



Submission No 37

Inquiry into Slavery, Slavery-like conditions and People Trafficking

Organisation: Salvation Army



Inquiry into Slavery, Slavery like conditions and People Trafficking

Submission to the

**Joint Standing Committee on Foreign Affairs, Defence and Trade
Human Rights Sub-Committee
Parliament of Australia**

by

The Salvation Army

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Introduction to The Salvation Army's Expertise in Anti-Trafficking in Australia

The Salvation Army has an international mandate to work on behalf of trafficked persons as part of its mission for social justice. The Salvation Army works in 120 countries across the globe including programs that respond to people trafficking and slavery.

In Australia, The Salvation Army has established and operates a unique Safe House for Trafficked Persons offering holistic assistance and advocacy funded entirely by community donations to the annual Red Shield Appeal and some grants. The Safe House is truly a "safe haven" for those who cannot or choose not to access other supports such as the Australian government's Support for Victims of People Trafficking Program via the Australian Federal Police. Safe House services are accessible regardless of a person's visa status, access to income and are not dependent on their willingness to engage with law enforcement. There is no geographic limit to where referrals can come from. This means that a person who has landed in Australia after being trafficked or enslaved somewhere else can seek support. Support is delivered within a human rights framework and is trauma-informed in approach. The types of assistance include:

Supported Accommodation: The supported accommodation service has 10 beds and staff allocated on-site 24/7 to assist women/women and children/young women who have experienced human trafficking or slavery-like practices. The service is located in a secure building and residents have access to community housing owned by The Salvation Army after they leave the service. Support includes accommodation, comprehensive and culturally-appropriate case management services provided by a team of workers who specialise in supporting trafficked persons and migrants in crisis. There is no limit on the length of stay in this service.

Outreach Support: The service provides the same support services as above to non-residential clients living in other accommodation. This may include men living in Salvation Army emergency or community housing. The Safe House is currently working with 24 people via outreach.

Prevention Support: Case management can be provided to persons at risk of trafficking, slavery or slavery-like practices. Eligibility is assessed on a case by case basis when a person is presenting with some indicators or trafficking/slavery and there are contributing factors that increase their vulnerability. Staff can work with clients to identify interventions that will improve their ability to remain free from exploitation. This can include prospective migrants located outside of Australia in need of safe migration information and assistance.

International Assistance to Dependents: The families of people who have experienced trafficking and slavery and have been left behind in countries of origin may be in need of some type of assistance. The Salvation Army utilises its global network to identify and respond to these needs. This may include safety planning for those whose families are being threatened by traffickers, assistance with migration applications or obtaining documents, financial assistance, relocation assistance, learning English, etc. Staff also work to ensure that resettlement and reunification of families that have been separated because of trafficking/slavery is a supported process. The Salvation Army can assist to safely repatriate anyone returning to their country of origin.

Salvos Legal is The Salvation Army's main partner offering comprehensive legal advice and representation to clients primarily in the areas of criminal, civil, immigration and family law. Salvos Legal has access to a vast network of pro bono lawyers who can offer specialised advice. The Salvation Army also works with many community legal professionals and Legal Aid.

The Salvation Army uncovers cases of people trafficking in the community and facilitates victim referrals to the Australian Federal Police. The service also accepts referrals from Australian Federal Police and other community and government agencies.

Since opening its doors in January 2008, The Salvation Army has provided assistance to 134 referrals from community and government agencies. Approximately 30% of the service's clients are accessing the Commonwealth Office for Women's (OfW) Support for Victims of People Trafficking Program (SVPT) at any given time. The Salvation Army provides support to clients that have made reports to Australian Federal Police but are not accessing the program for other reasons.

The Salvation Army is committed to supporting and protecting the human rights of trafficked people regardless of their engagement with law enforcement or government authorities. The safety and well-being of clients is paramount at all times. The right support at the right time means that the person who has experienced trafficking and/or slavery can make a truly informed choice about their future and determine for themselves how they want to be supported.

