptake and support from both the public and private sectors as a global business-human rights standard.

## **Commonwealth Heads of Government Meeting (CHOGM) 2015**

On 27–29 November 2015, Prime Minister Malcolm Turnbull attended the 24<sup>th</sup> Commonwealth Heads of Government Meeting (CHOGM) held in Malta. The theme of CHOGM 2015 was 'The Commonwealth: Adding Global Value'. Commonwealth Heads welcomed the continuing efforts by member states and Commonwealth bodies to prevent and eliminate forced marriage and female genital mutilation/cutting as barriers to development and the full realisation of girls' and women's human rights. Alongside the CHOGM, Malta hosted the inaugural Women' Forum which facilitated engagement between civil society and Commonwealth leaders on women's issues in Commonwealth countries.



## Ambassador for People Smuggling and Human Trafficking

On 23 March 2016, Foreign Minister Bishop announced the change of title of Australia's Ambassador for People Smuggling Issues, to Ambassador for People Smuggling and Human Trafficking. While the Ambassador has long used his position to advance a strong anti-human trafficking agenda, including as Co-chair of the Bali Process, this new title better reflects Australia's ongoing commitment to combating human trafficking and slavery as a transnational crime, an irregular migration issue, and a domestic human rights concern where trafficking occurs within country borders.

### International Working Group on Human Trafficking and Slavery

One of the commitments of Australia's *International Strategy to Combat Human Trafficking and Slavery* was to create an International Working Group (IWG) comprised of relevant Australian Government agencies to drive the government's international efforts on human trafficking and slavery. The Ambassador for People Smuggling and Human Trafficking convened the first IWG meeting in May 2016, and has chaired monthly meetings since. The IWG ensures coordination of counter-human trafficking activities across government agencies.

## Ambassador for Women and Girls

The Ambassador for Women and Girls advocates internationally for gender equality and the political, economic and social empowerment of women and girls. The Ambassador uses her bilateral, regional and multilateral engagement to advance international cooperation to end trafficking in women and girls.

At the 60th Session of the UN Commission of the Status of Women in March 2016, the global Women Deliver Conference in Denmark (May 2016), the World Humanitarian Summit in Turkey (May 2016) and during her interventions at the 32<sup>nd</sup> Session of the Human Rights Council in Geneva (June 2016), the Ambassador urged strong global responses to the trafficking of women and girls, slavery and slavery-like practices, including in humanitarian settings, and promoted Australia's contribution to anti-trafficking measures and our assistance to survivors.

## Manila Declaration to enhance international cooperation in combating human trafficking

Australia signed the *Manila Declaration to enhance international cooperation in combating human trafficking* on 3 June 2015 during the International Dialogue on Human Trafficking in the Philippines. The Declaration calls on states to strengthen international cooperation

to combat trafficking in persons and was signed by the Australian Ambassador to the Philippines together with senior officials from 18 other countries, as well as international and civil society organisations.

## International Labour Organization

As a specialised agency of the UN, the International Labour Organization (ILO) has a particular mandate to combat forced labour, trafficking in persons and child labour and to promote the creation of decent employment. Australia is a member of the ILO Governing Body.

The 2016 International Labour Conference (30 May to 10 June) included a discussion on ‘decent work in global supply chains’ by a committee of government, employer and worker representatives, which was chaired by the then Australian Representative to the ILO. The committee considered the implications of cross-border supply chains for employment, working conditions and labour standards, including the presence of forced labour and child labour in some supply chains. In its conclusions, the committee called for further action by the ILO and its members to achieve decent work in global supply chains.

## Building regional capability

In 2012, the ILO estimated that nearly 21 million people are victims of forced labour globally, with over half of all victims found in the Asia-Pacific region.<sup>44</sup> Within the Association of South East Asian Nations (ASEAN) region, human trafficking and the large-scale exploitation of migrant workers undermine the rule of law and threaten the region’s stability. As long as these crimes remain low-risk and high-reward for perpetrators, criminal networks will continue to flourish and weaken the ability of countries to manage their borders effectively. Capability constraints in countries’ legal and enforcement systems to investigate, prosecute and adjudicate these crimes need to be addressed.

At the same time, it is important that safe and legal labour migration in the region is facilitated. ASEAN’s economic growth will continue to be reliant on a dynamic and increasingly skilled labour force which can move regionally to take up employment opportunities. In a number of sub-regions and in some industries, the foreign labour force is routinely exploited, in contravention of fundamental human rights, and generating widespread economic, social and political impacts with serious consequences for development. There is a growing understanding among countries of the region that unilateral approaches to tackling these challenges is ineffective and that joint approaches are necessary.

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44 For more information, see: <[www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_181961/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang--en/index.htm)>.

## Australia's regional response

For more than a decade, the Australian aid program has been providing assistance to ASEAN countries to combat human trafficking and slavery. In particular, we have demonstrated a leadership role through the size, scope and reach of our support for regional efforts to investigate, prosecute and adjudicate trafficking crimes.

In 2015–16, Australia's regional aid programs continued to focus on strengthening criminal justice responses to trafficking, promoting safe and legal labour migration, and enhancing regional coordination.

Australia also continued to demonstrate its leadership in addressing human trafficking and slavery through the Bali Process and other international forums.

## Australia-Asia Program to Combat Trafficking in Persons (\$50m, 2013–18)

The AAPTIP is a five-year, \$50 million program and Australia's third consecutive program aimed at strengthening the criminal justice responses to trafficking in the ASEAN region. AAPTIP's overall goal is to reduce the incentives and opportunities for human trafficking in the ASEAN region.

Like previous programs, AAPTIP works at both national and regional levels to improve the investigation, prosecution and adjudication of trafficking crimes. At the national level, it is designed to deliver programs in seven ASEAN countries: Burma, Cambodia, Indonesia, Laos, the Philippines, Thailand and Vietnam. These programs are demand-driven and are tailored to the individual needs and circumstances of each country. At the regional level, it works with all ASEAN member states – including Brunei, Malaysia and Singapore – to promote and strengthen regional coordination, principally through the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC).

The program works with source countries to strengthen their ability to contribute to transnational investigations. In destination countries, the program supports work to prosecute those most responsible for exploitation.

Since the program's commencement in 2013, AAPTIP has supported almost 4000 criminal justice sector professionals in the fight against trafficking, including training more than 1,200 investigators, prosecutors and judges from South-East Asia.

In 2015–16, AAPTIP's achievements include:

- providing professional development for judges in Cambodia, Laos and Thailand, designed to increase the likelihood of fair trials and just convictions
- conducting research on the political economy of trafficking in ASEAN, as well as on the experiences of victims in the criminal justice system
- facilitating regional workshops on labour migration and trafficking, including through convening the first trilateral Indonesian-Burmese-Thai talks on trafficking in the fishing industry, and ways to support victims in the criminal justice system



- supporting law enforcement officials across the region to share information and undertake enhanced transnational investigation cooperation
- facilitating collaboration between investigators and prosecutors from Thailand, Indonesia, Myanmar and Cambodia to successfully convict eight perpetrators who trafficked fishers stranded in Indonesia's Maluku province (see case study below)
- supporting judges throughout the region to strengthen their understanding of domestic and international trafficking legal frameworks
- aiding police officers in the Philippines, Cambodia and Myanmar to improve investigative skills and processes
- working closely with Thailand's newly-formed specialist anti-trafficking prosecutor's unit to establish procedures and conduct effective case collaboration
- helping Filipino prosecutors foster greater cooperation from victims and victim witnesses through expanded Victim Witness Coordinator positions
- assisting the Vientiane Capital Court in Laos to improve the experience of vulnerable witnesses during trial proceedings
- leveraging ASEAN expertise to design and deliver capacity building training on international legal cooperation for Cambodian and Myanmar officials, and
- providing advisory support to the Cambodian National Police on the implementation of a Cambodian-driven Gender Action Plan that aims to increase female officer participation in anti-trafficking operations and break down gender stereotypes in the police force.

### **Tripartite Action to Protect Migrants in the Greater Mekong Sub-Region from Labour Exploitation Project (\$20m, 2015–25)**

Between 2010 and 2015, Australia worked with the 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. Working in six countries (Cambodia, Laos, Malaysia, Myanmar, Thailand and Vietnam), key achievements of the first phase of TRIANGLE included:

- collaborating with Ministries of Labour to strengthen migrant recruitment and labour protection policies and legislation in all six partner countries
- providing legal advice and support to nearly 62,000 labour migrants through a network of 27 Migrant Resource Centres situated throughout the Greater Mekong Subregion and Malaysia, and
- US\$2 million was awarded in compensation to exploited migrants.

In 2015, Australia renewed our collaboration with the International Labour Organization investing \$20 million in a second phase of the TRIANGLE project (TRIANGLE II) that is planned to run until 2025.



As with the predecessor program, TRIANGLE II works in Cambodia, Laos, Myanmar, Thailand, Vietnam, and Malaysia and encourages safe, regular migration in the region, focusing on promoting the rights of migrant workers.

TRIANGLE II will continue supporting initiatives like the Migrant Resource Centre network, which provides people with information about how to migrate safely, their rights and entitlements, and legal assistance. The program will expand its strategic focus over the next 10 years, including by working with Australian and international businesses to improve labour conditions in ASEAN supply chains. The program will also concentrate activities in poorly-regulated sectors where women migrant workers are over-represented or unacknowledged, such as domestic work and construction.

TRIANGLE II's promotion of safe, legal migration pathways and strong focus on addressing labour exploitation complement Australia's extensive work in combating trafficking in SouthEast Asia.

### **Preventing the Exploitation of Women Migrant Workers in ASEAN Project (\$2m, 2014–16)**

At the National Roundtable on Human Trafficking and Slavery in July 2014, the Minister for Foreign Affairs, the Hon Julie Bishop MP, announced a new project with UN Women to combat the exploitation of female migrant workers in ASEAN.

The 'Preventing the Exploitation of Women Migrant Workers in ASEAN' project works at both the regional and national levels to provide ASEAN policy makers with access to evidence and knowledge to strengthen protections to counter and prevent the abuse, violence, trafficking and exploitation of women migrant workers. Project activities focus on advocating for gender-sensitive national and regional policy responses, including within ASEAN institutions, as well as improving awareness among women in the region about the dangers of migration and their legal rights. The project works with ASEAN countries, with an emphasis on Cambodia, Laos and Thailand. This project supports Australia's broader strategic partnership with UN Women and complements the work of TRIANGLE II.

In 2015–16, ASEAN endorsed UN Women's research findings on the Projected Gender Impact of the ASEAN Economic Community, co-financed by DFAT, UN Women Regional Office for Asia and Pacific, and the Fredrick Ebert Stiftung (FES) Foundation. The study recognises the significant economic contribution of women in ASEAN, but also highlights that women continue to face barriers to achieving equal access to the benefits and opportunities of economic integration, including unnecessarily high risks of exploitation. The program developed and disseminated policy briefs on social protection, skills development and labour inspection at the ASEAN Forum on Migrant Labour (AFML) in October 2015.

## Case study: Australia's response to the stranding of trafficked fishers of Maluku

In March 2015, the stranding of a thousand fishers on Benjina and Ambon Islands of Maluku province in Indonesia received international attention, with the Chief of the Indonesian National Police describing the events as a 'social-human disaster'.

The International Organization for Migration asked Australia to support a humanitarian response for more than 1,000 men from Myanmar, Cambodia and Laos who had been trafficked into servitude and left stranded on the islands without the means to care for themselves or return home.

Through the Department of Immigration and Border Protection, Australia provided more than 2 million AUD [in excess of 22 billion rupiah] to provide basic necessities, such as food, water, and health, hygiene and sanitation facilities. Most importantly, the funding helped to repatriate and support reintegration of a large number of these people into their communities.

