



Submission No 8.a (Attachment a)

Inquiry into Slavery, Slavery-like conditions and People Trafficking

Organisation: Attorney-General's Department



Australian Government

The Australian Government's Anti-People Trafficking Strategy

Nature and extent of people trafficking

There is little reliable data about the nature and extent of people trafficking. However, there is a general consensus that people trafficking affects almost every country in the world. Globally, men, women and children are trafficked for a wide range of purposes, including: sexual servitude; forced labour; forced recruitment into militia or the armed forces; and the harvesting of body organs.

Opportunities to traffic people into Australia are limited because of our strong migration controls and geographic isolation. However, Australia is a destination country for victims of trafficking, mainly from Asia (particularly Thailand, the Republic of Korea and Malaysia). The majority of victims identified by Australian authorities have been women working in the sex industry.

The Australian Government Response

The Australian Government has taken a comprehensive, whole-of-government approach to combating people trafficking. Australia is committed to working with other governments domestically and internationally, and with intergovernmental and non-government organisations, to prevent people trafficking, prosecute the perpetrators, and protect and support victims.

Since the establishment of Australia's anti-people trafficking strategy in 2003, the Australian Government has provided more than \$100 million to support a range of domestic, regional and international anti-trafficking initiatives. Key measures include:

- specialist teams within the AFP to investigate trafficking-related matters
- legislation to criminalise trafficking in persons and trafficking-related activities
- a victim support program which provides individualised case management support, including assistance to access accommodation, financial assistance, legal advice, medical and counselling services, training and social support
- an Australian Policing Strategy to Combat Trafficking in Persons
- visa arrangements to enable suspected victims of trafficking to remain in Australia and support the investigation and prosecution of trafficking offences
- specialist immigration officers posted in Thailand, China and the Philippines, who focus on people trafficking issues and aim to prevent trafficking in source countries
- support for the Commonwealth Director of Public Prosecutions to prosecute trafficking matters, including funding and training
- research into trafficking trends in Australia and our region by the Australian Institute of Criminology
- increased regional cooperation to combat trafficking in persons, and
- reintegration assistance for trafficking victims who are returned to key source countries in our region.

Australia's response to people trafficking has provided support to victims of trafficking for sexual exploitation and other forms of exploitative labour, and has seen the successful prosecution and conviction of a number of people traffickers.

Australia has been a Party to the *United Nations Convention against Transnational Organized Crime* since 2004, and to its supplementary *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* since 2005.

Support for Victims

Australia provides a comprehensive range of support services for suspected victims of trafficking. The Australian Government Support for Trafficked People Program is delivered by the Australian Red Cross and provides individualised case management support assisting clients to access a range of support services, including:

- suitable accommodation that meets the AFP's security requirements
- financial assistance
- legal and migration advice
- medical and counselling services
- skill development and training, and
- social support.

Between 2004 and 20 September 2012, 199 people (179 female, 20 male) have received assistance through the Support Program.

People Trafficking Visa Framework

Since 1 January 2004, the Government has had in place a People Trafficking Visa Framework that enables people who are suspected victims of trafficking to remain lawfully in Australia if they do not already hold a valid visa. The Visa Framework comprises three visas:

- the Bridging F visa (BVF), which is available to a person unlawfully in Australia who is assessed by the AFP as being a suspected victim of trafficking. The BVF can be granted for up to 45 days. The holder of a BVF has no work rights but receives intensive support through the Support for Trafficked People Program. A second BVF may be granted to a suspected victim who is willing, but not able, to contribute to the investigation or prosecution of an alleged people trafficking offence. The holder of a second BVF will continue to receive intensive victim support.
- the Criminal Justice Stay visa (CJSV), which may be issued to a trafficked person after the expiry of the BVF, if they are willing to contribute to the investigation or prosecution of an alleged people trafficking offence. The CJSV allows the holder to remain in Australia for as long as they are required for law enforcement purposes. The holder of a CJSV has work rights and access to the Support for Trafficked People Program.
- the Witness Protection (Trafficking) (Permanent) visa (WPTV), which allows a trafficked person who has made a contribution to an investigation or prosecution to remain in Australia, if they would be in danger on return to their home country. This visa allows the holder to remain in Australia permanently.

Between 1 January 2004 and 30 June 2012, the Department of Immigration and Citizenship granted 200 BVFs, 166 CJSVs, and 94 WPTVs to suspected victims of people trafficking and their immediate family members.

Investigations and prosecution

People trafficking investigations often involve transnational crimes. This requires close and ongoing cooperation and collaboration between Australian agencies and their counterparts in other countries.

Between 2004 and 20 September 2012, the Australian Federal Police has undertaken more than 350 investigations and assessments into allegations of trafficking-related offences, resulting in 15 convictions. There are currently three trafficking-related matters before the Australian courts, including one appeal.

Partnerships with the Community

The Australian Government is committed to building strong partnerships with the non-profit sector.

The National Roundtable on People Trafficking was established in June 2008 as a consultative mechanism between the Government and NGOs on trafficking issues. Since then the Australian Government has provided \$2.4 million in funding to support Australian NGOs in their efforts to combat people trafficking. This funding is used to provide vital outreach for trafficking victims and conduct education and awareness raising initiatives on people trafficking.

In 2011, the Australian Government also committed almost \$500,000 to five NGOs, union bodies and industry associations to undertake projects to combat labour exploitation in susceptible industries in Australia.

The funding is provided from confiscated criminal assets under the *Proceeds of Crime Act 2002*.

Partnerships in our region and beyond

Australia has taken an active role in international efforts to combat people trafficking.

Australia and Indonesia co-founded and co-chair the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*.

Addressing factors that make people vulnerable to trafficking is an important part of Australia's national and international strategies to prevent trafficking. In 2011-12, Australia provided approximately \$4.8 billion in official development assistance through AusAID and other Australian agencies, to help reduce poverty and promote sustainable development. The aid program also addresses violence against women and children, and funds a number of specific activities to combat trafficking in persons in the region. This includes the Asia Regional Trafficking in Persons Project which focuses on strengthening criminal justice systems, primarily through training and capacity building for law enforcement officers, judges and prosecutors and increasing regional cooperation to address trafficking.

The Department of Immigration and Citizenship has established three specialist compliance positions which focus on people trafficking preventative work. They are located in Bangkok, Manila and Guangzhou (previously Beijing), with each playing a regional role.

The Australian Federal Police is also involved in a wide range of cooperative activities with other countries that aim to reduce opportunities for people traffickers to operate in the region.

People Trafficking and People Smuggling

People trafficking is a very different crime from people smuggling.

People trafficking is the physical movement of people domestically or across borders through deceptive means, coercion or force. Importantly, people traffickers are motivated by the prospect of exploiting their victims once they reach the destination country. People smuggling is the organised, irregular movement of people across borders, usually on a payment-for-service basis.

The information provided here is current as at 20 September 2012.