



Submission No 21

**Inquiry into Slavery, Slavery-like conditions and People  
Trafficking**

**Organisation:** Australian Catholic Religious Against Trafficking in  
Humans

# NEW INQUIRY INTO SLAVERY, SLAVERY LIKE CONDITIONS AND PEOPLE TRAFFICKING

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Submission by

Australian Catholic Religious Against  
Trafficking in Humans

(ACRATH)

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ACRATH thanks the Committee for this opportunity to contribute to the Inquiry into Slavery, Slavery like Conditions and People Trafficking.

## **ABOUT ACRATH**

### **Who we are:**

Australian Catholic Religious against Trafficking in Humans (ACRATH) is committed to working together towards the elimination of human trafficking in Australia, the Asia Pacific region and internationally. The ACRATH website can be found at [www.acrath.org.au](http://www.acrath.org.au). ACRATH is endorsed by Catholic Religious Australia (CRA) – the peak body for 190 religious orders in Australia, representing more than 8000 religious sisters, brothers and priests.

ACRATH is currently one of four NGOs receiving federal Government funding via the Proceeds of Crime Act (POCA) to raise awareness about human trafficking, to advocate on behalf of and to provide support to victims of human trafficking.

We carry out our vision by:

- Advocacy with Members of Parliament and other civil organisations
- Collaborating with others who share this mission
- Raising awareness and educating
- Providing direct service to victims, including
  - Personal support
  - Accommodation
  - Repatriation
  - Reintegration
- Addressing the causes of human trafficking
- Participating in meetings of international bodies that work against human trafficking.

## AUSTRALIA'S EFFORTS TO ADDRESS PEOPLE TRAFFICKING

### 1) ACRATH acknowledges and applauds the current collegial work of the Australian Government:

- a) particularly its use of **the round tables** to collaborate with NGOs, to develop social policy to address the issue of human trafficking. We believe effective legislation and policies have grown out of the genuine collaboration between government and civil society, a collaboration which has included frank dialogue.
- b) ACRATH endorses the statement by **the UN Special Rapporteur** on Trafficking in Persons, especially Women and Children, Dr Ngozi, Ezeilo, that Australia has “demonstrated strong leadership in combating trafficking in persons regionally and domestically” and strongly supports her recommendations to the Australian government.
- c) Australia’s efforts to address people trafficking through **legislation**, the latest measure being the introduction of The Crimes Legislation Amendment (Slavery, Slavery Like Conditions and People Trafficking) Bill 2012 to Federal Parliament in May 2012. ACRATH supports this proposed legislation and applauds the inclusion of offences such as forced and servile marriage and organ trafficking not covered by previous legislation.
- d) The research of the **Australian Institute of Criminology** Research has been beneficial for informing the Australian Government and NGOs about the issue within Australia and beyond. Research has not been limited to trafficking and exploitation in the sex industry but has also looked at other forms such as labour trafficking. Whilst many Australians are aware that human trafficking takes place in other countries, our experience is that they are shocked to find that it happens here in Australia. Those who have heard of human trafficking in Australia often confuse it with people smuggling or believe that it involves only women in the sex industry. This attitude is confirmed by a recent report issued (2011) by the Australian Institute of Criminology which notes that 18% of respondents indicated that they had no idea about the numbers of people trafficked into Australia each year; 61% confused trafficking in persons with people smuggling.

### 2) ACRATH wishes to affirm the following reforms and encourages the Australian government to take further steps:

- a) **The Support for Trafficked People Program**. This program, administered by the Office for Women within the Department of Families, Housing, Community Services and Indigenous Affairs, and now delivered by the Red Cross, represents a major improvement in support for trafficked people in Australia.

#### **Improvements we believe are needed:**

- 1) The program is only accessible to those victims identified by the AFP. ACRATH believes this **support should be offered to all people trafficked** into Australia as their **human right**, rather than because of their willingness and ability to participate in the criminal justice process.
- 2) The program is offered for 45 days with a further 45 days extension rarely being granted. 45 days does not give people traumatised to the degree experienced by victims of human trafficking adequate time to reflect and make a well-informed decision about their options. This is particularly so when we realise that many victims are not familiar with the legal process in Australia and do not have the language skills to improve their understanding even though they

have access to interpreters. ACRATH would like to see this initial **support period extended to 3 months** as is the case in other countries.

