



People trafficking: Australia's response

Introduction

People trafficking is a well-established and enormously lucrative business throughout the Asia Pacific region, but it would appear that regional governments have only recently begun to tackle the problem in a concerted way.

This Research Note will look at some of the issues associated with people trafficking, outline Australia's responses to date, and discuss how effective those measures are likely to be in combating trafficking.

Is it trafficking or smuggling?

These two terms are often used interchangeably, however there are important differences.

People *trafficking* is defined by the [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children](#) as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

People *smuggling*, on the other hand, is the term used to describe the illegal movement of people on a fee-for-service basis. Such transactions are not conducted without the consent of those being smuggled.¹

How big is the problem?

There is no reliable data available anywhere in the world on the true extent of people trafficking.

The latest US Department of State's [Trafficking in Persons Report 2004](#) estimates that between 600 000 and 800 000 men, women, and children are trafficked across international borders each year. Others claim that this number is very conservative, but all are in agreement that the trade is extensive.

The majority of the world's trafficking victims are women and children from Africa, Asia and parts of Eastern Europe, with estimates of 80 per cent of victims being trafficked for sexual exploitation and 20 per cent for forced labour or slavery. Trafficking can involve one or more associated crimes such as rape, murder, torture, debt bondage or slavery. There is also a growing trade in trafficking for body parts.²

It would appear that the profits to be made from this trade are huge. The International Organisation for Migration (IOM) recently estimated the worldwide proceeds of people trafficking to be US\$10 billion a year.³ Together with people smuggling, it is believed to rival the drugs trade in profitability.⁴

Trafficking into Australia

The number of people trafficked into Australia is unknown. A recent parliamentary inquiry into sexual servitude in Australia was given varying estimates of the number of trafficked women, ranging from 300 to 1000 each year.⁵

The inquiry found that most of the women trafficked into Australia are recruited from South East Asia and China for the sex industry.

According to the inquiry report, traffickers facilitate the women's entry to Australia by a range of fraudulent means, including

providing visas (usually student or holiday visas), false passports and funds. The women are then sent to brothels around the country where their movements are usually restricted. It is not unknown for women to be forced to repay debts of up to \$40 000.⁶

Australia's response

Australia's previous responses to people trafficking in the Asia Pacific region have included developing anti-trafficking initiatives between governments, such as the Bali Process,⁷ and providing aid to the region aimed at alleviating the economic and social conditions that allow trafficking to flourish.

In October 2003, the Australian government announced additional anti-trafficking measures with a \$20 million package, targeting sex trafficking in particular.⁸

The package included:

- a new Australian Federal Police (AFP) unit, the Transnational Sexual Exploitation and Trafficking Team (TSETT)
- new visa arrangements for trafficking victims
- victim support measures, including counselling and legal and medical support, to be administered by the Office for the Status of Women (OSW)
- proposed improvements to legislation, making people trafficking punishable by up to 20 years jail
- ratification of the [UN Protocol to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children](#) (Australia is already a signatory).

The new focus on victim support

In the past, trafficked women found working as sex workers in Australia were usually detained in immigration detention centres and promptly deported.⁹ In one case in 2003, a young trafficking victim, allegedly given no assistance for her heroin addiction, died in detention before she could be deported.¹⁰

The new visa arrangements and victim support measures announced in October 2003 aim to move the focus from punishing to supporting trafficking victims. It is also hoped that the measures might lead to successful prosecutions of traffickers.

The visa now available for anyone suspected of being a trafficked victim is Bridging Visa F. This visa lasts 30 days while trafficking claims are investigated. If the victim then agrees to assist the police with their inquiries, the victim is eligible for a Criminal Justice Stay (CJS) visa allowing them to stay in the country and work for the duration of the criminal justice process. Once the CJS visa expires, victims are eligible for the Witness Protection (Trafficking) Visa which will allow trafficking victims to stay on a temporary or permanent basis depending on individual circumstances.¹¹

How effective are these measures likely to be?

Locating trafficking victims and then persuading them to trust and cooperate with police can be difficult.¹²

For those women who are too afraid to cooperate there is limited support. The new visa arrangements available to trafficking victims are granted on the understanding that the victim will cooperate with the criminal justice system. It is feared that without these links to the justice system people might fraudulently claim to be trafficking victims in a bid to remain in the country. In Italy, however, a

residency permit available to trafficking victims is not contingent on the victim collaborating in a prosecution and yet the prosecution rates are reportedly growing with no reported abuses of the system.¹³

It remains to be seen how successful the new Australian arrangements will be in both protecting victims and prosecuting traffickers in the future.

Illegal migration

Most of the current anti-trafficking measures that have been introduced by regional governments focus on sex trafficking with little reference to forced labour.¹⁴ For a variety of reasons people from developing countries are often forced to seek employment in developed countries where there is a demand for unskilled labour. With very few legal migration avenues available, many become vulnerable to the trafficking industry for both the sex trade and forced labour.

Some are critical of what is seen to be a very narrow approach to the problem by governments and suggest that unless the systemic issues that perpetuate the cycle of trafficking are addressed, including a lack of legal migration options, very little will be achieved in combating people trafficking.¹⁵

1. See K. Carrington and J. Hearn, 'Trafficking and the Sex industry: from Impunity to Protection', *Current Issues Brief*, no. 28, Parliamentary Library, Canberra, 2003.
2. B. Damman, Trafficking Unit, UN Office on Drugs and Crime, People Trafficking, Human Security and Development Symposium, 2004.
3. The Howard Government Election 2004 Policy *Stronger border protection*, p. 5.
4. Bali Ministerial Conference on People Smuggling, Trafficking in Persons and related Transnational Crime (known as the [Bali Process](#)), [Co-chair statement](#), February 2002.
5. Australian Parliament, Joint Committee on the Australian Crime Commission, [Inquiry into the trafficking of women for sexual servitude](#), June 2004, p. viii.
6. *ibid.*

7. Australia and Indonesia co-chaired two regional ministerial conferences on trafficking and smuggling in 2002 and 2003 known as the [Bali Process](#).
8. '[Australian Government announces major package to combat people trafficking](#)', *Media Release*, 13 October 2003 and [Australian Government's action plan to eradicate trafficking in persons](#), Attorney General's Department, 2004.
9. See Carrington and Hearn, *op. cit.*
10. L. Younes '[Trafficking in sex slaves is rife in Australia](#)' *The Canberra Times*, 6 March 2004.
11. Currently 10 of 22 identified victims have been granted CJS visas. Data provided by S. Wright, TSETT, and R. Fairbrother, Attorney General's Department, People Trafficking Symposium, 2004.
12. S. Wright, *op. cit.* and G. Jacobsen, '[Client sparked brothel raid](#)', *Sydney Morning Herald*, 24 September 2004.
13. ECPAT [Briefing on a proposal for European Union Council Directive \(COM \(2002\) 71 final\) on the Short-Term Residence Permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities](#), 2002.
14. For an example of forced labour in Australia see L. Lamont, '[Silent shame of our new slaves](#)', *Sydney Morning Herald*, 10 June 2004.
15. See M. Seagrave, '[Surely something is better than nothing? The Australian response to the trafficking of women into sexual servitude in Australia](#)', *Current Issues in Criminal Justice*, July 2004.

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