Human Trafficking in Australia
Frequently Asked Questions
Foreword

Trafficking is a serious human rights violation globally and a crime here in Australia. According to the United Nation’s Office on Drugs and Crime\(^1\), people from 136 different countries were trafficked into 118 different countries between 2007 and 2010. Australia is one of the destinations where people are being trafficked.

The nature of trafficking and the exploitation of people mean that it is a largely hidden crime. Many people are afraid to come forward, fearing retaliation from their exploiters, identification in relation to the type of work they are forced to do or a potential negative impact on their migration status.

Australian Red Cross has managed the government-funded Support for Trafficked People (STPP) program since 2009. The aim is to meet the health and welfare needs of people who have been trafficked and to help them re-establish their lives. The program is an integral part of our work to support and advocate for people who have been made vulnerable through the process of migration.

Since beginning this work, Red Cross has provided support to more than 130 women and men who have been trafficked to Australia. Our clients come from diverse cultural, ethnic and religious backgrounds, reflecting the global nature of human trafficking.

Providing this support cannot be done in isolation. We work collaboratively with government agencies, NGOs, and service providers to meet the needs of people who have been trafficked. This ensures that we, as a sector, provide comprehensive support to our clients as they recover from their experience.

Working with our clients, Red Cross has gained invaluable experience and an in-depth understanding of the vulnerabilities and needs - and incredible resilience - of people who have been trafficked.

Australian Red Cross, as part of the global Red Cross and Red Crescent Movement, is committed to providing support for this vulnerable group. This includes promoting awareness and advocacy.

This publication, Human Trafficking – Frequently Asked Questions, is intended to be a useful resource, to educate people on the issue of human trafficking and slavery in Australia.

We hope that this document will help you - whether you work in the community services sector or are a member of the public concerned about this issue – to understand the complexities of human trafficking and to help you to respond appropriately in assisting this vulnerable group of people.

Michael Raper
Director of Services and International Operations
Australian Red Cross
10 October 2013

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Background

In 2012 Red Cross conducted 59 ‘Human Trafficking in Australia’ workshops to more than 1,000 participants from community organisations, service providers and health organisations.

The aim was to educate community service providers on the issue of people trafficking in Australia. Using case studies, participants developed skills and competencies to work safely and ethically with trafficked people. The workshops also enabled participants to develop networks with colleagues and partner agencies to better refer clients to specialised care.

During the workshops, participants identified a need for a document to answer frequently asked questions.

In response, Red Cross, together with input from government agencies in Australia, has developed this ‘Human Trafficking in Australia - Frequently Asked Questions’ document.

The workshops and the ‘Frequently Asked Questions’ document were funded by the Department of Families, Housing, Community Services and Indigenous Affairs.

To find out more

Visit the Support for Trafficked People Program page of the Australian Red Cross website or email national_stpp@redcross.org.au.

Supported by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs

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About Red Cross

Our work with people who have been trafficked.

Red Cross manages the Support for Trafficked People Program (STPP) and provides support to people who have been impacted by people trafficking and who have been referred by the Australian Federal Police (AFP).

Red Cross provides intensive casework support, accommodation and financial assistance, and offers referrals to legal advice, counselling and mental health supports while people recover from their trafficking experience.

The program is funded by the Federal Department of Families, Housing Community Services and Indigenous Affairs. Red Cross has been managing the program since 2009.

About Red Cross

Red Cross works to assist migrants, irrespective of their legal status, whose survival, dignity or mental health is under threat. We effect change in order to prevent and reduce the vulnerability of migrants, protect them against abuses, exploitation and denial of rights.

Through our work we strengthen the capacity of people impacted by migration to seek opportunities and sustainable solutions for themselves and their families.

We focus on:
• restoring family links for people who have been separated by war, conflict, disaster or migration
• the wellbeing of migrants in transition
• the dignity, health and wellbeing of people held in immigration detention is upheld
• building capacities, skills, support and service access of migrant communities
• humanitarian diplomacy and advocacy
• improving Red Cross capacity and accessibility

Our Principles

As a member of the global Red Cross and Red Crescent Movement, everything we do is built on our seven Fundamental Principles:
• Humanity
• Impartiality
• Neutrality
• Independence
• Voluntary Service
• Unity
• Universality.

