



Australian Government
Attorney-General's Department

**Statement by the Minister for Home Affairs and Justice,
the Hon Brendan O'Connor MP**

**The Government's Response to People Trafficking
22 November 2010**

Today, I am pleased to present to the Parliament the second report of the Anti-People Trafficking Interdepartmental Committee.

People trafficking is a heinous crime which involves serious contraventions of human rights. It is a sobering and shocking fact, that in the 21st century, all around the world, slavery and servitude remain the daily reality for very many of our fellow human beings, and Australia is not immune.

People traffickers recruit, transport, transfer, harbour or receive their victims through force, coercion or other means in order to exploit them. Globally, people trafficking takes many forms: forced or bonded labour; domestic servitude and forced marriage; sexual slavery; organ harvesting; and the exploitation of children such as through forced begging, the sex trade and abduction for warfare.

The motivation for this crime is simple - profit: the International Labour Organization has estimated that it nets traffickers \$32 billion US every year. The impact of this crime on victims is traumatic and has lifelong consequences.

People trafficking affects almost every country in the world. Fortunately, opportunities to traffic people into Australia are low because of our strong migration and border controls and geographic isolation. We are, however, a destination country for victims of trafficking, mainly from Asia, and the Government remains committed to combating trafficking in all its forms.

As Minister for Home Affairs and Justice, I am the lead Minister for Australia's whole-of-government anti-people trafficking strategy. I deliver this strategy in collaboration with my colleagues, the Minister for Immigration and Citizenship, the Minister for Foreign Affairs and the Minister for the Status of Women, who each have responsibility for particular aspects, such as the People Trafficking Visa Framework and the Support for Victims of People Trafficking Program.

I would also like to acknowledge the work of the former Minister for Immigration and Citizenship, Senator the Hon Chris Evans; the former Minister for Foreign Affairs, the Hon Stephen Smith MP; the former Minister for the Status of Women, the Hon Tanya Plibersek MP; and of course, the former Minister for Home Affairs the Hon Bob Debus. I thank them for their commitment to protecting the victims of people trafficking, and for promoting regional initiatives which build the capacity of countries in our region to combat this crime.

The Gillard Government's anti-trafficking strategy is built around four central pillars: prevention; detection and investigation; criminal prosecution; and victim support and rehabilitation. Together, this suite of measures is intended to address the full cycle of trafficking, from recruitment to reintegration, and to give equal weight to the critical areas of prevention, prosecution and victim support.

This strategy builds on the work undertaken by the previous Government, and I would like to thank and acknowledge the opposition for their work to combat people trafficking. This is a crime of concern to all and an important bipartisan effort.

Since 2003, the Australian Government has provided more than \$50 million to support a range of anti-trafficking initiatives. Over the past year these initiatives have provided support to victims of trafficking for sexual exploitation and other forms of exploitative labour, and witnessed the successful prosecution and conviction of a number of people traffickers.

Since 2004, the AFP has undertaken over 270 investigations and assessments of allegations of trafficking-related offences, leading to 39 people being charged and nine convictions. There are currently five trafficking related matters before our courts.

Investigations of people trafficking matters can be long, complex and resource intensive, particularly given their transnational nature. It is therefore imperative that we collaborate closely with our neighbours. In the past year the Australian Federal

Police undertook major investigations into transnational organised people trafficking syndicates in concert with counterparts in the Republic of Korea and Malaysia.

Australia also provides a comprehensive range of support services for suspected victims of people trafficking. One hundred and seventy-five (175) people have now received assistance through the Support for Victims of People Trafficking Program since January 2004.

In July last year, the Government implemented changes to the People Trafficking Visa Framework which simplifies the framework, and importantly, gives victims and their immediate family greater certainty about their immigration status. These changes came out of the first Anti-Trafficking Roundtable in 2008, and were the direct result of consultations with a range of stakeholders both government and non-government.

Under the new arrangements 21 Permanent visas have now been granted – 15 of these to victims and six to their dependants. A further 15 suspected victims have also been granted Bridging F visas, and another 11 Criminal Justice Stay visas have been issued. The changes the Government has made to the visa status is important, not only in that it means proper support to victims can be provided, but it also assists in making victims available to participate in prosecutions, and bringing the perpetrators to justice.

