

ANTI-SLAVERY PROJECT

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US REPORT ON HUMAN TRAFFICKING HELPS REFOCUS AUSTRALIA'S EFFORTS

6 June, 2006 – Sydney. Today, the Office to Monitor and Combat Trafficking in Persons (US State Department) released its 2006 annual report on *Trafficking in Persons* (TIP Report <http://www.state.gov/g/tip/rls/tiprpt/>). The TIP Report was mandated through the 2000 *Victims of Trafficking and Violence Protection Act* and ranks countries' efforts to combat human trafficking through prevention, protection and prosecution activities. Countries are ranked onto Tiers 1, 2 or 3 (3 being the worst) and can be subjected to sanctions if they do not meet minimum standards set out by the Department. Since 2004, Australia has been included in the report and ranked as a Tier 1 country. The Anti-Slavery Project (ASP) at the University of Technology Sydney (Faculty of Law) has worked directly with trafficked persons since 2004. Project Director, Jennifer Burn, says, "The report highlights some key areas for improving the Australian response which has been primarily focused on the needs of law enforcement. We urge the government to reform the trafficking visa scheme, expand victim support services and partner with the community to implement anti-trafficking strategies that place a priority on the needs of victims. We shouldn't measure our success only by the number of investigations or convictions. It should also be measured by the number of people we help to rebuild their lives and achieve a sense of justice inside and outside the court room."

The trafficking visa framework is centred on the ability of a trafficking victim as witness to assist law enforcement and prosecutorial bodies. Trafficking visas should be reviewed to prioritise victims' safety, security, and human rights above the needs of law enforcement. Such reforms will protect the human rights of all trafficking victims, enhance victim cooperation and improve Australia's ability to detect, investigate and prosecute traffickers.

Currently, a trafficking victim's ability to access the Victim Support Program is contingent on their capacity to assist police in a criminal investigation or prosecution. Trafficking victims, who are not involved in the law enforcement and criminal justice process, have been left to find care and support from members of community and religious organisations. The Program should be extended to all victims of trafficking and expanded to address their comprehensive needs including: health and mental health care services, residential and vocational support, and legal and migration advice.

The resources, expertise and skills of non-government organisations (NGOs) are being under-utilised in Australia's anti-trafficking efforts. NGOs, religious and cultural organisations are well-positioned to identify and serve victims of trafficking, conduct outreach and create public awareness. NGOs should be resourced to work with trafficked persons at the local level. Currently, victim support services have been contracted out to a private firm. The Government should establish a national interagency taskforce to investigate, review and coordinate responses to human trafficking in Australia. In addition to Government personnel, the taskforce should include trafficked persons and representatives from civil society.

Background

Australia is a destination country for persons seeking to migrate to improve their lives and the socio-economic status of their families. As a highly developed first world nation with an increasing shortage of labour, Australia presents an attractive opportunity for migrants to work in many professional and service sectors. While opportunities exist for skilled migrants to live and work temporarily or permanently in Australia, there are few avenues for unskilled/semi-skilled labourers to legally enter the market and meet the needs of a globalised economy. As poverty has increased in the developing world, human trafficking has become a thriving, multi-billion dollar global enterprise. Governments and communities have only recently developed a response to counter the modern-day slave trade.

In 2002, Australia ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention Against Transnational Organized Crime*. It encourages signatory States to assist and protect trafficking victims by offering appropriate housing, counselling and information about legal rights, and medical and psychological assistance in cooperation with NGOs and other civil society organisations. The Protocol also suggests adoption of legislation that allows victims to remain in receiving States, at least temporarily. Australia's Commonwealth Action Plan to Eradicate Trafficking in Persons, launched in 2003, provides law enforcement with resources to combat the problem domestically and internationally and cases have come before the courts. However, only one trafficker has been found guilty of slavery offences and that person plead guilty to the charges.

Human trafficking is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Human traffickers seek out vulnerable victims and lure them to migrate with promises of good jobs abroad. Upon arrival, the nature and conditions of the work disappear, documents are confiscated and actual or threatened violence are used to coerce them to work for little or no pay.

No comprehensive studies have been undertaken to estimate the number of persons trafficked into Australia. The State Department estimates that between 600,000 and 800,000 people are trafficked annually across borders while the International Labour Organisation (ILO) estimates that 12.3 million are in forced labour in a variety of sectors such as agriculture, construction, mining, restaurants, manufacturing, hospitality, housekeeping, forced prostitution and others. According to the ILO, 2.45 million forced labourers are victims of trafficking. The Anti-Slavery Project (ASP), based in Sydney, has worked with 23 trafficked clients forced to work in the sex industry. ASP is a project of the Faculty of Law at the University of Technology Sydney.