"Freedom and justice are words I heard since I was child. But I did not experience freedom and justice in my life. I thought I had been forgotten by God. The Salvation Army helped me change my situation for the better. I had to overcome my fears and work very hard. There were risks; it wasn't easy. In the end, freedom justice and dignity won." – Janice, Safe House client and Freedom Advocate

2. Discussion in relation to Terms of Reference

It is no surprise that Australia, like other countries, has spent the majority of its efforts and resources focused on a criminal justice approach to human trafficking. Whilst protection and assistance is offered to victims, this is conditional on their engagement with law enforcement. Specifically, it is the Australian Federal Police alone who decide whether or not someone has been trafficked or subjected to slavery. Access to visas, housing, income, medical and mental health care are entirely dependent on the outcome of AFP assessments. Therefore, the needs of criminal justice agencies are continuously “balanced” against the needs of people who were trafficked or enslaved. The Salvation Army recommends that the needs of victims be prioritised over the needs of government or law enforcement agencies to investigate or prosecute traffickers/slaveholders.

Australia’s response to trafficking has its roots in community outrage around the death of Ms Phuontong Simaplee. There is a historically narrow focus on the commercial sex industry that has led to a policy response and allocation of resources tailored to criminalising certain conduct in that industry. Authorities are simply finding what they are looking for. Australian Federal Police acknowledge that the majority of their referrals come from Department of Immigration compliance officers who routinely visit sex work premises to check identity documents and visa status. Migrant sex workers also have the opportunity to engage with NGOs, NSW Health Inspectors, local police and others who are positioned to identify trafficking when visiting sex work premises.

It is The Salvation Army’s experience that the majority of people who experience trafficking and exploitation do so outside of the sex industry. Since the Safe House has been in operation it has received over 130 referrals; of which 34 have been for trafficking, sexual servitude, child trafficking or serious exploitation in sex work. Of these 34, the majority of the women involved identified that they migrated for the purpose of sex work.

The majority of clients supported have been men, women and young people trafficked for the provision of labour in industries such as hospitality, construction, cleaning, beauty therapy, domestic work, organ removal and through marriage. In nearly all cases of domestic servitude and slave-like marriage, women and young women have experienced sexual assault and other forms of physical and psychological abuse. In some cases, such sexual assault is repeated, ongoing and amounts to sexual servitude outside the context of commercial sex.

In the recent fact finding mission conducted by United Nations Special Rapporteur on Trafficking in persons, especially women and children Dr. Joy Ngozi Ezeilo, several manifestations of trafficking were noted, including trafficking for sexual exploitation, labour exploitation, marriage, child trafficking

and domestic trafficking.¹ The discussion in Dr. Ezeilo's report demonstrates the full scope of the issue in Australia and reflects her wide-ranging consultation with government officials, key stakeholders and trafficked people themselves.

Anecdotal evidence and qualitative research indicate that trafficking in Australia affects a much broader range of migrants/workers for whom no such tailored policy response has been implemented. Elaine Pearson from the Global Alliance Against Trafficking in Women (GAATW) advocated for a stand-alone forced labour offence in the Australian chapter of Collateral Damage in 2005. An Australian Institute of Criminology report by Fiona David highlights a lack of awareness around the broader context of trafficking in Australia, the barriers victims face in reporting the crime and inadequacies of the current criminal offences to address the abusive and exploitative conduct experienced by victims outside the sex industry.²

The Salvation Army supports the shifting focus on slavery-like practices such as forced labour/servitude since trafficking in persons and slavery are difficult crimes to prove. The proposed amendments to the Commonwealth Criminal Code introducing new offences of forced labour, servitude, harbouring, etc are a major step forward in addressing the full range of slavery-like practices government and community have encountered in Australia.

The data available from the Australian Federal Police highlights the crime type from the prosecution angle of the whole of government approach. However, given the narrow scope of the legislation thus far, the data represents only a small portion of the issue as it presents itself in Australia. The Salvation Army congratulates the Australian Federal Police on their proactive approach to advocate for broader legislation, for consulting widely with key stakeholders and hosting a series of educational and awareness raising sessions on labour trafficking.

The Australian Federal Government is to be congratulated on their recent efforts to introduce new criminal offences that address the full scope of trafficking and slavery-like practices in Australia, in particular the introduction of a forced labour offence. The Salvation Army anticipates that the new

¹ Ezeilo, J (2012) *Report of the Special Rapporteur on trafficking in persons, especially women and children*, United Nations General Assembly

² David, F (2010) *Labour Trafficking*, Australian Institute of Criminology Research and Public Policy Series 108

offences will impact how government and non-government work together to combat trafficking as victim numbers increase and more resources are required.

