

AUSTRALIA (TIER 1)

Australia is a destination country for women from Southeast Asia, South Korea, and the People's Republic of China (P.R.C.) trafficked for the purposes of sexual exploitation. The majority of trafficking victims are women who travel to Australia voluntarily to work in both legal and illegal brothels but are deceived or coerced into debt bondage or sexual servitude. The Australian Crime Commission reports that deceptive practices in contract terms and conditions, which often mask debt bondage, appear to be increasing among women in prostitution, while deceptive recruiting practices appear to be decreasing. There were also some reports of internal trafficking in Australia. The Government of the Australia fully complies with the minimum standards for the elimination of trafficking. Over the reporting period, Australia passed important criminal code reforms that strengthened its domestic trafficking laws, namely defining the crime of debt bondage. Additionally, the government continues to be a regional leader in the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Organized Crime. The government provides adequate resources to anti-trafficking efforts and works regionally to train officials and law enforcement on prevention and detection of trafficking-related crimes. Despite important gains, over the past three years there have been no convictions or punishment of traffickers, a key deterrent to trafficking crimes.

Prosecution

The Government of Australia continued to pursue trafficking prosecutions during the year. Government law enforcement agencies consolidated their trafficking detection and prosecution efforts during the year, despite setbacks in the courts. Five prosecutions are underway in the country, one of which commenced during the reporting period. Two other cases were dismissed because the juries could not reach verdicts. The government plans to retry one case; the main government witness in the other case declined to make herself available for a re-trial. Nonetheless, the Australian Federal Police's Transnational Sexual Exploitation and Trafficking (TSET) team reported 14 trafficking investigations during the last year. Australian authorities investigated 11 child sex tourism cases: three persons were prosecuted and convicted and five are still under investigation. Of the three convicted pedophiles, two received short custodial sentences — one of three years — and one was released on conditional court order.

Protection

The Government of Australia provides a comprehensive package of care for trafficking victims, their immediate family members or witnesses who are able and willing to aid in a criminal investigation, though application of this program has been criticized by anti-trafficking NGOs in the country. There are three types of visas available to trafficking victims: Bridging F Visas; Criminal Justice Stay Visas; and Witness Protection Visas (temporary) and (permanent). Bridging F Visas permit a person otherwise ineligible to remain in Australia for up to 30 days as long as the person is deemed by law enforcement authorities as important to a criminal investigation. Criminal Justice Stay Visas are granted to victims for longer terms of residency if police decide that their presence is required for an investigation or prosecution; however, in practice, this means they must make themselves available to serve as a witness in a prosecution. Witness Protection Visas (temporary) and (permanent) are granted if a victim provides a "significant contribution" to a criminal investigation or prosecution, and in order to qualify for a permanent Witness Protection Visa a person must have held a Witness Protection (temporary) Visa for at least two years. The Witness Protection (permanent) Visa is designed to protect victims from retribution they would face if they had to return to their country of origin. To date, no Witness Protection (Trafficking) Visas have been issued to victims of trafficking; however, four victims are currently under consideration. Individuals granted status under these special visa classes are entitled to a package of benefits, including shelter, counseling, and food and living allowances. The benefit program is administered by the government's trafficking care program (VOTCare). Thirteen new persons, including eight recipients of bridging F visas, received assistance during the reporting period and a total of 54 potential victims, including 42 holders of Bridging F Visas have received assistance since the VOTC are program began on January 1, 2004. No witness protection

visas have thus far been granted in cases where victims have participated in a criminal prosecution. The result is that some victims may be asked to participate in a criminal prosecution of their trafficker without assurances of their immigration status at the end of the case.

Prevention

Australia supports strong prevention efforts in the country as well as in source countries. Australia is a prominent leader in many regional projects aimed to detect, prevent, and raise awareness on matters relating to trafficking in persons. The government provides regular, systematic, and specialized training for law enforcement officials on the identification of trafficking. It continues to work through its interdepartmental committee to implement its 2003 action plan to eradicate trafficking in persons, which received substantial funding for its implementation. Additionally, the government regularly provides funding to NGOs and service providers to care for and assist trafficking victims.

