



An Australian Government Initiative



**END  
EXPLOITATION**

NATIONAL ACTION PLAN

# National Action Plan

to Combat Human  
Trafficking and Slavery  
2015–19



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to Combat Human  
Trafficking and Slavery  
2015–19

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## Foreword

It is a sobering fact that, right now, in the 21st century, many of our fellow human beings experience human trafficking and slavery.

The International Labour Organization (ILO) estimated that in 2012, at least 20.9 million people around the world were trapped in forced labour, of which 9.1 million people had been trafficked. Remarkably, according to the ILO more than half of these victims were in the Asia-Pacific region.

These statistics are grim, and when confronted with numbers on such a large scale it is easy to lose sight of the individual. Each number represents a man, woman or child who has lost their safety, freedom and dignity. These figures represent abuse of human rights on an enormous scale.

Australia is not untouched by this crime, however it is uncommon here. This is fortunate because the impacts of human trafficking and slavery are significant. The effect on victims particularly is inherently traumatic and can be lifelong.

It is for this reason that the Australian Government continues to implement a strong program of initiatives to prevent and address human trafficking and slavery, both at home and abroad.

These initiatives are founded on the following equally important principles: to prevent and deter human trafficking and slavery; to detect, investigate and prosecute offenders; and to provide support to trafficked people, including by protecting their human rights.

The Australian Government remains equally committed to working in partnership with other governments and international organisations, and with civil society. These are crimes of concern to all, and everyone in our community has a part to play in addressing them.

This *National Action Plan to Combat Human Trafficking and Slavery 2015–19* details the work being undertaken by the Australian Government to combat these crimes. It sets the strategic aims of Australia's whole-of-community response to human trafficking and slavery over the coming five years, and includes measures to quantify the impact and effectiveness of our collective efforts.

Australia is committed to a future where no one is a victim of human trafficking or slavery, and the human rights of all people are valued equally. To this end, we are pleased to present the *National Action Plan to Combat Human Trafficking and Slavery 2015–19*.

**The Hon Michael Keenan MP**

Minister for Justice

**The Hon Julie Bishop MP**

Minister for Foreign Affairs

**The Hon Kevin Andrews MP**

Minister for Social Services

**Senator the Hon Michaelia Cash**

Minister Assisting the Prime Minister for Women

Assistant Minister for Immigration and Border Protection

## Currency

The information contained in the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* is current as at 1 December 2014.

## Abbreviations

Australia-Asia Program to Combat Trafficking in Persons	AAPTIP
Association of Southeast Asian Nations	ASEAN
Attorney-General's Department	AGD
Australian Federal Police	AFP
Australian Institute of Criminology	AIC
Bridging F visa	BVF
Criminal Justice Stay visa	CJSV
Department of Foreign Affairs and Trade	DFAT
Department of Immigration and Border Protection	DIBP
Department of Social Services	DSS
Fair Work Ombudsman	FWO
Interdepartmental Committee on Human Trafficking and Slavery	IDC
International Labour Organization	ILO
International Organization for Migration	IOM
Operational Working Group on Human Trafficking and Slavery	OWG
<i>Proceeds of Crime Act 2002</i>	POCA
<i>United Nations Convention against Transnational Organized Crime</i>	UNTOC
United Nations Office on Drugs and Crime	UNODC
Witness Protection (Trafficking) (Permanent) visa	WPTV

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# 1. Executive summary

***'...freedom is the birthright of every human being...'***

*Preamble, Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery*

## 1.1 Our vision

Australia is committed to a future where no one is subjected to human trafficking or slavery, and the human rights of all people are valued equally.

## 1.2 Why we need a **National Action Plan to Combat Human Trafficking and Slavery**

The international community has overwhelmingly recognised the fundamental right of all people to be free, irrespective of nationality, race, age, disability, religion, sex, sexuality, or gender.

Human trafficking and slavery are serious crimes that fundamentally curtail freedom, making them amongst the most grave of human rights violations. No country in the world is immune to these crimes.

The *National Action Plan to Combat Human Trafficking and Slavery 2015–19* (National Action Plan) provides the strategic framework for Australia's response to human trafficking and slavery over the five years from 2015 to 2019. It succeeds the Australian Government's 2004 *Action Plan to Eradicate Trafficking in Persons*, and builds on the objectives of that plan which have now been achieved, operationalised, or brought within the core business of Australian authorities.

The National Action Plan:

- sets out the work currently being done
- identifies gaps
- maps the direction of future priorities
- enhances transparency and accountability, and
- ensures the continuation of a holistic response by recognising the role of the States and Territories, civil society, business and industry, and unions.

At its core, the National Action Plan recognises the dignity and worth of each person, and the obligation we have as a nation to work against those who seek to benefit by restricting another's freedom. It affirms the importance of preventing these practices before they occur; detecting and investigating possible circumstances of human trafficking and slavery; ensuring perpetrators are brought to justice; and protecting and supporting those who have experienced human trafficking and slavery, including by providing access to an effective remedy.

***'...three out of every 1,000 persons worldwide are in forced labour at any given point in time...'***

– ILO 2012 *Global estimate of forced labour*

### 1.3 Scope

The Australian Government has primary responsibility and accountability for measures to combat human trafficking and slavery in Australia. For this reason, the National Action Plan is largely focused on the measures and policies implemented by the Australian Government.

Australia's strategy to combat human trafficking and slavery is founded on three equally important needs: to prevent human trafficking and slavery; the need to detect and prosecute offenders; and the need to provide support for trafficked people.

In each of these endeavours, we strive to respond in a way that protects and promotes human rights while furthering the aims of the criminal justice system.

The initiatives and practices under the National Action Plan focus equally on human trafficking, slavery and slavery-like practices including forced labour, servitude and forced marriage.

### 1.4 Key areas for focus

The following issues have been identified as key areas for focus over the life of the National Action Plan:

- continuing monitoring of the impact of the 2013 legislative amendments to the Commonwealth *Criminal Code Act 1995* (the Criminal Code) including on investigations and prosecutions and victim support
- increasing awareness-raising and education for vulnerable groups, frontline responders and the general community
- refining our response to forced marriage, including our service response to people in, or at risk of forced marriage
- considering our response to labour exploitation in supply chains
- finalising operational protocols for our response to minors
- strengthening our connectedness with the States and Territories, and
- continuing our leadership internationally, and enhancing regional cooperation to combat human trafficking and slavery, including through the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*.

Measures to address the key areas for focus will be implemented through both existing and new measures as set out in Chapter 4.

### 1.5 The role of the States and Territories, civil society, business and industry, and unions

Cooperation between governments, between government agencies, and between governments and civil society, business and industry, and unions is key to preventing human trafficking and slavery, detecting, investigating and prosecuting the perpetrators, and protecting and supporting victims.

The States and Territories have a range of responsibilities that intersect with the strategy to combat human trafficking and slavery. Strengthening cooperation between State and Territory and the Australian governments, and between State and Territory and Australian government agencies, will ensure a joined-up and holistic response to human trafficking and slavery.

The Australian Government has built a strong and effective relationship with civil society and unions, including through the National Roundtable on Human Trafficking and Slavery (National Roundtable), which will continue as the primary consultative mechanism on human trafficking and slavery.

The involvement of business and industry is also key to Australia's efforts, and will be crucial in developing a response to the issue of labour exploitation in supply chains.

As set out in 1.4, strengthening our connectedness with the States and Territories will be a key area for focus under the National Action Plan. Detailed information on this is set out in sections 4.4 and 4.5.

## **1.6 Monitoring**

The Attorney-General's Department (AGD) will monitor overall implementation of the National Action Plan.

The primary mechanism for assessing progress under the National Action Plan will be through the Australian Government's annual Interdepartmental Committee on Human Trafficking and Slavery (IDC) report to the Australian Parliament. The National Roundtable will also be briefed annually on outcomes under the National Action Plan.

To ensure the ongoing flexibility of Australia's strategy to combat human trafficking and slavery, consideration will also be given annually to amending or adding new measures to the National Action Plan (see 4.11). This process will be undertaken in consultation with the IDC and the National Roundtable.

## **1.7 Terminology**

For ease of reference, the National Action Plan uses the term 'human trafficking and slavery' to encompass the range of slavery-like practices contained within the Criminal Code.

The National Action Plan uses the term 'trafficked people' as a general term that encompasses all victims of human trafficking, slavery and slavery-like practices. The exception is where the term 'victim' is used in relation to a proper noun or has a specific meaning in relation to law enforcement, for example, victim impact statements or victims of crime financial assistance schemes.

The United Nations (UN) considers the use of terms such as 'prostitute' or 'prostitution' as stigmatising. The preferred terminology for the sale of sexual services is the 'sex work industry', and 'sex workers' for persons employed in that industry. The National Action Plan uses these terms accordingly.

Detailed definitions of the terms used in the National Action Plan are set out in the glossary at Appendix A.

## **1.8 Consultation and development**

The National Action Plan was developed by AGD, on behalf of the IDC. Between 2012 and 2014, extensive consultation on the National Action Plan was undertaken with IDC agencies and member organisations of the National Roundtable.

## **1.9 Acknowledgements**

AGD would like to acknowledge the agencies of the IDC and members of the National Roundtable for their contribution in the preparation of the National Action Plan.

## 2. Background

***‘Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace ... no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms...’***

*Universal Declaration of Human Rights*

### 2.1 Human trafficking, slavery and slavery-like practices defined

**Human trafficking** is the physical movement of people across or within borders through coercion, threat or deception for the purpose of exploiting them when they reach their destination. Where the person is a child, the means (that is, the element of coercion, threat or deception) is not required.

**Slavery** occurs when a person exercises the rights of ownership over another person. Slavery includes the buying and/or selling of a person, known as chattel slavery, and circumstances where someone exercises the power to:

- make a person an object of purchase
- use a person or their labour in a substantially unrestricted manner
- control or restrict a person’s movements, or
- use a person’s services without commensurate compensation.

Practices involving exploitation so serious that they are considered similar to slavery are known as slavery-like practices. **Slavery-like practices** include:

- servitude
- forced labour
- deceptive recruiting
- debt bondage, and
- forced marriage.

Each of these slavery-like practices is defined in the glossary at Appendix A.

These crimes all have different elements – they may involve exploitation in the public or the private sphere; they may occur in any industry, including the sex work, agriculture, construction, hospitality, or domestic services industries; and they may or may not require the victim to be moved across a border.

What they all have in common, however, is that they involve the manipulation of complex relationships between the offender and the victim, and that they result in the serious undermining of the victim’s personal freedom and ability to make choices for themselves. This can be through the use of physical threats or psychological coercion, because they are treated as property, or, in some cases, because they are literally bought or sold.

## 2.2 The four 'Ps'

### The four 'Ps'

Human trafficking and slavery are crimes that can impact on an individual in the following ways:

- through the *professional* sphere – for example, through the exploitation of a person's labour or services
- through the *personal* sphere – for example, through a person being forced into a marriage or exploited within an intimate or family relationship
- through the *physical* sphere – for example, through a person being trafficked for their organ(s), or
- through the *production* sphere – for example, through the production of goods and services using exploited labour.

## 2.3 The scope and trends

Understanding the nature and extent of human trafficking and slavery is an ongoing challenge both globally and domestically. In part, this is due to the clandestine nature of these practices. Individuals with information about human trafficking and slavery activities and people who have experienced these practices may also be apprehensive about contacting authorities or civil society organisations for assistance (for example, due to fear of reprisals, or of authorities). This is particularly the case for trafficked people, who may be vulnerable and traumatised as a result of their experience.

### The numbers

- the ILO estimates that **20.9 million** people are victims of forced labour globally, 11.7 million (56 per cent) of whom are in the Asia-Pacific region
- the IOM has estimated that as many as **800,000 people annually** may be trafficked across international borders
- between 1 January 2004 and 31 October 2014, **247** suspected victims of human trafficking and slavery were identified domestically by Australian authorities

### Global trends and estimates

While there is little reliable data about the nature and extent of human trafficking and slavery, there is general consensus that these exploitative practices affect almost every country in the world, whether as a source, transit or destination country – or as a combination of these.

The United Nations Office on Drugs and Crime (UNODC) *Global Report on Trafficking in Persons 2012* found that between 2007 and 2010, victims from at least 136 countries were detected in 118 countries worldwide. Other key findings from this report include:

- women and girls account for about 75 per cent of all trafficked people detected globally<sup>1</sup>
- twenty-seven per cent of all victims detected globally are children

<sup>1</sup> It is highly likely that men and boys are underrepresented in global estimates of human trafficking and slavery, including because: men are less likely to be identified, or to self-identify, as trafficked due to stereotypes of human trafficking as a crime that only impacts on women and girls; men are more likely to be trafficked for the purpose of labour exploitation (see footnote 2 for further detail); and, due to cultural taboos in men reporting sexually-based offences committed against them.

- of all trafficking cases detected globally, trafficking for the purpose of sexual exploitation accounts for 58 per cent and trafficking for labour exploitation accounts for 36 per cent<sup>2</sup>
- trafficking for sexual exploitation is more common in Europe, Central Asia and the Americas, while trafficking for labour exploitation is more frequently detected in Africa and the Middle East, as well as in South and East Asia and the Pacific
- the trafficking flow originating in East Asia remains the most prominent transnational flow globally, and
- while offenders generally tend to be adult males and nationals of the country in which they operate, more women and foreign nationals are involved in human trafficking than in most other crimes.

In 2012 in its *Global estimate of forced labour* the International Labour Organization (ILO) conservatively estimated that 20.9 million people are victims of forced labour globally<sup>3</sup>. Key findings of the report include:

- 11.4 million (55 per cent) are women and girls, 9.5 million (45 per cent) are men and boys
- 15.4 million of these (74 per cent) are aged 18 years and above, with 5.5 million (or 26 per cent) aged 17 years and below
- 18.7 million (90 per cent) are exploited in the private economy, by individuals or enterprises, of which:
  - 14.2 million (68 per cent) are victims of forced labour exploitation, with the main industries of concern being agriculture, construction, domestic work or manufacturing, and
  - 4.5 million (22 per cent) are victims of sexual exploitation
- 2.2 million (10 per cent) are in state-imposed forms of forced labour, for example in prisons, or in work imposed by the state military or by rebel armed forces
- 11.8 million (56 per cent) are subjected to forced labour in their place of origin or residence, while 9.1 million (44 per cent) are moved either internally or internationally
- cross-border movement is strongly associated with sexual exploitation, while the greater proportion of victims of non-sexual forced labour are exploited in their home country, and
- the average period of time that victims spend in forced labour, across all forms and regions, is approximately 18 months.

### Australian trends and estimates

Opportunities to traffic people into, or exploit people within, Australia are limited because of our strong migration controls, geographic isolation, and high degree of regulation, compliance and enforcement. Australia's comprehensive strategy to combat human trafficking and slavery also helps to ensure that Australia is a hostile environment for offenders.

Australia is primarily a destination country for human trafficking and slavery, with the majority of trafficked people identified by Australian authorities to date being women from Asia who have been exploited within the sex work industry.

Cases of men and women exploited in situations outside the sex work industry, such as in the domestic work, hospitality and construction industries, or within intimate or family relationships, are now being identified by Australian authorities on a comparable basis to those exploited within the sex work industry. Following the criminalisation of forced marriage in 2013, an increase in referrals for this crime type may be expected over the next five years of the National Action Plan.

2 The report notes that while the number of detected cases of trafficking for labour exploitation has doubled over the past four years, it is still likely to be underestimated. This accords with Australian Institute of Criminology research which found that cases of trafficking for the purposes of labour exploitation tend to go unrecognised and unreported.

3 The ILO notes that as human trafficking can also be regarded as forced labour, 'this estimate captures the full realm of human trafficking for labour and sexual exploitation'. However, the figures do not include trafficking for the removal of organs or for forced marriage or adoption unless the latter practices lead to a situation of forced labour or service.

In contrast to global trends, only a small number of suspected child victims of human trafficking and slavery have been identified by Australian authorities, and the majority of individuals convicted in Australia for human trafficking and slavery offences to date have been women.

While there is a low reported incidence of organ trafficking in Australia, again the clandestine nature of human trafficking means that victims of organ trafficking may be difficult to identify.