Visa Framework – Creating a Self-Petitioning Alternative

It is The Salvation Army's experience that many trafficked people do not choose to engage with law enforcement regarding allegations of people trafficking and have legitimate reasons for seeking remedies outside the realm of the anti-trafficking criminal justice pathway. For example, a significant number of women accessing The Salvation Army were trafficked through marriage and successfully utilise the Family Violence Provisions of the Migration Act to address their situation. This entails a relatively speedy self-petitioning process and does not require engagement with law enforcement. Many clients have also successfully obtained protection visas, again, which can be speedy, accessed via self-petition and does not require engagement with law enforcement. Whilst these remedies can offer victims an alternative to engaging with Australian Federal Police they contribute to under-reporting and a narrow typology of our collective understanding of trafficking in the community.

The highly discretionary nature of the Australian government's anti-trafficking visa scheme combined with the very lengthy timeline in achieving a permanent outcome, the possibility of having to face traffickers in court and having to evidence harm if returned home are a disincentive to many victims. When weighing up seeking a protection visa in which the threshold for evidencing harm is similar to a trafficking visa, engaging with the AFP can be very unappealing. It is The Salvation Army's experience that most people who experience trafficking want to be safe and away from their traffickers and to work towards the goals they had at the time of migration. In some cases, victims feel that any cooperation with law enforcement actually increases the risk of harm to themselves or their families. It is The Salvation Army's experience that the Australian government cannot do anything to protect family members in countries of origin.

The Salvation Army recommends that the Australian government consider a self-petitioning visa process within the migration system for victims of trafficking/slavery and review how similar visas are provided in the United States, Italy, Belgium and other countries.

It is clear from The Salvation Army's experience that conditions and stigma attached to temporary visas such as the Criminal Justice Stay Visa are a significant barrier to victims accessing the full range of their basic human rights. For cooperating witnesses on a CJSV, The Salvation Army recommends that the Australian Federal Police/Department of Immigration and Citizenship commence permanent visas as soon as victims sign their witness statements. This would ensure a more speedy access to mainstream services where barriers currently exist, will reduce their vulnerability and improve their ability to act as a witness.

Victim Support

The Salvation Army's experience of Trafficking in Persons in Australia is substantively focused on providing comprehensive victim services since it operates the only 24/7 refuge for trafficked persons in the country and service provision is not limited in scope by funding contracts. It is The Salvation Army's understanding that the Government's support program was developed without a systematic community consultation more than 10 years ago and primarily in response to women trafficked into the sex industry.

"I came to Australia expecting to have a good job with good pay. But I was forced to work. I had no freedom and did not know how to change my situation. My Australian co-worker called for help and I met the AFP, Human Rights Commission, Immigration, local police and an interpreter. I got some help but it was only for a short time. The Salvation Army has helped me for my day-to-day life, for a long time through all of my challenges. This is what I needed." – Freedom Advocate

Systematic Review

In direct relation to the program provided by the Australian Government to victims, The Salvation Army has consulted with its clients who are Office for Women (OfW) Support for Victims of Trafficking Program (SVPT) participants and recommends a systematic review of the Support for Victims of People Trafficking program. Whilst the scope of services have improved in recent years, it is The Salvation Army's experience that the program falls short of adequately addressing participant needs. The Salvation Army's experience indicates the need for rational, evidence-based, transparent and accountable policies and procedures to achieve outcomes for trafficked persons and guide practitioner responses. An unbiased systematic review should address the following key questions through both quantitative and qualitative social work methodologies:

1. What is the purpose of the Support for Victims of People Trafficking Program?
2. What policies and principles guide the program purpose, design, implementation and evaluation?
3. What is known about the needs and concerns of program participants and how are they consulted?
4. Are the services needed available and what are the barriers to access?
5. How do practitioners deliver services to participants including children?

6. What practitioner intervention and support strategies are known to be helpful?
Harmful?
7. What are the entry and exit points for participants?
8. How is the effectiveness of the program measured?
9. What resources are needed to strengthen the effectiveness of the program?

Such a review should include a comprehensive literature review, research and analysis of data; site visits to community and government agencies, case studies and a final report. Practitioners and others can refer to the review when applying intervention strategies with trafficked persons. The Salvation Army's experience is that such a review would:

1. Ensure ethical obligations to program participants are being met;
2. Increase accountability and transparency of the program to program participants and the community;
3. Inform strategic planning and the future direction of the OfW's and state government's role in responding to trafficked persons (especially in light of the proposed new criminal offences);
4. Contribute significantly to the knowledge of best-practice research in the sector; and
5. Strengthen the leadership of OfW within the Australian Government's response to people trafficking.

