

## **Australian Government Anti-People Trafficking Strategy Whole-of-Government Performance Management Reporting**

Trafficking in persons is a complex form of transnational crime.

While there is little reliable data about the nature and extent of people trafficking, there is general consensus that trafficking in persons 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, illicit adoption, 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, South Korea and Malaysia). The majority of victims identified by Australian authorities have been women working in the sex industry. However, Australian authorities are increasingly identifying victims who have been trafficked for exploitation in other industries.

Australia's National Action Plan to Eradicate Trafficking in Persons was implemented in 2003. It focuses on prevention, detection and investigation, criminal prosecution, and victim support and rehabilitation. Australia's whole-of-government response to trafficking in persons 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 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.

In 2008-09, the Australian National Audit Office (ANAO) conducted an audit of the Management of the Australian Government's Action Plan to Eradicate Trafficking in Persons. Recommendations in the ANAO report, tabled in Parliament on 29 April 2009, included that the Anti-People Trafficking Interdepartmental Committee (IDC), led by the Attorney-General's Department (AGD), strengthen arrangements for reviewing progress and measuring results of the anti-trafficking strategy by developing an appropriate whole-of-government performance framework, including a method to establish reasonable estimates of the number of victims of trafficking, to support the broad outcomes articulated by the Australian Government in 2004.

This is the third data report on the Australian Government's Anti-People Trafficking Strategy, and covers the period from 1 January to 30 June 2011.

The next report will be issued in March 2012.

## **Investigations and Prosecutions**

During the reporting period, the Australian Federal Police undertook 15 investigations.

There were no apprehensions or convictions during the reporting period. Appeals were heard in two matters:

### **Kam Tin Ho and Ho Kam Ho**

- Kam Tin Ho was found guilty of five counts of intentionally possessing a slave contrary to section 270.3(1)(a) of the Criminal Code; one count of intentionally exercising over a slave a power attaching to the right of ownership, contrary to section 270.3(1)(a) of the Criminal Code; and four counts of being a party to two non-reportable cash transactions for the purpose of attempting to ensure that the transactions would not give rise to a significant cash transaction, contrary to section 31(1) of the Financial Transaction Reports Act 1988 (Cth). The total effective sentence imposed upon Kam Tin Ho was 14 years' imprisonment with a non-parole period of 11 years.
- Ho Kam Ho was found guilty by the jury on four counts of intentionally possessing a slave contrary to section 270.3(1)(a) of the Criminal Code in relation to offences involving four women, and guilty on one count of being a party to two non-reportable cash transactions for the purpose of attempting to ensure that the transactions would not give rise to a significant cash transaction, contrary to section 31(1) of the Financial Transaction Reports Act. The total effective sentence imposed upon Ho Kam Ho was 10 years' imprisonment with a non-parole period of seven years.
- Kam Tin Ho and Ho Kam Ho have lodged appeals against both conviction and sentence. The appeals were heard on 16 and 17 June 2011 in the Victorian Court of Appeal and judgment was reserved.

### **Kam Tin Ho and Sarisa Leech**

- Kam Tin Ho and Sarisa Leech were each found guilty on 4 November 2009 of an offence of intentionally using a slave contrary to section 270.3(1)(a) of the Criminal Code. Ms Leech was also found guilty of intentionally possessing a slave, also contrary to section 270.3(1)(a) of the Criminal Code.
- Mr Ho was sentenced to six years' imprisonment, of which part was to be served cumulatively upon the sentences imposed by Justice Philip Cummins on 29 September 2009 (see above, Kam Tin Ho and Ho Kam Ho). The total effective sentence was therefore 14 years and six months' imprisonment. The non-parole period of 11 years, imposed by Justice Cummins, was affirmed. Ms Leech was sentenced to six years' imprisonment with a non-parole period of three years and six months.
- Mr Ho and Ms Leech have lodged appeals against their convictions and sentences. The appeals were also heard on 16 and 17 June 2011 in the Victorian Court of Appeal and judgment was reserved.

At 30 June 2011:

- 13 people had been convicted of people trafficking related offences. Three of the convictions are being appealed against (see above), and
- there were six trafficking-related matters before the Australian courts, involving seven defendants. Two of the six matters are in the appeal phase (see also above).

### **Support for Victims of People Trafficking Program**

Australia provides a comprehensive range of support service for suspected trafficking victims through its Support for Victims of People Trafficking Program. The Support Program is demand driven and available to all victims of trafficking who meet the eligibility criteria, regardless of gender or the purpose for which they were trafficked. The Support Program helps clients to meet their basic needs for safety, food, accommodation, mental and physical health and well-being. It also provides opportunities for clients to learn new skills, and to support themselves while they develop options which will assist in their reintegration when returning home, or if staying in Australia, after they leave the Support Program.

### **Flow of Clients on Program in 2010-11**

	<b>Number</b>
Clients on Program as at 1 July 2010	51
Clients referred to Program in 2010-11	29
Clients exited from Program in 2010-11	12
Clients on Program as at 30 June 2011	68

### **Total Number of Clients Supported on the Program by Financial Year**

<b>Financial Year</b>	<b>Total</b>
2007-2008	60
2008-2009	59
2009-2010	65
2010 – 2011	80

## **People Trafficking Visa Framework**

Australia has implemented a visa framework which supports those in genuine need of protection while targeting the traffickers. On 17 June 2009, the Australian Government announced changes to Australia's anti-people trafficking strategy to provide better support for victims. The changes simplify and add flexibility to the visa framework and give victims and their immediate family members' greater certainty about their immigration status. They also enable a wider range of victims to access support and provide improved services to victims and their families.

The new arrangements came into effect on 1 July 2009 and the People Trafficking Visa Framework now comprises three visas:

- Bridging F visa (BVF)
  - Criminal Justice Stay visa (CJSV), and
  - Witness Protection (Trafficking) (Permanent) visa (WPTV).
- 
- During the reporting period ten (10) BVFs were granted to suspected victims of trafficking. Of these, three (3) were initial grants, and seven (7) were to facilitate travel.
  - During the reporting period 11 CJSVs were granted to suspected victims of trafficking. Of these, five (5) were initial grants, five (5) were repeat grants due to travel, and one (1) was granted to a dependant of a suspected victim.
  - During the reporting period 28 WPTVs were granted; 17 to suspected victims of trafficking and 11 to dependants of suspected victims.

No Witness Protection (Trafficking) (Temporary) visas were granted during the reporting period as that visa class ceased on 30 June 2009.