



Submission No 10

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

Organisation: Josephite Counter-Trafficking Project



Josephite Counter-Trafficking Project

**SUBMISSION:
NEW INQUIRY INTO SLAVERY, SLAVERY LIKE
CONDITIONS AND PEOPLE TRAFFICKING**

Submission:

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AND PEOPLE TRAFFICKING**

Josephite Counter-Trafficking Project

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Josephite Counter-Trafficking Project thanks The Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade for the invitation to participate in the Inquiry into the New Inquiry into Slavery, Slavery-like conditions and People Trafficking.

ABOUT JOSEPHITE COUNTER-TRAFFICKING PROJECT (JCTP)

Josephite Counter-Trafficking Project (JCTP) is a Congregational project of the Sisters of St Joseph of the Sacred Heart which was established in 2005 to promote, by way of holistic direct services, the spiritual, physical and emotional development of people who have undergone the trauma of being trafficked to Australia.

Since 2005 JCTP has developed networks among others working on the issue of trafficking and in collaboration with the Department of Immigration and Citizenship (DIAC), Australian Federal Police (AFP), Red Cross, Salvation Army and other NGOs. JCTP provides support and direct services to trafficked children, women and men, including reintegration and repatriation programs. We have also conducted a survey in 2007 on the social needs of Trafficked women.

JCTP has run awareness-raising programs for the wider community and continues to advocate for trafficked persons with Government and Non Government organisations. We believe that because of the complex nature of Trafficking of Persons it is of vital importance that Government agencies, NGOs and individuals work together to address the issue of Human Trafficking.

We concur with the UN Special Rapporteur's recommendation in her report that there be a redeveloped consultative, national plan of action for combating trafficking which applies a human rights approach.

1. Australia's efforts to address people trafficking, including through prosecuting offenders and protecting and supporting victims:



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Trafficking of Persons is a transnational crime that violates the human rights of the individual. Human Trafficking is the third largest source of income globally and Australia is a country of destination (mainly from the Asia Pacific region). Men, women and children have been brought into Australia under false pretences and have ended up in debt bondage and working in terrible slave-like conditions.

Following the death of Ms Puongtong Simaplee on 27th September 2001 at Villawood Immigration Detention Centre in Sydney and the ensuing coronial inquiry, the Australian government implemented its trafficking strategy to eradicate trafficking in persons in 2003. The focus then was on trafficking in the sex industry. However, this has changed to include the growing awareness of labour trafficking. This is borne out by the statistics on the number of investigations by the Australian Federal Police (The Trafficking in Person Monitoring Report: January 2009-June 2011) into people trafficking; about 30% were in the area of labour trafficking

JCTP works at the coal face and has, since the publication of the Labour Trafficking research (David 2010), published by the Australian Institute of Criminology, become more aware of instances where there has been labour exploitation and possibility of people trafficking in the construction industry in Australia (e.g. the 2 cases reported in the Canberra Times in 2010 and 2011 and anecdotal accounts from clients)

It is impossible to have exact numbers for people who have been trafficked to Australia due to high levels of under-reporting. Trafficked persons are often fearful of authorities and the possible repercussions for themselves and their families.¹

It is also our experience that people who have been trafficked are unwilling to come forward because of fear of threats to themselves or their families,

¹ Joudo Larsen.J, & Renshaw.R 'People Trafficking in Australia', in Trends and Issues in Crime and Criminal Justice. *Australian Institute of Criminology* . No 441, June 2012.



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stigmatisation or deportation. This fear is exacerbated when they are illegally in Australia. Often they are not aware of their rights in Australia and language is a barrier to their accessing assistance.

‘Human traffickers prey on the vulnerable’.² The survivors of trafficking in Australia, according to Australian Federal Police (AFP) statistics, many of whom have come from countries in the Asia Pacific Region, are easy targets for the traffickers. The trafficked persons are often from areas where there is poverty and they have difficulty in finding work because of low education levels. Others who have higher qualifications are also lured by traffickers who present lucrative opportunities for work, including the possibility of permanent residence here in Australia; these people come into Australia on the 457skills visa. According to Pearson, ‘The majority of trafficked people have tended to enter Australia legally on tourist, student or work visas, but ended up in situations of exploitation akin to debt bondage or forced labour’.³

As cited by Vidal in her paper on Trauma Informed Care and Practice for Trafficked people and CALD (Cultural and Linguistic Diverse) Populations⁴, traffickers ‘ploys are creative and ruthless, designed to trick, coerce and win the confidence of potential victims. Very often these ruses involve promises of a better life through employment, educational opportunities or marriage.’⁵ Common experiences of survivors of trafficking include being subjected to working in bad conditions, suffering physical, verbal and/or sexual abuse. They are often isolated, sometimes forced to live at their workplace and forced to provide labour without payment. Travel documents are often confiscated and freedom is restricted. They are usually unaware of their rights having been told that they had to work out their ‘contract’.