Beyond this humanitarian support for the stranded fishers, Australia also assisted in the investigation and prosecution of the traffickers involved through the AAPTIP program. The intricate transnational nature of the crime made the investigations complex: most of the victims were from Myanmar, Cambodia and Laos, the boats and captains involved in trafficking were from Thailand and they were fishing – and stranded – in Indonesian waters.

AAPTIP brought together investigators and prosecutors from Indonesia, Thailand, Myanmar and Cambodia to collaborate on the cases. Participants exchanged information and developed joint approaches to the cross-border investigations. AAPTIP and the Myanmar Government jointly funded three investigators to fly to Benjina to interview the victims, and also supported the Myanmar National Police to establish processes to effectively share information and evidence to support the trials in Indonesia.

In March 2016, eight of these traffickers were successfully convicted in Indonesia and ordered to pay nearly 60,000 USD [773 million rupiah] in restitution to 13 Myanmar fisherman victims.

This was an important achievement for the countries involved and serves as a model for the future prosecution of exploitation cases in the fishing industry.

## Building legal, law enforcement and technical capacity in our region

In 2015–16, as part of our holistic approach to combating human trafficking and slavery, Australian Government agencies continued to work 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 as well as strengthening anti-money laundering and proceeds of crime frameworks in order to target the financial incentive of human trafficking and slavery.

### **Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime**

Australia's National Action Plan recognises that regional cooperation and engagement are essential to an effective response to human trafficking and slavery in the Asia-Pacific. Through the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process), Australia worked closely with our regional partners during 2015–16 on a number of initiatives to address human trafficking and slavery.

At the Sixth Bali Process Ministerial Conference in March 2016, Australia and its regional partners endorsed the Bali Declaration, reinforcing Bali Process members' political commitment to effectively criminalise human trafficking, strengthen law enforcement cooperation, and provide assistance and protection to victims of trafficking. The Bali Declaration also recognises the need to engage with the private sector to combat human trafficking.

Australia is actively progressing key outcomes of the Ministerial Conference:

- DIBP has funded the development of the Regional Biometric Data Exchange Solution (RBDES) to facilitate the exchange of biometric data between Bali Process members for identity verification purposes.
- AGD is co-chairing a Bali Process drafting committee tasked with developing regional guidance and training on using anti-money laundering and asset recovery techniques in human trafficking cases.
- DFAT is leading work to strengthen engagement with the private sector to prevent and combat human trafficking and slavery.

In May 2016, Australia (AGD) co-chaired the second meeting of the Bali Process Working Group on Trafficking in Persons (TIPWG) with Indonesia, and agreed to a range of regional activities to strengthen and support member countries' efforts. Also in May 2016, Australia and Thailand co-chaired a regional forum on using financial investigation tools and techniques to prevent, disrupt and prosecute human trafficking cases. The forum was a positive opportunity to highlight the benefits for law and justice officials of using 'follow the money' techniques in human trafficking cases.

The Bali Process Working Group on the Disruption of Criminal Networks conducted a Joint Period of Action (JPA) from September to October 2015, involving separate but coordinated operations targeting people smuggling and trafficking networks. Eight countries, including Australia, and INTERPOL participated. They launched new investigations, made numerous arrests, assisted victims, and conducted awareness-raising and capacity building activities. Australia's efforts focused on Taskforce Cadena, a multi-agency taskforce led by DIBP that targets visa fraud and employers that exploit foreign workers.

## Regional legal and law enforcement assistance

In 2015–16, AGD continued to work with bilateral partner countries to promote tougher laws against human trafficking and migrant smuggling in the region. AGD also works with countries to strengthen their ability to 'follow the money' to disrupt the financial incentive of these crimes and strengthen their international crime cooperation (extradition and mutual assistance) regimes to enable countries to obtain evidence and extradite alleged offenders to support successful prosecution of these offences.

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

In April 2015, AGD co-chaired a legal drafting workshop with the United Nations Office on Drugs and Crime (UNODC) and the Vietnamese Ministry of Justice on people smuggling, human trafficking and money laundering. In September 2015, AGD hosted a workshop with UNODC in Vietnam to discuss draft laws on people smuggling, human trafficking and money laundering with senior officials from the legislature. In October 2015, AGD met with the National Assembly Judicial Affairs Committee to discuss the draft amendments to Vietnam's Penal Code. Reforms were passed in late 2015 and are expected to come into force in 2017. In May 2016, AGD partnered with UNODC on two implementation workshops in Vietnam to train law and justice officials on the new laws, to support effective investigation and prosecution processes.

In May 2016, AGD and the CDPP co-hosted Sri Lankan prosecutors for a prosecutor pairing program. Australia and Sri Lanka shared insights and common challenges on prosecuting human trafficking and related transnational crime. In June 2016, Australia attended the Australia-Sri Lanka Joint Working Group on People Smuggling and Transnational Crime. Australia is currently progressing outcomes from the Joint Working Group, including hosting two prosecutor pairing programs in the 2016–17 financial year.

During the reporting period, Sri Lanka also co-chaired with New Zealand the Bali Process Working Group on the Disruption of Criminal Networks involved in People Smuggling and Trafficking in Persons. From 28 September to 28 October 2015, eight countries, including Australia and Sri Lanka, participated in a Joint Period of Action to disrupt human trafficking networks.

AGD also continued to partner with IOM Indonesia and a range of Indonesian Government agencies to support Indonesia's efforts to effectively prosecute human trafficking and related transnational crime. As part of this work, in 2015–16, the IOM delivered a legal review of how criminal laws are being applied in these cases in Indonesia. Informed by the review, the next phase of the project will involve updates to the existing handbook for practitioners handling trafficking and related cases, and related training for prosecutors in key provinces.

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 17 Transnational Crime Units (TCUs) across the Pacific. Each of these TCUs is staffed by local law enforcement.

The AFP provides support to the PTCN through three TCU Advisors. The primary role of an advisor is to mentor TCU members and to identify and implement capacity building opportunities. The PTCN Transnational Crime Assessment for 2014 identified exploitation of people as a medium risk crime type which is increasing in prevalence in the Micronesia and Melanesia regions. In Polynesia, the risk is assessed as low.

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.

Internationally, AFP human trafficking investigators have delivered training to various forums reaching police and prosecutors from a number of countries through the South East Asia region, including the International Law Enforcement Academy Trafficking in Person's Course held in Thailand, and an Investigating Trafficking in Persons workshop held in Vietnam.

## **Capacity building, technical assistance and border management**

DIBP undertakes a broad range of capacity building activities and provides technical assistance to a number of countries, including support for efforts to address irregular migration and human trafficking and slavery. DIBP continues to fund UNODC in Pakistan to deliver capacity building under the 'Human Trafficking and Migrant Smuggling' initiative.

In 2015–16, DIBP continued its targeted capacity building program with immigration and border agencies in the Middle East, Asia and Pacific regions. Certain activities and equipment gifting were delivered under the auspices of Joint Working Groups with regional countries, while other activities were strengthened by formal arrangements, such as the Strategic Partnership Framework between Australia and the IOM, signed on 28 April 2015. DIBP primarily delivers capacity building programs through the Regional Skills and Development Program, which includes training, such as:

- document examination training for frontline immigration officers at airports and land borders which enables officers to confidently and accurately detect fraudulent travel documentation
- facial image comparison training to enhance agencies' ability to prevent irregular movement by developing immigration officers' skills in detecting fraudulent use of travel documents
- intelligence analysis capacity building activities to boost agencies' capacity to capture data, analyse and report on trends in irregular migration throughout the region. These activities encourage information and intelligence sharing between DIBP and other 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 capacity through 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.

During 2015–16, DIBP also funded the United Nations Office on Drugs and Crime (UNODC) Partnership against Transnational Crime through Regional Organised Law-enforcement (PATROL) project, which has established 76 Border Liaison Offices (BLOs) at the borders between Myanmar, Thailand, Lao PDR, China, Cambodia and Vietnam. Numerous border management and anti-human trafficking training programs for BLOs have occurred under this project since 2009 and this network has increased the capacity of government agencies to prosecute cases of cross border crime. Currently, the BLO network has four primary focuses, namely people smuggling, human trafficking, illicit substances and environmental crime.

## **Preventing human trafficking to Australia**

DIBP and Australian Border Force (ABF) officers working in the overseas network, particularly in countries that are a key source of trafficked people, are positioned to detect and deter human trafficking to Australia. Relying on integrity reports, officers vet visa applications for evidence of fraud that may indicate potential human trafficking. They also work closely with the AFP liaison officers at posts in key source countries to identify human trafficking links with Australia and liaise with local government and non-government agencies to identify ways to prevent human trafficking.



# Related practices

While they are not encompassed by Australia's response to combat human trafficking and slavery, significant efforts are being made to address the separate but related exploitative practices of child sexual exploitation online and in overseas travel, illicit practices in intercountry adoption and surrogacy arrangements, domestic and family violence, and female genital mutilation/cutting.

## Child sex offences

### **Child sexual exploitation online**

The Australian Government is aware of the increased risk of sexual exploitation of children facilitated by the availability of the internet and related enabling technologies. To address this risk Australia criminalises a range of conduct related to child pornography and child abuse material, grooming and procuring persons under the age of 16 to engage in, or submit to, sexual activity. The relevant offences were introduced in 2004 and subsequently amended in 2010 to increase existing maximum penalties to accord with community expectations of the seriousness of sexual exploitation of children being facilitated by technology. The significant maximum penalties for some of these offences in the Criminal Code not only reflect the severity of the crimes and the community's abhorrence of this conduct but the ease in which an adult can exploit the anonymity of the internet to forge relationships with children as a step in luring them for sexual exploitation.

In March 2015, the Government passed legislation establishing the Office of the Children's e-Safety Commissioner as an independent statutory office within the Australian Communications and Media Authority. The Commissioner has a wide range of functions and powers to enhance online safety for Australian children.

### **Child sexual exploitation in overseas travel**

Child sexual exploitation in overseas travel is a global phenomenon, which generally refers to the sexual exploitation of children by offenders who travel away from their home country in order to have sexual contact with children. Given its transnational and inherently exploitative nature, child sexual exploitation in overseas travel can often involve or overlap with human trafficking and slavery.

Australia has an extensive framework in place to prevent, investigate and prosecute all forms of child sexual exploitation, including offences that occur within Australia and those committed by Australians overseas. Australia also maintains a national database which enables our law enforcement agencies to monitor the whereabouts of persons convicted of sexual or other serious offences against children once they are released back into the community.



These measures are reinforced by education initiatives to raise awareness about child sexual exploitation in overseas travel, and what people should do if they become aware of suspicious behaviour. Initiatives have included advertising campaigns, fact sheets, and the provision of advice to travellers through the Australian Government's traveller and consular assistance service.

In partnership with stakeholders and foreign law enforcement, the AFP has developed a prevention and disruption strategy targeting South East Asia with a focus on Australian travelling child sex offenders. The AFP supports any initiative to prevent and disrupt the sexual exploitation of children in Australia, or abuse committed by Australians.

The Australian National Child Offender Register (ANCOR) is a national database used by state and territory police to register, case manage and share information about persons convicted of child sex offences or other serious offences against children. ANCOR requires convicted child sex offenders to inform Registrars in the relevant state or territory of any plans for overseas travel. The AFP proactively notifies a destination country of the intended travel of a registered child sex offender. It is then up to the destination country to decide whether they allow the individual entry based on information provided.

## Adoption and surrogacy

### Intercountry adoption

As a contracting State under the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, Australia is committed to preventing 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.<sup>45</sup> 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 2011, Australia convened a working group to develop cooperative measures to prevent illicit practices in intercountry adoption cases. The working group developed a discussion paper on *Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*. This paper was published by the Permanent Bureau of the Hague Conference on Private International Law

<sup>45</sup> The *Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to Good Practice No. 1* is available online at: <[www.hcch.net/index\\_en.php?act=publications.details&pid=4388](http://www.hcch.net/index_en.php?act=publications.details&pid=4388)>.



in October 2012 and distributed to all member states.<sup>46</sup> In June 2015, the Hague Special Commission on intercountry adoption recommended the working group resume its work. The working group will next meet in October 2016 to consider mechanisms for improving cooperation to prevent and address illicit practices in adoption, and more effectively identifying and responding to specific cases.