Participant Empowerment

It is The Salvation Army's experience that program participants do not have a clear understanding of the SVPT and their rights to access a broad range of services in the community that may be helpful to them. SVPT program participants are not provided with any information upon entering the program other than the business card of their case worker. To further empower program participants, The Salvation Army recommends they be provided with written information in their own language.

At a minimum, the information provided to SVPT participants should contain:

- 1) The contract administrator's name, role, contact information and complaint/grievance procedure;
- 2) Program streams and corresponding entitlements;
- 3) Participant rights and responsibilities in relation to the SVPT program;
- 4) How the contracted service provider works with other organizations; and

- 5) The relationship between the contracted service provider and law enforcement including confidentiality.

"I have denied myself services because I didn't know what I'm allowed to ask for. I didn't know I could get mental health. I am shy to ask. If I had a paper with the information it would be easier. Who is the Office for Women?" –SVPT program participant

Access to Education

It is The Salvation Army's experience that people offered the OfW SVPT Program are interested in study. Studying contributes greatly to their ability to engage with law enforcement, positively affects their mental health and can contribute to the prevention of future exploitation. However, Centrelink states that *"Criminal Justice Stay Visa (CJSV) temporary visa holders are ineligible for LLNP [English study]"* (Special Benefit Department, Centrelink Multicultural Services, 2010).

CJSV holders fall under a temporary visa holder category and are required to pay full fees to study regardless of the fact they are in receipt of a hardship payment through Centrelink.

Trafficked people should not be expected to pay full fees in order to access study programs. They are vulnerable members of the community. CJSV holders are left for extended periods of time awaiting outcomes of criminal proceedings and should be entitled to be able to move through a rehabilitative process, including the building of skills to ensure a sustainable future and decreasing their vulnerability in the community.

SVPT program participants are accessing English and vocational courses via the discretionary good will of a few institutions. However, it is not sustainable or equitable for each holder of a CJSV to have to approach individual colleges to request such discretionary privilege. It is recommended that SVPT program participants have access to the Adult Migrant English Program at the commencement of a CJSV and also be exempted from study enrolment fees at TAFE/vocational training.

Automatic eligibility for intensive job services and an Employment Pathway Fund

People who have experienced human trafficking or slavery in Australia should be automatically eligible for Stream 3 or Stream 4 job services because they are highly disadvantaged job seekers and face significant barriers to employment. Their eligibility should be automatic at the receipt of income support because of the inherent nature of their victim status. Stream 3 and Stream 4 services provide one-to-one support with an employment consultant. The Employment Pathway Fund provides critical assistance for vulnerable people such as training, equipment, transport, supported job placement and even wage subsidies.

Allow CJSV holders to access whichever income payment best supports their needs.

CJSV holders are only eligible for Special Benefit payment which may not best support their needs. Trafficked persons on Special Benefit who obtain victim compensation cannot have their

compensation exempted and must use it as income (this does not apply for NewStart payment). This is counter to the spirit and purpose of compensating victims of crime. Trafficked persons often have debts and family members relying on them for support or wish to use their compensation to fund their education. It is unfair for their income support to be cancelled and their compensation used as income.

Remove the 104 week (2 year) waiting period for access to support payments after grant of permanent witness trafficking visa 852.

It is not appropriate for recipients of the 852 permanent visa to be forced to continue on a Special Benefit payment for 104 weeks. They should be able to access whichever payment is appropriate for their situation including NewStart and be eligible for refugee settlement services. Trafficked persons are currently turned away from migrant resource centres and other DIAC-funded settlement agencies as they are considered ineligible for services. Yet, settlement services may be appropriate for their needs and help them to integrate into the community.

Increase access to community housing and public housing.

Like many other socially disadvantaged groups, access to housing is challenging for trafficked people who often remain on temporary visas for prolonged periods of time. In most states this status renders them ineligible for community and public housing. The Salvation Army recommends that OfW explore pathways for better access to housing with state housing and community housing agencies – including Salvos Housing.

The Salvation Army recommends that the Commonwealth engage with State governments to assist with housing pathways for trafficked people. They are vulnerable members of the community who require housing support. This type of support would enable stability in the community and assist with the rehabilitation process.