² Dept of State, USA (2008) Introduction in *Trafficking in Persons Report*, Publication 11407, Office of Under Secretary for Democracy and Global Affairs and Bureau of Public Affairs.

³ Pearson in Dottridge M., *Collateral Damage: The Impact on Anti-Trafficking Measures on Human Rights Around the World* (Thailand: Amarin Publishing, 2007), pp 28-60.

⁴ Vidal L., *Trauma Informed Care and Practice for Trafficked People and CALD Populations*, 2011.

⁵ Vidal cited Dept of State, USA (2008) Introduction in *Trafficking in Persons Report*.



This results in ‘emotional dysregulation, loss of safety, direction and the ability to detect and respond to danger cues’.⁶

The impact of the trafficking process, usually, has a traumatic effect on the survivor of trafficking. Trust has been broken and the individual often suffers from having experienced threats (by the trafficker), whether physical or psychological. Added to this is the difficulty of coming to terms with what has happened, a feeling of helplessness and guilt, as well as coping with the major life transition of being in a foreign environment/country. ‘Chronic exposures can lead to a sense of losing one’s self or identity’ as highlighted by Grant.⁷

COMMONWEALTH GOVERNMENT INITIATIVES AND POLICIES TO ADDRESS THE TRAFFICKING OF PEOPLE AND THEIR EFFECTIVENESS

- Trafficking related legislation was introduced by the Commonwealth Government in 1999, with The Criminal Code Amendment (Slavery and Sexual Servitude) Act⁸. New offences were created in August 2005 to include trafficking in persons, trafficking in children, domestic trafficking in persons and debt bondage.
- By 2010 it became apparent that the existing regulation did not adequately cover other labour trafficking related situations. After consultation with the wider community, legislation is currently underway with the proposed Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking Bill 2012) to Federal Parliament in May 2012. This proposed legislation also includes offences such as forced labour, forced marriage, organ trafficking and harbouring a victim. JCTP welcomes the proposed amendments. This will enable law enforcement authorities to combat slavery and people trafficking, and endorses the process that was undertaken in developing this Bill. It is a good

⁶ Herman in Vidal, *Trauma Informed Care*, p.10.

⁷ Grant R., *Living and Working in Environments of Violence and Trauma* (Grant self published, 1999), p. 74.

⁸ Joudo Larsen. J & Renshaw. L., ‘People trafficking in Australia’, in Trends and issues in crime and criminal justice. *Australian Institute of Criminology* . No 441, June 2012.



example of genuine collaborative dialogue between government and civil society.

- We affirm the following reforms and initiatives by the Commonwealth Government to meet the needs of Trafficked persons with some recommendations:
 - New visa framework whereby identified victims of human trafficking are not deported immediately and are now eligible for a Bridging F visa if they do not hold another valid visa
 - The Support for Trafficked People Program is only accessible to victims identified by the AFP. Victims are granted a bridging visa for 45 days, and a further 45 days extension is granted to those who are willing but unable to assist the AFP in the prosecution process. However, 45 days do not give a person who has been traumatised by the trafficking process (as described earlier in this submission), adequate time for reflection to make a well informed decision about their options.

The UN Special Rapporteur Ms Joy Ngozi Ezelio, in her report in April, 2012, recommended that States should provide an initial automatic reflection period of a minimum of 90 days. This ‘reflection and recovery’ period would be a positive way to enable “trafficking persons to regain physical and psychological stability and to reflect on available options.”⁹ This is in keeping with article 6 of the trafficking protocol. Ms Ezelio has also noted that there is empirical evidence regarding the importance of a ‘reflection and recovery’ period, for a minimum of 90 days to ensure that victims are at a level to make informed decisions and can provide more reliable information for police investigations.

JCTP also urges the government to implement the 90 days ‘reflection and recovery’ period to all trafficked persons regardless of their ability or willingness to assist in an investigation.