Australia continues to share our expertise on establishing safe and ethical intercountry adoption frameworks with other countries, international organisations, professional bodies and civil society. For example, Australia's financial contribution to the Intercountry Adoption Technical Assistance Program (ICATAP) is currently being used to strengthen the capacity of countries in our region. ICATAP, which is operated by the Permanent Bureau of the Hague Conference on Private International Law, 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 implementing the Convention. The provision of this assistance is an important way for Australia, as a receiving country, to support countries of origin.

During the reporting year, Australia also provided input to a questionnaire on illegal adoptions from the UN Special Rapporteur on the sale of children. Input from the questionnaire will be developed into a study to inform the Special Rapporteur's forthcoming thematic report on illegal adoption to the UN Human Rights Council at its March 2017 session.

At the domestic level, Australia has developed a *Protocol for Responding to Allegations of Child Trafficking in Intercountry Adoption*.<sup>47</sup> 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 which 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 is committed to upholding the principles and standards of the Hague Convention, regardless of whether our partner country is a signatory to the Convention. Australia monitors and reviews 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 was identified as a genuine concern within a particular program, Australia may close that program. Consistent with the protocol outlined above, all specific allegations of child trafficking are referred to law enforcement authorities for assessment.

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46 The discussion paper on *Cooperation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases* is available online at: <[www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Pages/Intercountryadoptionpoliciesandkeydocuments.aspx](http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Pages/Intercountryadoptionpoliciesandkeydocuments.aspx)>.

47 The *Protocol for Responding to Allegations of Child Trafficking in Intercountry Adoption* is available online at: <[www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Pages/Intercountryadoptionpoliciesandkeydocuments.aspx](http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Pages/Intercountryadoptionpoliciesandkeydocuments.aspx)>.

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. The Intercountry Adoption Australia website contains important information for Australian families on the realities and inherent risks in intercountry adoption.<sup>48</sup> Australia has also developed the *Financial Contributions and Donations by Prospective Adoptive Parents* policy, which provides that any payments relating to intercountry adoption must be transparent, accountable, and not made to influence an adoption or for any other improper purpose.<sup>49</sup>

## Surrogacy

Surrogacy is regulated by Australian states and territories. All jurisdictions (except the Northern Territory) have legislation dealing with surrogacy, including the prohibition of commercial surrogacy. The Australian Capital Territory, New South Wales and Queensland have also prohibited international commercial surrogacy for residents of their jurisdictions.

On 3 December 2015, the Government tabled its response<sup>50</sup> to the House of Representatives Standing Committee on Social Policy and Legal Affairs' report *Roundtable on Surrogacy*<sup>51</sup>, which was released on 24 March 2015. The Government accepted the report's recommendation that the Attorney-General ask the Committee to inquire into the regulatory and legislative aspects of international and domestic surrogacy arrangements.

AGD provided a submission to Committee's inquiry on 10 February 2016, and appeared before the Committee on 3 March 2016. The Committee tabled its report *Surrogacy Matters*<sup>52</sup>, containing 10 recommendations, on 4 May 2016. As at 30 June 2016, the Committee's recommendations were being considered by the Australian Government.

## Domestic and family violence

The Australian Government is committed to keeping women and their children safe from violence. 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 2015–16, there has been unprecedented media attention and community focus on violence against women and their children, and a robust national conversation about how we can stop violence against women from occurring in the first place.

48 Information on the realities of intercountry adoption is available online at: <[www.intercountryadoption.gov.au/thinking-about-adoption/considerations/realities-risks/](http://www.intercountryadoption.gov.au/thinking-about-adoption/considerations/realities-risks/)>.

49 The *Financial Contributions and Donations by Prospective Adoptive Parents* policy is available online at: <[www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Pages/Intercountryadoptionpoliciesandkeydocuments.aspx](http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Pages/Intercountryadoptionpoliciesandkeydocuments.aspx)>.

50 The Australian Government response to the House of Representatives Standing Committee on Social Policy and Legal Affairs report: *Roundtable on Surrogacy* is available online at: <[www.ag.gov.au/Publications/](http://www.ag.gov.au/Publications/)>.

51 The *Roundtable on Surrogacy* report is available online at: <[www.aph.gov.au/Parliamentary\\_Business/Committees/House/Social\\_Policy\\_and\\_Legal\\_Affairs/Roundtable\\_on\\_Surrogacy](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Roundtable_on_Surrogacy)>.

52 The *Surrogacy Matters* report is available online at: <[www.aph.gov.au/Parliamentary\\_Business/Committees/House/Social\\_Policy\\_and\\_Legal\\_Affairs/Inquiry\\_into\\_surrogacy/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Inquiry_into_surrogacy/Report)>.

Following the Council of Australian Government's (COAG) agreement to take urgent and collective action in reducing violence against women in 2015, there were a number of significant announcements and achievements by Commonwealth, state and territory governments to advance the position of women, to support women and their children experiencing violence, and to hold perpetrators to account.

The key areas of focus have included:

- a \$100 million Women's Safety Package to provide a safety net for women and children at high risk of experiencing violence, announced on 24 September 2015
- a \$30 million national campaign focused on reducing violence against women and their children, which was launched on 24 April 2016 and aimed to galvanise parents and communities to positively shift young people's attitudes to respectful relationships and gender equality
- a National Domestic Violence Order Scheme, so when a woman takes out a protection order in one state, she is protected in all states, and
- development of a set of National Outcome Standards for Perpetrator Interventions to hold perpetrators, and the services and systems that deal with them, to account.

The COAG Advisory Panel on Reducing Violence against Women and their Children was established to provide expert advice to the Council on potential future actions to reducing violence against women and their children. The Panel provided its final report in April 2016.

The Commonwealth is collaborating with its state and territory partners in the development of the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010–22* (the National Plan). The Third Action Plan will be launched in late October 2016. It marks the half-way point in the National Plan. The National Plan is the first plan of its kind to coordinate and guide action across jurisdictions to increase women's safety in Australia. It provides a mechanism to drive effort and make investment in reducing domestic, family and sexual violence.

In preparing the Third Action Plan, the advice from the COAG Advisory Panel on Reducing Violence against Women and their Children, the formal evaluation of the Second Action Plan and recommendations from national, state and territory inquiries have been considered. The Third Action Plan has also benefited from a series of targeted consultations held around the country on sexual violence, research and evidence, innovation, and Indigenous women.

## Female genital mutilation/cutting

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

FGM/C is an abuse of human rights. The Australian Government's position is that FGM/C is never justified and will not be tolerated in Australia under any circumstances.

This abhorrent practice has no medical benefits, but instead has immediate and long-term health consequences, including obstetric, gynaecological and mental health problems.

All Australian states and territories have legislation in place making it a criminal offence to intentionally perform FGM/C on another person, and to remove a child from the state or territory in which they live for the purpose of performing FGM/C. The maximum penalties for these offences range from seven to 21 years' imprisonment.

The Australian Government is actively working at the domestic and international level to support women and girls affected by FGM/C, including through the implementation of the *Second Action Plan of the National Plan to Reduce Violence against Women and their Children 2010–2022*, launched on 27 June 2014.

The Government supports Australians affected by FGM/C overseas, and provides information on FGM/C laws to Australian travellers. Government agencies also provide training materials for consular officers posted overseas, to assist them to support victims and encourage reporting of cases.

The Government is committed to working with affected communities and the legal and health professions to end this harmful practice and protect future generations of girls. The Office for Women within the Department of the Prime Minister and Cabinet provided \$266,000 over three years (from 2014 to 2017) to the Multicultural Centre for Women's Health (MCWH) for the National Education Toolkit for Female Genital Mutilation/Cutting Awareness (NETFA). Through NETFA, the MCWH will deliver a national co-ordination point for communities and service providers to share resources, information tools and knowledge to support victims and change attitudes to end this harmful practice.



# Understanding human trafficking and slavery

## Australian Institute of Criminology research

The AIC has undertaken research into human trafficking and slavery since 2007. During 2015–16, one research report was published (see below), three research reports were awaiting publication, two projects continued (prevention in the context of human trafficking and slavery, and understanding the attrition of human trafficking and slavery cases through the Australian criminal justice system), and one new project commenced (see below).

### **National Human Trafficking and Slavery Monitoring Program Pilot**

The proposed National Human Trafficking and Slavery Monitoring Program aims to improve and standardise the collection of statistical information on human trafficking and slavery in Australia. The program also addresses one of the key measures of the National Action Plan.

In 2015, the AIC published a Technical and Background Paper that explored the feasibility of conducting an enhanced monitoring program on human trafficking and slavery.<sup>53</sup> It involved the development of a conceptual framework and associated indicators (data items), a preliminary assessment of data availability, and an outline of the utility and technical requirements for implementing a biennial monitoring program.

In 2015–16, data collection tools were developed, indicators from identified data providers were verified, and data collection processes were piloted. Specifically, the pilot tested the procedures required to collate, prepare and analyse data on human trafficking and slavery cases transmitted by selected agencies. The findings from the pilot study will be used to assess the viability of an ongoing monitoring program. A report outlining the outcomes of the pilot will be finalised in late 2016.

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53 Bricknell S and Renshaw L 2015. Exploring the feasibility of an enhanced monitoring program on human trafficking and slavery. Technical and Background Paper series no.59. Canberra: Australian Institute of Criminology. <[www.aic.gov.au/publications/current%20series/tbp/41-60/tbp059.html](http://www.aic.gov.au/publications/current%20series/tbp/41-60/tbp059.html)>

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Renshaw L, Kim J, Fawkes J and Jeffreys E 2015. Migrant sex workers in Australia. *Research and Public Policy* no. 131. Canberra: Australian Institute of Criminology. <[www.aic.gov.au/publications/current%20series/rpp/121-140/rpp131.html](http://www.aic.gov.au/publications/current%20series/rpp/121-140/rpp131.html)>

## Presentations

Bricknell S 2015. When saying no is not an option: Forced marriage in Australia and New Zealand. Paper to the Australian Federation of Civil Celebrants, Hobart, 14 July.

Lyneham S 2016. From syndicates to suburbia: Human trafficking offenders in Australia. Paper to the Inaugural Organised Crime Research Forum, Australian National University, Canberra, 7–8 June.

Lyneham S and Bricknell S 2015. When saying no is not an option: Forced marriage in Australia and New Zealand. Paper to the Australian Institute of Criminology seminar series, Canberra, 20 August.

Lyneham S and Renshaw L 2015. Conducting research on a sensitive topic: AIC's Human Trafficking and Slavery Research Program. Paper to the Australian Institute of Criminology Student Forum, Canberra, 17 July.



# The year ahead

Responding to human trafficking and slavery is an ongoing challenge for governments, law enforcement and civil society. In 2016–17, the Australian Government will continue to work with its partners both within Australia and abroad to address the full cycle of human trafficking and slavery through the four pillars of the whole-of-government strategy:

1. Prevention and deterrence
2. Detection and investigation
3. Prosecution and compliance, and
4. Victim support and protection.

2016–17 will be the second year of the National Action Plan to Combat Human Trafficking and Slavery 2015–19 (National Action Plan). The National Action Plan provides the strategic framework for Australia's response to human trafficking and slavery.

The perpetrators of these crimes continually adapt their methods of exploitation as routinely as we adapt our responses to them. So that we remain in a position to respond to an evolving challenge, it is important that we continue to implement and monitor the impact and effectiveness of key measures under the National Action Plan. Over 2016–17, the Australian Government will continue its oversight role of the National Action Plan to inform its ongoing response to human trafficking and slavery.

