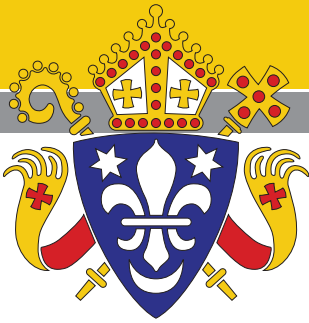


# COMBATING HUMAN TRAFFICKING

Church and Law Enforcement in Partnership

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## Australia's Response in the ASEAN Region (Association of Southeast Asian Nations)

*Commissioner Tony Negus, Australian Federal Police*

CASINA PIO IV, 00120, VATICAN CITY STATE, 9 APRIL 2014

**It is a great privilege to speak to you today about Australia's efforts in responding to the challenges of human trafficking. As you would appreciate, in fighting all types of transnational crime and terrorism, collaboration across multiple jurisdictions is a key strategy.**

Fighting human traffickers is no different and that is one reason why forums like this are so important. To share our experiences, both positive and negative, to learn from each other and to come up with new ideas together is a vital way that we can improve the circumstances of so many victims of this despicable crime.

During this short presentation I will provide a brief overview of Australia's experiences in this area. Australia is strongly committed to preventing human trafficking, slavery and slavery-like practices, prosecuting the perpetrators, and importantly protecting and supporting the victims. Like many countries, however, our strategies are not 100% effective and we continue to look for ways to improve our efforts, in what can be a difficult and demanding environment.

Four important features of Australia's anti-trafficking efforts to date are:

- determining the scope of the problem in an environment that traditionally under reports this crime type
- adopting a whole-of-government approach to combating trafficking
- implementing a well resourced anti- trafficking strategy comprising a National Action Plan and prosecution activity, and
- developing ongoing partnerships with domestic and foreign governments, law enforcement agencies and non-government organisations.

Australia is fortunate to some degree, that opportunities to traffic people are limited because of our strong migration controls and geographic isolation as well as our high degree of regulation, compliance and enforcement.

None the less, Australia's anti-trafficking strategy attempts to addresses the full trafficking cycle, from recruitment to reintegration and lends equal weight to the critical areas of prevention, detection and investigation, prosecution and victim support.

## Australia's response to Human Trafficking

Australia is traditionally a destination country for human trafficking, with the majority of people trafficked being women from Asia who have been exploited within the sex industry.

In recent years, cases of men and women exploited in a range of other industry sectors have increasingly been identified, including in agriculture, construction, hospitality and domestic service.

Since the establishment of Australia's strategy to combat human trafficking and slavery in 2003, the Australian Government has provided more than \$150 million to support a range of domestic, regional and international anti-trafficking initiatives.

These include:

- specialist teams within the Australian Federal Police to investigate human trafficking and slavery matters, and the development of an *Australian Policing Strategy to Combat Trafficking in Persons*
- legislation to criminalise human trafficking, slavery and slavery-like practices, including forced labour and forced marriage
- legislation to protect vulnerable witnesses giving evidence in criminal proceedings, including victims of human trafficking, slavery and slavery-like offences
- support for prosecutors in this area including increased funding and training
- a victim support program which provides individualised case management support
- visa arrangements to enable suspected victims and witnesses of human trafficking and slavery to remain in Australia and support the investigation and prosecution of offences
- specialist immigration officers posted in Thailand, China and the Philippines, who focus on human trafficking issues and aim to prevent trafficking in source countries
- regional engagement in the Asia-Pacific on human trafficking issues
- regional activities to deter human trafficking and slavery, train law enforcement officials, and assist victims under Australia's overseas aid program, and
- national and regional research on the issue by the Australian Institute of Criminology.

## **Victim Support**

To successfully prosecute offenders in this area, the testimony of victims in court is of course, critical. It is often the case, however, that victims can be reluctant to give evidence against those responsible for trafficking them due to shame or fear of reprisal. A key strategy in dealing with this reluctance is to provide a level of support to both witnesses and victims which can increase their confidence to come forward. I am pleased to say that Australia has developed a comprehensive range of support services for trafficked people.

This support is delivered through the Australian Government's Support for Trafficked People Program and the Human Trafficking Visa Framework. In cases where the AFP assesses a person as a potential victim of trafficking, the person becomes eligible for both the visa framework and the victim support program.

Between 2004 and 2013, 225 individuals (202 female, 23 male) were identified by the AFP as suspected victims of trafficking and referred to the Support for Trafficked People Program. The program is administered by the Australian Government and managed by the Australian Red Cross. It provides intensive support, including suitable accommodation, financial assistance, medical treatment, counselling, skills development training, social support and access to legal and migration advice.

The Human Trafficking Visa Framework allows victims of human trafficking, slavery and slavery-like practices to remain in Australia lawfully if they are not an Australian citizen or resident and do not hold a valid visa.