- Support for victims of trafficking, is administered by the Office for Women. This program which was established in 2004 to meet the trafficked person’s basic needs for safety, food, accommodation, mental and physical health

⁹ Ngozi Ezelio, J., *Report of the Special Rapporteur on trafficking in persons*. Submission to the UN Human Rights Council, 13 April 2011 (A/HRC/17/35) 50. P.2.



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and wellbeing.¹⁰ Anyone on the Support Program would have a case manager, with 24/7 support, who had the responsibility of helping clients to access services such as safe and suitable accommodation according to Australian Federal Police (AFP) requirements, income support, medical needs (including counselling), legal and migration advice, language and appropriate skills development training including vocational training and social support.¹¹

The contract for the Support Program was initially given to Southern Edge Training. Subsequently, in March 2009 the Australian Red Cross took over the delivery of the program and has made valuable contributions regarding support given to trafficked persons

To ensure that the government's support program is effective JCTP believes that there needs to be an external evaluation process of the current Trafficking support program. The process should involve people who are currently participating in the government's support program and also include those who have exited the program, as well as NGOs who provide support and/or direct services to trafficked people. We also suggest that this process be ongoing.

Currently, a person who has been identified by the Australian Federal Police as a suspected victim of human trafficking is eligible for the Bridging Visa F for a period of 45 days with a possibility of a further extension of 45 days. This enables the person to access the Victim Support Program run by the Australian Red Cross. Following that a Criminal Justice Stay Visa (CJSV) may be granted to the suspected victim who stays in Australia during court proceedings or criminal investigation. While this is happening JCTP has noted that the individual is under the stress of not knowing

¹⁰ *Trafficking in Persons*: The Australian Government Response, 1 May 2009 – 30 June 2010.

¹¹ *Trafficking in Persons*: The Australian Government Response, 1 May 2009 – 30 June 2010.



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whether s/he will be given a protection visa. This is further exacerbated by anxiety for the safety of her/his family or children in the country of origin. It would be helpful if a permanent visa is given within 6 months after the CJSV is issued and that those who are unable to participate in a criminal investigation be eligible for this visa on compassionate grounds.

Access to Humanitarian services

The Witness Protection Trafficking Permanent Visa (WPTPV) is not categorised as a humanitarian visa and this limits access to humanitarian services. These settlement services are particularly important with Trafficked people who have children offshore who are all granted permanent residency in Australia.

Safe, Suitable and Sustainable Accommodation

When a victim is first identified s/he is sometimes placed in an inner city hotel/motel accommodation. The NSW legislation does not allow access to Housing NSW products for anyone who does not hold a permanent residence visa in Australia.

It is a travesty of the basic right to safe and secure accommodation.

Australia, as a signatory of the Human Trafficking Protocol is obliged to protect victims of trafficking through the provision of safe, secure and sustainable accommodation. This would not have been an issue if the visa for trafficked persons came under the “humanitarian” framework like asylum-seekers and refugees who can access emergency accommodation.

The high and escalating cost of rental accommodation in Sydney and Melbourne has meant that some victims on Special Benefits have returned to work in



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exploitative situations to make ends meet, causing them to be re-traumatised. Most Trafficked persons do not have a rental history and have difficulty in securing a lease for accommodation. This is especially so in Sydney and Melbourne where rental is very expensive and in some cases may take up to 60% of a person's Special Benefit income. We hope that some agreement can be reached between the Commonwealth and State Governments regarding the provision of safe, secure and sustainable accommodation.

Compensation

Human Trafficking is an offence in Federal Legislation but is not part of the States' Legislative Framework. This is a problem for Trafficked persons who cannot access compensation for the crime that has been committed against them. They have to seek the closest appropriate parameters and use surrounding circumstances to determine under which crime in State legislation they can apply for compensation.

At a recent Symposium on Human Trafficking representatives from the Thai Division of Assistance and Protection of Foreign Victims and Vulnerable Group, reference was made to the automatic compensation given to victims to help them with their reintegration/rehabilitation process.

Compensation claims vary from state to state and in NSW, range from \$7,500 to \$50,000, depending on the severity of the injury sustained by the victim. However, because of the psychological and physical injuries suffered, the cost of medical and counselling services incurred can mean that the money is soon used up and thus leaves the person in financial hardship.