- 3) **Providing safe, secure accommodation** is part of Australia's obligation to provide protection for victims. To date, most victims of human trafficking have been identified in Sydney or Melbourne. The cost of rent in these cities is prohibitive, taking, in some cases, 65% of their Special Benefit. In such circumstances, the only way these people can provide for themselves is to return to prostitution to finance the basic needs to which they have a right.  
In NSW, legislation currently prevents access to Housing NSW products for any person not holding permanent residency status in Australia. This includes being excluded from Emergency Temporary Accommodation. The legislation disadvantages victims of human trafficking. Already the victims of abuse and trauma, they are unable to have their basic right to safe, secure housing provided.
- 4) Many victims of human trafficking do not have **English language skills**. They are therefore disadvantaged in many aspects of their life and in their rehabilitation process. ACRATH would like to see victims of human trafficking who wish to remain in Australia given access to the Australian Migrant Education Program (AMEP). As one of the Fact Sheets (94) from the National Curriculum Branch of the Department of Immigration and Citizens points out, these programs support the Government's social inclusion agenda through the provision of English courses for eligible migrants and humanitarian entrants lacking English skills.  
ACRATH believes that access to AMEP would enhance the rehabilitation process for victims by increasing their self-esteem, increasing their ability to communicate, and to understand their human rights and eventually to gain access to services, vocational training, and ultimately employment in a country that is very new to them. Under the current situation, some trafficked people already considered to be experiencing financial hardship have been asked to pay overseas student fees to enrol in English or vocational courses at TAFE.
- 5) A few years ago ACRATH successfully lobbied the Victorian government to ensure trafficked people could **access TAFE courses for re-training**. This access should be available in all Australian states.
- 6) **Personal Medical and Psycho-social Support**. ACRATH submits that it is of critical importance that survivors of people trafficking be provided with culturally sensitive personal and psychological support. In particular, survivors must understand their role in any prosecution and their rights. This will often require an interpreter to be available.
- 7) **Suppression of names** ACRATH submits that it is of the utmost importance that a consistent and comprehensive approach be taken to the suppression of witnesses' names and other potentially identifying information. ACRATH is aware of instances in which suppression of witness identities was not consistent in different stages of a single proceeding. Suppression of these details is obviously ineffectual if, for example, it occurs at the appeal stage, but not the trial or interlocutory stages of a prosecution.
- 8) **Appropriate Training of those conducting Interviews**. Those who conduct interviews with survivors of people trafficking must receive appropriate training so that they are sensitive to the needs of survivors, and are able to recognise signs that the process may be causing undue stress to the interviewee.
- 9) **Mental Health Care** ACRATH acknowledges that the evidence provided by survivors of people trafficking offences is crucial to the successful prosecution of offenders. However, ACRATH considers that where an interview conducted with a potential witness results in the development

or exacerbation of mental health conditions, the Australian Government must accept responsibility for the provision of welfare and mental health care until the person has recovered.

10) **Evaluation of Current Provisions.** ACRATH recommends an evaluation of current provisions for the Support for Trafficked People Program. This must seek input from trafficked people who are currently participating in the government support program, or have recently left that program. Obtaining this input is essential because the existing measures for protection of witnesses must be evaluated based on their practical effect as well as their content. ACRATH is aware of recent examples of witnesses in people trafficking prosecutions giving evidence in open court in full view of the accused, and in circumstances where the survivors remained extremely fearful and distressed.

b) **Visa framework reform** that provides protection for witnesses.