Compensation for Commonwealth Victims of Trafficking

The anti-trafficking community in Australia continues to advocate for a Commonwealth scheme that provides compensation to victims. Provision of compensation acknowledges victims' suffering and loss and validates their experience regardless of investigation/prosecution outcomes. The Salvation Army recommends that the Commonwealth establish a compensation scheme for all victims of trafficking, slavery and related offences. In cases where there is a conviction, such compensation should be mandatory.

The Response to Child Victims of Trafficking

Since 2011, The Salvation Army has provided support and assistance to three child victims of trafficking. Each of these children was a foreign national. The Salvation Army understands the term "child" in the context of Australia's obligations under the *Convention on the Rights of the Child* which

applies to all "children," under the age of 18. All three were aged 16 at the time they were identified, yet a legal guardian could not be obtained through Commonwealth or state authorities.

In The Salvation Army's interactions with these children, it was unclear that the "best interests" of these children were treated as a paramount concern in their interactions with various government and non-government agencies they came into contact with. As The Salvation Army understands it, Australia has obligations to ensure that in all dealings with children, the best interests of the child are paramount at all times.

Key considerations identified in the UNICEF Guidelines on the Protection of Child Victims of Trafficking include the following:

- Designation of a competent authority to act as the guardian of child victims of trafficking, with legal authority to ensure respect for their best interests (including in dealings with criminal justice officials);
- Regularization of the immigration status of child victims of trafficking until their best interests have been assessed, and a durable solution in their best interests can be found;
- Provision of care and protection, including accommodation and other care and protection needs as determined by the guardian;
- Individual case assessment of the best interests of each child victim to identify the most appropriate solution for each child;
- Implementation of durable solutions for children, including with regard to family tracing, risk assessment, reunification, reception and reintegration, and resettlement.³

The issue of guardianship seems particularly critical given that (foreign national) child victims of trafficking can only access the Support for Victims of People Trafficking program if they engage with law enforcement. However, immediate protection and care needs are also critical, especially when there is evidence that the child's parent or guardian may have been complicit in trafficking crimes.

The Salvation Army advocates that care, protection and the appointment of a guardian are crucial first steps. Commonwealth and state-based authorities should consider what immediate role they can play

³ UNICEF (2006) Guidelines on Protecting Child Victims of Trafficking, UNICEF Headquarters, New York

in ensuring the best interests of potential child victims. Children should be provided immediate medical and psychological assistance as well as safe accommodation. They should not engage with law enforcement or other government agencies without an independent guardian to act in their interests.

Strengthening Service Delivery to Trafficked Persons Through Collaboration

The Salvation Army's work with trafficked persons reflects the complex, intensive and multi-faceted nature of their needs. Collaboration is a core principle in how the service works with both government and non-government agencies on behalf of trafficked clients. Although, it presents some challenges, it is The Salvation Army's experience that collaborative interventions achieve substantive outcomes in both the criminal justice and social justice realm of anti-trafficking.

Around the world, government agencies engaged in anti-trafficking access a diversity of community service providers to meet the diverse needs of trafficked persons. Funds are distributed across a range of services to ensure choice and accessibility. It is The Salvation Army's experience that the implementation of collaborative practice through consultative and evidence-based funding produces the best results for clients.

The IDC Report Case Study 2⁴ highlights the achievements of a Salvation Army client who resided in the Safe House for 15 months. She received comprehensive support from Salvation Army staff on a daily basis. The Case Study provides no understanding of the collaborative context of interventions that enabled her to achieve her goals. Nor, does it highlight the fact that, to date, she is currently accommodated in housing privately-owned by The Salvation Army due to her ineligibility to access public/community housing (because of her temporary visa status). She is also served by Salvos Employment Plus. This is important information in considering how to best deliver appropriate support.

Effective service delivery to trafficked persons requires the leadership of both Commonwealth and state agencies working together to identify and address gaps in service. These agencies can utilise their resources to strengthen service delivery by:

1. Proactively facilitating collaborative practice amongst government and non-government agencies known to be assisting trafficked persons through regular consultation;
2. Providing opportunities for training and information sharing amongst government and non-government agencies known to be assisting trafficked persons; and

⁴ Australian Government (2010), *Trafficking in Persons: The Australian Government Response, 1 May 2009 - 30 June 2010*, p.16

3. Developing a diverse, collaborative and strategic approach to funding support services for trafficked persons in consultation with agencies known to be assisting trafficked persons at the state level.