Victims of Trafficking receive Centrelink's Special Benefit payments while they are waiting for permanent residence. This is a payment for people experiencing financial hardship and whose income does not exceed \$5,000. Consequently, a Trafficked person who has received the NSW compensation award loses her/his



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Special Benefit. The compensation payment which was meant to make restitution for the harm that has been suffered by the victim is then what the person has to live on, on a daily basis, thus adding further pressure to the individual who cannot use it to provide some security for the future.

JCTP also believes that victims of human trafficking should not be penalised with the cessation of Special Benefits when they receive compensation. We hope that something can be done about this – perhaps creating a new category whereby trafficked people can be exempted from the Centrelink criteria that prevents them from accessing Special Benefits, after being awarded compensation. Reparation orders are appropriate in some circumstances but they have a limited usefulness in the context of slavery and people trafficking victims.

The UN Special Rapporteur on Trafficking in Persons in her report refers to the importance of the provision of effective remedies. However there is no comprehensive process for victims to claim compensation. It is also good to see this issue picked up in the second recommendation of the Senate Committee on 13th September 2012 “that the Australian Government further investigate the establishment of a federal compensation scheme for victims of slavery and people trafficking.”¹²

Forced and Servile Marriages

JCTP endorses the proposed amendment on the Crimes Legislation (Slavery, Slavery-like Conditions and People Trafficking) Bill which includes two new forced marriage offences. This is a cultural practice for some ethnic communities and the young women and children are often unaware of their rights to refuse being forced into a marriage by their parents. They believe that they have to obey their parents and accept the marriage. It is hoped that this new legislation will serve as a deterrent for the practice of false or forced marriages, especially

¹² Parliament of Australia, Senate Committees, 13 September, 2012.



overseas. However, we believe that it has to go hand in hand with community-awareness raising and education for women, marriage celebrants, including clerics and religious celebrants, as a preventative measure. The development of a user-friendly hotline for women in these circumstances would be an important source of support for them.

Access to English language classes:

Access to English language classes is an important aspect of the reintegration and resettlement process for victims of trafficking who more often than not have low levels of English literacy. Those who stay in Australia do not have access to the Australian Migrant Education Program (AMEP). It would be beneficial for victims to participate in this free program for English classes which is part of the Governments social inclusion agenda for eligible migrants and humanitarian entrants who do not have functional English.

We believe that access to the AMEP will enable victims to communicate (an important aspect for daily living) and understand their human rights. It is an avenue for access to services and eventually, vocational training and gainful employment leading to a sense of self worth. It is not right for them to be asked to pay overseas student fees to enrol in English or vocational courses at TAFE while they are waiting for their Permanent Residence. In our experience the waiting period is demoralising and detrimental to the person who could be studying and gaining qualifications for employment. JCTP has been able to assist clients who have eventually gone on to TAFE and one has started her own business.

THE LEVEL OF COMMUNITY AWARENESS OF PEOPLE TRAFFICKING

- It is our experience during awareness-raising sessions with the wider community that there is a general awareness of Human Trafficking in other countries and many were appalled at the fact that this is happening in



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Australia. The media's focus on Human Trafficking involving the sex industry, has created the misconception with many Australians that only women are trafficked into Australia, and into the sex industry.

In 2008/2009 The Australian Institute of Criminology (AIC) conducted an online survey "asking respondents for their understanding of trafficking and seeking to examine attitudes towards issues, including key labour sectors, migrants and victim status".¹³ Results of the survey indicate that there is a high level of confusion between people trafficking and people smuggling.

- AIC which is partially funded by the Commonwealth Government continues to conduct research regarding the issue of Human Trafficking in Australia and in the Asia Pacific region. The research by Fiona David on Labour Trafficking in 2010 highlights the fact that "cases of unreported or unrecognised labour trafficking exist"¹⁴ and that there is a need for increased awareness among a wide variety of front-line agencies and service providers.
- The Annual National Round Table with NGOs since 2008 has been part of the consultation process between the Australian government and civil society. This collaborative approach, the funding by the Attorney General's Office to ACRATH, Anti Slavery Australia, Project Respect and Scarlett Alliance recognises the role of NGOs in the provision of support for victim through advocacy, direct support, and awareness-raising about human trafficking. The UN Special Rapporteur's report after her visit to Australia commended the Government on its robust working relationship with civil society and the regular inter-departmental government meetings.