The Australian Government acknowledges the strong partnerships with and dedication of industry, and non-government organisations that remain fundamental to any effective strategy to address human trafficking and slavery. The National Roundtable on Human Trafficking and Slavery, its Senior Officials' Meeting (SOM) and its working groups will continue to meet over 2016–17 to consider current and emerging policy challenges and provide expert advice to Government. The Roundtable and its SOM have been meeting for nearly a decade now and are crucial voices in the national discourse on human trafficking and slavery. The Government values their continued contributions over 2016–17.

In recognition of an increasing number of reported instances of alleged labour exploitation in Australia and our region, the Australian Government will seek to address exploitative labour practices through a range of targeted activities in 2016–17. We will establish a Labour Exploitation Working Group, under the Roundtable, which will report through the SOM and develop recommendations for Government's consideration on measures to address serious forms of labour exploitation in Australia.

Through the National Roundtable we will also progress the Australian Government's response to the recommendations of the Supply Chains Working Group. Addressing exploitative practices in supply chains will require the participation of, and cooperation with, business, both nationally and regionally. The Australian Government looks forward to



working with business and industry over 2016–17 to strengthen our responses to supply chain exploitation.

In 2016–17, DSS will continue to work closely with the Australian Red Cross to ensure the needs of trafficked people are met and on innovative approaches to getting the best value out of Support Program funding. AGD, in consultation with the OWG, will finalise an operational protocol to ensure that all suspected victims of human trafficking or slavery who are children are afforded appropriate protections and support in line with our international and domestic obligations, including through the Support Program.

Forced marriage remains an ongoing concern for the Australian Government and its partners. The criminalisation of forced marriage in 2013 has seen a concomitant increase in reported instances of suspected forced marriage. This has in turn increased community awareness of this practice and has placed additional pressure on investigative resources, as well as Commonwealth and state and territory services. In 2016–17, we will ensure that our response to forced marriage remains robust and coordinated so that we can adequately protect victims and at-risk individuals from instances of forced marriage.

The launch of the *International Strategy to Combat Human Trafficking and Slavery* in March 2016 provides the impetus for an enhanced regional leadership role for Australia in 2016–17. We are well placed to leverage our domestic expertise in an international context under the Strategy. We anticipate working closely with our partners, especially industry and non-government organisations, to address a worrying concentration of human trafficking, slavery and slavery-like practices in our region. As a shared problem, we have a shared responsibility to cease and disrupt the trade in, and exploitation of, human beings in the region.

At the Sixth Bali Process Ministerial Conference, members recognised the need to engage further with the private sector to counter human trafficking. To progress this commitment in 2016–17, DFAT is developing a Bali Process Business Forum to bring together senior government ministers and private sector leaders to enhance business engagement in addressing human trafficking and slavery. The launch meeting is aimed for early 2017. DFAT, through the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP), will continue to work with law enforcement and justice officials to strengthen criminal justice responses in the ASEAN region to reduce the incentives and opportunities for human trafficking and slavery.

Australia will also continue to actively engage in our region and abroad on human trafficking and slavery issues, including as co-chair of the Bali Process Working Group on Trafficking in Persons (TIPWG), a key mechanism for regional collaboration to combat human trafficking and slavery. Under the working group's Forward Work Plan 2016–17, Australia will collaborate with regional partners to build regional capacity to respond to human trafficking, including by delivering regional training on the Bali Process policy guides on criminalising human trafficking and identifying and protecting victims.



# Appendix 1: National Action Plan to Combat Human Trafficking and Slavery 2015–19

## 2015–16 Progress report

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
1	-	-	Oversee Australia's National Action Plan to Combat Human Trafficking and Slavery 2015–19 through a national coordinating body	AGD	Ongoing	The Australian Government launched the <i>National Action Plan to Combat Human Trafficking and Slavery 2015–19</i> on 2 December 2014. During the reporting period the National Action Plan was monitored by AGD, in consultation with the IDC. The National Roundtable on Human Trafficking and Slavery discussed the implementation of the National Action Plan on 6 November 2015.
2	-	-	Monitor the implementation of the <i>National Action Plan to Combat Human Trafficking and Slavery 2015–19</i> and report to the Government on its effectiveness, and ensure that emerging issues are addressed on a whole-of-community basis	AGD with IDC and Roundtable	Ongoing	
3	-	-	Ensure that human rights are at the centre of all efforts to protect, assist and provide redress to trafficked people, including through observance of, in so far as they accord with domestic law, the Office of the High Commissioner for Human Rights <i>Recommended Principles and Guidelines on Human Rights and Human Trafficking</i>	AGD with IDC and Roundtable	Ongoing	During the reporting period, the Australian Government continued to ensure that human rights are at the centre of all efforts to protect, assist and provide redress to trafficked people, including by: implementing the Human Trafficking Visa Framework to safeguard the privacy of trafficked people and facilitate targeted government support; continuing to provide comprehensive support to trafficked people identified in Australia; continued to advocate on identifying and protecting trafficked people under the <i>Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime</i> ; and reporting on our compliance with relevant human rights instruments. See pages 31–41 and 69–82.

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4	-	-	Ensure that the policies, legislation and operational procedures and guidelines supporting the <i>National Action Plan to Combat Human Trafficking and Slavery 2015-19</i> do not discriminate on the basis of gender, age, race, ethnicity, disability, religion, sex, sexuality, occupation, status as a trafficked person or the type of exploitation which has been experienced	AGD with IDC and Roundtable	Ongoing	<p>During the reporting period, the Australian Government continued to ensure that the policies, legislation and operational procedures and guidelines supporting the <i>National Action Plan to Combat Human Trafficking and Slavery 2015-19</i> do not discriminate on the basis of gender, age, race, ethnicity, disability, religion, sex, sexuality, occupation, status as a trafficked person or the type of exploitation which has been experienced.</p> <p>During the reporting period, the Australian Government continued to provide comprehensive support to trafficked people identified in Australia, irrespective of their gender, age, race, ethnicity, disability, religion, sex, sexuality, occupation, status as a trafficked person or industry of exploitation.</p> <p>In 2015, the Australian Government implemented reforms to the Human Trafficking Visa Framework to safeguard the privacy of trafficked people and facilitate targeted government support. During the reporting period, the Australian Government also maintained our comprehensive legislative framework, which applies irrespective of the industry of exploitation and includes specific protections for victims giving evidence in court. See pages 31-41.</p>

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
5	-	-	Ensure that the best interests of the child is the primary consideration when developing, implementing and monitoring policy, legislation and operational procedures and guidelines that relate to trafficked people who are minors	AGD with IDC and Roundtable	Ongoing	During the reporting period, the Australian Government continued to ensure that the best interests of the child is a primary consideration when developing, implementing and monitoring policy, legislation and operational procedures and guidelines that relate to trafficked people who are children. Between 1 July 2015 and 30 June 2016, the Australian Government worked to finalise operational procedures and guidelines in relation to trafficked people who are children. On 26 November 2015, the Australian Government introduced amendments to Australia's forced marriage offences to increase protections against the forced marriage of children. On 24 November 2015, as part of a joint initiative with Anti-Slavery Australia, the Australian Government launched 'My Blue Sky' a dedicated website to provide people in, or at risk of, forced marriage with information, advice and links to support services. On 6 November 2015, the Australian government launched the third edition of the National Roundtable on Human Trafficking and Slavery's <i>Guidelines for NGOs: Working with trafficked people</i> (2015). See pages 50–52.
6	-	-	Maintain the National Roundtable on Human Trafficking and Slavery, and its subordinate Senior Officials' Meeting, as the primary collaborative mechanism between government, civil society organisations, industry and business, and unions to ensure Australia's efforts to combat human trafficking and slavery are developed and implemented on a whole-of-community basis	AGD with IDC and Roundtable	Ongoing	During the reporting period, the Australian Government maintained the National Roundtable on Human Trafficking and Slavery, and its subordinate Senior Officials' Meeting, as the primary collaborative mechanism between government, civil society organisations, industry and business, and unions. The most recent Senior Officials' Meeting of the National Roundtable on Human Trafficking and Slavery was held on 6 November 2015. See page 48.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
7	-	-	Maintain accountability for Australia's efforts to combat human trafficking and slavery including through international mechanisms such as the United Nations Human Rights Council's Universal Periodic Review process	AGD with IDC and Roundtable	Ongoing	During the reporting period, the Australian Government maintained accountability for its efforts to combat human trafficking and slavery, including by actively engaging on human trafficking and slavery issues internationally and reporting on our responses to these crimes through international fora. See pages 69–82.
8	-	-	Maintain transparency in Australia's efforts to combat human trafficking and slavery including through making available an annual summary of its policies, legislation and operational initiatives and outcomes	AGD with IDC	Ongoing	A summary of the Australian Government's efforts to combat human trafficking and slavery is included in the annual Report of the IDC. During the reporting period the Australian Government collected information to inform the drafting of the 2015–16 IDC Report, which will be published during 2016–17. The Australian Government also provides statistical information through our annual Performance Management Framework (PMF) report.
9.1	1	1	Provide funding or practical support for projects which work toward fulfilment of the Millennium Development Goals, which concluded on 31 December 2015, and the 2030 Agenda for Sustainable Development, which came into effect on 1 January 2016. Of particular relevance to the prevention of human trafficking are projects which focus on eradicating poverty, providing education, promoting gender equality and the empowerment of women and girls, promoting decent work and economic growth and promoting peaceful and inclusive societies for sustainable development and justice for all (MDG 1, 2, 3 and SDG 1, 4, 5, 8, and 16).	DFAT	Ongoing	During the reporting period the Australian Government worked through relevant international and regional fora and our aid program to provide funding and practical support for projects which work toward fulfilment of the Millennium Development Goals and Sustainable Development Goals. See pages 69–82.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
10.1	1	1	Continue to advocate for adherence to minimum standards for human rights and working conditions during engagement in regional and international fora such as the UN Human Rights Council	DFAT and AGD	Ongoing	During the reporting period, the Australian Government advocated for adherence to minimum standards for human rights and working conditions through our engagement with regional and international fora. See pages 69–82.
10.2	1	1	Continue to take a leadership role internationally on standard setting and sharing best-practice on issues which drive human trafficking and slavery such as poverty and gender inequality	DFAT, PMC	Ongoing	During the reporting period, the Australian Government continued to take a leadership role internationally on standard setting and sharing best-practice on issues which drive human trafficking and slavery. See pages 69–82.
11.1	1	2	Continue to fund initiatives which build the capacity of vulnerable groups to prevent and protect themselves from human trafficking and slavery through Australia's aid program	DFAT	Ongoing	During the reporting period, the Australian Government provided funding through our aid program for initiatives which build the capacity of vulnerable groups to prevent and protect themselves from human trafficking and slavery. See pages 69–82.
11.2	1	2	Continue to provide practical support to civil society organisations, business and industry and unions domestically for projects which raise awareness and increase resilience to human trafficking and slavery amongst vulnerable groups, such as migrant workers	AGD in consultation with OWG and IDC	Ongoing	During the reporting period, the Australian Government provided practical support to civil society organisations, business and industry and unions domestically for projects which raise awareness and increase resilience to human trafficking and slavery amongst vulnerable groups. See pages 56 and 73.
12.1	1	2	Provide information on workplace rights and obligations including through materials available on the Fair Work Ombudsman's website, ensuring that these materials are available in community languages where possible and appropriate	Employment, FWO	Ongoing	During the reporting period, the Australian Government provided information on workplace rights and obligations including through materials available in community languages from the FWO website. See pages 42–47.