Police Training and Awareness-raising

“State police need to be trained to recognise abuse of migrants in the community and to provide the right help. Most migrants don’t trust police because of their experiences at home. They need to understand how to best help us and give us a chance to be heard. They need to know how the traffickers use our fear for their benefit.” (Freedom Advocate)

The AFP, Salvation Army and several other members of the Roundtable have identified the need for state and federal law enforcement collaboration on the issue of human trafficking. It is The Salvation Army’s experience that state police have very little knowledge of Commonwealth human trafficking offences, key indicators and how to provide victims with appropriate assistance or referrals to the AFP human trafficking team and community support.

As an example, a Freedom Advocate shares her story:

Susan an African woman was trafficked from her home country into domestic servitude in the private home of an Australian family who confiscated her passport. After months of providing domestic and child care services without pay, deprived of food and proper living conditions, restriction of movement and verbal abuse Susan requested access to her own passport. Susan was told by her employer that she had no rights in Australia and to do as she was told. Susan sought help from a neighbour and an altercation ensued with her employer who ordered her to return to the house and assaulted her. Susan feared that she would suffer physical violence if she returned into the house. The NSW Police arrived on scene shortly thereafter.*

When the police arrived Susan’s employer began throwing her belongings out of the house and told the police to deport her as she was “illegal.” Susan states that when the police arrived they only took information from her employer and she was given no opportunity to tell her side of the story.

Susan was taken to the police station and police sought accommodation for her over several hours. Susan described this situation to be very unjust as the police were not willing to hear her side of the story; “I was there to tell them what was happening to me...they didn’t give me a chance, they were just listening to my employer. It felt like ... my country, because the people who have power are the people from high class don’t allow the people from the lower class to talk...I find it’s another country without freedom of speech.”

During the five hours Susan spent at the police station, the police did not ask her what had happened, why her passport had been held or how she came to be in Australia. She was referred to two other community organisations before coming into contact with The Salvation

Army after two days. At the point of contact with The Salvation Army, staff noted that Susan was in pain and had not been offered any assistance/medical care in relation to being assaulted. To date, Susan still has health issues related to this injury.

This case and others referred to the service demonstrates the need for state police training to recognise and make appropriate referrals of potential trafficking cases in addition to offering support. Again, The United Nations Special Rapporteur echoes this view. In her recent country report she recommends that Australia:

“Expand the provision of training for criminal justice agencies, paying particular attention to the needs of front line law enforcement officials.”⁵

The Salvation Army advocates that any potential victims of trafficking/forced labour discovered by local police first have access to support and legal advice so they can make an informed choice about whether or not they wish to engage further with any law enforcement agencies.

The Salvation Army also recommends that states/territories consider amending their crimes legislation to include forced labour, servitude and other offences that mirror proposed and existing Commonwealth offence. This will enable local police and the state prosecutors to commence their own investigations/prosecutions. It is The Salvation Army’s experience that trafficked persons may have been subjected to a raft of relevant state crimes such as assaults, sexual assaults, acts causing danger to life of bodily harm, etc. People who engage in such criminal conduct may also be committing offences against public order, stealing, fraud, etc. and state law enforcement may have a better chance at securing a swift conviction via state prosecutions.

Case Study:

In 2010, The Salvation Army supported a woman subjected to sexual servitude and other state crimes that was successfully prosecuted in New South Wales within one year from her escaping her situation. The woman was invited to access the Commonwealth trafficking visa framework and victim support program. However, in the initial stages of law enforcement dealing with her unlawful status, there was much confusion about processes. She remained unlawful for a period of time and was unable to

⁵ Ezeilo, J (2012) *Report of the Special Rapporteur on trafficking in persons, especially women and children*, United Nations General Assembly

access appropriate visas in a timely way and the victim support program. The general medical care, specialist care and emergency surgery she needed was not covered by Medicare during this time. In addition to accommodating her, The Salvation Army bridged these gaps for this client and provided legal advocacy during this time.

A key element in protecting victims working with state law enforcement is to ensure that there are clear processes for police officers to help victims get timely access to appropriate visas and support.

Community Training and Awareness-Raising

Community awareness and education is vital to any strategy of reducing human trafficking within the community. In Australia community awareness of trafficking remains low and focused on the sex industry. The Commonwealth has not invested in a long-term, multi-pronged strategy. Whilst there are regular print, broadcast and online media, the media's lack of understanding has contributed to misinformation and stereotyping (mainly of migrant sex workers) of trafficking within Australia. Notably, the press routinely conflate human trafficking with people smuggling, asylum seekers and unlawful ("illegal") workers. Media reports also often incorrectly cite statistics for which there is no verifiable evidence.