Overview

Structure of this document

The ‘Human Trafficking in Australia - Frequently Asked Questions’ is presented in three sections that could be read separately or as a whole document.

• Section 1 - Understanding Human Trafficking outlines human trafficking terms and concepts.
• Section 2 - Efforts to combat Human Trafficking explains human trafficking in the Australian context and the framework to combat human trafficking in Australia.
• Section 3 - Responding to the needs of people who have been trafficked assists to recognise human trafficking, who to contact if you suspect someone has been trafficked and best practice when working with a trafficked person.

How to use this document

The ‘Human Trafficking - Frequently Asked Questions’ document is for community organisations and members of the general public who want to find out more about human trafficking.

The ‘Human Trafficking - Frequently Asked Questions’ document serves as a resource to:
- understand more about human trafficking in the Australian context
- recognise the warning signs that someone may be have been trafficked
- know how to respond to possible trafficking situations
- find out more about best practice when working with a trafficked person.

This document is meant to be a starting point providing links to more information (all links correct as at May 2013), it’s not intended to be comprehensive.

“People trafficking affects almost every country in the world, including Australia.”

- United Nations Office on Drugs and Crime
Section 1 Understanding Human Trafficking

This section outlines human trafficking terms and concepts.

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Section 1 Understanding Human Trafficking

1.1 What is human trafficking?

Human trafficking is widely viewed as a form of modern day slavery. The terms ‘people trafficking’ and ‘trafficking in persons’ are other commonly used terms to refer to human trafficking. They are used interchangeably in these FAQ’s.

At Red Cross we define human trafficking as the physical movement of people across or within borders by deceiving, coercing or threatening them, for the purposes of exploitation, including:

- slavery
- servitude
- forced labour
- sexual exploitation
- forced marriage
- debt bondage
- harvesting body organs.

The internationally agreed definition of human trafficking is set out in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (often referred to as ‘the Trafficking Protocol’ or ‘the Palermo Protocol’).

Globally, people are trafficked into a wide range of sectors including the agriculture, construction, domestic services, hospitality, and sex industries. There is little reliable data about the number of people trafficked around the globe. However, there is a general consensus that people trafficking affects almost every country in the world.

More information about the international legal framework and the definition of human trafficking is available on the United Nations Office on Drugs and Crime, Anti-Slavery Australia and University of Queensland websites.

More information about human trafficking and the Australian context is available at:

- ‘Human trafficking’ and related pages on the Commonwealth Attorney-General’s Department website.
- ‘Human trafficking in Australia’ on the Australian Institute of Criminology website.
- ‘What is trafficking?’ on the Anti-Slavery Australia website.

More information about human trafficking and the international context is available at:


1.2 What is slavery?

In Australia, slavery relates to a person having rights of ownership over another person. Slavery can involve more subtle forms of control and possession than the physical force or restraints we would normally expect. While a person can be trafficked for the purposes of slavery, slavery itself does not require a person to be subject to relocation.

To find out more read:

- ‘What is slavery?’ on the Anti-Slavery Australia website.
- Fact sheet #1: ‘What is slavery?’ available on the Anti-Slavery Australia website.

1.3 What is servitude?

In Australia, servitude refers to a situation where a person does not consider themselves free to stop working or to leave the place or area where they work because they are coerced, threatened or deceived. The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013, which came into force on 8 March 2013, expands servitude to apply to all situations of servitude regardless of the industry in which the exploitation occurs.

To reach the level of servitude, the person must also be significantly deprived of their personal freedom in respect of aspects of their life other than work.

To find out more read:

- See Question 14 ‘What is Australia’s legal framework to combat human trafficking?’ in Section 2 Efforts to Combat Human Trafficking.

