



TRAFFICKING IN PERSONS REPORT
JUNE 2019





A transgender woman, a victim of sex trafficking, sits in her cubicle in a red light district. Members of the LGBTI community face stigma around the world and are vulnerable to human trafficking.

PHILIPPINES AUSTRALIA

Angelo had been boxing in the Philippines since he was 15 years old and decided to pursue a professional career after he finished high school. He met a man who promised he could make more than \$150 per round in Australia. Even though he could not speak much English, Angelo flew to Sydney with four other boxers; however, once they arrived, the trafficker forced the boxers to hand over their passports. The trafficker then forced the boxers to sleep in his garage and to box during the day and clean up after the trafficker's family in the evening. Angelo was rarely paid and, when he was, travel and living expenses were deducted so he ended up with very little. He could not send any money home to care for his two-year-old son. Finally, Angelo and the other boxers were able to find a way to contact the police.

Pakistan's largest human trafficking problem is bonded labor—in which employers use an initial debt to force people to work and trap them and often their family members, sometimes for generations. Although Pakistani laws criminalize this form of forced labor, enforcement of these laws remains inadequate and many landowners continue to exploit bonded laborers with impunity.

In addition, officials across government should work to challenge stereotypes of a typical victim of human trafficking. For example, in many cases, traffickers force their victims to commit crimes. Forced criminality takes the form of begging, prostitution, cannabis cultivation, and theft, among others. An untrained law enforcement officer or benefits adjudicator may not realize an individual is a victim of human trafficking before making an arrest or a decision on available benefits. These assumptions can also make victims more reluctant to seek help. Proactive efforts to recognize and mitigate these assumptions are therefore critical.

For example, in Finland the non-discrimination ombudsman is the national rapporteur on human trafficking. She began a new research project assessing trafficking cases in Finland to evaluate how victims access the assistance system. The findings of this type of study could serve as an important barometer for how national assumptions and blind spots among law enforcement, service providers, and society shape a country's response to human trafficking.

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 "There was nothing to be ashamed of. I realized that I was not alone and it was the trafficker who was guilty."

– Nasima Gain
 Survivor of Human Trafficking and
 Advocate

did not identify any victims using the hotline, compared with four in 2017.

PREVENTION

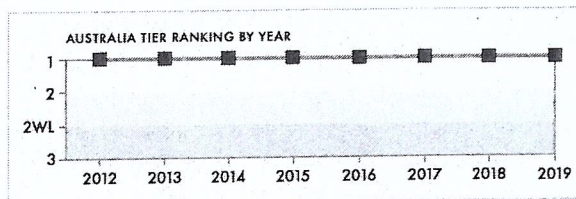
The government decreased prevention efforts. The government continued the implementation of the 2018-2022 national action plan and made a request to parliament for an annual budget; approval remained pending at the end of the reporting period. The government continued to raise awareness of trafficking and the hotline via social media, posters, and flyers in four languages. The government educated students leaving Aruba to study abroad on the risks of becoming victims. In connection with the National Day Against Human Trafficking, the task force helped disseminate a documentary on trafficking that was produced and financed by a local TV station. The government reported using the content of the video to train local officials; however, authorities did not report how many individuals were trained. The government continued procedures to screen and inform adult entertainers from Colombia, who must meet with Dutch consular officers to ensure the applicants know their rights and their work agreement before picking up their in-flight letter at the Dutch embassy in Colombia. Upon arrival, such visa recipients received information about their rights, risks, and resources. The government did not report efforts to reduce the demand for commercial sex or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Aruba. Traffickers exploit Venezuelan women in sex trafficking and foreign men and women to forced labor in Aruba's service and construction industries. Due to the deteriorating situation in Venezuela, the number of Venezuelans overstaying their visa increased, leaving many with expired documentation and more likely to seek employment opportunities in sectors with high vulnerability to trafficking, such as domestic service, construction, and prostitution. Chinese men and women working in supermarkets, Indian men in the retail sector and domestic service, and Caribbean and South American women in domestic service are also at risk of forced labor. Women in regulated and unregulated prostitution, domestic workers, and employees of small retail shops are the most vulnerable to trafficking. Children may be vulnerable to sex trafficking and forced labor in Chinese-owned supermarkets and restaurants.