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12.2	1	2	Promote safe temporary migratory pathways for employment including schemes such as the Seasonal Worker Program	Employment, DIBP	Ongoing	During the reporting period, the Australian Government worked to promote safe temporary migration pathways for employment. See page 77.
13.1	1	3	Continue to advocate for the ratification and implementation of relevant international agreements on human trafficking and slavery in regional and international fora	DFAT, AGD, Employment	Ongoing	During the reporting period, the Australian Government continued to advocate for the ratification and implementation of relevant international agreements on human trafficking and slavery in regional and international fora.
13.2	1	3	Continue to take a leadership role internationally on standard setting and sharing best-practice in preventing and addressing human trafficking and slavery	IDC	Ongoing	During the reporting period, the Australian Government continued to take a leadership role internationally on standard setting and sharing best-practice in preventing and addressing human trafficking and slavery. See pages 69–82.
13.3	1	3	Continue to promote effective and coordinated regional responses to prevention and deterrence, detection and investigation, prosecution and compliance, and victim support and protection, including through the <i>Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime</i>	DFAT, AGD	Ongoing	During the reporting period, the Australian Government continued to promote effective and coordinated regional responses to prevention and deterrence, detection and investigation, prosecution and compliance, and victim support and protection, including through the dissemination and training on policy guides developed through the <i>Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime</i> and legal capacity building activities. See pages 79–81.
14.1	1	3	Raise awareness amongst the community, including the media, on human trafficking and slavery, ensuring that educational materials are available in community languages where possible and appropriate	IDC	Ongoing	During the reporting period, the Australian Government worked to raise awareness amongst the community, including the media, on human trafficking and slavery. On 5 November 2015, AGD co-hosted a workshop on forced marriage with AFP and Anti-Slavery Australia. See page 68.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
14.2	1	3	Ensure materials about the Australian Government response to human trafficking and slavery remain current and readily available	AGD with OWG and IDC	Ongoing	During the reporting period, the Australian Government ensured materials about our response to human trafficking and slavery remain current and readily available, including through the dissemination of the Forced Marriage Community Pack, uploading of this IDC Report and the launch of the third edition of the National Roundtable on Human Trafficking and Slavery's <i>Guidelines for NGOs: Working with trafficked people</i> (2015). See pages 9 and 70.
15.1	1	4	Maintain a dedicated Australian Government human trafficking and slavery research program	AIC	Ongoing	During the reporting period, the Australian Government maintained a dedicated human trafficking and slavery research program. See pages 89–90.
15.2	1	4	Support collaborative research with independent research institutions, academia, civil society organisations, unions, and industry	AIC, AGD	Ongoing	During the reporting period, the Australian Government undertook collaborative research with academia, civil society organisations, unions, and industry through the Supply Chains Working Group (working group). In 2015, the working group concluded the first and second phases of its formal work program and is currently in recess while government considers its response to the nine recommendations.
15.3	1	4	Continue to be responsive to requests for information on Australia's response to human trafficking and slavery from multilateral bodies and other countries	AGD, DFAT	Ongoing	During the reporting period, the Australian Government responded to requests for information on Australia's response to human trafficking and slavery from a number of multilateral bodies and other countries.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
16.1	1	4	Continue to monitor Australia's strategy to combat human trafficking and slavery including through biannual Performance Management Framework reporting, annual reporting to the Australian Parliament by the interdepartmental Committee, and reporting to the National Roundtable on Human Trafficking and Slavery and its supplementary Senior Officials' Meeting	AGD with OWG and IDC	Ongoing, biannual, annual	During the reporting period, the Australian Government reported to the National Roundtable on Human Trafficking and Slavery. During the reporting period, the Australian Government also published the Performance Management Framework (PMF) report for 1 January 2015 to 30 June 2015 (note the PMF will now be published annually). During the reporting period the Australian Government collected information to inform the drafting of the 2015–16 IDC Report, which will be published during the next reporting period.
17.1	1	5	Support research and intelligence collection on contemporary trends in criminal justice and related fields to identify vulnerabilities and protections	AIC, AGD, ACIC	Ongoing	AIC conducted research into the experiences of migrant sex workers, preventing human trafficking and slavery, understanding the attrition of human trafficking and slavery cases through the criminal justice system, and piloting of the monitoring program. See pages 89–90.
17.2	1	5	Monitor international research and emerging trends on human trafficking and slavery-related crime types to identify emerging offender methodologies	AGD with OWG and AIC	Ongoing	During the reporting period, the Australian Government continued to monitor international research and emerging trends on human trafficking and slavery-related crime types through a monitoring program and discrete research projects as listed in the above comment.



Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
18.1	1	5	Maintain frameworks and standards which promote rights and provide safeguards including the National Employment Standards which set the minimum wages and conditions for workers, offences in the <i>Marriage Act 1961</i> for underage marriage, and systems which ensure that appropriate checks are made and intelligence considered during the visa decision-making process	Employment, FWO, AGD, DIBP	Ongoing	During the reporting period, the Australian Government maintained appropriate frameworks and standards, including the National Employment Standards, offences in the <i>Marriage Act 1961</i> , and systems which ensure that appropriate checks are made and intelligence considered during the visa decision-making process.
18.2	1	5	Continue to monitor the effectiveness of relevant sections of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i>	AGD, DIBP, FWO, CDPP	Ongoing	During the reporting period, the Australian Government continued to monitor the effectiveness of relevant sections of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i> , including through periodic meetings of the OWG. On 26 November 2015, the Australian Government introduced amendments to Australia's forced marriage offences to increase protections against the forced marriage of children.
18.3	1	5	Maintain the capacity of the Australian Federal Police Human Trafficking Teams, Fair Work inspectors, Australian Border Force compliance officers and the Commonwealth Director of Public Prosecutions to investigate and enforce matters relating to human trafficking and slavery and substandard wages and conditions	AFP, FWO, CDPP, DIBP	Ongoing	During the reporting period, the Australian Government maintained the capacity of the AFP Human Trafficking Teams, Fair Work inspectors, ABF compliance officers and the CDPP to investigate and enforce matters relating to human trafficking and slavery and substandard wages and conditions.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
19.1	1	5	Support initiatives which promote education and awareness-raising, compliance and investigation activities related to the exploitation of workers, particularly those identified as vulnerable, including in community languages where possible and appropriate	FWO, DIBP, AFP, AGD	Ongoing	During the reporting period, the Australian Government supported initiatives which promote education and awareness-raising, compliance and investigation activities related to the exploitation of workers, particularly those identified as vulnerable. This included enforcement and educational activities undertaken by the FWO and DIBP. See pages 42–47.
19.2	1	5	Continue to monitor the treatment of vulnerable workers to ensure that they are being treated in accordance with workplace law	FWO	Ongoing	During the reporting period, the Australian Government continued to monitor the treatment of vulnerable workers to ensure that they are being treated in accordance with workplace law. See pages 42–47.
19.3	1	5	Continue to monitor Australia's visa framework to identify and reduce vulnerabilities to human trafficking and slavery	DIBP	Ongoing	During the reporting period, the Australian Government continued to monitor Australia's visa framework to identify and reduce vulnerabilities to human trafficking and slavery. Significant reforms to the Human Trafficking Visa Framework were implemented during the reporting period. See pages 38–41.
20.1	2	1	Continue to run the annual Human Trafficking Investigations Programs for Australian Federal Police investigators, state and territory police and representatives from the Australian Border Force	AFP	Ongoing, annual	During the reporting period, the Australian Government continued to support the annual Human Trafficking Investigations Course for AFP investigators, state and territory police and representatives from DIBP. Course content has been revised and is anticipated to be delivered next in early 2017.
20.2	2	1	Continue to provide specialist training to the Australian Border Force onshore compliance officers through the Compliance Training Program	DIBP	Ongoing	During the reporting period, the Australian Government provided specialist training to DIBP onshore compliance officers through the Compliance Training Program.

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20.3	2	1	Continue to provide specialist training to Department of Immigration and Border Protection the Australian Border Force state and territory Offices to ensure frontline staff, as a first point of client contact, are able to identify indicators of human trafficking and slavery	DIBP	Ongoing	During the reporting period, the Australian Government provided specialist training to DIBP and ABF state and territory offices to ensure frontline staff, as a first point of client contact, are able to identify indicators of human trafficking and slavery. DIBP also developed its internal e-learning module for departmental staff in frontline roles.
20.4	2	1	Continue to provide specialist training to Fair Work Ombudsman officers to ensure the identification and referral to the Australian Federal Police of more serious forms of labour exploitation which may amount to human trafficking or slavery	FWO	Ongoing	During the reporting period, FWO officers continued to receive training and guidance to ensure appropriate identification and referral of relevant matters to the AFP.
20.5	2	1	Continue to provide information on forced marriage to marriage celebrants through the <i>Guidelines on the Marriage Act 1961 for Marriage Celebrants</i>	AGD	Ongoing	During the reporting period, the Australian Government continued to provide information on forced marriage to marriage celebrants through the <i>Guidelines on the Marriage Act 1961 for Marriage Celebrants</i> . See page 29.
21.1	2	1	Continue to provide specialist training to Department of Immigration and Border Protection and Australian Border Force officers being posted offshore to recognise indicators and prevent trafficking in source countries	DIBP	Ongoing, pre-posting	During the reporting period, the Australian Government continued to provide specialist training to DIBP and ABF officers being posted offshore to recognise indicators and prevent trafficking in source countries. Specialist induction was also provided to Human Trafficking Contact Officers, DIBP and ABF officers at overseas posts prior to the commencement of their respective roles.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
21.2	2	1	Continue pre-departure training for Australian officials undertaking overseas postings on their obligations with respect to reporting extraterritorial offences of serious crimes, including human trafficking	DFAT, Defence, AFP	Ongoing, pre-posting	During the reporting period, the Australian Government provided pre-departure training for 276 Australian officials undertaking overseas postings on their obligations with respect to reporting extraterritorial offences of serious crimes, including human trafficking.
21.3	2	1	Continue to provide specialist policy guidance and training to Department of Foreign Affairs and Trade officers posted overseas to ensure the appropriate management and referral of consular cases including those involving forced marriage	DFAT	Ongoing	During the reporting period, the Australian Government continued to provide specialist policy guidance and training to DFAT officers posted overseas to ensure the appropriate management and referral of consular cases, including those involving forced marriage.
22.1	2	2	Monitor and refine as appropriate existing tools and guidance used by frontline officers for the identification of trafficked people	AFP, DIBP, FWO, AGD	Ongoing	During the reporting period, the Australian Government monitored and refined existing tools and guidance used by frontline officers for the identification of trafficked people, including formal referral and information sharing mechanisms between the FWO and DIBP.
23.1	2	2	Provide practical support for organisations to raise awareness on the indicators and referral pathways for human trafficking and slavery	AGD	Ongoing	During the reporting period, the Australian Government continued to provide practical support for organisations to raise awareness on the indicators and referral pathways for human trafficking and slavery. This included providing funding for specialist non-government organisations to progress outreach and awareness-raising activities on forced marriage. See page 68.
24.1	2	2	Maintain capacity of Australian Federal Police Community Liaison Teams to build positive, trusting and cohesive relationships with relevant communities under its National Community Engagement Strategy	AFP	Ongoing	During the reporting period, the Australian Government maintained the capacity of the AFP to undertake community engagement and liaison with relevant communities

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24.2	2	2	Continue proactive engagement with relevant communities through the Fair Work Ombudsman's Community Engagement Strategy	FWO	Ongoing	During the reporting period, the Australian Government continued proactive engagement with relevant communities through the FWO's Community Engagement Strategy. See pages 44–45.
25.1	2	3	Continue to monitor the effectiveness of relevant sections of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i>	AGD, DIBP, FWO, AFP	Ongoing	During the reporting period, the Australian Government continued to monitor the effectiveness of relevant sections of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i> , including through periodic meetings of the OWG. On 26 November 2015, the Australian Government introduced amendments to Australia's forced marriage offences to increase protections against the forced marriage of children.
26.1	2	3	Maintain an assessment of human trafficking and related crime types in the Organised Crime in Australia report	ACC	Ongoing, biannual	During the reporting period, the Australian Government maintained an assessment of human trafficking and related crime types in the Organised Crime in Australia report. The <i>Organised Crime in Australia 2015</i> report was published during the reporting period and includes an assessment of human trafficking and related crime types.
26.2	2	3	Maintain the Australian Crime Commission's National Criminal Intelligence Fusion Capability which supports a whole-of-government response to serious and organised crime	ACC	Ongoing	During the reporting period, the ACC maintained its National Criminal Intelligence Fusion Capability (Fusion). Fusion provides the opportunity for Commonwealth, state and territory law enforcement agencies to work closely together in order to prevent, disrupt, and investigate organised crime. Expert staff from Australian Taxation Office, Centrelink and the AFP were seconded to the Fusion Centre.