## 2.4 The causes

There are many factors which make people vulnerable to human trafficking and slavery, and allow these practices to thrive.

For example, the highly lucrative nature of human trafficking and slavery makes it attractive to criminals, and expanding global markets are driving a desire for cheap, unregulated labour. The global shortage of organs available for transplantation means the demand for trafficked organs remains high.

Factors that make people vulnerable to exploitation through human trafficking and slavery include poverty; underemployment and unemployment; and a lack of education, opportunities and access to resources in source countries. Gender inequality, corruption and social and political instability, including as a result of natural disaster or war, are also factors.

While human trafficking and slavery affect both men and women, the overrepresentation of women and children as victims in global statistics reflects their particular and continuing vulnerability in many parts of the world.

In 2005, the ILO estimated that the total global profits made from using forced labour were at least **US\$44 billion per year**, of which US\$32 billion was generated by human trafficking.

In 2014, the ILO estimated that the total profits obtained from the use of forced labour in the private economy worldwide amount to **US\$150 billion per year**.

In 2013, the Australian Crime Commission conservatively estimated that organised crime, including human trafficking, costs Australia **A\$15 billion annually**.

## 2.5 Legal and policy frameworks

### International legal frameworks

The international legal framework for human trafficking and slavery is based on several instruments, most notably:

- the *United Nations Convention against Transnational Organized Crime* (UNTOC), and its supplementary *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Trafficking Protocol), and
- the *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* (Supplementary Slavery Convention).

The Trafficking Protocol is the first global legally binding instrument with an agreed definition on human trafficking and covers trafficking for the purposes of slavery, forced labour, slavery-like practices such as servitude, or the removal of organs.

The Supplementary Slavery Convention calls for the ban of slavery-like practices including debt bondage, servile marriage, and servitude, building upon the 1926 *Convention to Suppress Slavery and the Slave Trade*.

Australia ratified the Supplementary Slavery Convention in 1958, UNTOC in 2004, and the Trafficking Protocol in 2005.

In shaping our national response to human trafficking and slavery, Australia also observes our binding legal obligations under other international instruments. A body of international human rights and labour treaties form part of the legal framework for human trafficking and slavery, including:

- the *Universal Declaration of Human Rights*
- the *International Covenant on Civil and Political Rights*
- the *International Covenant on Economic, Social and Cultural Rights*
- the *Convention on the Elimination of All Forms of Discrimination against Women*
- the *Convention on the Rights of the Child*, and its Optional Protocols on: the sale of children, child prostitution and child pornography; and on involvement of children in armed conflict
- the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*
- the *International Convention on the Elimination of All Forms of Racial Discrimination*
- International Labour Organization Convention No. 29 on Forced or Compulsory Labour
- Protocol Supplementing the *Forced Labour Convention, 1930* (No. 29)
- International Labour Organization Convention No. 105 on the Abolition of Forced Labour, and
- International Labour Organization Convention No. 182 on the Worst Forms of Child Labour.

Further information on the relevant provisions of these instruments is set out at Appendix B.

### **Domestic legal frameworks**

Human trafficking, slavery and slavery-like practices are criminalised by a comprehensive suite of offences under the Criminal Code. These crimes include those where a person is moved for the purposes of exploitation, as well as those where a person already in Australia is subjected to exploitation. There are also a number of other domestic legal frameworks relevant to human trafficking and slavery including the Commonwealth *Crimes Act 1914* (the Crimes Act) and the Commonwealth *Migration Act 1958* (the Migration Act).

#### ***Criminal Code Act 1995***

Australia's offences against human trafficking and slavery are set out in Divisions 270 and 271 of the Criminal Code.

Division 270 of the Criminal Code criminalises slavery, which is defined as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. The slavery offences have universal jurisdiction and can therefore apply whether or not the conduct occurred in Australia, and whether or not the victim or the offender are Australian citizens or residents.

Division 270 also criminalises slavery-like practices, including servitude, forced labour and deceptive recruiting. These offences can apply to the exploitation of a person's labour or services in any industry, or to exploitation within intimate or family relationships. Forced marriage is also considered a slavery-like practice under Division 270, and applies where one or both parties do not fully and freely consent to the marriage because of coercion, threat or deception.

The slavery-like offences in Division 270 have extended geographic jurisdiction, and can apply where the conduct occurred in Australia, or where the conduct occurred outside Australia but the offender was an Australian company, citizen or resident. None of the offences in Division 270 require the victim to be subject to an element of movement.

Division 271 of the Criminal Code fulfills Australia's obligations under the Trafficking Protocol, and contains specific offences for human trafficking. The offences in Division 271 are not limited to trafficking for the purposes of sexual exploitation, and cover trafficking in all its forms. Division 271 provides for:

- human trafficking offences, which criminalise organising or facilitating the transportation of the victim into, out of, or within Australia, using coercion, threat or deception, or by being reckless as to the exploitation of the victim
- child trafficking offences, which criminalise organising or facilitating the transportation of a child into, out of, or within Australia, intending or recklessness as to whether the child will be used to provide sexual services or will be otherwise exploited
- organ trafficking offences, which criminalise organising or facilitating the transportation of the victim into, out of, or within Australia, reckless as to whether the victim's organ will be removed contrary to the law of the relevant State or Territory, or without consent
- an offence of harbouring a victim, which criminalises harbouring, receiving or concealing a victim to assist or further the purpose of another person's slavery, slavery-like or human trafficking offence, and
- an offence of debt bondage, to prevent offenders from using unfair debt contracts or other similar arrangements to force victims into providing services to pay off large debts.

Penalties for these offences range from four years' imprisonment for debt bondage and harbouring, to 25 years' imprisonment for slavery and child trafficking.

#### *Crimes Act 1914*

The Crimes Act provides protections for victims of human trafficking and slavery when giving evidence in court. Under Part IAD of the Crimes Act, victims can give evidence by closed-circuit television, video-link or video recording, have their contact with the defendant or members of the public limited, and have a support person with them while they give evidence. Part IAD also makes it an offence to publish material identifying a trafficked person, and allows trafficked people to make victim impact statements to the court outlining the harm they have experienced.

The Crimes Act also allows a court to order that an offender make reparation to the victim for any loss suffered or any expense incurred by reason of the offence.

#### *Migration Act 1958*

The Migration Act creates offences of allowing a person to work, or referring a person for work, if the person is an unlawful non-citizen or a lawful non-citizen working in breach of a visa condition. These offences attract a maximum penalty of two years' imprisonment. The offences are escalated to aggravated offences if the worker is being exploited and the person knows of, or is reckless to, that circumstance. The penalty for committing an aggravated offence is five years' imprisonment. The Migration Act also provides for civil employer sanctions in the form of infringement notices and non-fault civil penalties, supplementing the suite of criminal offences.

### *Fair Work Act 2009*

The Commonwealth *Fair Work Act 2009* (Fair Work Act) empowers the Fair Work Ombudsman (FWO) to enforce compliance with the Fair Work Act and related instruments. The Fair Work Act contains minimum entitlements for all employees in the federal workplace system. The FWO's jurisdiction extends to ensuring that all workers in Australia receive these workplace rights, including foreign workers on short or long-term visas and international students.

### *Proceeds of Crime Act 2002*

The Commonwealth *Proceeds of Crime Act 2002* (POCA) provides a scheme for tracing, restraining and confiscating the proceeds of crimes against Australian law, including human trafficking and slavery. These proceeds can then be returned to the Australian community to fund anti-crime initiatives.

### State and Territory legislation

State and Territory Governments are responsible for regulating the sex work industry in Australia.

Most jurisdictions have enacted legislation relating to sexual servitude and deceptive recruiting which would allow for the prosecution of cases involving sexual exploitation. However, in practice, State and Territory police services generally refer human trafficking and slavery-related matters to the Australian Federal Police (AFP).

All jurisdictions have a range of offence provisions to cover related crimes such as assault, sexual assault, forced prostitution, kidnapping and deprivation of liberty. State offences may be used in conjunction with Commonwealth offences.

## **2.6 What human trafficking and slavery are not**

### **Migrant smuggling**

The key difference between human trafficking and migrant smuggling is exploitation. Migrant smuggling is the organised unlawful movement of people across borders, usually on a payment-for-service basis, and does not involve the ongoing exploitation of the victim by the offender. By contrast, human traffickers are motivated by the prospect of profiting from the exploitation of their victims once they reach the destination.

The UNODC states that the other differences between human trafficking and migrant smuggling include:

- consent – migrant smuggling, while often undertaken in dangerous or degrading conditions, involves consent. Trafficked people, on the other hand, have either never consented, or, if they initially consented, that consent has been rendered meaningless by the coercive, threatening or deceptive action of the traffickers.
- source of profits – in migrant smuggling cases, profits are derived from the transportation and facilitation of the illegal entry or stay of a person into another country, while in human trafficking cases profits are derived from exploitation.
- transnationality – migrant smuggling is always transnational, whereas human trafficking may not be. Human trafficking can occur regardless of whether victims are moved across or within a State's borders.

However, people who are smuggled may be particularly vulnerable to exploitation, and may experience human trafficking or slavery once they arrive in their destination country.

### Poor/harsh working conditions

There is an important distinction to be drawn between people in circumstances of human trafficking and slavery, and those who may be experiencing substandard working conditions.

Australian workplace law and practice – supported by migration law and relevant State and Territory laws – requires all people who undertake productive work in Australia to be engaged in accordance with its provisions, including salary, employment conditions and standards, workers' compensation, and occupational health and safety. Substandard working conditions can include the underpayment of wages or the failure to meet guaranteed minimum leave entitlements.

The FWO is responsible for investigating matters involving claims of substandard working conditions that do not meet the threshold of the human trafficking and slavery criminal offences. Where the FWO identifies behaviour that could amount to human trafficking or slavery this evidence is referred to the AFP. The FWO has a well-established relationship with the AFP for the referral of information.

### Sex work

The regulation of the sex work industry in Australia is the responsibility of the States and Territories and, subject to regulations, sex work is largely legal or decriminalised in Australia. As a party to the Trafficking Protocol, Australia is obliged to address the 'exploitation of the prostitution of others or other forms of sexual exploitation', rather than sex work itself.

### Adoption and surrogacy

In the absence of an element of exploitation which amounts to human trafficking or slavery, illicit practices in intercountry adoption and surrogacy arrangements do not fall within the scope of the National Action Plan.

Circumstances in which illicit adoption and surrogacy practices may be considered human trafficking or slavery include:

- the sale of a child for the purpose of adoption, which may amount to an offence of slavery under section 270.3 of the Criminal Code, and
- adoption or surrogacy for an exploitative purpose, which may amount to an offence of child trafficking under section 271.4 of the Criminal Code, or domestic child trafficking under section 271.7 of the Criminal Code. It may also amount to a slavery-like practice under Division 270 of the Criminal Code.

An illustration of how child trafficking could manifest in a surrogacy or adoptive arrangement is the 2013 matter involving a Queensland man who 'adopted' a child with his American partner specifically for the purpose of sexually exploiting the child through an international paedophile network<sup>4</sup>.

### *Intercountry adoption*

As a contracting State under the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption*, Australia is obliged to prevent the abduction, sale of, or traffic in children for the purposes of intercountry adoption through the implementation and observance of Convention safeguards. The *Guide to Good Practice* to the Convention defines the term 'trafficking'<sup>5</sup> as referring to the payment of money or other compensation to facilitate the illegal movement of children for the purposes of illegal adoption or other forms of exploitation.

<sup>4</sup> It should be noted that no Australian, State or Territory government authorities were involved in the adoption process in this matter.

<sup>5</sup> It is worth noting that the Guide to Good Practice uses a different definition of trafficking to that used by criminal law frameworks.

Australia has developed a *Protocol for Responding to Allegations of Child Trafficking in Intercountry Adoption* which provides information about assistance and support available to adoptive parents and adoptees where there are allegations or concerns about child trafficking within a country of origin, from where a child has been adopted to Australia, or there have been specific concerns raised in an individual case. To assist when cases of concern arise, Australia has developed *Guidelines for Raising Cases of Concern*. These provide guidance around information sharing between Australian Central Authorities regarding intercountry adoption cases of concern.

To maintain the integrity of our intercountry adoption programs, Australia only establishes and maintains programs with a limited number of countries where we are satisfied that the principles and standards of the Hague Convention are complied with in practice. This is the case even where the country concerned is not a signatory to the Hague Convention. Australia regularly reviews our programs to ensure a country's ongoing compliance with these principles and standards, and to identify risks of child trafficking. Where cases of concern arise, consideration is given to whether there are broader program implications and whether it is necessary to prioritise a review of the program concerned. Australia may also consider introducing additional safeguard measures for a program, such as suspending a program or limiting new adoption applications. If child trafficking were identified as a genuine ongoing concern within a program, Australia may close the program.

### *Surrogacy*

Surrogacy is regulated by the States and Territories. All jurisdictions (except the Northern Territory) have legislation dealing with surrogacy. The Australian Government understands that New South Wales and Western Australia are currently reviewing their laws.

All jurisdictions which have legislated on surrogacy have criminalised commercial surrogacy. The Australian Capital Territory, New South Wales and Queensland have also legislated to make it illegal for residents of those jurisdictions to enter into commercial surrogacy arrangements in foreign jurisdictions.

### **Transplant 'tourism'**

In Australia, State and Territory laws criminalise the removal of organs:

- for the trade or sale of the organs, or
- where there is no consent for the removal of the organs.

The Commonwealth's organ trafficking laws criminalise the movement of donors into, from, or within Australia for the purpose of the unlawful removal of their organs. For an organ trafficking offence to apply, an element of 'movement' must be present.

If an Australian citizen travelled overseas in order to purchase an organ ('transplant tourism'), this would not constitute an Australian organ trafficking offence unless the donor had been moved to, from, or within Australia.

## **2.7 Related exploitative practices**

While they are not encompassed by Australia's response to combat human trafficking and slavery, significant efforts are being made to address the separate, but related exploitative practices of child sexual exploitation in travel and tourism (also known as child sex tourism) and female genital mutilation (FGM) (also known as female genital cutting).

### **Child sexual exploitation in travel and tourism**

Given its transnational and inherently exploitative nature, child sexual exploitation in travel and tourism can involve or overlap with human trafficking and slavery.

Australia has an extensive framework in place to prevent, investigate and prosecute all forms of child sexual exploitation, including offences that occur within Australia and those committed by Australians overseas.

Australia also maintains a national database which enables our law enforcement agencies to monitor the whereabouts of persons convicted of sexual or other serious offences against children once they are released back into the community.

These measures are reinforced by education initiatives to raise awareness about child sexual exploitation in travel and tourism and what people should do if they become aware of suspicious behaviour. Initiatives have included advertising campaigns, fact sheets, and the provision of advice to travellers through the Government's traveller and consular assistance service.

### **Female genital mutilation**

Globally, there is a link between FGM and other harmful practices such as early and forced marriage. FGM is comprehensively criminalised under the laws of Australia's States and Territories. The *National Compact on Female Genital Mutilation* reinforces Australia's position that the practice of FGM is illegal and will not be tolerated, and encourages collaboration to support the girls and women affected by FGM and to help communities.

## **2.8 Related policy initiatives**

The National Action Plan contains specific measures to address human trafficking and slavery. However, it is important to recognise that the National Action Plan does not exist in isolation, and is instead part of a much broader framework of initiatives that promote the rights of vulnerable groups and seek to prevent other forms of exploitation and abuse.

### ***National Framework for Protecting Australia's Children 2009–2020***

The *National Framework for Protecting Australia's Children 2009–2020* is a long-term approach to protecting Australia's children and aims to deliver a substantial and sustained reduction in levels of child abuse and neglect over time. Amongst other outcomes to protect Australia's children, the National Framework seeks to ensure child sexual abuse and exploitation is prevented and survivors receive adequate support.

### ***National Plan to Reduce Violence against Women and their Children 2010–2022***

The *National Plan to Reduce Violence against Women and their Children 2010–2022* brings together the efforts of Australia's State, Territory and Commonwealth Governments to make a real and sustained reduction in the levels of violence against women. The National Plan has a strong focus on stopping violence before it occurs in the first place, and on changing community attitudes around gender equality and violence against women and their children, in order to effect long-term change. It also focuses on ensuring that services meet the needs of women and their children who have experienced violence, holding perpetrators to account and improving the evidence base.