**Improvements we believe are needed:**

- 1) Offering to the holders of Witness Protection Trafficking visas the **same entitlements as are offered to Protection visa holders**. This would improve access to Social Security payments and remove the requirement that the Witness Protection Trafficking visa holders are subject to the 2 year waiting period; it would also reduce the length of time on the low paid Special Benefits.
- 2) **Extension of the reflection and recovery period** for a person on the support program from 45 to 90 days.
- 3) A visa entitlement to allow a person to stay in Australia **while pursuing a compensation claim**
- 4) **Reconsideration of the visa titles** for visas often accessed by trafficked people: Criminal Justice Stay Visa suggests the holder may be a criminal, and Witness Protection Trafficking Visa specifies the trafficked status of the holder. Renaming the visas is desirable to
  - a. avoid stigmatisation
  - b. ensure confidentiality and respect for the privacy and dignity of victims
  - c. avoid inhibiting victims' recovery, rehabilitation and employment opportunities.

c) **Community Awareness Raising** ACRATH is aware that there are a number of initiatives being undertaken by NGOs and Federal Government departments and commends them.

**Improvements we believe are needed:**

ACRATH believes there would be real benefit in bringing all these groups together with the aim of:

- I. ensuring an effective roll out of information to all sectors of the community
- II. preventing overlap and wasteful use of resources
- III. avoiding gaps in information and within sections of society.

d) **Funding for NGOs by the Commonwealth Government.** The Australian Government has recognised the role that NGOs play in supporting victims and raising awareness about human trafficking and has worked closely with those groups and has provided funding for their work in the field.

**Improvements we believe are needed:**

ACRATH encourages the Australian government to negotiate re-funding of NGOs one year ahead of the current funding contract's conclusion of June 2014. This is an important planning tool for NGOs and will help to ensure continuity of programs and personnel.

- e) **Reparation for the crime of trafficking.** ACRATH acknowledges that the Australian government has taken a number of significant steps in addressing this need for people trafficked into Australia to receive compensation for the crime committed against them. Several NGOs, including ACRATH, have worked together, with *pro bono* legal assistance, to make the most of the Victims of Crime Assistance currently available within state systems.

**Improvements we believe are needed:**

ACRATH believes, however, that there is much more that needs to be done. As a primary measure, ACRATH favours a nationally uniform, state-based scheme of compensation. ACRATH includes as Appendices to this submission two excerpts from earlier submissions on this topic to the Australian Government. These make clear our views on Reparation Orders and Victims of Crime Compensation Schemes.

- f) **Victorian input.** ACRATH in Victoria formed a group of young professionals, mostly within the legal profession, to examine the Victorian Government's Inquiry into People Trafficking for Sex Work of June 2012. This group has worked for several months preparing a response document to the incoming Victorian Government's response to the Inquiry report. Many of the issues raised are relevant to this federal inquiry so we are including the document in its entirety as Appendix 3.

# WAYS TO ENCOURAGE EFFECTIVE INTERNATIONAL ACTION TO ADDRESS ALL FORMS OF SLAVERY, SLAVERY-LIKE CONDITIONS AND PEOPLE TRAFFICKING

## A Slavery-free supply chains

1. ACRATH commends the Australian Government for making it an offence for any Australian individual or company to engage in any financial transaction involving a slave regardless of where it occurs in the world. However, as no effort is currently made to identify Australian companies importing goods that involve the use of slavery in their production, no Australian company has been prosecuted from being associated with slavery in the production of goods they have imported and sold. Australia is lagging behind a number of other developed consumer countries, most notably the U.S., in taking actions to encourage companies to ensure the goods they import and sell are free from slavery and trafficking.
2. ACRATH believes that in addressing the abuse of Human Rights through slavery, Governments need to act in solidarity. The need for such co-operation is enshrined in the UN Charter according to which member countries (including Australia) have agreed to engage in international co-operation to achieve the aims of the Charter which includes the realisation of human rights – Articles 1(3) and 56. One example of Australia combating a transnational criminal activity through legislation with extraterritorial reach is its commitment to the punishment of foreign bribery through criminalisation of corruption and international co-operation to counter this.

2.1 Belgian and French law also provide for corporate criminal responsibility and the extraterritorial jurisdiction of courts in prosecuting crimes. Further, in August 2002, Burmese citizens brought a judicial action before French courts against two high ranking directors of TotalFinaELF S.A.