There has been commendable work by members of the National Roundtable on People Trafficking to conduct awareness-raising but there has been no benchmark or criteria for evaluating effectiveness or centralised collection of data around who has received such information. It is The Salvation Army's experience that the information provided and training delivered is dependent on which agency conducts the training, is influenced by organisational philosophies and even funding requirements. This will shape how people view and respond to the issues of trafficking and slavery.

In 2011 the Salvation Army's Safe House conducted awareness raising and outreach in Brisbane, Newcastle/Hunter region, Parramatta, The Hills District, at two national conferences and several community events reaching hundreds of frontline community workers, local police, government personnel, etc. The Salvation Army's interactions with participants demonstrated a lack of baseline knowledge about how to identify and respond to trafficking and slavery.

A comprehensive, culturally appropriate and cost-effective awareness-raising strategy needs to be developed and implemented utilising the strengths and networks of multiple organisations. The Salvation Army advocates an approach that promotes human rights, safe migration and is connected to avenues for people to get independent and confidential advice about their situation.

Freedom Advocates – Valuing the Experiences of People Who Were Trafficked

The Salvation Army is committed to empowering individuals to work for justice and to advocate for change in un-just situations. As an international movement and an evangelical branch of the universal Christian Church, The Salvation Army believes that all people are made in the image of God and that each person in the eyes of God, has value, worth and dignity. The Freedom Advocates, a project led by people who have experienced human trafficking and/or slavery-like practices, offers participants validation of their expertise, empowers them to speak out to assist others and reaffirms their worth as

an individual member of the human race. The Salvation Army respects and supports the right of people who have experienced trafficking to choose to be agents of change. This includes ensuring they have the same opportunities to contribute to policy reform as other experts in the field. The Salvation Army recommends that people who have experienced human trafficking and slavery have the chance to participate in the National Roundtable on People Trafficking, the Bali Process and other forums.

State Responses – The Next Evolution in Anti-trafficking for Australia

The Salvation Army recommends that state governments establish anti-trafficking Working Groups to guide and coordinate anti-trafficking efforts state-wide. Such working groups should be chaired by a designee of and resourced by state Community Relations groups, health or multi-cultural units rather than criminal justice agencies. The opportunity to Chair the group should rotate on a regular basis (e.g. annually or every two years) and be extended to all Working Group members. This “task force” type approach is considered best practice in the United States. The Salvation Army’s Safe House Supervisor, an American who has worked on human trafficking for 15 years pioneered the task force model in Los Angeles in 1999 and 43 such task forces now operate across the United States through government funding.

At a minimum, the members of the Working Group should include government agencies, non-government agencies and people who have experienced trafficking. The existing NGO Guidelines on Working with Trafficked Persons could be augmented and embedded within the working group structure whose focus should be a social justice as well as criminal justice response.

The Working Groups should:

1. Collect and organize data on the nature and extent of trafficking/ slavery-like practices in persons in the state.

2. Identify available state and local programs that provide services to victims of trafficking/slavery, assess the need and barriers to access for services such as housing, education, health care, etc.
3. Develop strategies to increase awareness of trafficking/slavery-like practices including collaboration with local councils and police.
4. Analyze existing state criminal offences and consider amendments (such as forced labour) that specifically define and address slavery-like practices.
5. Consult with governmental and nongovernmental organizations (including the private sector) to strengthen state and local efforts to prevent trafficking/ slavery-like practices, protect and assist victims of trafficking/slavery, and prosecute traffickers/slaveholders.
6. Examine collaborative response models between government and nongovernmental organisations.
7. Measure and evaluate the progress of the Working Group in preventing trafficking/ slavery-like practices, providing assistance to victims of trafficking/slavery, and prosecuting persons engaged in trafficking/ slavery-like practices.

Some states in Australia are now considering how they can be a part of the response. Commonwealth agencies should develop a strategy for engaging with them in collaboration with NGOs.

Strategies for Safe Migration

The Salvation Army recommends that the Department of Foreign Affairs and Trade (DFAT) conduct consultation with the community sector and people who have experienced trafficking themselves on safe migration strategies aimed at preventing exploitation, trafficking and slavery. A rights-based approach should be the focus of the collaboration that would seek to be empowering to migrants before they travel to Australia and upon arrival.