### ***National Action Plan on Women, Peace and Security 2012–2018***

The *National Action Plan on Women, Peace and Security 2012–2018* consolidates and builds on the broad program of work already underway in Australia to integrate a gender perspective into peace and security efforts, protect women and girls' human rights, particularly in relation to gender-based violence, and promote their participation in conflict prevention, management and resolution.

### **National Framework of Rights and Services for Victims of Crime 2013–16**

The *National Framework of Rights and Services for Victims of Crime 2013–16* coordinates existing services for victims of crime across jurisdictions. The National Framework highlights the complexities around the provision of support and services for victims of crime and addresses the following issues:

- access to information and support
- protocols for streamlined financial assistance processes
- reciprocal service arrangements
- building an evidence base for training and service delivery, and
- establishing quality services across Australia.

### **Overseas aid, the Millennium Development Goals and the post-2015 development agenda**

The Australian Government's overseas aid program is improving the lives of millions of people in developing countries. Australia is working with the governments and people of developing countries to deliver aid where it is most needed and most effective.

Australia's aid program is underpinned by the Millennium Development Goals (MDGs), which are agreed targets set by the world's nations to reduce poverty by 2015. The MDGs include halving extreme poverty, getting all children into school, closing the gap on gender inequality, saving lives threatened by disease and the lack of available health care, and protecting the environment. The Australian Government is committed to the implementation of the MDGs to improve the wellbeing of the world's poorest people.

The international community is working to design a new global development framework for the post-2015 period. Australia is actively participating in these international processes, and is committed to designing a post-2015 development agenda that focuses global efforts on economic growth and poverty reduction.

## 3. Australia's response

***'In the long history of human wrongs, the trade in human beings will go down as one of the greatest crimes ever committed.'***

His Excellency Mr Kofi Annan, Secretary-General of the United Nations 1997–2006

### 3.1 A snapshot of key initiatives

Australia has had a comprehensive, whole-of-government approach to combating human trafficking and slavery since instituting the *Action Plan to Eradicate Trafficking in Persons* on 1 January 2004.

Key measures to date include:

- a comprehensive legislative framework that criminalises human trafficking, slavery and slavery-like practices, such as forced labour and forced marriage, and provides specific protections for victims giving evidence in court
- specialist AFP teams to detect and investigate human trafficking and slavery
- formal arrangements between the AFP and all State and Territory police forces to work collaboratively to respond to human trafficking and slavery
- a victim support program that provides individualised case management support
- visa arrangements to allow victims and witnesses to remain in Australia
- specialist immigration officers posted in key source countries who focus on human trafficking issues and aim to prevent trafficking
- training of frontline officials, including police, prosecutors, labour inspectors, and immigration compliance and visa processing officers, to recognise and respond appropriately to human trafficking and slavery
- regional engagement and capacity building in the Asia-Pacific, including through our bilateral international legal assistance work, the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* and the Association of Southeast Asian Nations (ASEAN)
- regional activities to deter human trafficking and slavery, train law enforcement officials, and assist victims through Australia's aid program
- community partnerships with, and support for, civil society organisations working to address human trafficking and slavery, including through the National Roundtable and its supplementary Senior Officials' Meeting
- awareness-raising measures to assist the general community and groups recognised as vulnerable to understand human trafficking and slavery, referral pathways, and supports available, and
- research into national and regional human trafficking and slavery-related trends by the Australian Institute of Criminology (AIC).

## 3.2 Budget

Since the Commonwealth's whole-of-government strategy to combat trafficking was established, the Australian Government has committed more than \$150 million to anti-trafficking initiatives:

- more than \$100 million has been committed through Australia's overseas aid program, administered by the Department of Foreign Affairs and Trade (DFAT) including, most recently, \$50 million (2013–18) for the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP).
- in 2003, the Government committed \$20 million over four years to establish the strategy to combat human trafficking, and
- in 2007, the Government committed a further \$38.3 million over four years, which was made ongoing in the 2007–08 Budget, to support a range of domestic initiatives to combat human trafficking including:
  - specialist investigative teams within the AFP
  - a victim support program that provides individualised case management to eligible victims of trafficking (the Support for Trafficked People Program administered by the Department of Social Services (DSS))
  - visa arrangements (the Human Trafficking Visa Framework, administered by the Department of Immigration and Border Protection (DIBP)), and
  - research into human trafficking and slavery by the AIC.

Since 2008, the Australian Government has also committed over \$4 million to civil society, unions and industry groups to support efforts to combat human trafficking and slavery. This includes:

- \$3.9 million to fund the Australian Catholic Religious Against Trafficking in Humans (ACRATH) (\$960,000), Anti-Slavery Australia (ASA) (\$960,000), Project Respect (\$1.02 million) and Scarlet Alliance (\$960,000) over 2008–17.
  - ACRATH is using its grant to establish its Anti-Trafficking Education, Direct Service, and Networking project.
  - ASA is using its funding to provide specialist immigration and legal advice and representation to trafficked people, develop training programs for government agencies and civil society organisations and facilitate a national network of civil society organisations and anti-trafficking organisations.
  - Project Respect is using its grant to fund continued outreach to women in the sex work industry.
  - Scarlet Alliance is using its grant to fund its ongoing Migration Project, and to support domestic outreach to migrant sex workers in Australia.
- Almost \$500,000 over 2011–13 to assist five organisations to undertake projects to combat labour exploitation in Australian industries.
  - Asian Women at Work (\$96,098) to carry out outreach on work rights, awareness-raising activities, and provide education and social support to migrant women in low-paid and precarious employment across Sydney.
  - Australian Council of Trade Unions (ACTU) (\$200,000) for a campaign entitled "Labour trafficking is a crime – Spot It, Report It".
  - Australian Hotels Association (\$25,000) for a labour exploitation awareness-raising project involving the distribution of an information brochure to 5,000 hotels on how to legally employ overseas workers and manage the visa process.
  - Australian Red Cross (ARC) (\$64,974) to increase union and community capacity to identify and combat labour trafficking and exploitation among the Indian community in New South Wales and Victoria.

- Construction, Forestry, Mining and Energy Union (CFMEU) (\$100,000) to produce multilingual pamphlets in the industries it sees as high priorities for anti-labour exploitation efforts (construction, mining, forestry and parts of manufacturing), the facilitation of workshops for union organisers and the sharing of results with the union movement and civil society organisations, and engagement with media.
- Almost \$500,000 for ACRATH, ASA and the Australian Muslim Women’s Centre for Human Rights (AMWCHR) to prevent and address forced marriage over 2014–17.
  - ACRATH (\$61,000) is using its funding for targeted awareness-raising for teachers and students on forced marriage and referral pathways.
  - ASA (\$355,393) is using its funding to create a website to assist victims and people in, or at risk of forced marriage with information, links to services and free online individualised advice.
  - AMWCHR (\$69,532) is using its funding to develop a multilayered community education program designed to increase the capacity of community welfare organisations to work with young women and families on forced marriage.
- over \$250,000 for the ARC for a forced marriage scoping exercise (\$102,850), a client kit for the Support for Trafficked People Program (\$28,070) and a service provider training program (\$126,960).

## 4. The National Action Plan

***Human trafficking is, quite simply, the exploitation of human beings for profit. It is a scourge that is not defeated by barriers of wealth and influence – trafficking is an immense problem for developed and developing nations alike.'***

Dr Anne Gallagher AO, Advisor to the United Nations and leading global expert on the international law on human trafficking

### 4.1 Objective

The objective specifies what we want to accomplish through the National Action Plan, and is the end result of the goals and action items set out below.

Australia works to actively combat all forms of human trafficking and slavery, wherever they occur, including by addressing the impact on trafficked people.

### 4.2 Principles

The principles are the core values which underpin the National Action Plan. They guide the work being done to achieve our objective, goals and action items.

- Principle One:** Australia responds to human trafficking and slavery in a manner that is comprehensive, effective, timely, coordinated and consistent with our international obligations.
- Principle Two:** Australia provides holistic and victim-centred support to trafficked people, regardless of gender, age, disability, race, ethnicity, immigration status, sex, sexuality or the purpose for which they were exploited, and affords them access to an effective remedy.
- Principle Three:** Australia strives to be a regional leader in deterring and combating human trafficking and slavery, and works cooperatively with other governments both regionally and internationally towards this end.
- Principle Four:** Australia encourages and promotes a collaborative response that is built on the participation of government, civil society, business and industry, unions and the community working in partnership to achieve sustainable change.
- Principle Five:** Australia maintains a strong compliance framework which promotes investigations, prosecutions and the enforcement of civil sanctions, and penalises offenders to the full extent of the law.

### 4.3 The four pillars

Australia's strategy to combat human trafficking and slavery is founded on four central pillars:

1. Prevention and Deterrence
2. Detection and Investigation
3. Prosecution and Compliance, and
4. Victim Support and Protection.

Together, the measures under the four pillars address the full cycle of human trafficking and slavery from recruitment to reintegration and give equal weight to the critical areas of prevention, enforcement and victim support.

### 4.4 Key areas for focus

Seven issues have been identified as key areas for focus over the life of the National Action Plan. Measures to address the key areas for focus will be implemented through both existing and new measures.

1. **Monitoring of the 2013 legislative reforms:** the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* came into force on 8 March 2013 and strengthened the provisions in the Criminal Code that criminalise human trafficking and slavery. The *Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013* came into force on 29 June 2013 and expanded protections available to support trafficked people when giving evidence in human trafficking and slavery trials. AGD, with the Operational Working Group (OWG), will continue to monitor the impact of these reforms on criminal investigations and prosecutions and the provision of support to trafficked people over the life of the National Action Plan.
2. **Awareness-raising and education:** work to update the Australian Government's *Communication and Awareness Strategy for Human Trafficking and Slavery* (Communication and Awareness Strategy) will continue as a key area of focus over the life of the National Action Plan. The Communication and Awareness Strategy aims to improve general awareness of human trafficking, slavery and slavery-like practices, including as a human rights issue, within the Australian community and amongst target groups. To ensure that key messages are communicated effectively to target audiences, the Communication and Awareness Strategy focuses on four distinct streams:
  - Stream 1: Personal (forced marriage and exploitation in intimate and family relationships)
  - Stream 2: Professional (labour exploitation)
  - Stream 3: Physical (organ trafficking)
  - Stream 4: Production (ethical procurement)

An overarching stream focusing on general human trafficking and slavery issues will also be developed.

3. **Forced marriage:** forced marriage has been criminalised in Australia since the entry into force of specific offences in the Criminal Code on 8 March 2013. Over the life of the National Action Plan, a key area of focus will be to refine the Australian Government response to this issue including the provision of support and appropriate referral pathways for people in, or at risk of forced marriage. Work will also continue to finalise the development and dissemination of a Forced Marriage Community Pack for frontline officers and service providers, vulnerable groups, and the general public including: information and FAQ sheets on forced marriage; a small fold-away booklet for people in, or at risk of forced marriage; a how to guide (including a template) on preparing a forced marriage safety plan; a media fact sheet; a forced marriage information booklet for agencies, community organisations and service providers; and, a website to assist people in, or at risk of forced marriage with information, links to services and free online individualised advice.
4. **Exploitation in supply chains:** the Minister for Justice has convened a Supply Chains Working Group to propose strategies to address the use of serious labour exploitation, including through slavery and slavery-like practices such as servitude and forced labour, in the supply chains of goods and services. The development of Australia's response will be undertaken in four phases with the initial two phases (Phase 1: Understanding the problem; Phase 2: Developing the response) expected to be complete by mid-2015 and December 2015 respectively. The Supply Chains Working Group is chaired by AGD.
5. **Operational protocol for minors:** the particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation means that they may require additional or particular supports different from those of adult trafficked persons in terms of laws, policies, programs and interventions. The operational protocol will ensure that all minors identified by Australian authorities as suspected victims of human trafficking or slavery are afforded appropriate protections and support in line with Australia's international and domestic obligations.
6. **Strengthening our connectedness with the States and Territories:** a key focus over the life of the strategy will be strengthening the connectedness of the Australian Government response with the States and Territories. See section 4.5 for further detail.
7. **International and regional leadership:** over the life of the National Action Plan, Australia will continue to take a leadership role including as co-chair of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* and through Australia's \$50 million flagship program, AAPTIP which will run until 2018 and aims to reduce the incentives and opportunities for human trafficking in the ASEAN region.

Action items for each of the key areas for focus will be indicated through symbols, as indicated in the table below. The overarching activities in 4.6 apply equally to all key areas for focus.

Issue	Key
Monitoring of legislation	1
Awareness-raising	2
Forced marriage	3
Supply chains	4
Minors protocol	5
Connectedness with the States and Territories	6
Regional and international leadership	7

## 4.5 The role of the States and Territories, civil society, business and industry, and unions

### States and Territories

As noted above, a key focus over the life of the strategy will be strengthening the connectedness of the Australian Government response with the States and Territories.

The States and Territories have a range of responsibilities that intersect with the strategy to combat human trafficking and slavery including:

- child protection
- workers' compensation, and occupational health and safety
- regulation of the sex work industry
- enforcement of State and Territory legislation on sexual servitude, and
- victims of crime financial assistance schemes.

Increased cooperation between governments and between government agencies will ensure a joined-up and holistic response to human trafficking and slavery including in prevention, victim identification, referral and support, and both civil and criminal investigations, prosecutions and compliance.

### Civil society organisations, business and industry, and unions

The Australian Government is committed to continuing our strong and effective relationship with civil society and unions.

Civil society organisations and unions are integral to Australia's fight against human trafficking and slavery. They play an important role in assisting trafficked people, and improving public understanding of trafficking through awareness-raising and education activities.

The involvement of business and industry is also vital in Australia's efforts, and will be crucial in developing a response to the issue of labour exploitation in supply chains.

The National Roundtable will continue as the primary consultative mechanism between the Australian Government, civil society organisations, business and industry, and unions. Since its creation in 2008, the National Roundtable has produced some significant outcomes including: the 2009 reforms to the Support for Trafficked People Program and Human Trafficking Visa Framework to better protect and assist trafficked people; driving an expansion to Australia's strategy to encompass all forms of labour exploitation; and, the contribution to the development of the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*.

Action items which intersect with the role of the States and Territories, civil society, business and industry, and unions will be indicated through symbols, as indicated in the table below.

Issue	Key
States and Territories	6
Civil society	8
Business and industry	9
Unions	10

## 4.6 Overarching activities

Each of the four pillars is informed by the overarching consideration of the rights and needs of trafficked people, ensuring all stages of Australia's response to human trafficking and slavery are victim-centred. For example, investigations and prosecutions are not only focused on punishing the offender, but also on facilitating access to justice for trafficked people.