3. ACRATH believes Australia has an obligation under International Law to act in these matters since it has ratified a number of international treaties relating to slavery including:
  - *1926 Convention to Suppress the Slave Trade and Slavery*
  - *1956 Supplementary Convention to the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery*
  - *International Covenant on Civil and Political Rights*
  - *UN Convention against Transnational Organised Crime*
  - *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the United Nations Convention against Transnational Crime*
  - *UN Convention on the Rights of the Child*
  - *ILO Convention No 29 on Forced or Compulsory Labour (174 ratifications)*
  - *ILO Convention No 105 on Abolition of Forced Labour (169 ratifications)*
  - *ILO Convention No 182 on Worst Forms of Child Labour (171 ratifications)*

In addition, Australia has voted for the UN Declaration of Human Rights adopted by the UN in December 1948. Article 4 of this Declaration proclaims:

*'no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.'*

4. Further Australia has ratified a number of international human rights treaties:
  - Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children of the United Nations Convention Against Organised Crime (known as the Palermo Protocol)
  - The UN Convention on the Rights of the Child (Article 35)
  - The UN Convention on the Elimination of All Forms of Discrimination Against Women (Article 6)

- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, child prostitution and child pornography;
  - ILO Convention No 182 on the Elimination of the Worst Forms of Child Labour
5. Australia is also a State Party to both the UN *Convention Against Corruption* (UNAC) and the UN *Convention Against Transnational Organised Crime* (UNTOC). Article 2 in each document claim that goods produced through the use of slavery and trafficked labour and any revenue generated from the sale of such goods are proceeds of crime.
  6. Under Article 6 of UNTOC and Article 23 of UNCAC, it could be argued that it should be an offence for an Australian company to accept or sell any good where it knows that the good's production has involved slave or trafficked labour.
  7. Article 12 of UNTOC and Article 31 of UNCAC justify the Aust. Govt. requiring companies to trace the origin of goods where there is a high likelihood of slave or trafficked labour involved in their production. Companies can also be asked to demonstrate that the imported goods are free from such labour.
  8. Article 18 of UNTOC requires State Parties to co-operate in matters of transnational crimes including tracing proceeds of crime.
  9. Article 27 of UNTOC and Article 48 of UNCAC require State Parties to co-operate across borders to trace proceeds of crime.
  10. Further, the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* requires States Parties to take action with regards to the proceeds of crime in such matters.

### **Specific recommendations:**

1. ***GOVERNMENT ENGAGEMENT AND DIRECT SUPPORT FOR CORPORATIONS*** The Federal Government could consider enacting, as USA has done (*Trafficking Victims Reauthorisation Act [2005]*), legislation requiring it to engage with companies, working with them towards the elimination of slavery and human trafficking in their supply chains.
2. ***GOVT SUPPORT THROUGH EXPORT CREDIT AGENCIES (ECAs)***
  - a. These agencies, mandated by the State, are commonly used to provide export credit insurance (ECI) &/or finance for local businesses. In Australia, The Commonwealth Government provides ECI for Australian businesses through the Export finance and Insurance Corporation (EFIC) – a self-funded statutory corporation and, as such, is wholly owned by the Commonwealth Govt.
  - b. The Commonwealth Government could require that projects failing to meet a required standard demonstrating that reasonable action has been taken to ensure that their supply chain is free from slave and trafficked labour are denied the services of EFIC.
3. ***CORPORATE CODES AND REPORTING***
  - a. Domestic & international voluntary CSR codes and reporting, as mechanisms, fail to deal with the risk of slave and trafficked labour having been used in a supply chain. Whilst ASX and Standards Australia together with Reputex, Indices and Directors Duties require that companies demonstrate social responsibility, there is no direct obligation that issues of human trafficking are to be considered. ACRATH recommends obligatory consideration of human trafficking in these codes used by companies.
  - b. The OECD Guidelines for Multinational Enterprises (2011) cover a wide range of business conduct, including human rights and employment and industrial relations. Observance of these Guidelines is, however, voluntary and not legally enforceable. ACRATH recommends the legally enforceable observance of these Guidelines
  - c. The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High-Risk Areas aims to help companies respect human rights and companies are encouraged to identify risks in the supply chain to human rights abuses and to implement a risk management strategy.