¹³ Joudo Larsen. J & Renshaw. L., 'People trafficking in Australia', in Trends and issues in crime and criminal justice. *Australian Institute of Criminology* . No 441, June 2012.

¹⁴ David, F., 'Labour Trafficking' in *AIC Reports Research and Public Policy Series*, No 108, 2010.



The Australian Policing Strategy to Combat Trafficking in Persons 2011-13.

The Standard Operating Procedures for Investigating Sexual Servitude and People Trafficking provides an interview guide to direct investigators on appropriate victim interviewing. It is to be hoped that all local police are given appropriate training to identify victims of sex and labour trafficking and that in so doing respond in a culturally sensitive way that respects and protects the human rights and safety of the victims.

PRACTICAL MEASURES TO ADDRESS THE TRAFFICKING OF PEOPLE

- **Training and awareness-raising for law enforcement officers and judiciary and frontline service providers**

We have noted in this submission the need for appropriate training for law enforcement officers to identify and respond to possible victims of human trafficking. This is especially so for victims who are afraid of authorities and the prospect of being deported. We do not need to re-traumatise them. Research by the AIC has shown that this could be a factor for victims being unwilling to admit what has happened to them. From our experience of attendance at Court Cases it is has become apparent to us that it is important that training be given to members of the judiciary.

Frontline service providers who work at the coal face have greater possibility of access to victims of trafficking, especially in the CALD sector. Awareness raising and training regarding the indicators of human trafficking in the agriculture, construction, domestic sectors, removal of organs, and forced and/or servile marriages, could assist with the detection of trafficking other than in the sex industry.



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An area of concern for JCTP is that of exploitation of domestic help in the Embassies where diplomatic immunity is used to avoid payment of wages.

2. WAYS TO ENCOURAGE EFFECTIVE INTERNATIONAL ACTION TO ADDRESS ALL FORMS OF SLAVERY , SLAVERY-LIKE CONDITIONS AND PEOPLE TRAFFICKING

- Australia plays a major part in the Bali Process and has posted specialist immigration officer in Thailand, China and the Philippines to assist in the prevention of trafficking in source countries.
- “Regional activities to deter trafficking, train law enforcement officials...”¹⁵ come under Australia’s overseas aid program. There has been an increase in funding from Aus-Aid, allocated to education for primary education for girls in Thailand.

However, JCTP is concerned that in the last federal budget Australia has fallen behind in the commitment to meet with our Overseas Development Assistance (ODA) target and has deferred by one year its achievement of the target to reach 0.5% to 2016-2017. Australia’s aid budget is now 0.35% of GNE. We urge the government to ensure that our ODA reaches 0.5% of our Gross National Income by 2015 and 0.7% by 2020. There is a pattern of poverty as a push factor for men, women and children to leave their homes and countries of origin to seek employment resulting in the risk of exploitation and being trafficked. This is a factor that is noted in the Philippines in THE National Strategic Action Plan Against Trafficking in Persons 2012-2016. It speaks about the importance of “creating sustainable living standards in high-risk communities through skills development and

¹⁵ *Trafficking in Persons: The Australian Government Response* 1 July 2010-30 June 2011, p. 4.



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micro-financing... and providing opportunities for entrepreneurship and economic growth.”¹⁶

In 2000, 191 member countries of the United Nations (including Australia) came together to set the target of halving world poverty by 2015. To achieve this, the United Nations has established eight Millennium Development Goals (MDGs), asking all nations to commit to allocating 0.7% of their gross national income (GNI) to overseas development assistance.

The most prominent international document regarding the prevention and eradication of Human Trafficking is the UN Palermo Protocol on Trafficking in Persons.

- The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 refers to ‘The Global Approach to Migration and Mobility’ which “highlights the importance of cooperating with third countries of origin, transit and destination ... and the reduction of irregular migration and trafficking in humans.”¹⁷ This is also noted in the 2009 Action Oriented Paper on Strengthening the EU external dimension against trafficking in human beings. However, the carrying out of this strategic plan is only possible if all the Member States have ratified both the UN Palermo Protocol and the Council of Europe Convention on Actions against Trafficking in Human Beings.

The EU strategy focus is on concrete measures that will support and complement the work done by governments, international organisation and civil society in the EU and third countries.¹⁸

¹⁶ Philippines Government, *Inter-Agency Council Against Trafficking: The National Strategic Action Plan Against Trafficking in Persons 2012-2016* p. 17.