AUSTRALIA: TIER 1

The Government of Australia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Australia remained on Tier 1. These efforts included passing legislation that requires businesses disclose efforts to combat human trafficking in their supply chains, increasing staffing levels in the Witness Assistance Service to provide support to victims of trafficking testifying against their traffickers, increasing funding for their victim support program, and identifying and referring victims to services. Although the government meets the minimum standards, it did not convict any traffickers, initiated fewer prosecutions, did not adequately screen for indicators of trafficking among vulnerable groups, and limited some victims' access to services based on their participation in law enforcement investigations.



PRIORITIZED RECOMMENDATIONS:

Significantly strengthen efforts to investigate and prosecute trafficking offenses, with increased focus on labor trafficking, and sentence convicted traffickers to significant prison terms.

- Strengthen efforts to proactively identify trafficking victims among vulnerable groups, such as undocumented migrants and agricultural workers.
- De-link the provision of services from participation in the criminal justice process, and increase services available to victims who are unable or unwilling to participate in the criminal justice process.
- Ensure that the statutory definition of trafficking under the criminal code does not require movement of the victim as an element of the crime.
- Increase efforts to train police, immigration officials, and other front-line officers to recognize indicators of trafficking and respond to suspected cases of both sex and labor trafficking.
- Increase training for prosecutors and judges on Australian trafficking laws.
- Conduct initial screening interviews with potential victims in a safe and neutral location, and in the presence of a social service professional.
- Increase multi-year funding to NGOs for robust victim protection services and prevention campaigns.
- Consider establishing a national compensation scheme for trafficking victims.
- Implement or fund awareness campaigns, particularly among rural communities and migrant populations vulnerable to forced labor.
- Strengthen efforts to prosecute and convict Australian child sex tourists.
- Increase efforts to investigate and hold accountable foreign diplomats posted in Australia suspected of complicity in trafficking.

PROSECUTION

The government decreased law enforcement efforts. Divisions 270 and 271 of the Commonwealth Criminal Code, when read together, criminalized sex trafficking and labor trafficking. Inconsistent with international law, the definition of "trafficking" under Division 271 required the element of movement of a victim. However, Division 270, which criminalized "slavery," "servitude," and "forced labor" offenses, could be utilized to prosecute trafficking offenses that did not involve victim movement. Division 271 prescribed penalties of up to 12 years' imprisonment for offenses involving an adult victim, and up to 25 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Division 270 prescribed penalties of up to 25 years' imprisonment for slavery, up to 15 years' imprisonment for servitude, and up to 9 years' imprisonment for forced labor. These penalties were all sufficiently stringent.

In 2018 the government investigated 179 suspected cases of trafficking (166 in 2017, 105 in 2016) and initiated prosecutions against two defendants, one for forced labor and one for forced labor and sex trafficking (six in 2017, five in 2016). Authorities continued prosecutions from previous reporting periods against 11 defendants. There were no convictions under the trafficking provisions of the criminal code in 2018 (five convictions in 2017, one conviction in 2016). The government also prosecuted 11 defendants for allegedly traveling overseas to engage in

child sex tourism but did not report any convictions (four prosecutions in 2017). Authorities often opted to pursue labor or employment violations in lieu of trafficking charges, resulting in potential labor traffickers receiving only fines and other civil penalties that were inadequate to deter trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The government funded and facilitated training on trafficking investigations, legal provisions, and victim support for more than 400 Australian Federal Police (AFP) officers and 380 immigration officials. The government also updated its Victims of Crime Manual, including providing guidance on working with child victims and more comprehensive information on victim impact statements in sentencing proceedings.

PROTECTION

The government increased efforts to protect victims. Authorities identified 75 potential victims, including 35 for sex trafficking and forced labor, and 40 for which the form of exploitation was unclear (38 in 2017, 36 in 2016). Authorities referred all 75 potential victims to the Australian government's Support for Trafficked People Program (support program). The government also assisted 25 potential Australian trafficking victims abroad, 16 of whom were returned to Australia (15 individuals abroad, four of whom returned to Australia in 2017); however, it was not clear how many of the individuals were victims of trafficking compared to victims of forced marriage or individuals vulnerable to forced marriage. Authorities identified most victims through the efforts of joint agencies, task forces, and cooperative action with foreign governments. Authorities utilized a list of indicators to identify trafficking victims and refer them to services; however, authorities did not routinely screen for indicators of trafficking among vulnerable groups, and authorities often linked trafficking to migration. The government did not report screening for trafficking indicators among individuals smuggled via sea before forcing intercepted boats back outside of Australian territorial waters, or among refugees and asylum seekers held in offshore detention centers. Immigration authorities forcibly deported some asylum seekers who may have been vulnerable to trafficking after returning to their home countries. Civil society continued to report that some victims may have been reluctant to communicate with law enforcement officers due to fear of detainment and deportation.