“It is estimated that people from 136 different countries are trafficked into 118 countries.”

- United Nations Office on Drugs and Crime
Human trafficking and people smuggling are different crimes.

A people trafficker moves people by deceiving, coercing or threatening them and intends to exploit them once they reach their destination.

A people smuggler receives a ‘payment for service’ to organise the movement of their customers across borders.

1.4 What is forced labour?

In Australia, forced labour refers to situations where a person is not free to stop working for an employer or leave the place or area where they work because they are coerced, threatened or deceived. It applies to all situations of forced labour regardless of the industry in which the exploitation occurs.

Working conditions can range from fair and equitable all the way through to severe violations of human rights. Therefore, when thinking about forced labour, it is important to distinguish between unfair treatment, sub-standard working conditions and more extreme forms of exploitation.

To find out more about forced labour read:

- ‘Labour Trafficking’ on the Australian Institute of Criminology website.
- ‘Migrant Workers’ Rights in Australia’ brochure on the Support for Trafficked People Program page of the Australian Red Cross website.
- ‘Labour Trafficking - Factsheets’ for employers and employees on the Commonwealth Attorney-General’s Department website.
- ‘What is forced labour?’ on the Anti-Slavery Australia website.
- Fact sheet #4: ‘What is labour trafficking?’ on the Anti-Slavery Australia website.

There has been research into issues related to vulnerable workers which identify precursors to more serious forms of exploitation.

To find out more about research related to vulnerable workers read:

- ‘People trafficking in Australia’ on the Australian Institute of Criminology website.
- ‘Labour Trafficking’ on the Australian Institute of Criminology website.
- ‘Australia’s Pacific Seasonal Worker Pilot Scheme: Managing vulnerabilities to exploitation’ on the Australian Institute of Criminology website.
- ‘International Student-Workers in Australia: A New Vulnerable Workforce’ on the University of Melbourne website.
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1.5 What is sexual exploitation?
Trafficking for sexual exploitation generally occurs when a person is coerced or deceived into working in conditions of sexual servitude, slavery or debt bondage in the sex industry.
To find out more read Fact sheet #14: ‘What is trafficking for sexual exploitation?’ available on the Anti-Slavery Australia website.

1.6 What is forced marriage?
While the terms ‘servile marriage’ and ‘forced marriage’ are often used interchangeably, there are differences between these exploitative practices.
‘Servile marriage’ generally refers to situations in which a person is considered a ‘chattel’ that can be sold, transferred or inherited into marriage and is therefore a form of slavery.
‘Forced marriage’ generally describes a marriage entered into without the full and free consent of both parties, and may involve physical, emotional or financial duress, deception, the use of force or threats or severe pressure. Following the event of the forced marriage, it is possible that a victim may then be subject to other forms of serious exploitation, such as servitude.
Forced and servile marriages involve the risk of psychological damage, physical and sexual violence and potential adverse health issues including early pregnancy and sexually transmitted diseases.
Therefore it is important to remember, that in some circumstances, what may look like domestic violence, for example, may be a sign that an individual is being subjected to more extreme forms of exploitation as a result of a forced marriage, such as servitude or forced labour.
For more information read:
- Forced and servile marriage in the context of human trafficking on the Australian Institute of Criminology website.
- ‘Fact sheet #5: ‘What is forced marriage?’ available on the Anti-Slavery Australia website.
- ‘Hidden Exploitation: Women in forced labour, marriage and migration’ available on the Anti-Slavery Australia website.

1.7 What is debt bondage?
In Australia, ‘debt bondage’ relates to situations where a person’s personal services are used to repay a debt and:
• the debt owed or claimed to be owed is manifestly excessive, or
• the reasonable value of the person’s services is not applied to repay the debt, or
• the length and nature of the person’s services are not limited and defined.
Debt is widely considered as a tool used by traffickers to control a person they have trafficked. These debts are often inflated or artificial.
For more information read:
- The Fourth report of the Anti-People Trafficking Interdepartmental Committee available on the Commonwealth Attorney-General’s Department website.
- ‘Labour Trafficking’ available on the Australian Institute of Criminology website.
- ‘People trafficking in Australia’ available on the Australian Institute of Criminology website.

