
The Parliament of the Commonwealth of Australia

Trading Lives: Modern Day Human Trafficking

Inquiry of the Human Rights Sub-Committee

Joint Standing Committee on Foreign Affairs, Defence and Trade

June 2013
Canberra

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Foreword

Trafficking in persons, slavery and slavery-like practices is an egregious violation of an individual's human rights. Trafficking and slavery victims are exploited physically, emotionally and mentally and the effects of this trauma can be long lasting and destructive.

Trafficking in persons, slavery and slavery-like practices are some of the fastest growing criminal activities in the world. The International Labour Organisation (ILO) estimates that between 2002 and 2011 there were over 20 million victims of forced labour globally. In 2009, the ILO also estimated that the annual global profits from trafficked forced labourers were around US\$32 million. This equates to a profit of US\$13,000 for each woman, man and child trafficked into forced labour.

The crimes of trafficking in persons, slavery and slavery-like practices place an additional economic burden on each country. Funding is provided for resources devoted to its prevention, the treatment and support of victims and the apprehension and prosecution of offenders.

Every country around the world is affected, including Australia. Since 2004 the Australian Federal Police have undertaken more than 375 investigations and assessments into allegations of trafficking in persons, slavery and slavery-like practices. 209 suspected victims of trafficking in persons and slavery were provided government support through the Support for Trafficked People Program, and there have now been 17 convictions for slavery, slavery-like and trafficking in persons offences.

The Committee acknowledges the steps taken by the Government to strengthen Australia's criminal justice framework, establishing additional offences of forced marriage, forced labour, organ trafficking and harbouring a victim in the Criminal Code.

Australia has an opportunity to maximise its effectiveness by implementing a suite of mechanisms and tools to combat these crimes and increase support for its victims at the national and international level.

Nationally, Australia can take action to prevent these crimes, prosecute the offenders and support the victims. The Committee has therefore recommended that suspected victims of trafficking be provided an initial automatic reflection period of 45 days with two further extensions of 45 days if required; the Australian Government review the People Trafficking Visa Framework and the Support for Victims of People Trafficking Program; the Australian Government further investigate the establishment of a federal compensation scheme for victims of slavery and people trafficking; and review the current rates of compensation.

Internationally, Australia can increase its engagement with this issue in international fora and examine introducing anti-trafficking and anti-slavery mechanisms appropriate for the Australian context to bring awareness to forced labour in global supply chains. The Committee has recommended that the Australian Government continue to use international forums including the United Nations Human Rights Council's Universal Periodic Review to combat people trafficking; undertake a review to establish anti-trafficking and anti-slavery mechanisms appropriate for the Australian context with the objective of improving transparency in supply chains, introducing a labelling and certification strategy for products and services that have been produced ethically, and increasing the prominence of fair trade in Australia.

In order to protect the more vulnerable members of our society which traffickers target for exploitation, particularly individuals on visas, the Committee recommends that the Department of Immigration and Citizenship develop a fact sheet to provide visa applicants appropriate information on their rights as part of the visa application process.


To prevent offenders from accessing sites containing trafficked children, the Committee recommends that the dynamic list of individual web pages with child sexual abuse content maintained by the UK's Internet Watch Foundation be utilised to block access to these sites in Australia.

Lastly, the Committee calls for the Australian Government to negotiate re-funding of contracts for non-government organisations one year ahead of the contract's conclusion.

The Committee would like to sincerely thank all of the Departments, law enforcement agencies, academics, NGOs, civil society organisations and concerned individuals for generously donating their time, effort and resources to make submissions and appear at public hearings. I would also like to thank my hard working colleagues on the Committee who are dedicated advocates for human rights both domestically and internationally.

Hon Laurie Ferguson MP

Chair



Membership of the Committee

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	Mr Michael Danby MP (from 1/07/11 to 15/05/13)	
	Hon Joel Fitzgibbon MP (from 15/05/13)	
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	Senator the Hon Ursula Stephens (from 1/07/11)	Mr Ken O'Dowd MP (from 25/10/10)
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	Ms Gai Brodtmann MP	Hon Bruce Scott MP
		Hon Peter Slipper MP (from 1/11/12)
		Hon Dr Sharman Stone MP (from 25/10/10)
		Ms Maria Vamvakinou MP



Membership of the Human Rights Sub-Committee

Chair Mr Laurie Ferguson MP (to 19/09/12; from 5/02/13)

Hon Melissa Parke MP (from 19/09/12 to 5/02/13)

Deputy Chair Hon Philip Ruddock MP

Members Senator David Fawcett
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Terms of reference

The Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade shall inquire into and report on slavery, slavery like conditions and people trafficking with a particular focus on:

- Australia's efforts to address people trafficking, including through prosecuting offenders and protecting and supporting victims;
- ways to encourage effective international action to address all forms of slavery, slavery-like conditions and people trafficking; and
- international best practice to address all forms of slavery, slavery-like conditions and people trafficking.