The Government's industrial relations reforms, including the *Worker Protection Act 2009*, introduced new safeguards to protect the rights of foreign workers. The Fair

Work Ombudsman, which was established on 1 July 2009, undertook more than 800 investigations involving foreign workers in the past year. This resulted in the recovery of more than \$500,000 in unpaid entitlements to almost all victims; a clear message to the perpetrators who are seeking to make a profit from their crimes.

The Government's anti-people trafficking strategy, however, is not only focused on domestic activities. Australia has taken an active role in international efforts to combat people trafficking. Australia, with Indonesia, co-founded and co-chairs the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*. The Bali Process provides a strong platform for collaboration between countries in our region with a shared interest in the prevention of irregular migration, including trafficking in persons.

The Attorney-General's Department, the Australian Federal Police, the Department of Foreign Affairs and Trade, and the Department of Immigration and Citizenship have worked closely with international partners on a wide range of activities aimed at building regional capacity and reducing opportunities for people traffickers to operate in the region.

Addressing the very factors that make people vulnerable to trafficking is an important part of the Government's national and international strategy to prevent trafficking. In 2010-11, Australia will provide approximately A\$4.3 billion in official development assistance to help reduce poverty and promote sustainable development. The aid program addresses violence against women and children, and includes a number of activities to help combat people trafficking and labour exploitation at the regional

level. The aid program also supports NGO projects in the region that raise awareness, strengthen community resilience to trafficking, and support victims.

People trafficking is a complex crime. It is often linked in popular commentary only with sexual servitude. But as I noted before, the global reality is that people are trafficked for exploitation in many settings, including forced labour in construction, hospitality, agriculture and domestic labour.

Combating this form of modern day slavery is challenging. The perpetrators are sophisticated and nimble, changing their methodology in response to law enforcement activity and migration governance. And the success of investigations and prosecutions depends in great part upon the assistance of victims of trafficking who are often exposed to intimidation and other risks by the traffickers.

Many victims in Australia do not conform to the popular image of people trafficking and slavery which involves abduction, violence and physical restraint. The situation is more complex. Coercion and control involves a range of subtle methods, such as threats of violence, obligations to repay debt, isolation, manipulation of tenuous or illegal migration situations and a general sense of obligation. This poses challenges for jurors. It also poses challenges for individuals and organisations in the community to understand and recognise possible indicators of trafficking.

Over the coming year, the Gillard Government will continue to raise community awareness of trafficking in all its forms, including for labour exploitation.

Globally, there is little reliable data about the nature and extent of trafficking. The International Labour Organization (ILO) estimated in 2009 that at least 12.3 million people around the world are trapped in forced labour of which some 2.45 million people have been trafficked. The ILO estimates that 1.36 million of those victims are in the Asia-Pacific Region – this is more than the entire population of Adelaide.

While women working in the sex industry are over-represented among statistics on identified victims of trafficking in Australia and internationally, it is likely that this is because other forms of exploitation are under-reported and under-researched.

Recently I released a report by the Australian Institute of Criminology (AIC) which showed that labour trafficking is under-reported and even unrecognised by many Australians. Other research undertaken by the AIC indicates that there is a lack of understanding of what constitutes trafficking. Overcoming this challenge is going to be a critical part of a successful strategy.

Therefore, cooperation between governments, between government agencies, and between governments and civil society is key to educating the wider community, preventing the fundamental reasons that people are trafficked, prosecuting the perpetrators when trafficking occurs, and protecting and supporting victims.

On Wednesday, the Gillard Government will convene the third National Roundtable on People Trafficking. The Roundtable brings together anti-people trafficking NGOs, service providers, support organisations for victims of crime as well as legal,

employer and union bodies to implement a whole-of-community approach to fighting this crime.

In the lead up to the third Roundtable, I will release two important resources which have been developed by members of the Roundtable. These are:

- the *Guidelines for NGOs working with trafficked people*, which have been updated to reflect important changes in the people trafficking visa framework and victim support program; and,
- a labour trafficking information resource for both employees and employers which includes practical steps on combating forced labour and people trafficking.

In addition, jointly with Attorney-General McClelland, today I will release a public discussion paper on forced and servile marriage.

Over the coming year the Gillard Government will also consider improved protections for vulnerable and disadvantaged witnesses in people trafficking matters.

The Australian Government remains committed to working in partnership with other governments and international organisations, and with non-government organisations, to prevent people trafficking, bring the perpetrators to justice, and protect and support victims. Only by working together can we combat this heinous crime.