1.8 What is organ trafficking?
‘Organ trafficking’ refers to the physical movement of people across or within borders by deceiving, coercing or threatening them, for the purposes of harvesting their organs (regardless of whether the organs are actually removed or not).
In Australia, the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013, which came into force on 8 March 2013, introduces a standalone offence of organ trafficking into the Criminal Code. Organ trafficking takes place when a person is trafficked for the purposes of removing their organs and:
• the removal is contrary to the law of the State or Territory where the it happens (for instance because the person receives payment for ‘donating’ their organs), or
• the person did not consent (except if the removal would save the person’s life or avoid significant harm to the person).
To find out more read:
- See Question 14 ‘What is Australia’s legal framework to combat human trafficking?’ in Section 2 Efforts to Combat Human Trafficking.
- ‘Trafficking in Persons for the Purpose of Organ Removal’ on the University of Queensland website.
Section 1 Understanding Human Trafficking

1.9 Is human trafficking the same as people smuggling?

Human trafficking and people smuggling are very different crimes.

A people trafficker moves a person domestically or across borders by deceiving, coercing or threatening them, and intends to exploit them once they reach the destination country.

A people smuggler usually receives a ‘payment-for-service’ to organise the irregular movement of their customers across borders.

To find out more read:
- ‘People smuggling versus trafficking in persons: what is the difference?’ available on the Australian Institute of Criminology website.
- Fact sheet #3: ‘What is human trafficking?’ available on the Anti-Slavery Australia website.

1.10 Is human trafficking a crime that is only committed by organised crime groups?

Human trafficking can happen with varying degrees of sophistication. It can involve highly organised criminal groups, or loose networks, but also can occur on a much smaller scale, including through individuals the trafficked person knows. Families, friends and acquaintances of the trafficked person can play an important role in organising work and travel which can make a person vulnerable to exploitation and trafficking.

To find out more read:
- ‘People trafficking in Australia’
- ‘Organised crime and trafficking in persons’
- ‘Migration and people trafficking in Southeast Asia’.

All of these publications are available on the Australian Institute of Criminology website.

1.11 What makes people vulnerable to being trafficked?

A range of factors increase a person’s exposure to the possibility of being trafficked and exploited. Typically, a set of circumstances exists in a person’s home country that combines to make pursuing a better life in a new location an attractive option. This can include, for example, the promise of a work or a study opportunity that may not be available in the person’s country of origin. Alternatively, it may be real economic hardship that can make the person willing to consider risky options, which is then taken advantage of by traffickers.

Any displacement of people, where they are uprooted from their home, their livelihood and their support structures, can increase the risk of a person being recruited by people traffickers. The types of events that may increase a person’s risk of being trafficked include: conflict and generalised violence; natural disasters; environmental factors such as climate change and land degradation; large infrastructure projects; political and religious persecution; economic hardship, financial crises and major recessions; gender roles and expectations; existing patterns of people movement; weak border and immigration controls; poor governance and failing rule of law and corruption; and the impact of cultural practices entwined with poverty.

To find out more read:
- ‘What is forced migration?’ on the Forced Migration Online website.
- ‘Vulnerabilities to trafficking in persons in the Pacific Islands’ 2011’ on the Australian Institute of Criminology website.
Section 2 Efforts to combat Human Trafficking

This section explains human trafficking in the Australian context and the framework to combat human trafficking in Australia.

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Section 2 Efforts to combat Human Trafficking

2.1 What is the international response to human trafficking?

The exact number of people who have been trafficked is difficult to quantify. This is because it is largely an underreported crime that occurs across and within national borders.

The United Nations Office on Drugs and Crime estimates that people from 136 different countries are trafficked into 118 countries; and the International Labour Organisation estimates that there are almost 21 million people in situations of forced labour (but not all of them are trafficked) around the world, with 56% of these in the Asia-Pacific region. Legislation criminalising human trafficking has been enacted by 134 countries and territories; however conviction rates around the globe remain low.