ACRATH believes that this Due Diligence Guidance could provide the basis for principles which could be included in mandatory requirements for companies to address slave and trafficked labour in the supply chain of goods imported into Australia.

#### 4. **MANDATORY CSR REPORTING**

One way of combating enforced labour in supply chains would be to require those industries where there is substantial risk of slave or trafficked labour being used to mandatorily report on the steps being taken to mitigate these human rights abuses. USA, France and Denmark have some mandatory reporting and included in the criteria are working conditions, trade and labour relations.

- d. ACRATH believes Mandatory Codes can be established under the *Competition and Consumer Act* in Australia. The Act allows for two types of industry codes: voluntary and mandatory. Prescribed mandatory codes of conduct are introduced by regulations pursuant to s.51AE of the CCA and are binding on all industry participants pursuant to s.51AD.
- e. Examples of current prescribed mandatory codes of conduct include:
  - o The Franchising Code of Conduct
  - o The Oil Code
  - o Therapeutic Goods Advertising Code 2006
  - o Medicines Australia Code of Conduct Edition 15
  - o The Horticulture Code
- f. The Government has stated that a code of conduct will be prescribed only when certain situations exist. One example given is as follows:  
If “The code would remedy an identified market failure or promote a social policy objective”  
ACRATH believes that the prescription of such a code would assist in removing slave labour or trafficked labour in the production of goods imported into Australia.

#### 5. **MANDATORY CODES OF CONDUCT**

Mandatory Codes could be established under the Competition and Consumer Act 2010 and the Corporate Code of Conduct Bill 2000. The code could prescribe either:

- o Mandatory industry codes
- o Voluntary industry codes.

An attempt in 2000 to introduce such a Bill received considerable support, but the Senate Committee recommended it not go forward. ACRATH believes a future attempt would need to narrow the scope of the Code specifically to target slavery and human trafficking which are accepted violations of international law.

#### 6. **PRODUCT LABELLING**

ACRATH feels that there are 2 key reasons to justify a *mandatory labelling scheme*:

- (i) To respond to ethical consumerism
- (ii) To address products at risk of involving trafficked and slave labour in their supply chain.

Such labelling could either:

- (i) Indicate that the product meets a specified level of certification that it is free from this type of labour
- (ii) Warn consumers that such labour may have been involved in the production of the item.

If this were mandatory, it would need to comply with elements of the *WTO Agreement on Technical Barriers to Trade* to ensure it restricts trade only to fulfil a legitimate objective. Labelling would, however, when enforced by government, be one way of pushing an industry to do more to eliminate such labour from its supply chain – particularly if “high risk’ products were mandated to use labelling.

## 7. **PRODUCT BANS & MANDATORY CERTIFICATION**

The strongest regulatory response to this violation of human rights would be to legislate a certification process in meeting certain criteria to enable these “high risk” goods to be sold in Australia. The US *Lacey Act* provides an example of a compulsory certification law.

Australia is part of the Kimberley Process banning the importation of conflict diamonds – a process which has played a key role in the reduction of conflict diamonds.

## 8. **EXCLUSION FROM GOVERNMENT PROCUREMENT**

Australia has ethical standards in place for procurement but there **is no specific standard addressing trafficked or slave labour in the production of goods.**

The principal Act governing procurement at Commonwealth level is the *Financial Management and Accountability Act*. Under s44, there are 2 key documents elaborating on requirements: Commonwealth Procurement Guidelines (CPG) & Financial Management Guidance on Complying with Policies of the Commonwealth in Procurement. (FMG).

