

US TRAFFICKING IN PERSONS REPORT 2007

AUSTRALIA

Australia is a destination country for some women from East Asia and Eastern Europe trafficked for the purpose of commercial sexual exploitation. The majority of trafficking victims were women who traveled to Australia voluntarily to work in both legal and illegal brothels, but were subject to conditions of debt bondage or involuntary servitude. There were several reports of men and women from India, the People's Republic of China, and South Korea migrating to Australia temporarily for work whose labor conditions amounted to slavery, debt bondage, and involuntary servitude.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government strengthened its domestic trafficking laws to cover offenses involving deception, exploitative employment, conditions and contracts, or debt bondage. The government also ensured that each person in a trafficking network could be prosecuted in cases involving internal trafficking. It also increased penalties for trafficking in children and for employers who exploit workers in conditions of forced labor, sexual servitude, or slavery. The government provides significant resources to support antitrafficking efforts throughout Southeast Asia, law enforcement training, victim assistance, and prevention activities. The Australian government should devote more attention and resources to addressing allegations of labor trafficking, including in connection with its 457 worker visa program.

Prosecution

The Government of Australia demonstrated increased efforts to prosecute trafficking in persons cases during 2006. Australia prohibits sex and labor trafficking and trafficking-related offenses in Divisions 270 and 271 of the Commonwealth Criminal Code. Prescribed penalties for these offenses are sufficiently stringent and commensurate with those prescribed for other grave crimes. During the reporting period, there were four convictions for sex trafficking. One defendant was sentenced to six years' imprisonment; the three other convictions are on appeal. Six sex trafficking and two labor trafficking cases are currently before the courts involving 16 defendants. The Transnational Sexual Exploitation and Trafficking Teams (TSETT) within the Australian Federal Police investigated 14 possible trafficking cases in 2006. Australian citizens were returned to Australia to face prosecution for sexually exploiting children in other countries under Australia's extraterritorial child sex tourism law. During the reporting period, the Australian Federal Police conducted 10 investigations for violations under child sex tourism law, and there were four convictions under that law. There were no reports of government or law enforcement involvement in trafficking. In late 2006, a Bangladeshi domestic worker filed a complaint against a United Arab Emirates diplomat in Australia, alleging work conditions that amounted to involuntary servitude.

Protection

The Government of Australia continued to provide comprehensive assistance for victims of trafficking, their family members, or witnesses willing to aid in criminal prosecutions. The government encourages victims and witnesses to participate in the investigation of traffickers, but directly links continued assistance to victims' role in a viable prosecution. An enhanced visa regime enables victims or witnesses assisting in an investigation to remain lawfully in Australia. A total of 58 visas have been granted under this regime since its inception in January 2004. One of the visas available is designed to protect victims from retribution they would face if they had to return to their country of origin. Due to the requirement that permanent visas will be granted only to those who have held a temporary visa for two years, no one has yet been in the program long enough to qualify for a permanent visa. Individuals granted status under this visa regime are entitled to a package of benefits, including shelter, counseling, and food and living allowances.

The benefit program is administered by the government's Support for Victims of People

Trafficking and was assisting 35 victims as of January 2007. Australia funds two return and reintegration activities in the Asia region. The first is for return and reintegration of trafficked women and children, and the second solely supports Thai victims. The Australian Federal police trained 25 special TSETT investigators in interviewing suspected trafficking victims. The government implemented a formal referral protocol and interviewing procedure for trafficking cases.

Prevention

Australian government agencies, including specialized Australian Federal Police investigation teams, worked closely with regional counterparts on trafficking matters. Cooperation extended to training, supporting investigations in neighboring countries, and securing prosecutions in Australia and over-seas. Australia, as co-chair and co-founder of the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime, continues to play a prominent leadership role in several regional projects aimed at building awareness of trafficking, increasing law enforcement capacity, and enhancing victim support. The government supported a public awareness campaign with advertisements in daily and suburban newspapers encouraging victims and concerned members of the community to call the police hotline.