To find out more read:


The Trafficking Protocol sets out the internationally agreed definition of human trafficking. It aims to facilitate international cooperation to combat trafficking in persons and to protect and assist people who have been trafficked.

There are a number of other international conventions that contribute to combating human trafficking including those relating to the abolition of slavery and forced labour.

More information on the international legal framework is available on the United Nations Office on Drugs and Crime, Anti-Slavery Australia and University of Queensland websites.

There are a number of international organisations working to combat human trafficking. One such organisation is The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), which was established to promote the global fight on human trafficking and bring together UN agencies and intergovernmental organisations working to combat human trafficking.

Australian Red Cross is part of the International Red Cross and Red Crescent Movement and has a strong commitment to supporting people made vulnerable through the process of migration. A number of other Red Cross and Red Crescent National Societies are active in the anti-trafficking sphere. Their work includes prevention and awareness-raising activities, leading regional coalitions and networks, delivering support programs to people who have been trafficked and undertaking advocacy though humanitarian diplomacy.

More information about the work of Red Cross and Red Crescent National Societies is available on the International Federation of Red Cross and Red Crescent Societies website.

The International Federation of Red Cross and Red Crescent Societies established the Anti-Trafficking Community of Practice within FedNet (which is accessible by members of the Red Cross and Red Crescent Movement).

Links to international reports on human trafficking issues are available on the Australian Institute of Criminology and Anti-Slavery Australia websites.

“More than 20 million people are in situations of forced labour around the world.”

- International Labour Organisation
Australia ratified the Trafficking Protocol in 2005, joining 153 other countries around the world as a commitment to combat human trafficking.
Section 2 Efforts to combat Human Trafficking

2.2 What is the Australian Government response to human trafficking?
In 2003, the Australian Government initiated a whole-of-government response to combat human trafficking, led by the Commonwealth Attorney-General’s Department through the Interdepartmental Committee on Human Trafficking and Slavery (IDC). The IDC includes key government agencies responsible for addressing all forms of trafficking through prevention, detection and investigation, prosecution, and victim support and rehabilitation initiatives.

Some of the measures taken by the Australian Government under the strategy include:
- ratifying the Trafficking Protocol in 2005
- specialist teams within the Australian Federal Police
- an Australian Policing Strategy to Combat Trafficking in Persons
- legislation to criminalise people trafficking and trafficking-related activities
- funding to prosecute trafficking matters
- the Support for Trafficked People Program, which is delivered by Australian Red Cross on behalf of the Department of Families, Housing, Community Services and Indigenous Affairs
- the People Trafficking Visa Framework to enable suspected trafficked persons and witnesses of trafficking to remain in Australia and support the prosecution and investigation of trafficking offences
- specialist immigration officers posted overseas to prevent trafficking at its source
- regional activities to deter trafficking, train law enforcement officials and assist the victims of trafficking under Australia’s overseas aid program, and
- research into national and regional trafficking.

More information about Australia’s response to human trafficking is available on the Commonwealth Attorney-General’s Department website.

Other useful information related to human trafficking in Australia is available on the Australian Institute of Criminology, Anti-Slavery Australia and University of Queensland websites.

In November 2011, the UN Special Rapporteur in Trafficking in Persons, especially Women and Children, conducted a fact-finding mission to Australia to investigate the situation of trafficking in persons in Australia. More information is available in the UN Special Rapporteur’s Report and the Fourth report of the Anti-People Trafficking Interdepartmental Committee available on the Commonwealth Attorney-General’s Department website.

2.3 What is Australia’s legal framework to combat human trafficking?
Australia’s laws to combat human trafficking can be found within the Commonwealth Criminal Code. Divisions 270 and 271 of the Criminal Code set out offences for human trafficking, slavery, servitude, forced labour, deceptive recruiting for labour or services, debt bondage, and forced marriage.

