



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

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

Under the previous arrangements, the Program comprised three phases:

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

The Visa Framework consisted of four visas:

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

Previously, victims of trafficking were required to hold a visa under the Visa Framework to access the various streams of support under the Program.

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

1. De-linking victim support from visas.

Victims of trafficking were previously 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 are able to access support under the Program. This change offers greater flexibility to victims of trafficking and ensures 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.

In the past, victims of trafficking were issued with a Bridging F visa which was valid for up to 30 days and entered the Program on an initial Assessment Stream, also for 30 days. Support under the Assessment Stream of the Program is now 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 is now also 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.*

Previously, victims who were not able to assist with an investigation and prosecution of a people trafficking offence were assisted to return to their country of origin, unless they could 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 is 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 also be granted.

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

Under the previous arrangements, victims of trafficking who left the Program were provided with transitional assistance on an informal basis. This arrangement has now been formalised 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.*

In the past, a victim of trafficking may have been invited to apply for a Witness Protection (Trafficking) (Temporary) visa if they had 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 could be included in the invitation and the temporary visa was granted for a period of three years with processing for the permanent visa commencing in the third year. The temporary visa has now been removed from the Visa Framework and victims of trafficking can instead be invited to apply directly for the permanent visa. Their immediate family members, both inside and outside Australia, can now 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.*

Previously, victims of trafficking had to be issued with a Witness Protection (Trafficking) Certificate by the Attorney-General to be eligible for the Witness Protection (Trafficking) visa. A Certificate could be issued where a person had 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 has been 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.*

Under the previous arrangements, victims of trafficking and their immediate family members inside Australia were invited to apply for a Witness Protection (Trafficking) visa after the prosecution process was finalised. From 1 July 2009, victims of trafficking and their immediate family members both inside and outside Australia can be invited to apply for a Witness Protection (Trafficking) visa earlier in the criminal justice process under an independent trigger.