2005 Trafficking Persons Report <http://www.state.gov/g/tip/rls/tiprpt/2005/> by United States Department of State AUSTRALIA (TIER 1)

Australia is a destination country for women from Southeast Asia, South Korea, and the People's Republic of China (P.R.C.) who are trafficked for the purposes of sexual exploitation. Some of these women travel to Australia voluntarily to work in both legal and illegal brothels but are deceived or coerced into debt bondage or sexual servitude.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. The Commonwealth's Action Plan to Eradicate Trafficking in Persons provided substantial financial and personnel resources to combat the problem both domestically and internationally. Over the last year, the government further refined its anti-trafficking program. In 2004, the government made significant and greater efforts to combat trafficking, including developing further legislation to criminalize aspects of trafficking and increase penalties for trafficking-related offenses, increasing prosecutions, and enhancing victim assistance. The government should consider expanding its protection efforts to cover victims who cooperate with the police but are not part of a viable investigation.

Prosecution

The Australian Government made progress in its efforts to prosecute trafficking-related offenses. Trafficking cases were prosecuted under various statutes including provisions in the Commonwealth Criminal Code, the Crimes Act, and the Migration Act. During the reporting period, the Australian Federal Police (AFP) investigated 38 trafficking cases that led to the prosecution of 14 traffickers in five cases involving 24 victims. There were no trafficking convictions during the reporting period. The AFP's Transnational Sexual Exploitation and Trafficking Team, a 23-person unit dedicated to investigating trafficking cases, was charged with determining whether a person is a trafficking victim, often after an initial referral from Australia's immigration agency. In addition to improving law enforcement efforts, the government has been developing further legislation to criminalize aspects of trafficking and increase the penalties for trafficking-related offenses. The government also used the Crimes Act to convict Australian citizens and residents who traveled abroad to engage in sex with minors less than 16 years of age. Since 1994, 13 pedophiles have been convicted under this law, which carries a maximum sentence of 17 years.

Protection

In 2004, the government took significant steps to improve efforts by police and immigration authorities to distinguish trafficking victims from illegal migrants. The Australian Government also made progress in identifying and eliciting the cooperation of trafficking victims in providing criminal evidence for the prosecution of traffickers. The government provided all

suspected trafficking victims with short-term temporary shelter, medical care, and counseling. If these victims were determined by police to be able and willing to aid in a criminal investigation, they were given social security benefits, housing, medical treatment, legal assistance, social support, and vocational training. Australia's streamlined police investigation and immigration referral procedures resulted in an increase in the number of suspected trafficking victims referred for visa determinations. During the reporting period, immigration authorities granted 29 bridging visas to trafficking victims. In 2004, the Government also introduced a new witness protection visa exclusively for trafficking victims.

Prevention

The Australian Government continued to expand its efforts to prevent new incidents of trafficking. The government coordinated closely with neighboring countries to investigate trafficking and funded awareness campaigns in source countries. Australian Government funding helped to establish specialized anti-trafficking law enforcement units and to develop prosecutorial capabilities in Thailand, Laos, Cambodia, and Burma. The government demonstrated regional leadership by providing foreign aid to strengthen the capacity of regional police forces to investigate trafficking cases, supported legal education programs to assist lawmakers in improving their capacity to prosecute traffickers, and funded reintegration programs for trafficking victims. Within Australia, the government continued its multi-year community awareness project on trafficking. The Australian Government also widely publicized criminal cases against traffickers. Australia continued its cooperation with foreign governments in the local prosecution of Australian pedophiles or their extradition or deportation to Australia so they could be tried for the extra-territorial offense of sexual exploitation of a minor.