Authorities provided formally identified trafficking victims with accommodation, living expenses, legal advice, health services, vocational training, and counseling through the support program. The government allocated 2.22 million Australian dollars (\$1.57 million) to the support program in the 2018-2019 funding year (1.71 million Australian dollars [\$1.21 million] during the 2017-2018 funding year). However, the increased funding was made available to support victims of forced marriage who may or may not have been victims of trafficking. Only AFP had the legal authority to refer victims to the support program. The support program included four support streams. The assessment and intensive support stream refers victims for up to 45 days irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery related offense. The extended intensive support stream allows for an additional 45 days of access to the program on a case by case basis for victims willing to assist with investigation or prosecution but not yet able to do so due to age, ill health, trauma or a practical impediment. Minors are automatically entitled to the extended support program. The justice support program provides victims with support until the investigation and/or prosecution of their

case is finalized. The temporary trial support program provides intensive support to victims giving evidence pertaining to a human trafficking related prosecution. NGOs previously reported the government denied access to or ceased provision of services to some victims who were unable or unwilling to participate in law enforcement investigations, or when investigation of their case ended. The government did not report on how it provides services to adults unable or unwilling to participate in law enforcement investigations. In 2018, the government provided temporary stay visas to 12 foreign trafficking victims (13 in 2017, 33 in 2016), and granted permanent "referred stay" visas to five individuals (eight in 2017, six in 2016), including victims and their immediate family members, although some of these cases may have been forced marriage rather than trafficking. The government increased the staffing levels within the Commonwealth director of Public Prosecutions' (CDPP) Witness Assistance Service, which provides support to victims of human trafficking during the court process. Authorities provided witness assistance services to 18 victims while they participated in prosecutions (nine in 2017). The government did not have a centralized victim compensation system and victims relied on civil proceedings to access compensation.

PREVENTION

The government increased efforts to prevent trafficking. The Australian Interdepartmental Committee on Human Trafficking and Slavery coordinated the government's anti-trafficking efforts. The government continued implementation of its five-year national action plan to combat trafficking, launched in 2014, funded research projects, and facilitated awareness sessions for government agencies and civil society groups. The government also allocated 500,000 Australian dollars (\$353,110) to four NGOs for projects dedicated to raising community awareness and building resilience among vulnerable groups; however, it was not clear to what extent these campaigns focused on forced marriage, potentially to the exclusion of sex and labor trafficking. NGOs reported the government's transition from multiyear funding for programs to support and prevent human trafficking to single year funding hampered their ability to provide program continuity and adequate staffing. The government continued to fund anti-trafficking initiatives and deliver trainings in the Asia-Pacific region. The Fair Work Ombudsman continued to administer a program to fund community groups to deliver services assisting vulnerable workers, continued to conduct awareness-raising campaigns on migrant workers' rights and conducted inquiries into potential labor abuses committed against migrant workers.

In November 2018, the government passed the Modern Slavery Act, which requires businesses and entities with annual revenue of 100 million Australian dollars (\$70.62 million) or greater to publish an annual modern slavery statement detailing their efforts to combat modern slavery in their supply chains and operations. The Act includes a legislative commitment for the government to establish a modern slavery statement covering Australian government procurement. The government, along with Canada, New Zealand, the United Kingdom, and the United States, launched a set of principles for governments to use as a framework for preventing and addressing forced labor in public and private sector supply chains. The government continued to publish materials for passport applicants outlining the application of Australian child sexual exploitation and child sex tourism laws to Australians overseas, and cancelled 88 passports and denied 2,028 passports to registered child sex offenders during the reporting period. The government did

not make efforts to reduce the demand for commercial sex acts within Australia, but it operated a ministerial labor exploitation working group and migrant workers task force aimed at reducing the demand for forced labor. The Department of Foreign Affairs and Trade conditioned the departure of diplomatic personnel to overseas posts on compliance with Australia's anti-trafficking legislation, and Home Affairs distributed a training package to its overseas staff and visa service providers.