List of abbreviations

AATIP	Australia-Asia Program to Combat Trafficking in Persons
ACC	Australian Crime Commission
ACID	Australian Criminal Intelligence Database
ACL	Australian Christian Lobby
ACRATH	Australian Catholic Religious Against Trafficking in Humans
ACTU	Australian Council of Trade Unions
AFP	Australian Federal Police
AGD	Attorney-General's Department
AIC	Australian Institute of Criminology
ALEIN	Australian Law Enforcement Intelligence Network
ALHR	Australian Lawyers for Human Rights
ARC	Australian Red Cross
ARTIP	Asia Regional Trafficking in Persons Project
ASA	Anti-Slavery Australia
ASEAN	Association of Southeast Asian Nations
AusAID	Australian Agency for International Development

the Bureau	Department of Labor, Bureau of International Labor Affairs
BVF	Bridging F visa
CDPP	Commonwealth Director of Public Prosecutions
CHOGM	2011 Commonwealth Heads of Government Meeting
CJSV	Criminal Justice Stay visa
Criminal Code	<i>Criminal Code Act 1995</i>
CSR	Corporate Social Responsibility
CSW	Commission on the Status of Women
Cth	Commonwealth
DEEWR	Department of Education, Employment and Workplace Relations
DFAT	Department of Foreign Affairs and Trade
DIAC	Department of Immigration and Citizenship
EFIC	Export Finance and Insurance Corporation
EU	European Union
FaCHSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FECCA	Federation of Ethnic Communities' Councils of Australia
Forced Labour Convention	<i>1930 Convention concerning Forced or Compulsory Labour</i>
FVA	Family Voice Australia
HT Desk	National Human Trafficking Desk
HTT	Human Trafficking Teams
IDC	Interdepartmental Committee

ILO	International Labour Organisation
JCTP	Josephite Counter-Trafficking Project
LCA	Law Council of Australia
MOGEF	Ministry of Gender Equality and Family
NGOs	Non-Government Organisations
NSA	No Slavery Australia
NSW Bar	New South Wales Bar Association
NTEU	National Tertiary Education Union
OECD	Organisation for Economic Co-operation and Development
OON	Officer of the Order of the Niger
OSCE	Organization for Security and Cooperation in Europe
PIA	Plan International Australia
Slavery Convention	<i>1926 International Convention to Suppress the Slave Trade and Slavery</i>
STPP	Support for Trafficked People Program
Supplementary Slavery Convention	<i>1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery</i>
TIP Report	US Department of State <i>Trafficking in Persons</i> Report
Trafficking Protocol	<i>2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children</i>
TRIANGLE	Project Childhood, Tripartite Action to Protect Migrants in the Greater Mekong Sub-region from Labour Exploitation Project
the Tribunal	Victorian Victims of Crime Assistance Tribunal
UK	United Kingdom

UN	United Nations
UNICEF	United Nations Children's Fund
UNIFEM	Fonds des Nations Unies pour la Femme
UNGA	United Nations General Assembly
UNODC	United Nations Office on Drugs and Crime
UNTOC	<i>United Nations Convention against Transnational Organized Crime</i>
UPR	Universal Periodic Review
US	United States
WPTV	Witness Protection (Trafficking) (Permanent) visa
WVA	World Vision Australia



List of recommendations

3 Current extent of slavery and people trafficking in Australia

Recommendation 1

The Committee recommends that the Department of Immigration and Citizenship, in conjunction with the Interdepartmental Committee on Human Trafficking and Slavery and relevant non-government organisations, develop a fact sheet to provide visa applicants appropriate information on their rights as part of the visa application process. The information should be available in the visa applicant's language.

4 Australia's response to people trafficking

Recommendation 2

The Committee recommends that the Australian Government continue to use international mechanisms including, but not limited to, the United Nations Human Rights Council's Universal Periodic Review to combat people trafficking.

Recommendation 3

The Committee recommends that the Australian Government negotiate re-funding of contracts for non-government organisations one year ahead of the current contracts' conclusion.

5 Support for victims of trafficking and slavery

Recommendation 4

The Committee recommends that suspected victims of trafficking be provided an initial automatic reflection period of 45 days, with relevant agencies given the capability to grant two further extensions of 45 days if required. In addition, the suspected victims of trafficking should be provided appropriate support services through the Support for Trafficked People Program.

Recommendation 5

The Committee recommends that the Australian Government consider Recommendation 3 of the Senate Legal and Constitutional Affairs report on the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012, having regard to the need to ensure that even if assistance does not lead to a conviction, it is still substantial in terms of giving assistance to authorities.

Recommendation 6

The Committee recommends that the Australian Government further investigate the establishment of a federal compensation scheme for proven victims of slavery and people trafficking. The compensation fund should be funded by persons convicted of these crimes. The Committee also recommends that the Australian Government review the current rates of compensation.

6 Exploitation in product supply chains

Recommendation 7

The Committee recommends that the Australian Government, in consultation with relevant stakeholders, undertake a review to establish anti-trafficking and anti-slavery mechanisms appropriate for the Australian context. The review should be conducted with a view to:

- introducing legislation to improve transparency in supply chains;
- the development of a labelling and certification strategy for products and services that have been produced ethically; and
- increasing the prominence of fair trade in Australia.

7 Community perceptions on international best practice

Recommendation 8

The Committee recommends that the Australian Government utilise the UK Internet Watch Foundation's URL list to block access to child abuse sites in Australia.