DFAT has developed Smart Traveller resources to inform and assist Australian citizens and permanent residents in their travels outside of Australia (www.smarttraveller.gov.au). This resource could be expanded to target people coming in to Australia. Australian community organisations working on anti-trafficking would welcome engagement with DFAT on how to utilise this resource (or another resource) for this purpose. The main challenge would be how to resource the promotion of the information outside of Australia and make it available in multiple languages.

Most people who are trafficked/enslaved in Australia arrive lawfully at Australian airports on legitimate visas obtained overseas. Points of entry into Australia are not likely places where victims can be identified because victims have not yet been exploited. Victims of trafficking go willingly with their traffickers because they are unaware that forced labour or slavery lies ahead. The average time an immigration/customs officer has to assess a person's passport/visa at airports around the world is 30 seconds. Nevertheless, the airport still offers a point of intervention in terms of people getting access to information about how to be safe in Australia upon arrival.

In the United States, the US Department of State commissioned community agencies to develop a safe migration brochure that was translated into target languages and distributed throughout consulates overseas and at airports. The brochure explicitly states the rights and responsibilities of visa holders in coming to Australia and explicitly states what can go wrong (www.travel.state.gov/pdf/Pamphlet-Printer.pdf). Importantly, the brochure provides contact information on how to get advice and assistance. It is worth considering if such a resource should be developed and offered to incoming travellers to Australia including an information hotline.

Government can also seek to partner with the private sector by approaching airlines about offering the information as part of their in-flight service. Many airlines have partnered with government in the past on anti-trafficking initiatives. This interest was recently evident by the attendance of a Qantas executive at a government-sponsored anti-trafficking forum.

The International Labour Organisation (ILO) is an international leader in best practice for safe migration strategies. The ILO has developed safe migration tools in the Asia Pacific region that can be reviewed and adapted for Australia. Such tools could include brochures, radio and television broadcasts, a social media strategy etc. The advice of experienced international organisations committed to supporting the human rights of migrants such as the ILO should be sought out as part of any strategy.

DFAT should consider how forums such as the Bali Process can be utilised to collaborate with other governments and NGOs on safe migration strategies.

Expanding the Bali Process – A Key Forum for Collaboration in the Region

The Bali Process offers an important opportunity for government officials to collaborate and share information on human trafficking and slavery. Since 2002 it has brought together 32 countries, has 46 members and convened over 30 workshops and meetings. However, governments do not combat trafficking and slavery on their own. Indeed, much of the strategy development and action planning of

governments is directly influenced by the advocacy and experience of non-government organisations working directly with victims and in partnership with law enforcement and other officials.

Given the importance of community and government collaboration as an anti-trafficking strategy The Salvation Army recommends that Australia support the expansion of the Bali Process to include non-government organisations. Like Australia, NGOs in Bali Process member countries engage in key strategies with their governments to combat trafficking, and, like law enforcement are often charged with implementing a practical on-the ground response. NGO and government partnerships are best practice in the sector, yet, there are no regional forums where NGOs are supported to learn from each other and can work transnationally alongside/with their government counterparts. Such expansion of

the Bali Process would demonstrate that governments value NGO partnerships and expertise and better inform their own efforts. Including NGOs in the Bali Process would also enhance many of the stated aims towards:

- the development of more effective information sharing including the identification of new or emerging issues and trends as well as innovative practices;
- improved cooperation among regional non-government and government networks to deter and combat trafficking and slavery;
- enhanced cooperation between non-government and government organisations regionally especially in regard to prevention, repatriation and reintegration;
- an improved public awareness strategy across the region;
- analysis and engagement on the effectiveness of national legislation criminalising trafficking in persons and government action plans;
- increased understanding of best practice in provision of appropriate protection and assistance to victims of trafficking;
- enhanced focus on tackling the root causes trafficking/slavery including by increasing opportunities for legal migration between states; and by
- assisting countries to adopt best practices in accordance with the United Nations Protocol on Trafficking in Persons, UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, UNICEF Guidelines on the Protection of Child Victims of Trafficking and other international instruments.



3. Concluding Remarks

The Salvation Army is heartened by the efforts of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs Defense and Trade to consider the human rights response to people who have experienced human trafficking and slavery-like practices in Australia. The Salvation Army believes that Australia can and should lead the world in implementing a response to slavery and trafficking. The Salvation Army and the Freedom Advocates look forward to ongoing dialogue with the government about how this happens.

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