The Commonwealth Migration Act and the Commonwealth Fair Work Act also contain provisions that are important to protect the rights of people who have come to Australia to work.

More information about Australia’s legal framework to combat people trafficking is available on the Commonwealth Attorney-General’s Department, Australian Federal Police, Anti-Slavery Australia and University of Queensland websites, and in the Fourth report of the Anti-People Trafficking Interdepartmental Committee available on the Commonwealth Attorney-General’s Department website.

A bill that strengthens Australia’s current laws against people trafficking and other forms of exploitation was recently passed by the Commonwealth Parliament. The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013, which came into force on 8 March 2013, introduced new offences of forced marriage and harbouring a victim, and standalone offences of forced labour and organ trafficking into the Criminal Code, as well as broadening the existing offences of sexual servitude and deceptive recruiting for sexual servitude to apply regardless of industry.

More information about the new legislation is available in the Fourth report of the Anti-People Trafficking Interdepartmental Committee and in the Explanatory Memoranda for the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 available via the Commonwealth Attorney-General’s Department website.
Section 2 Efforts to combat Human Trafficking

2.4 What is the visa framework for people who have been trafficked?

The Australian Government’s comprehensive People Trafficking Visa Framework enables foreign nationals who do not already hold a valid visa and are suspected trafficked persons or witnesses of trafficking to remain lawfully in Australia and support the investigation and prosecution of trafficking offences.

The People Trafficking Visa Framework comprises three visas: the Bridging F visa, the Criminal Justice Stay visa, and the Witness Protection (Trafficking) (Permanent) visa, although trafficked people may be eligible for additional visas outside this framework.

More information about the People Trafficking Visa Framework is available in

- The Fourth report of the Anti-People Trafficking Interdepartmental Committee available on the Commonwealth Attorney-General’s Department website.
- Fact sheet #6: “What are the visa options for trafficked people?” available on the Anti-Slavery Australia website.

2.5 What support is available for people who have been trafficked in Australia?

Victim support is a key part of the response to human trafficking. The Australian Government’s victim support program was established in 2004 to provide individual case-managed assistance to clients, including access to accommodation, financial assistance, legal and migration advice, training and social support.

Red Cross manages the Support for Trafficked People Program (STPP) and provides support to people who have been impacted by people trafficking and who have been referred by the Australian Federal Police (AFP).

Red Cross provides intensive casework support, accommodation and financial assistance, and offers referrals to legal advice, counselling and mental health supports while people recover from their trafficking experience.

The STPP is available to all people who the AFP reasonably suspects may have been trafficked regardless of gender, the purpose behind the trafficking, a person’s visa status and initially, whether a person is willing and/or able to assist with an investigation and prosecution.

The program is funded by the Federal Department of Families, Housing Community Services and Indigenous Affairs. Red Cross has been managing the Program since 2009.

A brochure explaining the STPP and the role of Australian Red Cross has been developed. The ‘Support for people who have been trafficked to Australia’ brochure is available on the Support for Trafficked People Program page of the Australian Red Cross website.

More information about the STPP is available on the Department of Families, Housing Community Services and Indigenous Affairs website and the Support for Trafficked People Program page of the Australian Red Cross website.

2.6 Are supports available for people who are not assisting the police?

Non-government organisations (NGOs) play a critical role supporting people who have been trafficked. There are a number of NGOs that support people who have been trafficked and who are not participating in the criminal justice process, or who do not wish to participate in the Support for Trafficked People Program (STPP), run by Australian Red Cross.

More information about the organisations and the services they provide is available in the:

- Guidelines for NGOs working with trafficked people (see the Referral Guide, page 35).
- Anti-Human Trafficking Community Resource.

These publications are available on the Commonwealth Attorney-General’s Department website.

The STPP is available to all trafficked people who the AFP reasonably suspects may have been trafficked. The first 45 days of the STPP is a recovery and reflection period designed to enable the person to stabilise their situation and make an informed decision about their future options.