¹⁷ The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. P.4.

¹⁸ *Ibid*,p.5.



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Australia's being part of the Asia Pacific/Oceania region, gives it a unique position. The importance of collaborative initiatives with our neighbouring countries cannot be underestimated. This is something that Countries like Taiwan and the Philippines are advocating. JCTP notes that the Taiwanese National Immigration Agency (NIA) hosted an International conference.¹⁹ This is part of Taiwan's ongoing plan of a working partnership through international exchange.²⁰

It is envisaged that future international workshops "featuring sector representatives, such as from NGOs from around the world to shed light on regulatory regimes and practice."²¹ Such events are seen as opportunities for the forging of partnerships among the judiciary and frontline service providers, and stakeholders with their counterparts abroad. This includes sending key players overseas to broaden their perspective and to help with the construction of international anti-TIP networks.

Similarly, the Philippines Inter-Agency Council Against Trafficking has also hosted and supported the Second ASEAN Experts' Meeting to study the feasibility of developing the ASEAN Convention on Trafficking in Persons (ACTIP)

Australia is already working on similar lines e.g. the sending of specialist immigration officers in Thailand, China and the Philippines. It would seem that since the majority of those trafficked into Australia are from these countries, it would be advantageous for Australia to consider holding international workshops with our Asian neighbours and continue its work with neighbouring countries in the region.

¹⁹ 2010 Taiwan Trafficking in Persons Report. P.6.

²⁰ Ibid, p55.

²¹ Ibid. p55.



3. INTERNATIONAL BEST PRACTICE TO ADDRESS ALL FORMS OF SLAVERY, SLAVERY-LIKE CONDITIONS AND PEOPLE TRAFFICKING

The research that JCTP has done regarding International Best Practice to address all forms of Slavery, Slave-like Conditions and People Trafficking have included Strategies from the EU, the Philippines and Taiwan, and discussions with NGOs from South Korea and Thailand.

A common theme that emerges is that of the complexity of the issue of Human Trafficking which requires a holistic approach to the situation that focuses on the **human rights** of the individual.

The following are some of the International Best Practices by the countries mentioned above:

- Focus is not only on law enforcement but also on prevention and the opportunity for victims of trafficking to recover and to reintegrate into society. ²² JCTP notes that from our recent conversations with South Korean NGOs, Victims of Trafficking returning to South Korea are given assistance and free accommodation for up to one and a half years at a Medium Time Centre. Once they start working they make a small contribution towards their board. There is also a Social Integration Centre which victims can attend for a period of 3 years for training in vocational skills (e.g. internship at the local coffee shop) and for social interaction. Australia does not have such a program.

In Australia, once a trafficked person finishes with the prosecution process they have to exit the Red Cross program. It is our experience that those

²² The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016.p.3.



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coming off the program need to have a longer period for the exit program – according to individual needs. As mentioned earlier in this submission, there is an urgent need for access to AMEP (English) and TAFE classes, and safe and secure housing

- In Taiwan a free, 24 hour bilingual counselling and assistance Hotline has been established especially for foreign workers in conjunction with the foreign spouse network and related NGOs.²³ Hotline operators are given training to maintain up-to-date database.²⁴ There has been an increase of complaints and requests for assistance since the launch of the hotline on July 1, 2009. The Filipino Inter-Agency Council Against Trafficking also has a Hotline. The hotline that was set up here was unhelpful for victims because of language and the absence of a person at the other end of the line.
- The Taiwanese Council of Labour Affairs (CLA) has taken steps to monitor job placements and service fees charged by brokers.²⁵ The employment termination verification procedure ensures that an employer cannot repatriate a foreign worker before they appear together before the local governing agency. It is to be noted that Social Workers accompany victims at the investigation interview as this helps to stabilise them emotionally and keep them focused so that they are more willing to offer information for the investigation.
- The EU Commission also acknowledges that greater focus needs to be placed on contractors and subcontractors and job recruitment agencies and in 2015, “will develop a best practice guide for public authorities on the

²³ Taiwan Response to TIP Report, p, 9.

²⁴ Ibid, p10.

²⁵ Ibid,p11.



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monitoring and enforcement of temporary work agencies and intermediary agencies...to prevent trafficking in human beings.”²⁶

- JCTP suggests that there be better monitoring of employers of temporary visa workers, especially those who are on the 457 skills visa. We are aware that the amendments are being proposed will establish civil penalties and fines for employing or referring illegal workers. This should lessen the risks of exploitation.