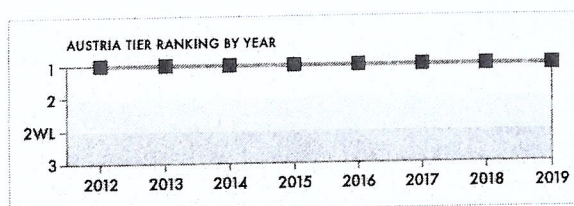
TRAFFICKING PROFILE

As reported over the last five years, human traffickers exploit domestic and foreign victims in Australia. Traffickers primarily exploit women and girls in sex trafficking and women and men in forced labor. Traffickers exploit a small number of children, primarily teenage Australian and foreign girls, in sex trafficking within the country. Some women from Asia and, to a lesser extent, Eastern Europe and Africa migrate to Australia to work legally or illegally in a number of sectors, including commercial sex. After their arrival, traffickers compel some of these women to enter or remain in prostitution in both legal and illegal brothels, as well as massage parlors and private apartments. Traffickers hold some foreign women—and sometimes girls—in captivity, subject them to physical and sexual violence and intimidation, manipulate them through illegal drugs, and force them to pay off unexpected or inflated debts. Traffickers attempt to evade authorities by allowing victims to carry their passports while in brothels and frequently move them to different locations to prevent victims from establishing relationships with civil society or other victims. Some victims of sex trafficking and some women who migrate to Australia for arranged or forced marriages are exploited by their husbands or families in domestic servitude. Unscrupulous employers and labor agencies subject some men and women from Asia and several Pacific Islands recruited to work temporarily in Australia to forced labor in agriculture, cleaning, construction, hospitality, and domestic service. An investigation by the Fair Work Ombudsman found some foreign fraudulent contracting companies exploited farm workers in bonded labor. There have been cases of reported exploitation in the fruit picking industry, where victims have reported excessive work hours, deliberate underpayment of wages, falsification of records and unauthorized deductions from wages. Some identified victims are foreign citizens on student visas who pay significant placement and academic fees. Unscrupulous employers coerce students to work in excess of the terms of their visas, making them vulnerable to trafficking due to fears of deportation for immigration violations. Some foreign diplomats allegedly subject domestic workers to forced labor in Australia.

AUSTRIA: TIER 1

The Government of Austria fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Austria remained on Tier 1. These efforts included implementing the national referral mechanism for adults, increasing funding for victim support, and publishing guidelines for police and prosecutors on non-punishment of victims for unlawful acts traffickers compelled them to commit. Although the government meets the minimum standards, courts continued to issue light or suspended penalties for convicted traffickers. The government has not appointed an anti-trafficking

rapporteur, and the government did not identify any victims holding Austrian citizenship in 2018.



PRIORITIZED RECOMMENDATIONS:

Sentence convicted traffickers to adequate penalties, which should involve significant prison terms, consistent with those imposed for other grave crimes, such as rape. • Continue to strengthen cooperation with source country governments to promote awareness of trafficking among potential victims, especially in continued prosecution of trafficking rings. • Increase the level of detail contained in the government database on trafficking investigations, prosecutions, convictions and sentencing, to include all cases on trafficking including disaggregation of convictions and sentencing where defendants have committed multiple crimes. • Increase efforts to identify victims among persons engaged in prostitution. • Appoint a national anti-trafficking rapporteur. • Increase efforts on identifying potential victims among Austrian citizens.

PROSECUTION

The Austrian government maintained law enforcement efforts. Article 104a of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of six months to five years' imprisonment for offenses involving an adult victim, and one to 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Additionally, Article 217, which criminalized all transnational prostitution, could be applied to sex trafficking cases when a trafficker induced a foreign individual to engage in prostitution by force, fraud, or coercion. The article prescribed penalties of one to 10 years' imprisonment for offenses involving such means. The government conducted 71 investigations of 129 trafficking suspects under Article 104a, compared with 94 investigations of 144 suspects in 2017. The government prosecuted 16 trafficking defendants, compared with 19 in 2017. Courts convicted eight traffickers under Article 104a, compared with three in 2017 and 10 in 2016. The government prosecuted eight defendants, and convicted five under Article 217, but it was unclear how many involved trafficking offenses. The most recent comprehensive government data on prison sentences was from 2017, during which courts sentenced two traffickers. One received a two-year prison term and one a suspended sentence. In contrast, rape convictions carried substantially longer prison terms and fewer suspended sentences. Of 90 defendants convicted of rape during 2017, courts sentenced 78 (90 percent) to prison and half received prison terms ranging between three and 13 years. It was unclear how many rape cases included convictions for trafficking, as official statistics in multi-offense convictions contained only the single crime for which a court imposed the longest sentence. However, the government reported several cases from 2018 in which convicted traffickers received significant penalties. In March 2018, a court convicted two Chinese nationals for sex trafficking and imposed prison sentences of 3.5 years and 13