There are also a range of activities which are common to each of the four pillars:

### Overarching activities

Item number	Activity	Agency responsible	Supporting principles
1.	Oversee Australia's National Action Plan through a national coordinating body	Attorney-General's Department	1
2.	Monitor the implementation of the National Action Plan and report to the Government on its effectiveness, and ensure that emerging issues are addressed on a whole-of-community basis	Attorney-General's Department, in consultation with the Interdepartmental Committee on Human Trafficking and Slavery and the National Roundtable on Human Trafficking and Slavery <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	1
3.	Ensure that human rights are at the centre of all efforts to protect, assist and provide redress to trafficked people, including through observance of, in so far as they accord with domestic law, the Office of the High Commissioner for Human Rights <i>Recommended Principles and Guidelines on Human Rights and Human Trafficking</i>	Attorney-General's Department, in consultation with the Interdepartmental Committee on Human Trafficking and Slavery and the National Roundtable on Human Trafficking and Slavery <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	1, 2, 3
4.	Ensure that the policies, legislation and operational procedures and guidelines supporting the National Action Plan do not discriminate on the basis of gender, age, race, ethnicity, disability, religion, sex, sexuality, occupation, status as a trafficked person or the type of exploitation which has been experienced	Attorney-General's Department, in consultation with the Interdepartmental Committee on Human Trafficking and Slavery and the National Roundtable on Human Trafficking and Slavery <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	1, 2

Item number	Activity	Agency responsible	Supporting principles
5.	Ensure that the best interests of the child is the primary consideration when developing, implementing and monitoring policy, legislation and operational procedures and guidelines that relate to trafficked people who are minors	Attorney-General's Department, in consultation with the Interdepartmental Committee on Human Trafficking and Slavery and the National Roundtable on Human Trafficking and Slavery <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	1, 2
6.	Maintain the National Roundtable on Human Trafficking and Slavery, and its subordinate Senior Officials' Meeting, as the primary collaborative mechanism between government, civil society organisations, business and industry, and unions to ensure Australia's efforts to combat human trafficking and slavery are developed and implemented on a whole-of-community basis	Attorney-General's Department, in consultation with the Interdepartmental Committee on Human Trafficking and Slavery and the National Roundtable on Human Trafficking and Slavery <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	1, 4
7.	Maintain accountability for Australia's efforts to combat human trafficking and slavery including through international mechanisms such as the United Nations Human Rights Council's Universal Periodic Review process	Attorney-General's Department, Department of Foreign Affairs and Trade, in consultation with the Interdepartmental Committee on Human Trafficking and Slavery	1, 3
8.	Maintain transparency in Australia's efforts to combat human trafficking and slavery including through making available an annual summary of its policies, legislation and operational initiatives and outcomes	Attorney-General's Department, in consultation with the Interdepartmental Committee on Human Trafficking and Slavery	1, 3, 4

## 4.7 Pillar one: Prevention and Deterrence

As a signatory to the Trafficking Protocol, Australia is obliged to:

- establish policies, programs and other measures to prevent and combat human trafficking
- endeavour to undertake research, and information campaigns
- take measures to alleviate the factors that make people vulnerable to human trafficking, such as poverty and lack of equal opportunity, and
- adopt measures which discourage the demand that fosters all forms of exploitation of people and leads to human trafficking.

Australia's strategy aims to prevent human trafficking and slavery by tackling the root causes of exploitation, raising awareness amongst the general community, and building the resilience of groups who may be vulnerable to these practices. Australia works to deter human trafficking and slavery by creating a hostile environment for prospective offenders in our region, including by instituting a comprehensive criminal justice framework with a strong normative effect.

**PREVENTION AND DETERRENCE**

**GOAL ONE: Australia contributes to initiatives which tackle the root causes of human trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
9.	Address factors which make people vulnerable to exploitation through Australia's overseas development aid program	1, 3	-	9.1 Provide funding or practical support for projects which work toward fulfilment of the Millennium Development Goals and Post-2015 development agenda particularly those which focus on eradicating poverty, providing education and promoting gender equality and the empowerment of women and girls <sup>7</sup>	Department of Foreign Affairs and Trade	Ongoing
10.	Contribute to international standard setting on issues which drive human trafficking and slavery	3	Detection and Investigation, Prosecution and Compliance, Victim Support and Protection	10.1 Continue to advocate for adherence to minimum standards for human rights and working conditions during engagement in regional and international fora such as the UN Human Rights Council <sup>7</sup>  10.2 Continue to take a leadership role internationally on standard setting and sharing best-practice on issues which drive human trafficking and slavery such as poverty and gender inequality <sup>7</sup>	Department of Foreign Affairs and Trade, Attorney-General's Department  Department of Foreign Affairs and Trade, Department of the Prime Minister and Cabinet	Ongoing

**PREVENTION AND DETERRENCE**

**GOAL TWO: Australia contributes to initiatives which build resilience amongst groups identified as vulnerable to trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
11.	Support initiatives which reduce the vulnerability of groups at risk of human trafficking and slavery	3, 4	-	11.1 Continue to fund initiatives which build the capacity of vulnerable groups to prevent and protect themselves from human trafficking and slavery through Australia's aid program <a href="#">7</a>	Department of Foreign Affairs and Trade	Ongoing
				11.2 Continue to provide practical support to civil society organisations, business and industry, and unions domestically for projects which raise awareness and increase resilience to human trafficking and slavery amongst vulnerable groups, such as migrant workers <a href="#">2</a> <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	Attorney-General's Department in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	Ongoing
12.	Ensure people have access to information about migration pathways and workplace rights and entitlements	1, 3, 4	-	12.1 Provide information on workplace rights and obligations including through materials available on the Fair Work Ombudsman's website, ensuring that these materials are available in community languages where possible and appropriate <a href="#">2</a> <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	Department of Employment, Fair Work Ombudsman	Ongoing
				12.2 Promote safe temporary migratory pathways for employment including schemes such as the Seasonal Worker Program <a href="#">9</a> <a href="#">10</a>	Department of Employment, Department of Immigration and Border Protection	Ongoing

**PREVENTION AND DETERRENCE**  
**GOAL THREE: Australia educates and promotes community engagement in understanding and combating human trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
13.	Use Australia's role as a regional leader in combating human trafficking and slavery to promote awareness and understanding	1, 3	Detection and Investigation, Prosecution and Compliance, Victim Support and Protection	<p>13.1 Continue to advocate for the ratification and implementation of relevant international agreements on human trafficking and slavery in regional and international fora <sup>7</sup></p> <p>13.2 Continue to take a leadership role internationally on standard setting and sharing best-practice in preventing and addressing human trafficking and slavery <sup>7</sup></p> <p>13.3 Continue to promote effective and coordinated regional responses to prevention and deterrence, detection and investigation, prosecution and compliance, and victim support and protection, including through the <i>Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime</i> <sup>7</sup></p>	<p>Department of Foreign Affairs and Trade, Attorney-General's Department, Department of Employment</p> <p>Interdepartmental Committee on Human Trafficking and Slavery</p> <p>Department of Foreign Affairs and Trade, Attorney-General's Department</p>	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
14.	Provide accessible materials which raise awareness of human trafficking and slavery including indicators, help-seeking behaviours and referral pathways	4	Detection and Investigation, Prosecution and Compliance, Victim Support and Protection	14.1 Raise awareness amongst the community, including the media, on human trafficking and slavery, ensuring that educational materials are available in community languages where possible and appropriate <b>2 3 8 9 10</b>	Attorney-General's Department in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	Ongoing
				14.2 Ensure materials about the Australian Government response to human trafficking and slavery remain current and readily available <b>2</b>	Attorney-General's Department in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	Ongoing

**PREVENTION AND DETERRENCE**

**GOAL FOUR: Australia promotes an evidence-based response to human trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
15.	Support projects which examine the nature of human trafficking and slavery domestically and in our region	1, 3, 4	Detection and Investigation, Prosecution and Compliance, Victim Support and Protection	15.1 Maintain a dedicated Australian Government Human Trafficking and Slavery research program <b>1</b>	Australian Institute of Criminology	Ongoing
				15.2 Support collaborative research with independent research institutions, academia, civil society organisations, business and industry, and unions <b>8 9 10</b>	Australian Institute of Criminology, Attorney-General's Department	Ongoing
				15.3 Continue to be responsive to requests for information on Australia's response to human trafficking and slavery from multilateral bodies and other countries	Attorney-General's Department, Department of Foreign Affairs and Trade	Ongoing
16.	Monitor and evaluate Australia's initiatives to combat human trafficking and slavery to gauge their impact and effectiveness	1	Detection and Investigation, Prosecution and Compliance, Victim Support and Protection	16.1 Continue to monitor Australia's strategy to combat human trafficking and slavery including through biannual Performance Management Framework reporting, annual reporting to the Australian Parliament by the Interdepartmental Committee on Human Trafficking and Slavery, and reporting to the National Roundtable on Human Trafficking and Slavery and its supplementary Senior Officials' Meeting <b>1 8 9 10</b>	Attorney-General's Department in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	Ongoing, biannual, annual

**PREVENTION AND DETERRENCE**

**GOAL FIVE: Australia creates a hostile environment and reduces the incentives for offending**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
17.	Monitor new and emerging technologies and platforms to identify opportunities for these to be exploited by offenders	1, 3, 4	Detection and Investigation, Prosecution and Compliance	17.1 Support research and intelligence collection on contemporary trends in criminal justice and related fields to identify vulnerabilities and protections  17.2 Monitor international research and emerging trends on human trafficking and slavery-related crime types to identify emerging offender methodologies	Australian Institute of Criminology, Attorney-General's Department, Australian Crime Commission  Attorney-General's Department in consultation with the Operational Working Group and Australian Institute of Criminology	Ongoing  Ongoing
18.	Reduce opportunities for offending by maintaining strong regulatory, compliance and enforcement frameworks	1, 5	Detection and Investigation, Prosecution and Compliance	18.1 Maintain frameworks and standards which promote rights and provide safeguards including the National Employment Standards which set the minimum wages and conditions for workers, offences in the <i>Marriage Act 1961</i> for child marriage, and systems which ensure that appropriate checks are made and intelligence considered during the visa decision-making process <sup>3</sup>	Department of Employment, Fair Work Ombudsman, Attorney-General's Department, Department of Immigration and Border Protection	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
				18.2 Continue to monitor the effectiveness of relevant sections of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i> <sup>1</sup>	Attorney-General's Department, Department of Immigration and Border Protection, Fair Work Ombudsman, Commonwealth Director of Public Prosecutions	Ongoing
				18.3 Maintain the capacity of the Australian Federal Police Human Trafficking Teams, Fair Work inspectors, Department of Immigration and Border Protection compliance officers and the Commonwealth Director of Public Prosecutions to investigate and enforce matters relating to human trafficking and slavery and substandard wages and conditions respectively <sup>1</sup>	Australian Federal Police, Fair Work Ombudsman, Commonwealth Director of Public Prosecutions, Department of Immigration and Border Protection	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
19.	Identify and eliminate vulnerabilities in Australia's migration and employment frameworks	4, 5	Detection and Investigation	19.1 Support initiatives which promote education and awareness-raising, compliance and investigation activities related to the exploitation of workers, particularly those identified as vulnerable, including in community languages where possible and appropriate <b>2 8 9 10</b>	Fair Work Ombudsman, Department of Immigration and Border Protection, Australian Federal Police, Attorney-General's Department	Ongoing
				19.2 Continue to monitor the treatment of vulnerable workers to ensure that they are being treated in accordance with workplace law	Fair Work Ombudsman	Ongoing
				19.3 Continue to monitor Australia's visa framework to identify and reduce vulnerabilities to human trafficking and slavery	Department of Immigration and Border Protection	Ongoing

#### 4.8 Pillar two: Detection and Investigation

As a signatory to the Trafficking Protocol, Australia is obliged to:

- in accordance with domestic law, share information held by our law enforcement, immigration or other relevant authorities with their counterparts, and
- provide or strengthen training for law enforcement, immigration and other relevant officials including on preventing and prosecuting, and protecting the rights of the victims.

Australia's strategy highlights the importance of working to ensure instances of human trafficking and slavery are recognised and reported, including through raising awareness of indicators and referral pathways. The strategy emphasises high quality investigations and cooperation between relevant agencies and organisations in Australia and overseas. In addition to disrupting criminal activities and apprehending offenders, a crucial factor of the detection and investigation pillar is ensuring the needs of the trafficked person are addressed.



Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable	
21.	Train Australian officials posted overseas to recognise the indicators of human trafficking and slavery and to respond appropriately	2, 5	Prosecution and Compliance, Victim Support and Protection	21.1 Continue to provide specialist training to Department of Immigration and Border Protection officers being posted offshore to recognise indicators and prevent trafficking in source countries <sup>2</sup>	Department of Immigration and Border Protection	Ongoing, pre-posting	
				21.2 Continue pre-departure training for Australian officials undertaking overseas postings on their obligations with respect to reporting extraterritorial offences of serious crimes, including human trafficking <sup>2</sup>			Department of Foreign Affairs and Trade, Department of Defence, Australian Federal Police
				21.3 Continue to provide specialist policy guidance and training to Department of Foreign Affairs and Trade officers posted overseas to ensure the appropriate management and referral of consular cases including those involving forced marriage <sup>2 3</sup>			
22.	Improve procedures and practices for the identification of trafficked people	1, 2, 4	Prosecution and Compliance, Victim Support and Protection	22.1 Monitor and refine as appropriate existing tools and guidance used by frontline officers for the identification of trafficked people	Australian Federal Police, Department of Immigration and Border Protection, Fair Work Ombudsman, Attorney-General's Department	Ongoing	

## DETECTION AND INVESTIGATION

**GOAL TWO: Australia works proactively to ensure that suspected cases of human trafficking and slavery identified within our jurisdiction are reported to authorities**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
23.	Raise awareness in the community, in particular among vulnerable groups, on referral mechanisms and available supports	1, 2, 4	Prevention and Deterrence, Victim Support and Protection	23.1 Provide practical support for organisations to raise awareness on the indicators and referral pathways for human trafficking and slavery <b>2 8 10</b>	Attorney-General's Department	Ongoing
24.	Strengthen relationships between frontline officers and vulnerable communities	4, 5	Prevention and Deterrence	24.1 Maintain capacity of Australian Federal Police Community Liaison Teams to build positive, trusting and cohesive relationships with relevant communities under its National Community Engagement Strategy <b>2 3 8</b>	Australian Federal Police	Ongoing
				24.2 Continue proactive engagement with relevant communities through the Fair Work Ombudsman's Community Engagement Strategy <b>8 10</b>	Fair Work Ombudsman	Ongoing

**DETECTION AND INVESTIGATION**  
**GOAL THREE: Australia undertakes high quality investigations which enable and support prosecutions**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
25.	Monitor Australia's legislative and regulatory frameworks to identify gaps or weaknesses that may limit investigatory capacity	1, 5	Prosecution and Compliance	25.1 Continue to monitor the effectiveness of relevant sections of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i> <sup>1</sup>	Attorney-General's Department, Department of Immigration and Border Protection, Fair Work Ombudsman, Australian Federal Police	Ongoing
26.	Collect and share domestic intelligence between relevant agencies in a timely manner	5	Prosecution and Compliance	26.1 Maintain an assessment of human trafficking and related crime types in the Organised Crime in Australia report  26.2 Maintain the Australian Crime Commission's National Criminal Intelligence Fusion Capability which supports a whole-of-government response to serious and organised crime	Australian Crime Commission  Australian Crime Commission	Ongoing, biannual  Ongoing
27.	Maintain Australia's specialist investigative capacity	5	Prevention and Deterrence, Prosecution and Compliance	27.1 Maintain the capacity of the Australian Federal Police Human Trafficking Teams and Fair Work inspectors to investigate and cross-refer matters relating to human trafficking and slavery, and substandard wages and conditions respectively <sup>1</sup>	Australian Federal Police, Fair Work Ombudsman	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
28.	Monitor offender methodologies to ensure investigators can respond to changes in offender conduct	1, 5	Prosecution and Compliance	28.1 Continue to collect information on offender methodologies through biannual Performance Management Framework reporting, and annual reporting to the Australian Parliament by the Interdepartmental Committee on Human Trafficking and Slavery <sup>1</sup>	Attorney-General's Department in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	Ongoing, biannual, annual
				28.2 Maintain regular review of ongoing investigations, including offender methodologies, through the Operational Working Group <sup>1</sup>	Attorney-General's Department in consultation with the Operational Working Group	Ongoing, six-weekly
				28.3 Maintain internal Australian Federal Police case review procedures, including on offender methodology and conduct <sup>1</sup>	Australian Federal Police	Ongoing
29.	Foster cooperation and collaboration between domestic law enforcement agencies	5	Prevention and Deterrence, Prosecution and Compliance, Victim Support and Protection	29.1 Review the <i>Australian Policing Strategy to Combat Trafficking in Persons 2011-13</i> <sup>6</sup>	Australian Federal Police in consultation with State and Territory police	December 2014
				29.2 Maintain relevant referral protocols between the Australian Federal Police, Department of Immigration and Border Protection and Fair Work Ombudsman	Australian Federal Police, Department of Immigration and Border Protection, Fair Work Ombudsman	Ongoing