The framework involves three phases including;

- an assessment stream for recovery and engagement with the AFP
- a justice stream to allow a victim to remain in Australia to support an investigation, and
- a witness protection stream.

Where a victim has contributed to, and cooperated closely with a Human Trafficking prosecution, AND the Minister is satisfied the person would be in danger if they returned to their home country, the victim is eligible for a Witness Protection Permanent Visa allowing them permanent residency in Australia.

## **Cooperation with NGOs**

Australia also works closely with Non-Government Organisations or NGOs, to combat human trafficking and

slavery. This includes an annual government ministerial-level National Roundtable on Human Trafficking and Slavery.

The AFP has also collaborated closely with NGO's to develop national guidelines for working with trafficked people.

The objective of the guidelines is to provide NGO's with a 'best practice' guide to inform them about the Australian anti trafficking framework and to encourage cooperation with the criminal justice response where appropriate.

Since 2008 the Australian Government has provided almost \$3 million in funding to support Australian NGO's, union bodies and industry associations in their efforts to combat human trafficking and slavery.

This funding is used to provide vital outreach for trafficked people and conduct education and awareness-raising initiatives on human trafficking and slavery.

## **Investigation and Prosecution**

Australian law enforcement operates under the Australian Policing Strategy to Combat Trafficking in Persons. The strategy outlines a number of obligations, primarily for the AFP, but also for all Australian police forces.

These include:

- promoting awareness of people trafficking as a crime;
- maintaining partnerships with government and NGOs;
- developing prevention programs;
- contributing to intelligence products prepared by the Commonwealth, States and Territories;
- ensuring that appropriate technical tools are available to police agencies;
- ensuring that all suspected victims are referred to the case management service provider;
- providing appropriate training and education to police personnel; and
- contributing to reviews of legislation and regulatory regimes.

Since January 2004, specialist investigative teams within the AFP have undertaken more than 430 investigations and assessments into allegations of trafficking in persons and slavery-related offences.

These investigations, however have only yielded 17 convictions. This conviction rate is far too low for our liking and we continue to strive for greater victim cooperation and support.

I am pleased to say, this is improving, with 92% of identified victims, voluntarily participating in an investigation or prosecution during the last year.

In 2013, the AFP received 56 new case referrals, resulting in 51 investigations. Approximately 48% of these investigations related to sexual exploitation, with the remainder relating to other forms of labour exploitation.

Labour exploitation referrals have related primarily to foreign domestic workers, as well as the hospitality, agriculture and construction industries.

Historically, sexual exploitation accounted for approximately 65% of the total number of referrals/investigations.

However, more recently there has been an increase in the number of labour exploitation matters, and as I said, now account for almost 50% of all referrals.

I am sure it will not surprise you to also hear that human trafficking matters in Australia also generally involve other crime types such as immigration fraud, identity fraud, document fraud and money laundering.



## Regional Engagement

One of the most important things the AFP does to combat human trafficking is our offshore preventative work in the Asia Pacific. We are involved in numerous cooperative activities with overseas jurisdictions which aim to reduce opportunities for people traffickers to operate in the region.

An example of this is the strong collaborative relationship that the AFP has with our Thai counterparts. This relationship was developed in recognition that Thailand was a significant source country for trafficking victims to Australia.

This working relationship provides both joint investigation opportunities and ongoing support for victims who choose to return to their home country.

In one recently completed matter, this cooperation led to the arrest of two offenders in Australia for slavery offences and two offenders in Thailand for the recruitment and transport of Thai victims to Sydney. The ongoing support provided by Thai authorities to the victims who returned home, was critical to achieving the successful conviction of the two Australian offenders some 5 years later.

## Legislation

Australia has enacted a range of laws criminalising human trafficking and applies the elements of threat, coercion or deception to all human trafficking offences.

Offences include:

- trafficking in persons
- slavery
- servitude
- forced labour
- deceptive recruiting for labour or services
- debt bondage
- forced marriage

Australian legislation also contains specific provisions for domestic trafficking, organ trafficking and trafficking in children. Penalties range from 4 years for debt bondage to 25 years in prison for slavery and trafficking in children.

## In conclusion

As a destination country, Australia has strong and robust laws to deal with human trafficking.

More than this, however, Australia has endeavoured to provide significant levels of support to the victims of human trafficking and assist them to escape their ordeal with dignity and respect.

Whilst the prosecution of offenders both in Australia and other countries remains an important goal of our strategy, the fair treatment of victims, their recovery and repatriation back to their families remains a central theme of what we aim to do.

As you have heard today, underpinning this is the vital cooperative arrangements with non government organisations and foreign law enforcement agencies.

All of these endeavours combined are helping not only to prosecute offenders but to educate a new generation of potential victims and protect them from exploitation.