JCTP concurs with the Special Rapporteur’s recommendation that Australia ratifies the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and International Labour Organisation Convention concerning Decent Work for Domestic Workers. The Australian National Human Right Plan 2012 item 50 says “The Australian Government will work with the ILO to protect migrants from labour exploitation in the South-East Asia region.”²⁷ Our experience is that there is much to be done in the area of protecting the rights of all migrant workers and their families. Often, they are not aware of their rights for retrieving their unpaid wages or that they can access the assistance of the Fairwork Ombudsman.

- In January 2009 the Taiwanese Tourism Bureau distributed flyers on human trafficking at travel agencies, hotels and theme parks and visitor information centres to raise awareness on sex tourism.²⁸ Training regarding human trafficking is also given to hotel workers. Concern has also been raised in the reports and Strategic Plans from the EU, Philippines and Taiwan regarding the sexual abuse of children. JCTP is aware of the submission by Stop The Traffik

²⁶ The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016.p15.

²⁷ *Australian National Human Right Plan 2012 item 50.*

²⁸ Taiwan Response to TIP Report p.18.



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(STT) regarding this matter and endorses their recommendation for actions to be taken to stop commercial child sexual abuse industry on the internet.

The EU Commission is concerned about the strengthening of child protection systems and is planning the development of guidelines on child protection and a best practice model on the role of guardians and/ or representatives of child victims of trafficking.²⁹

- A common theme of the literature that JCTP has researched, is the concern regarding the developing of models and guidelines to reduce the DEMAND for services provided in high-risk areas. The US has been leading globally in the area of taking reasonable steps to ensure that imported goods are free of slavery, forced labour and human trafficking. It is a matter of concern that the US Department of Labor and UN bodies have identified goods being imported into Australia, where forced labour and trafficking have been involved in their production. STT has made significant progress in influencing Cadbury, Nestle, Mars, and Cotton On, to look at their production chain and ensure that their products are slave free. It would be preferable if the Government took steps to ensure that all companies look at their production line and to use 'slavery free warranty' labels on goods of high risk that are sold in Australia.

CONCLUSION

It is vital for the well-being of the Survivor of Trafficking that NGOs and Government agencies work collaboratively to provide culturally-sensitive, holistic supportive services. JCTP supports the collaborative model of a comprehensive whole-of-government approach to combating people trafficking and consultation and bi-annual meetings with stakeholders who are

²⁹ The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. p.7.



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already providing services to victims of human trafficking, unions e.g. CFMEU, and CALD sectors. The Sydney Trafficking Response Network, already meets regularly during the year to discuss issues and possible solutions regarding Human Trafficking. A state directory of stakeholders providing services would also be beneficial.

JCTP urges the government to formulate a Strategic Action Plan for trafficked persons in Australia, with input from Stakeholders and those who have had access to the support program, to improve the assistance given to them. JCTP also asks the Australian government to consider a Human Rights framework for determining the outcome of the individual's ability to be part of the Trafficked Person's Support Program and the ability to access services.

We highlight the Special Rapporteur's recommendations that Australia:

- Re-develops, consultatively, a national plan of action for combating trafficking which applies a human rights based approach, including measurable targets and indicators.
- Places a greater focus on a victim centred approach and on victim's rights particularly in the areas of housing, settlement and orientation services, medical and psycho-social support and translation and interpreting services.
- Provides specialist services for trafficked children, including appropriate housing, education and care.
- Ensures that trafficked persons, including children, are not arrested or detained for long periods and deported for breach of migration regulations without proper identification, while paying particular attention to the vulnerability of smuggled migrants to trafficking related deception, coercion and exploitation.

JCTP is currently working in collaboration with Anti Slavery Australia on their Web-Based Training Resource. When it is completed this should be a good resource for



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training and awareness-raising for law enforcement officers and judiciary and frontline service providers.

During the past 7 years JCTP has had the privilege of working with Trafficked persons and has appreciated the opportunity to work collaboratively with DIAC, AFP, Red Cross, Salvation Army, Anti Slavery Australia and other NGOs who are assisting and supporting these people. We look forward to future collaboration with these NGOs and Government Agencies.

Sr Margaret Ng

Co-Ordinator – JCTP