**DETECTION AND INVESTIGATION**  
**GOAL FOUR: Australia's criminal justice system recognises and supports the rights and needs of trafficked people during investigations**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
30.	Ensure frontline officers are appropriately trained to take into account relevant sensitivities including culture, gender and age	1, 2	Prosecution and Compliance, Victim Support and Protection	30.1 Ensure that Australian Federal Police investigators, State and Territory Police and Department of Immigration and Border Protection officers receive training in providing culturally, age and gender sensitive assistance to trafficked people through the Human Trafficking Investigations Program <a href="#">6</a>	Australian Federal Police	Ongoing, annual
31.	Support the right of trafficked people to express their views freely in all matters that affect them	2	Victim Support and Protection	31.1 Continue to consider the best interests of trafficked people as a primary concern in an investigation  31.2 Continue to make intensive support available for up to 45 days to all trafficked people on the Support for Trafficked People Program to allow for recovery and reflection time for trafficked people to assess their options, irrespective of their willingness or ability to assist in an investigation  31.3 Continue to ensure that trafficked people who are not Australian citizens or permanent residents and who would be in danger on return home due to their assistance in an investigation are able to remain in Australia	Australian Federal Police  Department of Social Services with the Support for Trafficked People Program service provider, in consultation with the Operational Working Group  Australian Federal Police, Attorney-General's Department, Department of Immigration and Border Protection	Ongoing  Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
32.	Provide trafficked people with access to information on matters affecting their interests including entitlements and available services	2	Victim Support and Protection	32.1 Continue to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program	Department of Social Services with the Support for Trafficked People Program service provider	Ongoing

## DETECTION AND INVESTIGATION

### GOAL FIVE: Australia cooperates with international law enforcement partners to combat human trafficking and slavery

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
33.	Foster cooperation and collaboration between domestic law enforcement agencies and their international counterparts where lawful and appropriate	3, 5	Prevention and Deterrence, Prosecution and Compliance	33.1 Maintain the capacity of the Australian Federal Police Overseas Liaison Network to support investigations outside of Australia's jurisdiction  33.2 Continue to participate in capacity building forums including the International Law Enforcement Academy International Human Trafficking Investigation Workshop <sup>7</sup>	Australian Federal Police  Australian Federal Police	Ongoing  Ongoing, annual
				33.3 Continue to provide Transnational Crime Unit Advisors to the Pacific Transnational Crime Network to enhance the capacity of Pacific nations to combat transnational crime, including human trafficking <sup>7</sup>	Australian Federal Police	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
				33.4 Continue capacity building and technical assistance activities which address all forms of irregular migration, including through the provision of training and equipment for document examination, facial image comparison, intelligence analysis and immigration investigations training <sup>7</sup>	Department of Immigration and Border Protection	Ongoing
34.	Maintain the capacity to support police to police, mutual assistance and extradition requests	3, 5	Prosecution and Compliance	34.1 Maintain Australian Federal Police capacity as the Interpol National Central Bureau for Australia to facilitate cross-border police cooperation to prevent and combat international crime including human trafficking	Australian Federal Police	Ongoing
				34.2 Maintain the Attorney-General's Department's capacity as Australia's central authority for international extradition matters	Attorney-General's Department	Ongoing
				34.3 Maintain capacity to facilitate mutual assistance requests to enable government-to-government assistance in criminal investigations and prosecutions and the identification and recovery of the proceeds of crime	Attorney-General's Department	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
35.	Support a stronger criminal justice response to human trafficking and slavery in our region through enhanced legal and law enforcement frameworks	1, 3, 5	Prevention and Deterrence, Prosecution and Compliance	<p>35.1 Work with law enforcement and justice officials through the Australia-Asia Program to Combat Trafficking in Persons to strengthen criminal justice responses in the ASEAN region including through the training of judges, prosecutors and investigators <sup>7</sup></p> <p>35.2 Work with countries in the region to strengthen legal frameworks on human trafficking by assisting in the development of legislation and practitioner guides, including through the <i>Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime</i> and its working group on trafficking in persons <sup>7</sup></p> <p>35.3 Work with countries in the region to strengthen capacity of law and justice officials and investigate and prosecute human trafficking and slavery <sup>7</sup></p>	Department of Foreign Affairs and Trade	2013-18
					Attorney-General's Department	Ongoing
					Attorney-General's Department, Australian Federal Police	Ongoing

## 4.9 Pillar three: Prosecution and Compliance

As a signatory to the Trafficking Protocol, Australia is obliged to:

- adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth as human trafficking under Article 3 of the Protocol, and
- ensure that our domestic legal or administrative frameworks contain measures that, in appropriate cases, provide trafficked people with:
  - information on relevant court and administrative proceedings, and
  - assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

The Prosecution and Compliance pillar is characterised by the creation and regular review of a strong suite of civil and criminal sanctions for offenders, and the promotion of access to justice for trafficked people.

## PROSECUTION AND COMPLIANCE

**GOAL ONE: Australia's legal and regulatory frameworks meet our international obligations and are responsive to emerging trends in criminal methodology**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
36.	Maintain Australia's compliance with the international instruments which shape our response to human trafficking and slavery	1	Prevention and Deterrence, Detection and Investigation, Victim Support and Protection	36.1 Monitor Australia's compliance with, and reporting obligations under, relevant international human rights treaties, specifically: the <i>Universal Declaration of Human Rights</i> ; <i>International Covenant on Civil and Political Rights</i> ; <i>International Covenant on Economic, Social and Cultural Rights</i> ; <i>Convention on the Elimination of all forms of Discrimination Against Women</i> ; the <i>Convention on the Rights of the Child</i> and its second <i>Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography</i> ; the <i>Convention Against Torture</i> ; and the <i>Convention on the Rights of Persons with Disabilities</i>	Attorney-General's Department, Department of Foreign Affairs and Trade, Department of the Prime Minister and Cabinet	Ongoing
				36.2 Monitor Australia's compliance with, and reporting obligations under, the <i>UN Convention Against Transnational Organized Crime</i> and its supplementary <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children</i> , and the <i>Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery</i>	Attorney-General's Department, Department of Foreign Affairs and Trade	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
				36.3 Monitor Australia's compliance with, and reporting obligations under, International Labour Organization Conventions on Forced Labour (C29), the Abolition of Forced Labour (C105) and the Worst Forms of Child Labour (C182)	Attorney-General's Department, Department of Employment	Ongoing
				36.4 Maintain endorsement of the Istanbul Treaty on Organ Trafficking and Transplant Tourism, and the World Health Organization Guiding Principles on Human Cell, Tissue and Organ Transplantation	Department of Health	Ongoing
37.	Monitor offender methodologies to ensure prosecutors and regulatory agencies can respond to changes in offender conduct	1, 5	Detection and Investigation	37.1 Continue to collect information on offender methodologies through biannual Performance Management Framework reporting, and annual reporting to the Australian Parliament by the Interdepartmental Committee on Human Trafficking and Slavery <b>1</b>	Attorney-General's Department in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	Ongoing, biannual, annual
				37.2 Maintain regular review of prosecutions, including offender methodologies, through the Operational Working Group <b>1</b>	Attorney-General's Department in consultation with the Operational Working Group	Ongoing, six-weekly
				37.3 Maintain internal Commonwealth Director of Public Prosecutions case review procedures, including on offender methodology and conduct <b>1</b>	Commonwealth Director of Public Prosecutions	Ongoing

## PROSECUTION AND COMPLIANCE

### GOAL TWO: Australia holds offenders accountable through civil, criminal and regulatory means

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
38.	Maintain Australia's relevant criminal, civil and regulatory frameworks	1, 5	Prevention and Deterrence, Detection and Investigation, Victim Support and Protection	38.1 Continue to monitor the effectiveness of relevant sections, including penalties, of the <i>Criminal Code Act 1995</i> , <i>Crimes Act 1914</i> , <i>Migration Act 1958</i> , <i>Telecommunications (Interception and Access) Act 1979</i> , and the <i>Fair Work Act 2009</i> <sup>1</sup>	Attorney-General's Department, Department of Immigration and Border Protection, Fair Work Ombudsman, Commonwealth Director of Public Prosecutions	Ongoing
				38.2 Maintain the capacity of the Commonwealth Director of Public Prosecutions and Fair Work Ombudsman to prosecute matters relating to human trafficking and slavery, and standard wages and conditions respectively <sup>1</sup>	Fair Work Ombudsman, Commonwealth Director of Public Prosecutions	Ongoing
39.	Maintain legal cooperation frameworks	3, 5	Detection and Investigation	39.1 Maintain relevant referral protocols between the Commonwealth Director of Public Prosecutions and State and Territory Offices of Public Prosecutions <sup>6</sup>	Commonwealth Director of Public Prosecutions in consultation with State and Territory Offices of Public Prosecutions	Ongoing
				39.2 Ensure capacity of State and Territory Offices of Public Prosecutions to prosecute Commonwealth human trafficking and slavery offences <sup>6</sup>	Commonwealth Director of Public Prosecutions in consultation with State and Territory Offices of Public Prosecutions	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
				39.3 Maintain capacity for domestic extradition in human trafficking and slavery matters under the <i>Service and Execution of Process Act 1992</i>	Attorney-General's Department	Ongoing
				39.4 Maintain procedural frameworks to support prosecutions of human trafficking and slavery matters in overseas jurisdictions, and the capacity for witnesses located overseas to participate in domestic trials	Attorney-General's Department	Ongoing

## PROSECUTION AND COMPLIANCE

### GOAL THREE: Australia's criminal justice system recognises and supports the rights and needs of trafficked people during prosecutions

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
40.	Support trafficked people during the prosecution process	2, 5	Detection and Investigation, Victim Support and Protection	40.1 Support trafficked people through the duration of the prosecution process through the Justice Support Stream and Temporary Trial Support Stream of the Support for Trafficked People Program	Department of Social Services with the Support for Trafficked People Program service provider, Commonwealth Director of Public Prosecutions	Ongoing
				40.2 Continue to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program	Department of Social Services with the Support for Trafficked People Program service provider	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
40.3	Provide assistance to trafficked people during the prosecution process through the Commonwealth Director of Public Prosecutions Witness Assistance Officer, and by supporting organisations which provide pastoral care 1 8				Commonwealth Director of Public Prosecutions	Ongoing
41.	Protect trafficked people during the prosecution process	1, 2, 5	Detection and Investigation, Victim Support and Protection	41.1 Continue to take into consideration the best interests of a trafficked person during the prosecution process	Commonwealth Director of Public Prosecutions	Ongoing
				41.2 Continue to provide trafficked people with the opportunity to make a victim impact statement during sentencing in a prosecution process 1	Commonwealth Director of Public Prosecutions	Ongoing
				41.3 Continue to advocate in court proceedings for the provision to trafficked people of appropriate protections during the prosecution process including non-publication orders and alternate means of giving testimony 1	Commonwealth Director of Public Prosecutions	Ongoing
				41.4 Continue to ensure that trafficked people who are not Australian citizens or permanent residents and who would be in danger on return home due to their assistance in a prosecution are able to remain in Australia	Australian Federal Police, Attorney-General's Department, Department of Immigration and Border Protection	Ongoing

**PROSECUTION AND COMPLIANCE**

**GOAL FOUR: Australia provides trafficked people with the opportunity to access compensation and reparation**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
42.	Provide trafficked people with assistance to access legal advice	2	Victim Support and Protection	42.1 Provide trafficked people with access to legal advice through the Support for Trafficked People Program, including on available remedies	Department of Social Services with the Support for Trafficked People Program service provider	Ongoing
43.	Provide trafficked people with the opportunity to access victims of crime financial assistance schemes irrespective of their nationality and whether an offender has been convicted	1, 2	Victim Support and Protection	43.1 Monitor the current framework of State and Territory victims of crime financial assistance schemes and its availability to victims of human trafficking and slavery <sup>6</sup>  43.2 Continue to monitor the possible need for a federal victims of crime financial assistance scheme <sup>1</sup>	Attorney-General's Department in consultation with the States and Territories  Attorney-General's Department	Ongoing  Ongoing
44.	Provide trafficked people with the opportunity to access reparation orders in connection with the sentencing of an offender for relevant offences	1, 2	Victim Support and Protection	44.1 Maintain the availability of reparation orders for victims of human trafficking and slavery under section 21B of the <i>Crimes Act 1914</i> <sup>1</sup>  44.2 Continue to ensure the Commonwealth Director of Public Prosecutions informs trafficked people of the availability of reparation orders where a criminal conviction for relevant offences is secured <sup>1</sup>	Attorney-General's Department  Commonwealth Director of Public Prosecutions	Ongoing  Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
45.	Provide trafficked people with the opportunity to access civil and administrative remedies irrespective of their nationality and whether an offender has been convicted	1, 2	Victim Support and Protection	45.1 Maintain mechanisms which provide trafficked people with the opportunity to pursue civil damages including for unpaid wages and entitlements	Fair Work Ombudsman	Ongoing

## PROSECUTION AND COMPLIANCE

### GOAL FIVE: Australia actively works to trace and confiscate the proceeds of human trafficking and slavery-related offences

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
46.	Maintain Australia's legislation which allows for the confiscation of proceeds of crime and criminal assets	5	Detection and Investigation	46.1 Monitor the effectiveness of the <i>Proceeds of Crime Act 2002</i> and its regulations which allow for the confiscation of assets in relation to human trafficking and slavery offences	Attorney-General's Department, Australian Federal Police, Commonwealth Director of Public Prosecutions	Ongoing
47.	Maintain and build the capacity of Australian and regional law enforcement agencies to seize proceeds of crime and criminal assets	1, 3, 5	Detection and Investigation	47.1 Maintain capacity to facilitate mutual assistance requests to enable government-to-government assistance including for the recovery of the proceeds of crime	Attorney-General's Department	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
				47.2 Maintain capacity to pursue asset confiscation in relation to human trafficking and slavery offences	Australian Federal Police, Commonwealth Director of Public Prosecutions	Ongoing
				47.3 Maintain the effectiveness of the Criminal Assets Confiscation Taskforce in enhancing the identification and pursuit of potential criminal asset confiscation matters	Australian Federal Police	Ongoing
				47.4 Provide capacity building assistance to assist countries in the region to develop strong asset confiscation and anti-money laundering laws	Attorney-General's Department	Ongoing

#### 4.10 Pillar four: Victim Support and Protection

As a signatory to the Trafficking Protocol, Australia is obliged, to the extent possible under domestic law, to:

- protect the privacy and identify of trafficked people
- consider implementing measures which provide for the physical, psychological and social recovery of trafficked people, including the provision of housing, counselling, legal assistance, medical, psychological and material assistance; and employment, educational and training opportunities
- provide for the physical safety of trafficked people within our territory
- offer trafficked people the possibility of obtaining compensation for damage suffered
- consider adopting measures that allow trafficked people to remain in Australia temporarily or permanently, in appropriate cases
- repatriate trafficked people with due regard for their safety, for the status of any legal proceedings related to the fact that they are a trafficked person, and preferably, voluntarily, and
- protect trafficked people from re-victimisation.

Australia's strategy to combat human trafficking and slavery is fundamentally concerned with assisting and empowering trafficked people to move on from their trafficking experience by improving their mental and physical health and well-being, helping them to learn new skills, and ultimately to develop options for a new life.