2004 Trafficking Persons Report <http://www.state.gov/g/tip/rls/tiprpt/2004/> by United States Department of State

AUSTRALIA (TIER 1)

Australia is a destination country for Chinese and Southeast Asian women trafficked for prostitution. Many of these women travel to Australia voluntarily to work in both legal and illegal brothels but are deceived for coerced into debt bondage or sexual servitude.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. Australia appears on this Report for the first time as a result of new information indicating the scale of the trafficking problem in Australia. Its Commonwealth Action Plan to Eradicate Trafficking in Persons, launched in October 2003, provides substantial financial and personnel resources to combat the problem both domestically and internationally. The passage of a new law, creation of a dedicated police anti-trafficking unit, and intensified efforts by immigration authorities to detect and assist trafficking victims were among the many positive steps taken by the Australian Government in 2003.

Traffickers took Khan, an eleven-year-old girl living in the hills of Laos, to an embroidery factory in Bangkok. There she and other children worked fourteen hours a day for food and clothing, but no wages. After protesting, Khan was beaten. After further protests, Khan was stuffed into a closet where the factory owner's son fired a BB gun pellet into her cheek and industrial chemicals were poured over her. Khan was rescued and is now receiving plastic surgery and counseling at a Thai government shelter.

Prosecution

The Government prosecutes trafficking offenses under various statutes including provisions in the Commonwealth Criminal Code, the Federal Crime Act, and the Migration Act. Between June 1, 2003 and March 1, 2004, the Australian Federal Police (AFP) received 36 referrals

from government and non-government sources. 30 cases are being investigated, two were rejected and four are being evaluated. Ten suspected traffickers have been charged with Commonwealth people trafficking offenses; the ten are being prosecuted in three cases. The Commonwealth Action Plan in October 2003 created a 23-member task force, the Transnational Sexual Exploitation and Trafficking Team located in the AFP. This team is specifically dedicated to investigating cases throughout the country. The AFP uses electronic surveillance, undercover operations, plea-bargaining and other enforcement techniques to investigate traffickers. Reflecting the government's heightened determination to fight sex trafficking a dozen cases have been filed against traffickers since the beginning of 2004.

Under Australian law it is an offense for Australian citizens and residents to travel abroad to engage in sex with minors less than 16 years of age. Since its inception in 1994, 12 pedophiles have been convicted under this law, which carries a maximum sentence of 17 years. Other penalties for trafficking offenses are as high as 20 to 25 years.

Protection

The government took significant steps in 2003 to improve efforts by police and immigration authorities to distinguish trafficking victims from illegal migrants and provide assistance to those victims, including counseling and temporary shelter. In the past, some trafficking victims may have been unintentionally deported as illegal immigrants. Currently, the Australian Government is making determined efforts to identify and elicit the cooperation of trafficking victims in providing criminal evidence for the prosecution of traffickers. The Australian Government in late 2003 streamlined its police investigation and immigration procedures and identified a number of trafficking victims willing to cooperate with authorities to investigate or prosecute traffickers, thereby qualifying them to receive "bridging visas" or "criminal justice stay visas." Cooperative victims are eligible for social security benefits, housing, medical checkups and treatment, legal assistance, social support and vocational training.

Prevention

The government of Australia in 2003 expanded efforts to prevent new incidents of trafficking, largely through closer coordination with neighboring countries to prevent and investigate trafficking. During the last year, the government signed anti-trafficking agreements with Cambodia, Burma, Laos, and Thailand to improve international cooperation and police investigations of trafficking syndicates. The Australian government also funds awareness campaigns in source countries, in addition to programs designed to sensitize the tourism industry to the child sex tourism problem, and has worked to raise the profile of trafficking issues in the region through its leadership role in the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. Within Australia, the government has started an awareness campaign targeting the sex industry and the community at large; it also widely publicizes criminal cases against traffickers. The Government in 2003 intensified an awareness campaign to deter child sex tourism, though the distribution of materials to Australians traveling overseas. Australia also seeks the cooperation of foreign governments in the local prosecution of Australian pedophiles or their extradition or deportation to Australia so they can be tried for the extra-territorial offense of sexual exploitation of a minor.

Australia was not included in the 2001, 2002 or 2003 reports