More information about the STPP is available on the Department of Families, Housing Community Services and Indigenous Affairs website and the Support for Trafficked People Program page of the Australian Red Cross website or by emailing national_stpp@redcross.org.au.
134 countries and territories have enacted legislation criminalising human trafficking; however conviction rates around the world remain low.

2.7 What is the role of police in efforts to combat human trafficking?

The Australian Federal Police (AFP) is responsible for investigating suspected cases of human trafficking in Australia. Specialist Human Trafficking Teams (HTTs) have been established within the AFP to investigate trafficking, in all its forms including slavery, and slavery-like offences.

More information about the role of the AFP is available on the [Australian Federal Police](https://www.auspol.gov.au) website.

Under the Australian Policing Strategy to Combat Trafficking in Persons 2011–2013, the AFP and all State and Territory police forces have committed to ensuring that Australia’s anti-trafficking strategy remains relevant and responsive to emerging trends and issues to combat human trafficking.


2.8 How can I find out more about actual examples of trafficking in Australia?

Information about cases prosecuted by the Commonwealth Director of Public Prosecutions is available in the ‘Reports of the Anti-People Trafficking Interdepartmental Committee’ available on the [Commonwealth Attorney-General’s Department](https://www.ag.gov.au) website.

Research relating to cases of human trafficking in Australia is available on the [Australian Institute of Criminology](https://www.aic.gov.au) website.

Media reports and summaries of court cases relating to human trafficking in Australia can be found on the [University of Queensland](https://www.uq.edu.au) website.
Section 3 Responding to the needs of people who have been trafficked

This section assists you to recognise human trafficking, who to contact if you suspect someone has been trafficked and best practice when working with a trafficked person.

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Section 3 Responding to the needs of people who have been trafficked

3.1 How is it possible to recognise human trafficking?

A person in a trafficking situation may not always be kept under lock and key. They may appear to have some freedom, but they may be subject to more subtle forms of control. Depending on the specific type of trafficking, members of the community – co-workers, suppliers, health care workers, social workers, shop owners, in fact anyone in the community – could have contact with a trafficked person. Unless members of the community know the signs, they may not be able to recognise and report human trafficking.

There are a number of signs which could indicate a person has been trafficked. It is important to remember that, on their own, these signs do not automatically mean someone is being exploited or trafficked. They simply tell us that ‘something’ may be happening and that we need to seek advice to find out more information.

The signs include situations where a person:
- Is deceived about working conditions in Australia.
- Has no control over their place of work or hours of work, or is being confined or isolated in the workplace and only leaves at odd times.
- Is not being paid or appears to be repaying a large debt to their employer or a third party (such as a recruitment service).
- Is subject to, or is threatened with violence in connection with their employment.
- Has personal documents, such as passports, held by a third person and they are not allowed to access these documents when they wish to do so.
- Is subject to different or less favourable working conditions than other employees who are permanent residents or citizens of Australia.

More information on possible signs a person may have been trafficked is available on the Commonwealth Attorney-General’s Department website.

3.2 Who can I contact if I suspect someone has been trafficked?

The Australian Federal Police is responsible for investigating suspected cases of human trafficking in Australia.

To discuss or report a suspected case of exploitation or human trafficking, slavery or slavery-like practices contact the Australian Federal Police on 131 AFP (131 237). Contact can be made anonymously.

In an emergency, always call 000 for police assistance.

More information about the Support for Trafficked People Program is available on the Department of Families, Housing Community Services and Indigenous Affairs and the Support for Trafficked People Program page of the Australian Red Cross websites.

3.3 Who can I contact if I suspect a case of workplace exploitation?

If you believe an employer is not paying the correct entitlements and/or you believe workplace rights are not being met, you can make a complaint to:
- Fair Work Ombudsman on 13 13 94.
- Fair Work Building & Construction on 1800 003 338 (for people working in the building and construction industry).