**VICTIM SUPPORT AND PROTECTION**

**GOAL ONE: Australia provides support that is timely, culturally, age and gender appropriate, and recognises diversity amongst trafficked people**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
48.	Respond to the needs of trafficked people in a time-sensitive manner	1, 2	Detection and Investigation, Prosecution and Compliance	48.1 Ensure that the Australian Federal Police, Department of Immigration and Border Protection and Support for Trafficked People Program service provider maintain responsiveness in assisting trafficked people, including within the timeframes set out in relevant internal protocols	Australian Federal Police, Department of Immigration and Border Protection, Department of Social Services with the Support for Trafficked People Program service provider	Ongoing
				48.2 Ensure that the Human Trafficking Visa Framework continues to be administered in a timely manner	Department of Immigration and Border Protection, Australian Federal Police, Attorney-General's Department	Ongoing
				48.3 Ensure that investigations and prosecutions for human trafficking and slavery matters are progressed without undue delay	Australian Federal Police, Commonwealth Director of Public Prosecutions	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
49.	Provide support to trafficked people irrespective of their personal characteristics or the type of exploitation which has been experienced	1, 2	Detection and Investigation, Prosecution and Compliance	<p>49.1 Continue to provide individualised support through the Support for Trafficked People Program</p> <p>49.2 Ensure that the <i>Criminal Code Act 1995</i> continues to capture all forms of exploitation <sup>1</sup></p> <p>49.3 Ensure that trafficked people have access to interpreters and relevant materials in community languages where possible and appropriate <sup>2</sup></p>	<p>Department of Social Services with the Support for Trafficked People Program service provider</p> <p>Attorney-General's Department</p> <p>Attorney-General's Department, Australian Federal Police, Department of Social Services with the Support for Trafficked People Program service provider, Department of Immigration and Border Protection, Commonwealth Director of Public Prosecutions</p>	Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
50.	Provide support which recognises the particular needs of trafficked people who are minors	1, 2	Detection and Investigation, Prosecution and Compliance	<p>50.1 Ensure that the <i>Criminal Code Act 1995</i> continues to provide specific offences and aggravated penalties for offences involving trafficked people who are minors <b>1 5</b></p> <p>50.2 Ensure that the Support for Trafficked People Program and Human Trafficking Visa Framework continue to take into account the needs of minors, including through the availability of a 90 day reflection and recovery period under the Assessment and Intensive Support and Extended Intensive Support Streams <b>5</b></p>	Attorney-General's Department	Ongoing
				<p>50.3 Continue to ensure that the Australian Federal Police and Support for Trafficked People Program service provider work with State and Territory child protection agencies in human trafficking and slavery matters involving trafficked people who are minors <b>5 6</b></p> <p>50.4 Ensure trafficked people who are minors are afforded additional protections in the investigation and prosecution process, including through the use of available child witness, special witness and vulnerable witness protections <b>1 5</b></p>	Department of Social Services with the Support for Trafficked People Program service provider, Department of Immigration and Border Protection, in consultation with the Operational Working Group	Ongoing
					Australian Federal Police, Department of Social Services with the Support for Trafficked People Program service provider	Ongoing
					Commonwealth Director of Public Prosecutions, Australian Federal Police	Ongoing

## VICTIM SUPPORT AND PROTECTION

### GOAL TWO: Australia supports specialist organisations which deliver services to trafficked people

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
51.	Provide a comprehensive support program for trafficked people	1, 2	Detection and Investigation, Prosecution and Compliance	51.1 Ensure that the Support for Trafficked People Program continues to be appropriately supported	Australian Federal Police, Department of Social Services, with the Support for Trafficked People Program service provider	Ongoing
52.	Support specialist non-government organisations which work to prevent and address trafficking	2, 4	Prevention and Deterrence, Detection and Investigation	52.1 Provide practical support to civil society organisations, business and industry, and unions in their efforts to combat human trafficking and slavery <a href="#">2</a> <a href="#">8</a> <a href="#">10</a> <a href="#">9</a>	Attorney-General's Department in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	Ongoing
				52.2 Ensure the <i>Guidelines for NGOs working with trafficked people</i> remain current and readily available <a href="#">2</a> <a href="#">8</a> <a href="#">10</a>	Attorney-General's Department in consultation with the Communication and Awareness Working Group	2015, ongoing
				52.3 Support further collaborative research, with independent research institutions, civil society organisations, business and industry, and unions to strengthen collection of reliable, relevant data and to ascertain alternative methods for timely and accurate identification of victims <a href="#">8</a> <a href="#">10</a> <a href="#">9</a>	Australian Institute of Criminology, Attorney-General's Department	Ongoing
				52.4 Promote the value of civil society participation at relevant national and international meetings <a href="#">8</a>	Department of Foreign Affairs and Trade, Attorney-General's Department, Department of Employment	Ongoing

**VICTIM SUPPORT AND PROTECTION**  
**GOAL THREE: Australia assists trafficked people to access mainstream support services**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
53.	Provide trafficked people with access, as appropriate, to social security and immigration frameworks outside of the Support for Trafficked People Program and Human Trafficking Visa Framework	2	Detection and Investigation, Prosecution and Compliance	53.1 Ensure that the Support for Trafficked People Program continues to refer and link trafficked people to other relevant supports including during the transition period  53.2 Continue to provide trafficked people with access to legal and migration advice through the Support for Trafficked People Program	Department of Social Services with the Support for Trafficked People Program service provider  Department of Social Services with the Support for Trafficked People Program service provider	Ongoing  Ongoing
54.	Provide trafficked people with information on accessing services and supports from providers that do not specialise in human trafficking and slavery	2, 4	-	54.1 Provide practical support to civil society organisations who provide direct support and services to trafficked people <sup>8</sup>	Attorney-General's Department with the Operational Working Group	As appropriate

## VICTIM SUPPORT AND PROTECTION

### GOAL FOUR: Australia affords trafficked people access to protections in accordance with our international obligations

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
55.	Protect the privacy and identity of trafficked people	1, 2	Detection and Investigation, Prosecution and Compliance	55.1 Continue to ensure that all agencies working with trafficked people act in accordance with their obligations under the <i>Privacy Act 1988</i> , which sets out rules about information handling, collection, use, storage and disclosure of personal information	Interdepartmental Committee on Human Trafficking and Slavery	Ongoing
56.	Provide for the safe and, wherever possible voluntary, repatriation of trafficked people	1, 2	Prevention and Deterrence	55.2 Continue to advocate in court proceedings for orders to protect the identity of trafficked people <sup>1</sup>	Commonwealth Director of Public Prosecutions	Ongoing
56.	Provide for the safe and, wherever possible voluntary, repatriation of trafficked people	1, 2	Prevention and Deterrence	56.1 Continue to work with the International Organization for Migration to provide for safe repatriation of trafficked people	Department of Immigration and Border Protection, Australian Federal Police	Ongoing
57.	Provide trafficked people with protection where they would be in danger on return to their home country	1, 2	Detection and Investigation, Prosecution and Compliance	57.1 Continue to ensure that trafficked people who are not Australian citizens or permanent residents and who would be in danger on return home due to their assistance in an investigation or prosecution are able to remain in Australia	Australian Federal Police, Attorney-General's Department, Department of Immigration and Border Protection	Ongoing

**VICTIM SUPPORT AND PROTECTION**  
**GOAL FIVE: Australia empowers trafficked people to overcome their experience of human trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
58.	Provide trafficked people with a non-conditional reflection and recovery period	1, 2	-	58.1 Continue to make an intensive reflection and recovery support period available for up to 45 days to all trafficked people on the Support for Trafficked People Program irrespective of their willingness or ability to assist in an investigation or prosecution	Department of Social Services in consultation with the Operational Working Group	Ongoing
59.	Ensure trafficked people are not detained, charged or prosecuted for status-related offences, or held in immigration detention	1, 2	Detection and Investigation, Prosecution and Compliance	59.1 Ensure trafficked people are not detained, charged or prosecuted for status-related offences, or held in immigration detention  59.2 Ensure that any person in relation to whom indicators of trafficking are noted by the Department of Immigration and Border Protection is referred to the Australian Federal Police and, if both unlawful and assessed by Australian Federal Police as a suspected trafficked person, is granted a bridging visa and not detained	Australian Federal Police, Commonwealth Director of Public Prosecutions, Department of Immigration and Border Protection  Department of Immigration and Border Protection	Ongoing  Ongoing

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
60.	Ensure that policy, legislation and operational procedures and guidelines afford trafficked people the opportunity to access remedies	1, 2	Prevention and Deterrence, Detection and Investigation, Prosecution and Compliance	60.1 Ensure that agencies with policy and operational responsibility for trafficked people continue to take into account the accessibility of an effective remedy in reviewing or implementing new or existing policies and procedures	Interdepartmental Committee on Human Trafficking and Slavery	Ongoing
61.	Ensure support provided to trafficked people empowers them including through access to educational opportunities and safe, appropriately remunerated employment	1, 2, 4	Prevention and Deterrence	61.1 Continue to take into account the accessibility of an effective remedy in reviewing or implementing new or existing policies and procedures  61.2 Explore ways to improve access to educational and employment opportunities for trafficked people under the Support for Trafficked People Program	Operational Working Group  Attorney-General's Department, Department of Social Services, Department of Immigration and Border Protection, Department of Industry	Ongoing  2015–16

#### **4.11 New measures**

Since the implementation of Australia's strategy to combat human trafficking and slavery, a robust and effective range of measures has been implemented and operationalised. The flexibility of the strategy has allowed work to address new and emerging issues to be undertaken within these existing measures. This is reflected in the limited number of new measures set out under the National Action Plan. This section of the National Action Plan will be updated annually and attached as an addendum to the annual IDC report to the Australian Parliament. This process will be led by AGD in consultation with the IDC and the National Roundtable.

**PREVENTION AND DETERRENCE**

**GOAL FOUR: Australia promotes an evidence-based response to human trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
62.	Implement measures to improve and standardise the collection of statistical information on human trafficking and slavery	1	Detection and Investigation, Prosecution and Compliance, Victim Support and Protection	62.1 Develop an enhanced Human Trafficking Slavery and Slavery-Like Practice Monitoring Program	Australian Institute of Criminology in consultation with the Operational Working Group and Interdepartmental Committee on Human Trafficking and Slavery	2015
63.	Propose strategies to address the use of labour exploitation in the supply chains of goods and services	1, 2, 4	Detection and Investigation, Prosecution and Compliance	63.1 Complete the first two phases in the development of Australia's response to labour exploitation in supply chains (understanding the problem and developing the response) <a href="#">8</a> <a href="#">9</a> <a href="#">10</a>	Attorney-General's Department	2015

**DETECTION AND INVESTIGATION**  
**GOAL ONE: Australia ensures frontline officers are trained and equipped to detect and respond to human trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
64.	Train Australian domestic frontline officers to recognise the indicators of human trafficking and slavery and to respond appropriately	2, 5	Prosecution and Compliance, Victim Support and Protection	64.1 Develop specialist training for Department of Immigration and Border Protection officers responsible for processing of visa applications to ensure they are able to identify indicators of human trafficking <sup>2</sup>	Department of Immigration and Border Protection	2015–16
65.	Improve procedures and practices for the identification of trafficked people	1, 2, 4	Prosecution and Compliance, Victim Support and Protection	65.1 Develop and implement specialist training for State and Territory frontline officers, including child protection, labour inspectors, teachers and health officials <sup>2 6</sup>	Attorney-General's Department	2015–16
				65.2 Engage with faith-based communities including marriage officiants to raise awareness on the indicators and referral pathways for forced marriage <sup>2 3 8</sup>	Attorney-General's Department	2015

## DETECTION AND INVESTIGATION

**GOAL TWO: Australia works proactively to ensure that suspected cases of human trafficking and slavery identified within our jurisdiction are reported to authorities**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
66.	Raise awareness in the community, in particular among vulnerable groups, on referral mechanisms and available supports	1, 2, 4	Prevention and Deterrence, Victim Support and Protection	66.1 Develop and make available materials on indicators and referral pathways to communities and groups identified as vulnerable, including in relevant community languages where possible and appropriate <b>2 8 10</b>	Attorney-General's Department	2015–16

## DETECTION AND INVESTIGATION

**GOAL THREE: Australia undertakes high quality investigations which enable and support prosecutions**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
67.	Collect and share domestic intelligence between relevant agencies in a timely manner	5	Prosecution and Compliance	67.1 Collect and share information through the National Border Targeting Centre	Department of Immigration and Border Protection, Australian Federal Police	Ongoing

**DETECTION AND INVESTIGATION**

**GOAL FOUR: Australia's criminal justice system recognises and supports the rights and needs of trafficked people during investigations**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
68.	Provide trafficked people with access to information on matters affecting their interests including entitlements and available services	2	Victim Support and Protection	68.1 Develop and make available a client information kit for trafficked people receiving assistance through the Support for Trafficked People Program	Department of Social Services with the Support for Trafficked People Program service provider	2015

**PROSECUTION AND COMPLIANCE**

**GOAL ONE: Australia's legal and regulatory frameworks meet our international obligations and are responsive to emerging trends in criminal methodology**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
69.	Maintain Australia's compliance with the international instruments which shape our response to human trafficking and slavery	1	Prevention and Deterrence, Detection and Investigation, Victim Support and Protection	69.1 Progress consideration of ratification of the 2014 International Labour Organization Forced Labour Protocol supplementing the Forced Labour Convention (C29)	Department of Employment in consultation with the Attorney-General's Department and the Department of Foreign Affairs and Trade	2015

## PROSECUTION AND COMPLIANCE

### GOAL TWO: Australia holds offenders accountable through civil, criminal and regulatory measures

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
70.	Maintain Australia's relevant criminal, civil and regulatory frameworks	1, 5	Prevention and Deterrence, Detection and Investigation, Victim Support and Protection	70.1 Consider the development of a system for monitoring related State and Territory criminal and regulatory frameworks to identify any gaps in Australia's response to human trafficking and slavery <b>1</b>  70.2 Consider the need for additional civil measures within the family law system to provide a remedy for people in, or at risk of forced marriage <b>1 3 5</b>	Attorney-General's Department, Commonwealth Director of Public Prosecutions  Attorney-General's Department	Ongoing  2015–16

## PROSECUTION AND COMPLIANCE

### GOAL THREE: Australia's criminal justice system recognises and supports the rights and needs of trafficked people during prosecutions

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
71.	Support trafficked people during the prosecution process	2, 5	Detection and Investigation, Victim Support and Protection	71.1 Develop and make available a client information kit for trafficked people receiving assistance through the Support for Trafficked People Program	Department of Social Services with the Support for Trafficked People Program service provider	2015

**PROSECUTION AND COMPLIANCE**

**GOAL FOUR: Australia provides trafficked people with the opportunity to access compensation and reparation**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
72.	Provide trafficked people with information on the availability of compensation and reparation	1, 2	Victim Support and Protection	72.1 Provide trafficked people with access to information on avenues for obtaining a civil or administrative remedy, including for remaining in Australia while the remedy is sought	Department of Immigration and Border Protection, Department of Social Services with the Support for Trafficked People Program service provider	2015–16

**VICTIM SUPPORT AND PROTECTION**

**GOAL ONE: Australia provides support to that is timely, culturally, age and gender appropriate, and recognises diversity amongst trafficked people**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
73.	Provide support which recognises the particular needs of trafficked people who are minors	1, 2	Detection and Investigation, Prosecution and Compliance	73.1 Develop an operational protocol for minors to ensure that all minors identified by Australian authorities as suspected victims of human trafficking or slavery are afforded appropriate protections and support in line with Australia's international and domestic obligations <sup>5</sup> <sup>6</sup>	Attorney-General's Department in consultation with the Operational Working Group and relevant State and Territory agencies	2015–16

## VICTIM SUPPORT AND PROTECTION

### GOAL THREE: Australia assists trafficked people to access mainstream support services

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
74.	Provide trafficked people with information on accessing services and supports from providers that do not specialise in human trafficking and slavery	2, 4	-	74.1 Develop and make available appropriate referral pathways including to best-practice providers in each State and Territory <sup>6</sup>	Department of Social Services with the Support for Trafficked People Program service provider in consultation with the Operational Working Group	2015-16

## VICTIM SUPPORT AND PROTECTION

### GOAL FOUR: Australia affords trafficked people access to protections in accordance with our international obligations

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
75.	Provide for the safe and, wherever possible voluntary, repatriation of trafficked people	1, 2	Prevention and Deterrence	75.1 Provide referral pathways for trafficked people being repatriated to local supports and service providers <sup>6</sup>	Operational Working Group	2015-16

**VICTIM SUPPORT AND PROTECTION**  
**GOAL FIVE: Australia empowers trafficked people to overcome their experience of human trafficking and slavery**

Item number	Action item	Supporting principles	Linked pillars	Measure	Agency responsible	Timetable
76.	Ensure support provided to trafficked people empowers them including through access to educational opportunities and safe, appropriately remunerated employment	1, 2, 4	Prevention and Deterrence	76.1 Consider ways to monitor the reintegration and recovery of trafficked people to determine whether the support provided has been effective in preventing revictimisation or future offending	Attorney-General's Department in consultation with the Operational Working Group and Australian Institute of Criminology	2016
			Detection and Investigation, Prosecution and Compliance	76.2 Conduct a review of the Human Trafficking Visa Framework	Department of Immigration and Border Protection in consultation with the Operational Working Group	2015

## 5. Monitoring and measuring progress

***‘Slavery tears at our social fabric, fuels violence and organized crime, and debases our common humanity.’***

Presidential Proclamation, United States of America, National Slavery and Human Trafficking Prevention Month, December 2013

### 5.1 Governance and monitoring

Australia’s strategy to combat human trafficking and slavery is the responsibility of the Commonwealth Attorney-General’s portfolio, and is currently led by the Minister for Justice, the Hon Michael Keenan MP.