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27.1	2	3	Maintain the capacity of the Australian Federal Police Human Trafficking Teams and Fair Work inspectors to investigate and cross-refer matters relating to human trafficking and slavery, and substandard wages and conditions respectively	AFP, FWO	Ongoing	During the reporting period, the Australian Government maintained the capacity of the AFP Human Trafficking Teams and Fair Work inspectors to investigate and cross-refer matters relating to human trafficking and slavery, and substandard wages and conditions respectively.
28.1	2	3	Continue to collect information on offender methodologies through biannual Performance Management Framework reporting, and annual reporting to the Australian Parliament by the interdepartmental Committee on Human Trafficking and Slavery	AGD with the OWG and IDC	Ongoing, biannual and annual	During the reporting period, the Australian Government continued to collect information on offender methodologies through our annual Performance Management Framework (PMF) reporting and published the PMF report for 1 January to 30 June 2015. During the reporting period the Australian Government also collected information to inform the drafting of the 2016–17 Report of the IDC, which will be published during the next reporting period.
28.2	2	3	Maintain regular review of ongoing investigations, including offender methodologies, through the Operational Working Group	AGD with OWG	Ongoing, six-weekly	During the reporting period, the Australian Government maintained the regular review of ongoing investigations, including offender methodologies, through the OWG.
28.3	2	3	Maintain internal Australian Federal Police case review procedures, including on offender methodology and conduct	AFP	Ongoing	During the reporting period, the Australian Government maintained internal AFP case review procedures, including on offender methodology and conduct.
29.1	2	3	Review the <i>Australian Policing Strategy to Combat Trafficking in Persons 2011–13</i>	AFP in consultation with state and territory police	December 2014	During the previous reporting period, the Australian Government finalised the <i>Australian Policing Strategy to Combat Trafficking in Persons 2011–13</i> . In response to stakeholder feedback which suggested that interagency arrangements may now be better served by a business-as-usual protocol, the AFP has drafted a new agreement entitled the <i>National Policing Protocol to Combat Human Trafficking, Slavery and Slavery-like Practices</i> .

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29.2	2	3	Maintain relevant referral protocols between the Australian Federal Police, Department of Immigration and Border Protection and Fair Work Ombudsman	AFP, DIBP, FWO	Ongoing	During the reporting period, the Australian Government maintained relevant referral protocols between the AFP, DIBP and FWO.
30.1	2	4	Ensure that Australian Federal Police investigators, state and territory police and Department of Immigration and Border Protection officers receive training in providing culturally, age and gender sensitive assistance to trafficked people through the Human Trafficking Investigations Program	AFP	Ongoing, annual	During the reporting period, the Australian Government provided training on providing culturally, age and gender sensitive assistance to trafficked people through a range of forums. The content of the annual Human Trafficking Investigations Course has been updated for delivery next in early 2017.
31.1	2	4	Continue to consider the best interests of trafficked people as a primary concern in an investigation	AFP	Ongoing	During the reporting period, the Australian Government through the AFP continued to consider the best interests of trafficked people as a primary concern in an investigation.
31.2	2	4	Continue to make intensive support available for up to 45 days to all trafficked people on the Support for Trafficked People Program to allow for recovery and reflection time for trafficked people to assess their options, irrespective of their willingness or ability to assist in an investigation	DSS with STPP service provider in consultation with OWG	Ongoing	During the reporting period, the Australian Government continued to make intensive support available for up to 45 days to all trafficked people on the Support for Trafficked People Program. See pages 31–37.
31.3	2	4	Continue to ensure that trafficked people who are not Australian citizens or permanent residents and who would be in danger on return home due to their assistance in an investigation are able to remain in Australia	AFP, AGD and DIBP	Ongoing	During the reporting period, the Australian Government continued to ensure that trafficked people who made a contribution to an investigation or prosecution and who would be in danger on return home are able to remain in Australia.

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32.1	2	4	Continue to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program	DSS with STPP service provider	Ongoing	During the reporting period, the Australian Government continued to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program. See pages 31–37.
33.1	2	5	Maintain the capacity of the Australian Federal Police Overseas Liaison Network to support investigations outside of Australia's jurisdiction	AFP	Ongoing	During the reporting period, the Australian Government maintained the capacity of the AFP's Overseas Liaison Network to support investigations outside of Australia's jurisdiction. Between 1 July 2015 and 30 June 2016, the Overseas Liaison Network assisted with a number of human trafficking and slavery-related investigations.
33.2	2	5	Continue to participate in capacity building forums including the International Law Enforcement Academy International Human Trafficking Investigation Workshop	AFP	Ongoing, annual	During the reporting period, the Australian Government continued to participate in capacity building forums through the AFP. The International Law Enforcement Academy International Human Trafficking Investigation Workshop was not held during the reporting period.
33.3	2	5	Continue to provide Transnational Crime Unit Advisors to the Pacific Transnational Crime Network to enhance the capacity of Pacific nations to combat transnational crime, including human trafficking	AFP	Ongoing	During the reporting period, the Australian Government continued to provide Transnational Crime Unit Advisors from the AFP to the Pacific Transnational Crime Network.
33.4	2	5	Continue capacity building and technical assistance activities which address all forms of irregular migration, including through the provision of training and equipment for document examination, facial image comparison, intelligence analysis and investigations training	DIBP	Ongoing	During the reporting period, the Australian Government conducted a range of capacity building and technical assistance activities through DIBP to address all forms of irregular migration.



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34.1	2	5	Maintain Australian Federal Police capacity as the INTERPOL National Central Bureau for Australia to facilitate cross-border police cooperation to prevent and combat international crime including human trafficking	AFP	Ongoing	During the reporting period, the Australian Government maintained the AFP's capacity as the INTERPOL National Central Bureau for Australia to facilitate cross-border police cooperation to prevent and combat international crime including human trafficking.
34.2	2	5	Maintain the Attorney-General's Department's capacity as Australia's central authority for international extradition matters	AGD	Ongoing	During the reporting period, the Australian Government maintained AGD's capacity as Australia's central authority for international extradition matters.
34.3	2	5	Maintain capacity to facilitate mutual assistance requests to enable government-to-government assistance in criminal investigations and prosecutions and the identification and recovery of the proceeds of crime	AGD	Ongoing	During the reporting period, the Australian Government maintained the capacity to facilitate mutual assistance requests to enable government-to-government assistance in criminal investigations and prosecutions and the identification and recovery of the proceeds of crime.
35.1	2	5	Work with law enforcement and justice officials through the Australia Asia Program to Combat Trafficking in Persons to strengthen criminal justice responses in the ASEAN region including through the training of judges, prosecutors and investigators	DFAT	2013-18	During the reporting period, the Australian Government worked with law enforcement and justice officials through the Australia-Asia Program to Combat Trafficking in Persons. See pages 75-77.

