



Australian Government

Australian Government Anti-People Trafficking Strategy

Trafficking in Persons

People trafficking is a complex crime and a violation of human rights. The Australian Government is committed to combating this crime and providing victims with appropriate and humanitarian support.

People trafficking is a very different crime to people smuggling. People trafficking is the physical movement of people 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, on the other hand, is the organised, illegal movement of people across borders, usually on a payment for service basis.

While there is little reliable data about the nature and extent of people trafficking, there is a general consensus that trafficking in persons affects almost every country in the world. The nature of people trafficking varies from region to region. Its most visible form involves trafficking in women and children for sexual exploitation. But around the world men, women and children are trafficked for a wide range of other purposes, including forced labour in industries such as hospitality, construction, forestry, mining or agriculture, domestic and sweatshop labour, illicit adoption, street begging, forced recruitment into militia or the armed forces, and the harvesting of body organs.

The Australian Government Response

Australia ratified the *United Nations Convention against Transnational Organized Crime* in 2004 and its supplementary *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* in 2005. Opportunities to traffic people into Australia are low because of our strong migration controls and geographic isolation. However, Australia is a destination country for victims of trafficking, mainly from Asia.

Australia's anti-people trafficking strategy was established in 2003, with initial funding of \$20 million over four years. A further \$38.3 million over four years was allocated in the 2007-08 Budget, including \$26.3 million for new initiatives. Overall, Australia's anti-trafficking strategy 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.

Key measures include:

- Dedicated Australian Federal Police teams to investigate people trafficking operations.
- A *National Policing Strategy to Combat Trafficking in Women for Sexual Servitude*.
- Visa arrangements for suspected victims of trafficking.
- Victim support measures to assist victims of trafficking.
- Senior Migration Officer Compliance positions in Thailand, China and the Philippines to help prevent trafficking at its source.
- A targeted Communication Awareness Strategy providing information about trafficking and the help available.
- Improved legislation to combat trafficking in persons.
- Increased regional cooperation to combat trafficking in persons.

- Support for the Commonwealth Director of Public Prosecutions to prosecute trafficking matters, including funding and training.
- Research into trafficking trends in our region, including labour trafficking.
- Return and reintegration support for victims of trafficking returning to their countries of origin.

Improving Support for Victims of Trafficking and changes to the People Trafficking Visa Framework

From 1 July 2009, changes to the *Support for Victims of People Trafficking Program* (the Program) and the *People Trafficking Visa Framework* (the Visa Framework) will mean that victims of trafficking in Australia have access to a more flexible support framework for themselves and their families.

Under the current arrangements, the Program comprises three phases:

- Assessment Stream, which provides intensive support for the first 30 days after a victim is identified.
- Justice Support Stream, which provides ongoing support until the finalisation of the trafficking investigation and/or prosecution.
- Temporary Trial Support Stream which provides intensive support for clients who return to Australia to give evidence in a trafficking-related prosecution.

The Visa Framework currently consists of four visas:

- Bridging F visa.
- Criminal Justice Stay visa.
- Witness Protection (Trafficking) (Temporary) visa.
- Witness Protection (Trafficking) (Permanent) visa.

Presently, victims of trafficking need to hold visas under the Visa Framework to access the various streams of support under the Program.

Changes to the operation of the Program and Visa Framework will include:

1. De-linking victim support from visas.

Victims of trafficking are currently required to hold a particular type of visa under the People Trafficking Visa Framework to access victim support. From 1 July 2009, victims of trafficking on any valid Australian visa will be able to access support under the Program. This change offers greater flexibility to victims of trafficking and will ensure that victims who hold valid visas on referral to the Program are not disadvantaged by having to request cancellation of their visas in order to receive the second phase of support.

2. Extension of the Assessment Stream and Bridging F visa from up to 30 days to up to 45 days.

At present, victims of trafficking are issued with a Bridging F visa which is valid for up to 30 days and enter the Program on an initial Assessment Stream, also for 30 days. From 1 July 2009, support under the Assessment Stream of the Program will be available for 45 days to all suspected victims who hold a valid visa. If the person is unlawful they can be granted a Bridging F visa for 45 days.

This provides an extended recovery period and time for victims to assess their options. The full Assessment Stream will now also be available to all victims of people trafficking, irrespective of their willingness and ability to assist with an investigation and prosecution of a people trafficking offence.

3. *A period of up to 90 days assistance to victims who are willing, but not able to assist with an investigation and prosecution of a people trafficking offence.*

At present, victims who are not able to assist with an investigation and prosecution of a people trafficking offence are assisted to return to their country of origin, unless they can satisfy criteria of another visa enabling them to remain in Australia. Under the new arrangements, victims of trafficking who are willing, but not able, to participate in the criminal justice process may be eligible for up to 90 days support under the Program (45 days support under the Assessment Stream and 45 days support under a new Extended Intensive Support Stream). This extended period of support will be provided on a case-by-case basis and is designed to provide additional assistance to victims suffering from medical conditions like trauma. If the suspected victim of trafficking does not hold a valid visa, a second Bridging F visa for up to 45 days may be granted.

4. *A 20 day transition period for victims leaving the Program.*

At present, victims of trafficking who leave the Program are provided with transitional assistance on an informal basis. This policy change formalises this arrangement to ensure a consistent level of service is provided to all victims on the Program.

5. *Collapsing the temporary and permanent Witness Protection (Trafficking) visas into one permanent visa and including immediate family members both inside and outside Australia.*

At present, a victim of trafficking may be invited to apply for a Witness Protection (Trafficking) (Temporary) visa if they have significantly contributed to, and cooperated closely with, a trafficking-related investigation or prosecution and would be in danger if they returned home. Their immediate family members in Australia will be included in the invitation. The temporary visa is granted for a period of three years with processing for the permanent visa commencing in the third year. From 1 July 2009, the temporary visa will be removed from the Visa Framework and victims of trafficking will instead be invited to apply directly for the permanent visa. Their immediate family members, both inside and outside Australia, will be included in the invitation.

6. *Lowering the threshold for issuing a Witness Protection (Trafficking) Certificate from having made a “significant contribution” to making a “contribution” to an investigation.*

At present, victims of trafficking must be issued with a Witness Protection (Trafficking) Certificate by the Attorney-General to be eligible for the Witness Protection (Trafficking) visa. A Certificate can be issued where a person has made a significant contribution to, and cooperated closely with a prosecution of a trafficking offence, or an investigation of a trafficking offence that did not proceed to trial. Under the new arrangements, the threshold for issuing the Certificate is reduced from making a ‘significant contribution’ to a ‘contribution’.

7. *Commencing the process for a Witness Protection (Trafficking) visa earlier than at the completion of a prosecution process by setting an independent trigger.*

Currently, victims of trafficking and their immediate family members inside Australia are invited to apply for a Witness Protection (Trafficking) visa after the prosecution process has been finalised. From 1 July 2009, victims of trafficking and their immediate family members both inside and outside Australia will be invited to apply for a Witness Protection (Trafficking) visa earlier in the criminal justice process under an independent trigger.