The Minister for Justice works in partnership with Ministerial colleagues, primarily:

- the Minister for Foreign Affairs, the Hon Julie Bishop MP
- the Minister for Social Services, the Hon Kevin Andrews MP, and
- the Minister Assisting the Prime Minister for Women and Assistant Minister for Immigration and Border Protection, Senator the Hon Michaelia Cash.

There are three key bodies responsible for the governance and monitoring of the National Action Plan.

#### 1. Interdepartmental Committee on Human Trafficking and Slavery

The strategy is overseen by the IDC which is responsible for monitoring the implementation of the strategy, reporting to the Australian Government on its effectiveness, and ensuring that emerging issues are addressed on a whole-of-government basis.

The IDC includes membership from the following Australian Government agencies:

- Attorney-General’s Department (chair)
- Australian Crime Commission
- Australian Federal Police
- Australian Institute of Criminology
- Commonwealth Director of Public Prosecutions
- Department of Employment
- Department of Foreign Affairs and Trade
- Department of Immigration and Border Protection
- Department of Social Services
- Department of the Prime Minister and Cabinet, and
- Fair Work Ombudsman.

Relevant agencies remain responsible for administering individual components of the strategy. Further information on the role of each of the IDC agencies is available at Appendix D.

## 2. Operational Working Group on Human Trafficking and Slavery

An OWG comprising AGD, AFP, Commonwealth Director of Public Prosecutions, DIBP and DSS has been established as a subcommittee of the IDC.

The OWG is responsible for monitoring the implementation and effectiveness of the strategy, including both legislative and policy measures, and to resolve operational issues that arise through the management of individual cases. The OWG also has an important role in referring emerging policy issues for the IDC's consideration. As appropriate, this is done in consultation with relevant Australian Government and State and Territory colleagues. The OWG is chaired by AGD and meets every six weeks, or more frequently as required by operational matters.

## 3. National Roundtable on Human Trafficking and Slavery

Since 2008, the National Roundtable has been held annually as a consultative mechanism between Government, civil society organisations, business and industry groups, and unions on emerging human trafficking and slavery issues. Since 2011, a supplementary officer-level Senior Officials' Meeting has also been held annually.

The National Roundtable is convened by the Minister with responsibility for human trafficking and slavery in partnership with relevant colleagues. Membership of the Roundtable is by invitation of the Minister with responsibility for human trafficking and slavery. Member agencies of the IDC are also members of the National Roundtable.

### Ad-hoc working groups of the IDC and National Roundtable

To ensure that Australia's strategy remains flexible and responsive, both the IDC and National Roundtable have the capacity to establish issue-specific working groups. Working groups created in this way are chaired by AGD and are established for a set timeframe and with specific terms of reference to guide discussions.

#### **IDC working group**

**Working Group on Protections for Foreign Domestic Workers Working for Diplomats or Consular Officials:** to consider measures to decrease the vulnerability of foreign domestic workers entering Australia to work in diplomatic or consular households. Membership comprises AGD, Department of Employment, DFAT and DIBP. The working group is due to finalise its work in mid-to-late 2015.

#### **National Roundtable working groups**

**Communication and Awareness Working Group:** to contribute to the implementation of the Communication and Awareness Strategy which aims to improve general awareness of human trafficking and slavery within the Australian community and amongst target groups. The Communication and Awareness Working Group is due to finish its work by the end of 2015. Membership comprises a wide-range of government and civil society organisations.

**Supply Chains Working Group:** to propose strategies to address the use of serious labour exploitation, including through slavery and slavery-like practices such as servitude and forced labour, in the supply chains of goods and services. The development of Australia's response will be undertaken in four phases:

- Phase 1: Understanding the problem
- Phase 2: Developing the response
- Phase 3: Implementing the response, and
- Phase 4: Monitoring, compliance, and evaluation.

Phase 1 and Phase 2 are expected to be complete by mid-2015 and December 2015 respectively. Membership comprises a wide-range of experts from government, civil society organisations, business and industry groups, unions and academia.

#### Role of the AIC and new monitoring program

To address issues surrounding the monitoring of human trafficking and slavery, and related gaps in data and knowledge, the Australian Institute of Criminology is developing a human trafficking and slavery monitoring framework for Australia (and the Asia-Pacific region) that will improve our evidence base for trends and patterns in trafficking activity.

The development of the enhanced Human Trafficking, Slavery and Slavery-Like Practices Monitoring Program therefore will involve four steps:

- the establishment and refinement of a conceptual framework, indicator themes and associated indicators
- a stocktake and evaluation of administrative and other data that are collated or otherwise available from relevant government and non-government agencies
- the development of a data dictionary and minimum data set or similar collection tool, and
- an assessment of the framework's readiness for implementation, including pilot testing.

It is anticipated that the Human Trafficking, Slavery and Slavery-Like Practices Monitoring Program will be a living document, and that improvements to the scope and quality of the quantitative and qualitative data collected will occur periodically as wider data collection practices are refined and additional information is made available. By following the appropriate processes for establishing a monitoring program, and accounting for the array of factors that are involved in human trafficking and slavery, the monitoring activity aims to:

- advance knowledge and measurement of the identified issues
- produce credible and reliable findings, and
- facilitate recommendations for decision-making around reducing the risks associated with human trafficking and responding to the victims and offenders involved.

## **5.2 Reporting and information exchange**

Australia's strategy to combat human trafficking and slavery is the subject of ongoing scrutiny both domestically and internationally. These reporting requirements ensure transparency and accountability in the measures implemented by Australian Government agencies under the National Action Plan.

In addition to reporting requirements, Australia is also an active participant in a number of fora, primarily international, where the aim is information exchange; to share best practice and lessons learnt. This engagement is important in that it underpins Australia's strategy with a culture of continuous learning and improvement, while also ensuring that Australia is contributing to the development of regional and international efforts to understand and combat human trafficking and slavery.

Relevant fora and mechanisms for reporting and information exchange are summarised below.

### Domestic reporting and information exchange

There are two key domestic reporting mechanisms:

#### 1. Annual reporting to the Australian Parliament

Since 2009, the Australian Government has reported annually to the Australian Parliament on the outcomes under our strategy to combat human trafficking and slavery. The first report was tabled in June 2009 and covered the period from the inception of the strategy on 1 January 2004 to 30 April 2009. The second report covered the period 1 May 2009 to 30 June 2010. Subsequent reports have been issued on an annual basis.

#### 2. Biannual whole-of-government performance management framework reporting

Since 2010, the Australian Government has also reported biannually on metrics relating to investigations and prosecutions, the Support for Trafficked People Program and the Human Trafficking Visa Framework. The first data report covered the period from the implementation of the strategy in January 2004 until 30 June 2010. Subsequent reports have been issued on a six-monthly basis.

The Australian Government also reports to relevant Commonwealth and State and Territory Parliamentary Committees and inquiries on an ad-hoc basis. This has included:

- Human Rights Sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into Slavery, Slavery-like Conditions and People Trafficking
- Senate Legal and Constitutional Affairs Legislation Committee inquiry into the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012, and
- New South Wales Community Relations Commission inquiry on trafficking of women in the sex industry.

### International reporting and information exchange

There are numerous international reporting and information sharing mechanisms, including:

- United Nations:
  - General Assembly
  - Human Rights Council sessions, including the Universal Periodic Review process and the work of relevant Special Rapporteurs including those on Trafficking in Persons, and on Contemporary Forms of Slavery
  - Office on Drugs and Crime
    - Commission on Crime Prevention and Criminal Justice
    - Conference of the Parties to the UNTOC, and the UNTOC Working Group on Trafficking in Persons
  - Committee on the Convention of the Rights of the Child
  - Committee on the Elimination of Discrimination Against Women
  - Commission on the Status of Women

- Australia's periodic reports on the following instruments:
  - the *International Covenant on Civil and Political Rights*
  - the *International Covenant on Economic, Social and Cultural Rights*
  - the *Convention on the Elimination of All Forms of Discrimination against Women*
  - the *Convention on the Rights of the Child*, and its Optional Protocols on: the sale of children, child prostitution and child pornography; and on involvement of children in armed conflict
  - the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, and
  - the *International Convention on the Elimination of All Forms of Racial Discrimination*.
- World Health Organization, and
- International Labour Organization.
- Commonwealth
  - Commonwealth Heads of Government Meeting, and
  - Commonwealth Law Ministers Meeting (CLMM) and Senior Officials of Law Ministries Meeting (SOLM).
- US State Department annual Trafficking in Persons Report, which ranks countries on their trafficking response
- Relevant regional fora including:
  - *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* and its working group on trafficking in persons
  - Asia-Pacific Economic Cooperation (APEC), and
  - Association of South East Asian Nations (ASEAN).

### 5.3 Evaluating and measuring our progress

#### Annual reporting to the Parliament

As set out above, since 2009, the Australian Government has reported annually to the Australian Parliament on the outcomes under its strategy to combat human trafficking and slavery. This report will form the primary mechanism for evaluating and measuring progress under the National Action Plan.

To ensure the ongoing flexibility of Australia's strategy to combat human trafficking and slavery, preparation of this report will include consideration of amendments or additions to the new measures being undertaken.

The report is prepared by AGD in consultation with the IDC and the National Roundtable.

#### National Roundtable on Human Trafficking and Slavery

In addition to being briefed annually on the outcomes under the National Action Plan, the National Roundtable will form a key consultative mechanism for the preparation of the annual report setting out progress under the National Action Plan, including any amendments or additions to the new measures to be undertaken.

#### Operational Working Group

The OWG meets every six weeks and includes, as a standing agenda item, a review of recent cases including to consider both the investigative and prosecutorial outcomes and the impact of the Support for Trafficked People Program and Human Trafficking Visa Framework. This will ensure timely consideration of operational issues arising under the National Action Plan.

*Biannual whole-of-government performance management framework reporting*

In meeting its obligations under the Australian Government's biannual, whole-of-government performance management framework reporting, the OWG collects data on a range of measures on investigative and prosecutorial outcomes and the impact of the Support for Trafficked People Program and Human Trafficking Visa Framework. This data is reviewed by the OWG biannually and forms a central part of the evaluation and monitoring process under the National Action Plan.

## Referral Guide

**In an emergency**, dial Triple Zero (000).

If you think someone has been trafficked or enslaved, call the **Australian Federal Police** (AFP) on 131 237. The AFP can also be contacted via the Human Trafficking, Sexual Servitude and Slavery Information report form on the AFP website. Contact with the AFP can be anonymous.

If you have questions relating to your conditions of employment and minimum entitlements, you can also call the **Fair Work Ombudsman** on 13 13 94.

### **1800 RESPECT (1800 737 732): The National Sexual Assault, Family & Domestic Violence Counselling Service**

**About:** The National Sexual Assault, Family & Domestic Violence Counselling Service is a confidential telephone and online counselling service, staffed by professional counsellors to assist any person who has experienced, or is at risk of family and domestic violence and/or sexual assault.

**Phone:** 1800 RESPECT (1800 737 732)

**Email:** Online counselling is available through the website listed below.

**Website:** <<https://www.1800respect.org.au/>>.

The following specialist civil society organisations may also be able to provide advice and assistance:

### **Anti-Slavery Australia**

**About:** Anti-Slavery Australia is based in Sydney and provides comprehensive legal advice, representation and assistance to people who have experienced human trafficking, slavery and slavery-like practices, including people who are in, or at risk of a forced marriage.

**Phone:** 02 9514 9662

**Email:** [antislavery@uts.edu.au](mailto:antislavery@uts.edu.au)

**Website:** <<http://www.antislavery.org.au/>>.

### **Project Respect**

**About:** Project Respect is based in Melbourne and is a non-profit, feminist, community-based organisation that aims to empower and support women in the sex industry, including women trafficked to Australia.

**Phone:** 03 9416 3401

**Website:** <<http://www.projectrespect.org.au/>>.

### **Scarlet Alliance**

**About:** Scarlet Alliance is based in Sydney and is Australia's national peak sex worker organisation. Scarlet Alliance represents individual sex workers and sex worker organisations.

**Phone:** 02 9690 0551

**Email:** [info@scarletalliance.org.au](mailto:info@scarletalliance.org.au)

**Website:** <<http://www.scarletalliance.org.au/>>.

### **Salvation Army**

**About:** The Salvation Army provides residential and case-management support for trafficked people in Sydney.

**Phone:** 02 9211 5794

**Email:** [endslavery@aue.salvationarmy.org.au](mailto:endslavery@aue.salvationarmy.org.au)

**Website:** <<http://www.endslavery.salvos.org.au/>>.

## Appendix A – Glossary

### **Aggravated offence**

An aggravated offence is one which attracts a harsher penalty because of the circumstances of the offending. The human trafficking and slavery-like offences under the Commonwealth *Criminal Code Act 1995* (Criminal Code) may be aggravated in particular circumstances including where the victim is under the age of 18, or where the offender subjected the victim to cruel, inhuman or degrading treatment.

### **Child**

A child is anyone under 18 years of age. A child victim of human trafficking or slavery is anyone who was under the age of 18 at the time of the offence.

### **Coercion**

An offender may use physical or non-physical coercion to gain a trafficked person's compliance. The Criminal Code defines coercion to include force, duress, detention, psychological oppression, abuse of power and taking advantage of a person's vulnerability.

### **Compensation**

A victim of a human trafficking or slavery offence may be entitled to financial assistance under a State or Territory government-funded statutory financial assistance scheme for victims of crime. A trafficked person may also seek reparation from the offender if the offender is convicted of a human trafficking, slavery, or slavery-like offence, or compensation through the civil court system for damage caused through a civil wrong such as a breach of a duty of care, negligence, false imprisonment or breach of contract.

### **Criminal Code**

The Criminal Code criminalises human trafficking, including child, domestic and organ trafficking, slavery, servitude, forced labour, forced marriage, deceptive recruiting for labour or services, debt bondage and harbouring.

### **Debt bondage**

The Criminal Code defines debt bondage as the status or condition of a person that arises from a pledge of personal services as security for a debt owed, or claimed to be owed if the debt owed or claimed to be owed is manifestly excessive, the reasonable value of those services is not applied toward the liquidation of the debt or purported debt, or the length and nature of those services are not respectively limited and defined. Debt bondage is an offence under section 271.8 of the Criminal Code, with a maximum penalty of four years' imprisonment, or seven years' imprisonment in the case of an aggravated offence.

### **Deceptive recruiting for labour or services**

Deceptive recruiting occurs where a person, with the intention of inducing another person to enter into an engagement to provide labour or services, deceives that other person about:

- the extent to which the person will be free to leave the place or area where the person provides the labour or services, or
- the extent to which the person will be free to cease providing the labour or services, or
- the extent to which the person will be free to leave his or her place of residence, or
- if there is or will be a debt owed or claimed to be owed by the person in connection with the engagement—the quantum, or the existence, of the debt owed or claimed to be owed, or

- the fact that the engagement will involve exploitation, or the confiscation of the person's travel or identity documents, or
- if the engagement is to involve the provision of sexual services—that fact, or the nature of sexual services to be provided (for example, whether those services will require the victim to have unprotected sex).

Deceptive recruiting for labour or services is an offence under section 270.7 of the Criminal Code, with a maximum penalty of seven years' imprisonment, or nine years' imprisonment in the case of an aggravated offence.

### **Domestic trafficking**

See **Human trafficking**.

### **Effective remedy**

The right to an effective remedy encompasses an obligation to bring to justice perpetrators of human rights abuses, and also to provide appropriate reparation to victims. Reparation can involve measures including compensation, restitution, rehabilitation, public apologies, guarantees of non-repetition and changes in relevant laws and practices.

### **Forced labour**

The Criminal Code defines forced labour as the condition of a person who provides labour or services and who, because of the use of coercion, threat or deception, does not consider himself or herself to be free to cease providing labour or services, or to leave the place or area where he or she provides labour or services. Forced labour is an offence under section 270.6A of the Criminal Code, with a maximum penalty of nine years' imprisonment, or 12 years' imprisonment in the case of an aggravated offence.