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35.2	2	5	Work with countries in the region to strengthen legal frameworks on human trafficking by assisting in the development of legislation and practitioner guides, including through the <i>Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime</i> and its working group on trafficking in persons	AGD	Ongoing	During the reporting period, the Australian Government worked with countries in the region to strengthen legal frameworks by contributing to the implementation and development of two <i>Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime</i> policy guides on <i>Identifying Victims of Trafficking</i> and <i>Protecting Victims of Trafficking</i> . The Bali Process Working Group on Trafficking in Persons held its second meeting in May 2016 in Bangkok, Thailand. See pages 79–80.
35.3	2	5	Work with countries in the region to strengthen capacity of law and justice officials and investigate and prosecute human trafficking and slavery	AGD, AFP	Ongoing	During the reporting period, the Australian Government continued to work with countries in the region to strengthen capacity of law and justice officials and investigate and prosecute human trafficking and slavery.
36.1	3	1	Monitor Australia's compliance with, and reporting obligations under, relevant international human rights treaties, specifically: the <i>Universal Declaration on Human Rights</i> ; <i>International Covenant on Civil and Political Rights</i> ; <i>International Covenant on Economic, Social and Cultural Rights</i> ; <i>Convention on the Elimination of All forms of Discrimination Against Women</i> ; the <i>Convention on the Rights of the Child</i> and its second <i>Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography</i> ; the <i>Convention Against Torture</i> ; and the <i>Convention on the Rights of Persons with Disabilities</i>	AGD, DFAT, PMC	Ongoing	During the reporting period, the Australian Government met our reporting obligations under a number of human rights treaties, including the <i>Convention on the Elimination of All Forms of Discrimination Against Women</i> , the <i>International Covenant on Civil and Political Rights</i> and the <i>International Covenant on Economic, Social and Cultural Rights</i> . See pages 69–81.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
36.2	3	1	Monitor Australia's compliance with, and reporting obligations under, the <i>UN Convention Against Transnational Organized Crime</i> and its <i>Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery</i>	AGD, DFAT	Ongoing	During the reporting period, the Australian Government continued to monitor our compliance with the <i>UN Convention Against Transnational Organized Crime</i> and its <i>Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery</i> .
36.3	3	1	Monitor Australia's compliance with, and reporting obligations under, International Labour Organization Conventions on Forced Labour (C29), the Abolition of Forced Labour (C105) and the Worst Forms of Child Labour (C182)	AGD, Employment	Ongoing	During the reporting period, the Australian Government continued to monitor our compliance with the International Labour Organization Conventions on Forced Labour (C29), the Abolition of Forced Labour (C105) and the Worst Forms of Child Labour (C182). There were no formal reporting obligations during 2015–16.
36.4	3	1	Maintain endorsement of the Istanbul Treaty on Organ Trafficking and Transplant Tourism, and the World Health Organization Guiding Principles on Human Cell, Tissue and Organ Transplantation	Health	Ongoing	During the reporting period, the Australian Government maintained endorsement of the Istanbul Treaty on Organ Trafficking and Transplant Tourism, and the World Health Organization Guiding Principles on Human Cell, Tissue and Organ Transplantation.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
37.1	3	1	Continue to collect information on offender methodologies through biannual Performance Management Framework reporting, and annual reporting to the Australian Parliament by the Interdepartmental Committee on Human Trafficking	AGD with OWG and IDC	Ongoing, biannual and annual	During the reporting period, the Australian Government continued to collect information on offender methodologies through our biannual Performance Management Framework reporting and published the Performance Management Framework report for 1 January to 30 June 2015. During the reporting period the Australian Government also collected information to inform the drafting of the 2015–16 Report of the IDC, which will be published during the next reporting period.
37.2	3	1	Maintain regular review of prosecutions, including offender methodologies, through the Operational Working Group	AGD with OWG	Ongoing, six-weekly	During the reporting period, the Australian Government continued to regularly review prosecutions, including offender methodologies, through the OWG.
37.3	3	1	Maintain internal Commonwealth Director of Public Prosecutions case review procedures, including on offender methodology and conduct	CDPP	Ongoing	During the reporting period, the Australian Government maintained the CDPP's internal case review procedures, including on offender methodology and conduct.
38.1	3	2	Continue to monitor the effectiveness of relevant sections, including penalties, of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i>	AGD, DIBP, FWO, CDPP	Ongoing	During the reporting period, the Australian Government continued to monitor the effectiveness of relevant sections, including penalties, of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i> . On 26 November 2015, the Australian Government introduced amendments to Australia's forced marriage offences to increase protections against the forced marriage of children.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
38.2	3	2	Maintain the capacity of the Commonwealth Director of Public Prosecutions and Fair Work Ombudsman to prosecute matters relating to human trafficking and slavery, and substandard wages and conditions respectively	FWO, CDPP	Ongoing	During the reporting period, the Australian Government maintained the capacity of the CDPP and FWO to prosecute matters relating to human trafficking and slavery, and substandard wages and conditions respectively.
39.1	3	2	Maintain relevant referral protocols between the Commonwealth Director of Public Prosecutions and state and territory Offices of Public Prosecutions	CDPP in consultation with state and territory Offices of Public Prosecutions	Ongoing	During the reporting period, the Australian Government maintained the CDPP's referral protocols between with state and territory Offices of Public Prosecutions.
39.2	3	2	Ensure capacity of state and territory Offices of Public Prosecutions to prosecute Commonwealth human trafficking and slavery offences	CDPP in consultation with state and territory Offices of Public Prosecutions	Ongoing	During the reporting period, the Australian Government ensured the capacity of state and territory Offices of Public Prosecutions to prosecute Commonwealth human trafficking and slavery offences.
39.3	3	2	Maintain capacity for domestic extradition in human trafficking and slavery matters under the <i>Service and Execution of Process Act 1992</i>	AGD	Ongoing	During the reporting period, the Australian Government maintained capacity for domestic extradition in human trafficking and slavery matters under the <i>Service and Execution of Process Act 1992</i> .
39.4	3	2	Maintain procedural frameworks to support prosecutions of human trafficking and slavery matters in overseas jurisdictions, and the capacity for witnesses located overseas to participate in domestic trials	AGD	Ongoing	During the reporting period, the Australian Government maintained procedural frameworks to support prosecutions of human trafficking and slavery matters in overseas jurisdictions, and the capacity for witnesses located overseas to participate in domestic trials.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
40.1	3	3	Support trafficked people through the duration of the prosecution process through the Justice Support Stream and Temporary Trial Support Stream of the Support for Trafficked People Program	DSS with STPP service provider, CDPP	Ongoing	During the reporting period, the Australian Government continued to support trafficked people through the duration of the prosecution process through the Justice Support Stream and Temporary Trial Support Stream of the Support for Trafficked People Program. See pages 31–37.
40.2	3	3	Continue to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program	DSS with STPP service provider	Ongoing	During the reporting period, the Australian Government continued to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program. See pages 31–37.
40.3	3	3	Provide assistance to trafficked people during the prosecution process through the Commonwealth Director of Public Prosecutions Witness Assistance Officer, and by supporting organisations which provide pastoral care	CDPP	Ongoing	During the reporting period, the Australian Government provided assistance to trafficked people during the prosecution process through the CDPP Witness Assistance Service (WAS), and by supporting organisations which provide pastoral care.
41.1	3	3	Continue to take into consideration the best interests of a trafficked person during the prosecution process	CDPP	Ongoing	During the reporting period, the Australian Government through the CDPP continued to take into consideration the best interests of a trafficked person during the prosecution process.
41.2	3	3	Continue to provide trafficked people with the opportunity to make a victim impact statement during sentencing in a prosecution process	CDPP	Ongoing	During the reporting period, the Australian Government continued to provide trafficked people with the opportunity to make a victim impact statement during sentencing in a prosecution process.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
41.3	3	3	Continue to advocate in court proceedings for the provision to trafficked people of appropriate protections during the prosecution process including non-publication orders and alternate means of giving testimony	CDPP	Ongoing	During the reporting period, the Australian Government through the CDPP continued to advocate in court proceedings for the provision to trafficked people of appropriate protections during the prosecution process including non-publication orders and alternate means of giving testimony.
41.4	3	3	Continue to ensure that trafficked people who are not Australian citizens or permanent residents and who would be in danger on return home due to their assistance in a prosecution are able to remain in Australia	AFP, AGD, DIBP	Ongoing	During the reporting period, the Australian Government continued to ensure that trafficked people who made a contribution to an investigation or prosecution and who would be in danger on return home are able to remain in Australia. In 2015, the Australian Government made changes to the Human Trafficking Visa Framework to safeguard the privacy of trafficked people and facilitate targeted government support.
42.1	3	4	Provide trafficked people with access to legal advice through the Support for Trafficked People Program, including on available remedies	DSS with STPP service provider	Ongoing	During the reporting period, the Australian Government continued to provide trafficked people with access to legal advice through the Support for Trafficked People Program, including on available remedies. See pages 31–37.
43.1	3	4	Monitor the current framework of state and territory victims of crime financial assistance schemes and its availability to victims of human trafficking and slavery	AGD in consultation with the states and territories	Ongoing	During the reporting period, the Australian Government continued to monitor the current framework of state and territory victims of crime financial assistance schemes and its availability to victims of human trafficking and slavery. In 2015–16, the Australian Government engaged with the Law, Crime and Community Safety Council Victims Working Group, which provides a forum for sharing information between the states and territories on victim support, including on financial assistance.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
43.2	3	4	Continue to monitor the possible need for a federal victims of crime financial assistance scheme	AGD	Ongoing	During the reporting period, the Australian Government continued to monitor the possible need for federal victims of crime financial assistance scheme. In 2015, the Australian Government engaged with the Law, Crime and Community Safety Council Victims Working Group, which provides a forum for sharing information between the states and territories on victim support, including on financial assistance.
44.1	3	4	Maintain the availability of reparation orders for victims of human trafficking and slavery under Section 21B of the <i>Crimes Act 1914</i>	AGD	Ongoing	During the reporting period, the Australian Government maintained the availability of reparation orders for victims of human trafficking and slavery under section 21B of the <i>Crimes Act 1914</i> .
44.2	3	4	Continue to ensure the Commonwealth Director of Public Prosecutions informs trafficked people of the availability of reparation orders where a criminal conviction for relevant offences is secure	GDPP	Ongoing	During the reporting period, the Australian Government through the CDPP continued to ensure trafficked people were informed of the availability of reparation orders where a criminal conviction for relevant offences is secure.
45.1	3	4	Maintain mechanisms which provide trafficked people with the opportunity to pursue civil damages including for unpaid wages and entitlements	FWO	Ongoing	During the reporting period, the Australian Government maintained mechanisms which provide trafficked people with the opportunity to pursue civil damages including for unpaid wages and entitlements.



Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
46.1	3	5	Monitor the effectiveness of the <i>Proceeds of Crime Act 2002</i> and its regulations which allow for the confiscation of assets in relation to human trafficking and slavery offences	AGD, AFP, CDPP	Ongoing	During the reporting period, the Australian Government continued to monitor the effectiveness of the <i>Proceeds of Crime Act 2002</i> and its regulations which allow for the confiscation of assets in relation to human trafficking and slavery offences. All Commonwealth human trafficking, slavery and slavery-like offences are considered 'serious offences' for the purposes of the Proceeds of Crime Act. The AFP and the CDPP are able to seek court orders to deprive persons of the proceeds of, instruments of and benefits derived from serious offences listed under the Proceeds of Crime Regulations.
47.1	3	5	Maintain capacity to facilitate mutual assistance requests to enable government-to-government assistance including for the recovery of the proceeds of crime.	AGD	Ongoing	During the reporting period, the Australian Government maintained the capacity to facilitate mutual assistance requests to enable government to government assistance including for the recovery of the proceeds of crime.
47.2	3	5	Maintain capacity to pursue asset confiscation in relation to human trafficking and slavery offences	AFP, CDPP	Ongoing	During the reporting period, the Australian Government maintained the capacity to pursue asset confiscation in relation to human trafficking and slavery offences.
47.3	3	5	Maintain the effectiveness of the Criminal Assets Confiscation Taskforce in enhancing the identification and pursuit of potential criminal asset confiscation matters	AFP	Ongoing	During the reporting period, the Australian Government maintained the effectiveness of the AFP Criminal Assets Confiscation Taskforce in enhancing the identification and pursuit of potential criminal asset confiscation matters.
47.4	3	5	Provide capacity building assistance to assist countries in the region to develop strong asset confiscation and anti-money laundering laws	AGD	Ongoing	During the reporting period, the Australian Government provided capacity building assistance to assist countries in the region to develop strong asset confiscation and anti-money laundering laws.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
48.1	4	1	Ensure that the Australian Federal Police, Department of Immigration and Border Protection and Support for Trafficked People Program service provider maintain responsiveness in assisting trafficked people, including within the timeframes set out in relevant internal protocols	AFP, DIBP, DSS with the STPP provider	Ongoing	During the reporting period, the Australian Government ensured that the AFP, DIBP and the Support for Trafficked People Program service provider maintained responsiveness in assisting trafficked people, including within the timeframes set out in relevant internal protocols.
48.2	4	1	Ensure that the Human Trafficking Visa Framework continues to be administered in a timely manner	DIBP, AFP, AGD	Ongoing	During the reporting period, the Australian Government ensured that the Human Trafficking Visa Framework continues to be administered in a timely manner. See pages 31–37.
48.3	4	1	Ensure that investigations and prosecutions for human trafficking and slavery matters are progressed without undue delay	AFP, CDPP	Ongoing	During the reporting period, the Australian Government ensured that investigations and prosecutions for human trafficking and slavery matters were progressed without undue delay.
49.1	4	1	Continue to provide individualised support through the Support for Trafficked People Program	DSS with the STPP provider	Ongoing	During the reporting period, the Australian Government continued to provide individualised support through the Support for Trafficked People Program. In 2015–16, a total of 80 clients received assistance through the Support Program, including 18 forced marriage clients. See pages 31–39.
49.2	4	1	Ensure that the <i>Criminal Code Act 1995</i> continues to capture all forms of exploitation	AGD	Ongoing	During the reporting period, the Australian Government progressed legislative amendments to ensure that the <i>Criminal Code Act 1995</i> continues to capture all forms of exploitation. See pages 13–17.
49.3	4	1	Ensure that trafficked people have access to interpreters and relevant materials in community languages where possible and appropriate	AGD, AFP, DSS with the STPP provider, DIBP, CDPP	Ongoing	During the reporting period, the Australian Government ensured that trafficked people have access to interpreters and relevant materials in community languages where possible and appropriate, including by continuing to provide translated documents on the AGD website.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
50.1	4	1	Ensure that the <i>Criminal Code Act 1995</i> continues to provide specific offences and aggravated penalties for people who are minors	AGD	Ongoing	During the reporting period, the Australian Government ensured that the <i>Criminal Code Act 1995</i> continues to provide specific offences and aggravated penalties for offences involving trafficked people who are children. See pages 13–17.
50.2	4	1	Ensure that the Support for Trafficked People Program and Human Trafficking Visa Framework continue to take into account the needs of minors, including through the availability of a 90 day reflection and recovery period under the Assessment and Intensive Support and Extended Intensive Support Streams	DSS with the STPP provider, DIBP, in consultation with OWG	Ongoing	During the reporting period, the Australian Government ensured that the Support for Trafficked People Program and Human Trafficking Visa Framework continue to take into account the needs of children, including through the availability of a 90 day reflection and recovery period under the Assessment and Intensive Support and Extended Intensive Support Streams. See pages 31–37.
50.3	4	1	Continue to ensure that the Australian Federal Police and Support for Trafficked People Program service provider work with state and territory child protection agencies in human trafficking and slavery matters involving trafficked people who are minors	AFP, DSS with the STPP provider	Ongoing	During the reporting period, the Australian Government continued to ensure that the AFP and Support for Trafficked People Program service provider work with state and territory child protection agencies in human trafficking and slavery matters involving trafficked people who are children.
50.4	4	1	Ensure trafficked people who are minors are afforded additional protections in the investigation and prosecution process, including through the use of available child witness, special witness and vulnerable witness protections	CDPP, AFP	Ongoing	During the reporting period, the Australian Government ensured trafficked people who are children are afforded additional protections in the investigation and prosecution process, including through the use of available child witness, special witness and vulnerable witness protections.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
51.1	4	2	Ensure that the Australian Government Support for Trafficked People Program continues to be appropriately supported	AFP, DSS with the STPP provider	Ongoing	During the reporting period, the Australian Government ensured that the Australian Government Support for Trafficked People Program (Support Program) continues to be appropriately supported. The Australian Government has funded the Australian Red Cross to provide case management services for the Support Program until 30 June 2018. See pages 31–37.
52.1	4	2	Provide practical support to civil society organisations, business and industry, and unions in their efforts to combat human trafficking and slavery	AGD with the OWG and IDC	Ongoing	During the reporting period, the Australian Government provided practical support to civil society organisations, business and industry, and unions in their efforts to combat human trafficking and slavery. See pages 48–49.
52.2	4	2	Ensure the <i>Guidelines for NGOs: Working with trafficked people</i> remain current and readily available	AGD	2015	During the reporting period, the Australian Government ensured the <i>Guidelines for NGOs: Working with trafficked people</i> (Guidelines) remain current and readily available by undertaking a review of the Guidelines in consultation with members of the National Roundtable on Human Trafficking and Slavery. During this reporting period the revised Guidelines have been made available. See page 9.
52.3	4	2	Support further collaborative research, with independent research institutions, civil society organisations, unions, business and industry to strengthen collection of reliable, relevant data and to ascertain alternative methods for timely and accurate identification of victims	AIC, AGD	Ongoing	During the reporting period, the Australian Government undertook collaborative research with academia, civil society organisations, unions, and industry through the Supply Chains Working Group (working group).  In 2015, the working group concluded the first and second phases of its formal work program and is currently in recess while government considers its response to the nine recommendations.  All AIC research involved extensive consultation with relevant stakeholders. Importantly, some research engaged victims as research participants (eg forced marriage).