3.4 Who can a person who has been trafficked contact for legal advice?

For confidential legal and migration advice, contact Anti-Slavery Australia on 02 9514 9660 or antislavery@uts.edu.au.
3.5 Where can people arriving in Australia find out about life in Australia?

Traffickers often rely on the person they are trafficking not knowing ‘how things work’ in Australia – what Australian norms are, what their rights and entitlements are, what services are available in the community, and where they can go for help.

If a person does not know that the way they are being treated is not acceptable, and in some cases unlawful, in Australia, they do not know that they have options, and can seek help. Therefore it is important that people arriving in Australia are aware of their rights so they can stand up for themselves when they need to and they know where they can go for help if things don’t change.

More information for future and newly arrived migrants to Australia is available in the ‘Beginning a Life in Australia’ booklet available on the Department of Immigration and Citizenship website.

3.6 Where can migrant workers find out about their workplace rights?

Traffickers often rely on the person they are trafficking not knowing ‘how things work’ in Australia – what their rights are, what services are available in the community, and where they can go for help.

If a migrant worker does not know that the way they are being treated is not acceptable, and in some cases unlawful, in Australia, they do not know that they have options, and can seek help. Therefore it is important that migrant workers arriving in Australia are aware of their rights so they can stand up for themselves when they need to and they know where they can go for help if things don’t change.

An overview of the workplace rights of migrant workers in Australia is available in the ‘Migrant Workers’ Rights in Australia’ brochure on the Support for Trafficked People Program page of the Australian Red Cross website.

More detailed information is available on:

- The Department of Immigration and Citizenship website.
  - ‘Your rights and obligations – immigration facts for workers’ fact sheet.
- The Fair Work Ombudsman website.
  - ‘Foreign Workers – Know your workplace rights!’ fact sheet.
3.7 How can I work appropriately with a person who has been trafficked?

There are a number of different guidelines, both domestic and international that can inform your approaches to working with people who have been trafficked.

Domestic

The Guidelines for NGOs working with trafficked people were developed by a working group of the National Roundtable on People Trafficking (non-government organisations (NGOs) and the Australian Government), in recognition that unless the rights or dignity of individuals who may have been trafficked are respected, organisations may do further harm. The Guidelines for NGOs promote the best interests of the trafficked person by highlighting the importance of informed consent, privacy protection, culturally appropriate services, and reminding NGOs that a trafficked person has the right to refuse help.

Based on this imperative of ‘do no harm’, the Guidelines for NGOs set out principles for providing services in a way that is safe, ethical and respects the human rights of trafficked people. In summary the principles are:

1. Understand and protect the rights of trafficked people.
2. Always act to protect people’s safety.
3. Negotiate informed consent.
4. Provide appropriate referral information.
5. Protect privacy and confidentiality.
6. Provide culturally appropriate services.
7. Provide professional and ethical services.
8. Know how to respond to subpoenas and other requests for information.
9. Know how to support witnesses in court proceedings.
10. Recognise families and children have special needs.

The Guidelines for NGOs are also available on the Commonwealth Attorney-General’s Department website in Arabic, Mandarin, Cantonese, Filipino, Korean, Serbian, Spanish and Vietnamese.

International

The Recommended Principles and Guidelines on Human Rights and Human Trafficking (2010), developed by the Office of the High Commission on Human Rights, aim to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.

The IOM Handbook on Direct Assistance for Victims of Trafficking (2007), developed by the International Organisation for Migration, provides guidance and advice necessary to effectively deliver a full range of assistance to victims of trafficking from the point of initial contact and screening up to the effective social reintegration of the individuals concerned.

The WHO Ethical and Safety Recommendations for interviewing Trafficked Women (2003), developed by the World Health Organisation, aim to build a sound understanding of the risks, ethical considerations, and practical realities related to the trafficking of women. The publication is intended mainly for researchers, media persons and service providers unfamiliar with the situation of trafficked women.

The Human Rights Standards for the Treatment of Trafficked Persons (1999), available on the Global Rights website, aim to promote respect for the human rights of individuals who have been victims of trafficking.
OCTOBER 2013

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