### **Forced marriage**

The Criminal Code defines a forced marriage as one where a party entered into the marriage without freely and fully consenting because of the use of coercion, threat or deception. Forced marriage is an offence under section 270.7B of the Criminal Code, with a maximum penalty of four years' imprisonment, or seven years' imprisonment in the case of an aggravated offence.

### **Human trafficking**

The Trafficking Protocol defines human trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons by means of 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.

The Criminal Code criminalises human trafficking and includes specific offences of domestic trafficking, organ trafficking and child trafficking. The Criminal Code also criminalises the exploitative purposes for which a person might be trafficked, including slavery, servitude, forced labour and forced marriage.

### **Human Trafficking Visa Framework**

The Human Trafficking Visa Framework was established by the Australian Government on 1 January 2004 and amended on 1 July 2009. It enables suspected victims of human trafficking and slavery to remain lawfully in Australia. It consists of the Bridging F visa, the Criminal Justice Stay visa and the Witness Protection (Trafficking) (Permanent) visa. The Visa Framework may apply to any eligible trafficked person, regardless of the type of human trafficking or slavery-related exploitation they may have experienced.

### **Labour trafficking**

See **Human trafficking**.

### **Migrant smuggling**

Article 3(a) of the *Protocol Against the Smuggling of Migrants by Land, Sea and Air* defines 'smuggling of migrants' as 'the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'. Migrant smuggling is an offence under the Criminal Code and Commonwealth *Migration Act 1958*.

### **Migrant worker**

A migrant worker is a person who works, has been working or will work in a remunerated activity in a country where he or she is not a national.

### **National Roundtable on Human Trafficking and Slavery**

Since 2008, the National Roundtable on Human Trafficking and Slavery has been held annually as a consultative mechanism between Government, civil society organisations, business and industry groups, and unions on emerging human trafficking and slavery issues. Since 2011, a supplementary officer-level Senior Officials' Meeting has also been held annually.

### **Personal information**

Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

### **Repatriation**

The return of a trafficked person to his or her country of nationality.

### **Restitution**

The *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* states offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families and their dependants. Under the Commonwealth *Crimes Act 1914* (Crimes Act), a court can make an order that an offender, on conviction, pay reparation to a victim of crime.

### **Servitude**

The Criminal Code defines servitude as the condition of a person who provides labour or services and who, because of the use of coercion, threat or deception, does not consider himself or herself to be free to cease providing labour or services, or to leave the place or area where he or she provides labour or services. To be in a condition of servitude, the person must also be significantly deprived of his or her personal freedom. Servitude is an offence under section 270.5 of the Criminal Code, with a maximum penalty of 15 years' imprisonment, or 20 years' imprisonment in the case of an aggravated offence.

### **Slavery**

The Criminal Code defines slavery as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person. Slavery is an offence under section 270.3 of the Criminal Code, with a maximum penalty of 25 years' imprisonment.

### **Support for Trafficked People Program**

The Australian Government's Support for Trafficked People Program provides support to victims of human trafficking, slavery and slavery-like practices, including forced marriage, who meet eligibility criteria. Supports provided include accommodation, financial support, counselling, medical treatment, legal and migration advice, and interpreter services. More information about the Support Program is available from the Department of Social Services website at: <<http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/anti-human-trafficking-strategy>>.

### **Trafficking in children**

See **Human trafficking**.

### **Trafficked person**

Under international law a trafficked person is a person who has been recruited, transported or transferred by means of 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 that person, for the purpose of exploitation.

Australia uses the term 'trafficked person' to encompass any person who has experienced human trafficking, slavery or slavery-like practices, whether or not the person was subjected to an element of movement as part of their trafficking experience.

### **Unlawful non-citizen**

The term 'unlawful non-citizen' refers to a non-citizen in Australian territory who does not hold a valid Australian visa entitling them to stay in Australia.

### **Victim impact statement**

A victim impact statement is a written statement that provides details to a court of the harm suffered by a victim resulting from an offence.

### **Vulnerable witness**

Vulnerable witnesses are witnesses in criminal proceedings (including victims) who, due to personal attributes or the nature of the crime, are unable to give satisfactory evidence in the ordinary manner and may require testimonial aids. Child witnesses and victims of sexual assault are often considered to be vulnerable witnesses. Under the Crimes Act, victims of human trafficking and slavery offences are considered vulnerable witnesses, and as such are entitled to give evidence using alternative arrangements (such as by closed-circuit television, video recording or video-link).

### **Witness protection**

This is protection and assistance provided by the police to persons who have given, or have agreed to give, evidence in criminal proceedings, have made a statement in relation to a criminal offence, or who otherwise require protection or are perceived to be in danger by reason of their evidence (see also **Human Trafficking Visa Framework**).

## Appendix B – Summary of relevant international legal frameworks

- *Universal Declaration of Human Rights*
  - refer specifically to Articles 4, 16 and 23
- *United Nations Convention against Transnational Organized Crime* (UNTOC)
- *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (the Trafficking Protocol)
- *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* (the Supplementary Slavery Convention)
  - refer specifically to Articles 1, 3, 5, 6 and 7
- *International Covenant on Civil and Political Rights*
  - refer specifically to Articles 2, 3, 7, 8, 9, 12, 14, 23 and 26
- *International Covenant on Economic, Social and Cultural Rights*
  - refer specifically to Articles 2, 3, 6, 7, 10, 11 and 12
- *Convention on the Elimination of All Forms of Discrimination against Women*
  - refer specifically to Articles 2, 6, 9, 11, 12, 14, 15 and 16
- *Convention on the Rights of the Child*
  - refer specifically to Articles 7, 16, 19, 28, 31, 32, 34, 35, 36, 37 and 39
- *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*
  - refer specifically to Articles 1, 2, 3 and 8
- *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*
  - refer specifically to Articles 1 and 4
- *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*
  - refer specifically to Articles 1, 3, 13 and 14
- *International Convention on the Elimination of All Forms of Racial Discrimination*
  - refer specifically to Articles 2, 5 and 6
- ILO Convention No. 29 on Forced or Compulsory Labour
  - refer specifically to Articles 1, 2 and 6
- Protocol Supplementing the Forced Labour Convention (No. 29), to address implementation gaps to advance prevention, protection and compensation measures, to effectively achieve the elimination of forced labour
- ILO Convention No. 105 on Abolition of Forced Labour
- ILO Convention No. 182 on Worst Forms of Child Labour
  - refer specifically to Article 3(1)

## Appendix C – Government agencies explained

The role of each of the Australian Government agency members of the Interdepartmental Committee on Human Trafficking and Slavery is set out below.

### **Attorney-General's Department**

The Attorney-General's Department delivers programs and policies to maintain and improve Australia's law and justice framework, strengthen our national security and emergency management, and provide support for arts and culture.

The Attorney-General's Department has overarching responsibility for Australia's strategy to combat human trafficking and slavery, including:

- oversight of the implementation and monitoring of the National Action Plan
- chairing the Interdepartmental Committee on Human Trafficking and Slavery, the Operational Working Group, the National Roundtable on Human Trafficking and Slavery, and other working groups set up under the auspices of those bodies
- oversight of the offences in the *Criminal Code Act 1995*, and relevant provisions of the *Crimes Act 1914*, *Telecommunications (Interception and Access) Act 1979* and *Proceeds of Crime Act 2002*
- administration of applications to the Attorney-General or his delegate for Witness Protection (Trafficking) certificates
- implementation and monitoring of the *Communication and Awareness Strategy on Human Trafficking and Slavery*
- driving engagement with civil society, business and industry, unions and the community including the management of any funding
- international legal capacity building, including through the *Bali Process Working Group on Trafficking in Persons*, and
- driving Australia's reporting and information exchange in domestic and international fora.

### **Australian Crime Commission**

The Australian Crime Commission is Australia's national criminal intelligence agency. Its role is to develop a national understanding of serious and organised crime, including threats associated with human trafficking and slavery, to support law enforcement agencies. The Australian Crime Commission collects, analyses and disseminates intelligence from all Australian jurisdictions to develop a national picture of serious and organised crime.

### **Australian Federal Police**

The Australian Federal Police is the police agency of the Commonwealth of Australia. The Australian Federal Police is the primary investigative agency for human trafficking and slavery offences, and is responsible for the referral of suspected victims to the Support for Trafficked People Program. The Australian Federal Police is also responsible for Witness Protection (Trafficking) certificate applications and provides regional capacity building activities for law enforcement.

### **Australian Institute of Criminology**

The Australian Institute of Criminology is Australia's national research and knowledge centre on crime and justice. The Australian Institute of Criminology administers Australia's Human Trafficking and Slavery research program.

### **Commonwealth Director of Public Prosecutions**

The Commonwealth Director of Public Prosecutions is an independent prosecuting service established by the Parliament of Australia to prosecute Commonwealth criminal offences. The Commonwealth Director of Public Prosecutions provides advice and conducts prosecutions arising from briefs of evidence referred from investigating agencies alleging offences of human trafficking and slavery and related referrals. The Commonwealth Director of Public Prosecutions also has a dedicated Witness Assistance Officer who has experience and training in dealing with victims of crime, and who operates independently from the prosecution team.

### **Department of Employment**

The Department of Employment is responsible for national policies and programs that help Australians find and keep employment and work in safe, fair and productive workplaces. The Department of Employment provides policy advice on workplace relations and managing Australia's engagement with the International Labour Organization.

### **Department of Foreign Affairs and Trade**

The Department of Foreign Affairs and Trade's role is to advance the interests of Australia and Australians internationally including through the provision of foreign, trade and development policy advice to the Australian Government. The Department of Foreign Affairs and Trade is primarily responsible for Australia's regional and international engagement and diplomacy on human trafficking and slavery, and the provision of official development assistance, including capacity building activities, on human trafficking and slavery.

### **Department of Immigration and Border Protection**

The Department of Immigration and Border Protection manages migration, humanitarian and citizenship policy and programs. The Department of Immigration and Border Protection administers the Human Trafficking Visa Framework and provides capacity building and technical assistance in the region.

### **Department of Social Services**

The Department of Social Services is responsible for the development and implementation of social policy. The Department of Social Services administers the Support for Trafficked People Program, including oversight of the contracted service provider.

### **Department of the Prime Minister and Cabinet**

The Department of the Prime Minister and Cabinet's principal function is to provide high-quality policy advice to the Prime Minister and the Cabinet on matters that are at the forefront of public and government administration, including domestic and international affairs and, in particular, the implications of proposals for Commonwealth-State relations. The Department of the Prime Minister and Cabinet is a member of the Interdepartmental Committee on Human Trafficking and Slavery in this oversight capacity.

### **Fair Work Ombudsman**

The Fair Work Ombudsman is an independent statutory agency of the Australian Government that provides free advice and information on the Australian national workplace relations system. The Office of the Fair Work Ombudsman also investigates workplace complaints and enforces compliance with national workplace laws. The matters investigated by the Fair Work Ombudsman include claims of substandard working conditions that do not meet the threshold of the human trafficking and slavery criminal offences, including forced labour.

## Appendix D – The Support Program and Visa Framework summarised

### Support for Trafficked People Program

Australia provides a comprehensive range of support services for trafficked people through our Support for Trafficked People Program (Support Program). The Support Program is divided into the following streams:

- **Assessment and Intensive Support Stream** – intensive support for up to 45 days to all trafficked people referred by the Australian Federal Police, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence. If the person is not an Australian citizen and does not have a valid visa, they can be granted a Bridging F visa (BVF) for up to 45 days. The Assessment and Intensive Support Stream provides an extended recovery and reflection period and time for trafficked people to assess their options. Trafficked people on the Assessment and Intensive Support Stream have access to the following support as needed: case management support; secure accommodation; a living allowance; an amount for the purchase of essentials such as clothing and toiletries; access to health care, including counselling; access to interpreters; and access to legal services.
- **Extended Intensive Support Stream** – access to a further 45 days' support for trafficked people who are willing, but not able, to assist with the investigation or prosecution of a human trafficking or slavery-related offence, for example due to ill health, trauma, age or practical impediment. This extended period of support is provided on a case-by-case basis and is designed to provide flexibility in the support available to trafficked people. If required, a second BVF for up to 45 days may be granted in such cases.
- **Justice Support Stream** – support until the investigation and prosecution of a human trafficking or slavery-related matter is finalised.
- **Temporary Trial Support Stream** – intensive support (similar to that provided under the Assessment and Intensive Support Stream) for trafficked people who return to Australia to give evidence pertaining to a human trafficking or slavery-related prosecution. Recipients are entitled to short-term accommodation and a weekly living allowance.

There is also a 20-day **transition period** for trafficked people leaving the Support Program. The types of assistance available, depending on need and circumstances, can include:

#### All streams

Medicare and the Pharmaceutical Benefits Scheme

Additional medical fees

Emergency items such as clothing and personal items on entry to the Support Program and at other times such as during a safety-related change of accommodation

Counselling – clients may require assistance with specialised counselling because of their trafficking experiences

Training/education – clients are encouraged to undertake vocational training to improve their options and opportunities including English language training, as well as courses that assist in the socialisation of clients

Access to interpreter and translation services

Legal/migration advice – clients may be assisted with the cost of legal/migration advice that involves Support Program matters and/or the criminal justice process

**Assessment and Intensive Support, Extended Intensive Support, Temporary Trial Support Streams**

Living allowance – based on financial need and not to exceed 89 per cent of the applicable rate of Special Benefit (extra for dependant children living with the client)

Financial assistance with short term, furnished accommodation

**Justice Support Stream**

Financial assistance to enter long term accommodation – may include help with bond and initial rent

Household set up costs – help with basic home set up which may include essential furniture, utensils, and whitegoods

Centrelink benefits – clients covered by a Criminal Justice Stay visa / Witness Protection (Trafficking) (Permanent) visa may be eligible for Centrelink benefits such as Special Benefit, Rent Assistance, Health Care Card, Family Tax Benefit

**Transition period**

When exiting the Support Program, clients are provided with assistance during the 20 day transition period in line with their needs and circumstances including the support stream they are exiting from

Clients who have dependant children living with them may receive assistance with arranging child-care, schooling, counselling and medical support. They can also be assisted to access parenting support or education.

**Human Trafficking Visa Framework**

The Human Trafficking Visa Framework (Visa Framework) enables foreign nationals who do not already hold a valid visa and are suspected victims of human trafficking or slavery to remain lawfully in Australia. Like Australian citizens and other valid visa holders who are suspected trafficked people, they are then able to access support through the Support Program.

The Visa Framework comprises three visas:

- **Bridging F visa (BVF)** – a person assessed by the AFP as a suspected trafficked person may be eligible for a BVF for up to 45 days. A BVF can also be granted to immediate family members in Australia. There are no work rights associated with a BVF, but the trafficked person can receive intensive victim support through the Support Program. There is also an option to grant a second BVF for a further 45 days (taking the total to 90 days). During this time the trafficked person will continue to receive intensive support. The offer of a second BVF is considered on a case-by-case basis.
- **Criminal Justice Stay visa (CJSV)** – after the expiry of a BVF, a CJSV may be granted to a suspected trafficked person at the request of the police. A CJSV allows the holder to remain in Australia for as long as their presence is required for the administration of criminal justice. A trafficked person on a CJSV is allowed to work and receives support under the Justice Support Stream of the Support Program.

- **Witness Protection (Trafficking) (Permanent) visa (WPTV)** – a trafficked person who has made a contribution to an investigation or prosecution of an alleged offender may be eligible for a WPTV. This visa allows the holder to remain in Australia permanently, and immediate family members may be included in the visa application.

A WPTV may be granted to a trafficked person if the criteria prescribed in the *Migration Regulations 1994* are met. These include, but are not limited to:

1. the Attorney-General certifies that:
  - the person made a contribution to, and cooperated closely with, the prosecution of a person who was alleged to have trafficked a person or who was alleged to have forced a person into exploitative conditions (whether or not the person was convicted), or
  - the person made a contribution to, and cooperated closely with, an investigation in relation to which the Director of Public Prosecutions has decided not to prosecute a person who was alleged to have trafficked a person or who was alleged to have forced a person into exploitative conditions
2. the person is not the subject of a prosecution for an offence that is directly connected to the prosecution mentioned in the Attorney-General's certificate, and
3. the Minister for Immigration and Border Protection is satisfied that the person would be in danger if he or she returned to his or her home country.