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
52.4	4	2	Promote the value of civil society participation at relevant national and international meetings	DFAT, AGD, Employment	Ongoing	During the reporting period, the Australian Government promoted the value of civil society participation at relevant national and international meetings as appropriate, including through the National Roundtable on Human Trafficking and Slavery and the <i>Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime</i> . See pages 69–82.
53.1	4	3	Ensure that the Support for Trafficked People Program continues to refer and link trafficked people to other relevant supports including during the transition period	DSS with the STPP provider	Ongoing	During the reporting period, the Australian Government ensured that the Support for Trafficked People Program continues to refer and link trafficked people to other relevant supports including during the transition period. See pages 31–37
53.2	4	3	Continue to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program	DSS with the STPP provider	Ongoing	During the reporting period, the Australian Government continued to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program. See pages 31–37.
54.1	4	3	Provide practical support to civil society organisations who provide direct support and services to trafficked people	AGD with the OWG	As appropriate	During the reporting period, the Australian Government continued to provide practical support to civil society organisations that provide direct support and services to trafficked people. See pages 48–49.
55.1	4	4	Continue to ensure that all agencies working with trafficked people act in accordance with their obligations under the <i>Privacy Act 1988</i> , which sets out rules about information handling, collection, use, storage and disclosure of personal information	IDC	Ongoing	During the reporting period, the Australian Government continued to ensure that all agencies working with trafficked people act in accordance with their obligations under the <i>Privacy Act 1988</i> , which sets out rules about information handling, collection, use, storage and disclosure of personal information.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
55.2	4	4	Continue to advocate in court proceedings for orders to protect the identity of trafficked people	CDPP	Ongoing	During the reporting period the Australian Government through the CDPP continued to advocate in court proceedings for orders to protect the identity of trafficked people.
56.1	4	4	Continue to work with the International Organization for Migration to provide for safe repatriation of trafficked people	DIBP, AFP	Ongoing	During the reporting period the Australian Government continued to work with the International Organization for Migration to provide for safe repatriation of trafficked people.
57.1	4	4	Continue to ensure that trafficked people who are not Australian citizens or permanent residents and who would be in danger on return home due to their assistance in an investigation or prosecution are able to remain in Australia	AFP, AGD, DIBP	Ongoing	During the reporting period, the Australian Government ensured that trafficked people who made a contribution to an investigation or prosecution and who would be in danger on return home are able to remain in Australia. Five people were granted a Referred Stay (Permanent) Visa. See pages 31–41.
58.1	4	5	Continue to make an intensive reflection and recovery support period available for up to 45 days to all trafficked people on the Support for Trafficked People Program irrespective of their willingness or ability to assist in an investigation or prosecution	DSS with the OWG	Ongoing	During the reporting period, the Australian Government continued to make an intensive reflection and recovery support period available for up to 45 days to all trafficked people on the Support for Trafficked People Program irrespective of their willingness or ability to assist in an investigation or prosecution. See pages 31–37.
59.1	4	5	Ensure trafficked people are not detained, charged or prosecuted for status-related offences, or held in immigration detention	AFP, CDPP, DIBP	Ongoing	During the reporting period, the Australian Government worked to ensure trafficked people were not detained, charged or prosecuted for status-related offences, or held in immigration detention.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
59.2	4	5	Ensure that any person, in relation to whom indicators of trafficking are noted by Department of Immigration and Border Protection, is referred to the Australian Federal Police and, if both unlawful and assessed by Australian Federal Police as a suspected trafficked person, is granted a bridging visa and not detained	DIBP	Ongoing	During the reporting period, the DIBP continued to refer suspected trafficked people to the AFP. A suspected victim of human trafficking and slavery who is an unlawful non-citizen will not be held in immigration detention and will be granted a bridging visa. See pages 38–41.
60.1	4		Ensure that agencies with policy and operational responsibility for trafficked people continue to take into account the accessibility of an effective remedy in reviewing or implementing new or existing policies and procedures	IDC	Ongoing	During the reporting period, the Australian Government ensured that agencies with policy and operational responsibility for trafficked people continue to take into account the accessibility of an effective remedy in reviewing or implementing new or existing policies and procedures.
61.1	4		Continue to take into account the accessibility of an effective remedy in reviewing or implementing new or existing policies and procedures	OWG	Ongoing	During the reporting period, the Australian Government continued to take into account the accessibility of an effective remedy in reviewing or implementing new or existing policies and procedures.
61.2	4		Explore ways to improve access to educational and employment opportunities for trafficked people under the Support for Trafficked People Program	AGD, DSS, DIBP, Industry	2015–16	During the reporting period, the Australian Government explored ways to improve access to educational and employment opportunities for trafficked people under the Support for Trafficked People Program.
62.1	4	5	Develop an enhanced Human Trafficking and Slavery Monitoring Program	AIC in consultation with OWG and IDC	2015	During the reporting period, the Australian Government continued to explore options for the development of an enhanced Human Trafficking and Slavery Monitoring Program.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
63.1	1	4	Complete the first two phases in the development of Australia's response to labour exploitation in supply chains (understanding the problem and developing the response)	AGD	2015	In 2015, the Supply Chains Working Group concluded the first and second phases of its formal work program and is currently in recess while government considers its response to the nine recommendations. See page 8.
64.1	1	1	Develop specialist training for Department of Immigration and Border Protection officers responsible for processing of visa applications to ensure they are able to identify indicators of human trafficking	DIBP	2015–16	During the reporting period, the Australian Government through the DIBP provided specialist training for officers responsible for processing of visa applications to ensure they are able to identify indicators of human trafficking. The DIBP continued to assess the effectiveness of this training and scope for refinements during the reporting period.
65.1	2	1	Develop and implement specialist training for state and territory frontline officers, including child protection, labour inspectors, teachers and health officials	AGD	2015–16	During the reporting period, the Australian Government continued to assess options for the development and implementation of specialist training for state and territory frontline officers, including child protection, labour inspectors, teachers and health officials.
65.2	2	1	Engage with faith-based communities including marriage officiants to raise awareness on the indicators and referral pathways for forced marriage	AGD	2015	During the reporting period, the Australian Government continued to provide funding to Anti-Slavery Australia, ACRATH and AMWCHR to raise awareness of forced marriage (including in faith-based communities).
66.1	2	2	Develop and make available materials on indicators and referral pathways to communities and groups identified as vulnerable, including in relevant community languages where possible and appropriate	AGD	2015–16	During the reporting period, the Australian Government continued to develop and make available materials on indicators and referral pathways to communities and groups identified as vulnerable, including through the dissemination of the <i>Forced Marriage Community Pack</i> .



Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
67.1	2	3	Collect and share information through the National Border Targeting Centre	DIBP, AFP	Ongoing	During the reporting period, the Australian Government continued to collect and share information through the Border Intelligence Fusion Centre.
68.1	2	4	Develop and make available a client information kit for trafficked people receiving assistance through the Support for Trafficked People Program	DSS with STPP service provider	2015	During the reporting period, the Australian Government completed a client information kit for trafficked people receiving assistance through the Support for Trafficked People Program.
69.1	3	1	Progress consideration of ratification of the 2014 International Labour Organization Forced Labour Protocol supplementing the Forced Labour Convention (C29)	Employment in consultation with AGD and DFAT	2015	The Australian Government has commenced the formal consideration process of the 2014 International Labour Organization Forced Labour Protocol supplementing the Forced Labour Convention (C29).
70.1	3	2	Consider the development of a system for monitoring related state and territory criminal and regulatory frameworks to identify any gaps in Australia's response to human trafficking and slavery	AGD, CDPP	Ongoing	During the reporting period, the Australian Government continued to consider the development of a system for monitoring related state and territory criminal and regulatory frameworks to identify any gaps in Australia's response to human trafficking and slavery.
70.2	3	2	Consider the need for additional civil measures within the family law system to provide a remedy for people in, or at risk of forced marriage	AGD	2015–16	During the reporting period, the Australian Government continued to consider the need for additional civil measures within the family law system to provide a remedy for people in, or at risk of, forced marriage.
71.1	3	3	Develop and make available a client information kit for trafficked people receiving assistance through the Support for Trafficked People Program	DSS with STPP service provider	2015	During the reporting period, the Australian Government distributed a client information kit for trafficked people receiving assistance through the Support for Trafficked People Program.

Item	Pillar	Goal	Measure	Agency responsible	Timetable	Status update
72.1	3	4	Provide trafficked people with access to information on avenues for obtaining a civil or administrative remedy, including for remaining in Australia while the remedy is sought	DIBP, DSS with STPP service provider	2015–16	During the reporting period, the Australian Government continued to consider options for providing trafficked people with access to information on avenues for obtaining a civil or administrative remedy, including for remaining in Australia while the remedy is sought.
73.1	4	1	Develop an operational protocol for minors to ensure that all minors identified by Australian authorities as suspected victims of human trafficking or slavery are afforded appropriate protections and support in line with Australia's international and domestic obligations	AGD in consultation with OWG and relevant state and territory agencies	2015–16	During the reporting period, the Australian Government progressed the development of an operational protocol for children to ensure that all children identified by Australian authorities as suspected victims of human trafficking or slavery are afforded appropriate protections and support in line with Australia's international and domestic obligations. The protocol is expected to be finalised in 2016–17.
74.1	4	3	Develop and make available appropriate referral pathways including to best-practice providers in each state and territory	DSS with STPP service provider in consultation with OWG	2015–16	During the reporting period, the Australian Government progressed work to make available appropriate referral pathways including to   best-practice providers in each state and territory.
75.1	4	4	Provide referral pathways for trafficked people being repatriated to local supports and service providers	OWG	2015–16	During the reporting period, the Australian Government progressed work to provide referral pathways for trafficked people being repatriated to local supports and service providers.
76.1	4	5	Consider ways to monitor the reintegration and recovery of trafficked people to determine whether the support provided has been effective in preventing revictimisation or future offending	AGD in consultation with the OWG and AIC	2016	During the reporting period, Government agencies continued to consider ways to monitor the reintegration and recovery of trafficked people including by monitoring complex cases through the OWG. Agencies will undertake further work on this issue in 2017.
76.2	4	5	Conduct a review of the Human Trafficking Visa Framework	DIBP in consultation with OWG	2015	During the reporting period, the Australian Government announced it will introduce a suite of regulatory reforms to the Human Trafficking Visa Framework. See pages 38–41.