## **CONCLUSION**

The options available to the Australian Government to take action to deal with slavery and human trafficking involved in the production of goods imported into Australia include:

- 1 **Conducting research and reporting publicly** on goods where there is a reasonable risk that such labour may have been involved in their production;
- 2 **Establishing a consultative committee** of various groups to advise government on actions needed to combat the use of such labour in goods imported to Australia;
- 3 **Introducing legislation** requiring government to engage with industries so as to create a standard set of practices that prevents the use of such labour in the production of imported goods;
- 4 **Denying the services of the *Export Finance and Insurance Corporation (EFC)*** to companies that haven't demonstrated undertaking reasonable action to ensure their supply chain is free from the use of such labour;
- 5 **Requiring companies** involved in the production of 'high risk' goods **to mandatorily report** on steps being taken to address this practice;
- 6 Introducing mandatory codes of conduct for companies that fail to take steps to reduce these abuses;
- 7 **Labelling of products** in one of two ways; certifying that they meet required standards in the matter of labour OR warning labels where there is deemed to be a significant risk that slavery and human trafficking have been involved in the production of the goods;
- 8 **Legislating mandatory certification schemes** for products where there is a significant risk that slavery and human trafficking have been involved in the production of the goods AND where the industry has failed to take reasonable action to address the abuse;
- 9 **Amending** the *Financial Management and Accountability Act 1997* and the *Commonwealth Procurement Guidelines* to require suppliers to provide guarantees that supply chains are free from slavery and human trafficking.

## B Sham, Forced & Servile Marriages

ACRATH believes this Inquiry includes in its ambit the need for protection and support for women in situations where they are especially vulnerable to exploitation, for example as 'mail order' brides or as women in email and internet schemes to introduce Australian men to women from developing countries. ACRATH is concerned for young women who find themselves in forced marriages. ACRATH is concerned for the vulnerability to abuse that can arise from relationships based on unequal power.

ACRATH has been concerned for a number of years about women coming to Australia and finding themselves trapped in slave-like sham marriages. Colleagues from refuges in Melbourne have told ACRATH stories of women, usually from poor families in developing countries, who have come to Australia expecting to enter into a marriage with an Australian citizen, but after they arrive, they find that there was no real marriage ever planned by the man. In some instances, the man planned to have the woman work in domestic service, in his business, or in one extreme case, to offer sexual services for money to the man's acquaintances. One refuge worker told ACRATH that in one instance the Melbourne man already had a wife, so the woman expecting a marriage was put in a bungalow in the back yard, was forced to work, had her passport taken, was told she may not leave the property, and was threatened with being reported to Immigration who would deport her. An ACRATH member has been told of a Filipina she knew who was required by her 'husband' to have sex with 4 or 5 of his friends. In this submission ACRATH will refer to these marriages as sham marriages.

ACRATH has been concerned for these women because of their extreme vulnerability. They are usually escaping poverty and have responsibilities to earn money for their families in their home countries. They often don't speak English. They are frightened of being reported to the authorities. They are isolated in a foreign city with no friends and with no ability to access help.

ACRATH asked our refuge worker colleagues to explore the incidence of women coming to their refuges in these or similar circumstances. The refuge workers at a refuge network meeting were asked how many refuges had women in their refuge who had arrived recently in Australia; about 50% of the refuges present said they did. This initial investigation suggests the need for further research. It raises alarm bells for ACRATH because refuges may not be covered by their government funding to offer support to women in these circumstances. This lack of funding also needs further research.

One refuge manager colleague wrote that the work preparing for a submission *'raises a hidden issue, hidden perhaps because abuse in marriage is still seen as private, in spite of its criminality.'* She wrote in early 2011 that one Domestic Violence (DV) service

*'has seen a number of women over the years who have come to a refuge after being held against their will in a marriage or de-facto marriage. Some of these women do not know their rights, have not been to English classes, are forbidden to contact, or complain to family overseas, have not had medical supports and are kept at 'home', imprisoned in the house for sex or housework or both (including supporting the partner or spouse's elderly parents who also, in some cases, add their abuse.) Sometimes women are locked into the house or a room with telephone removed or sometimes are imprisoned by 'fear' without locks.*

*The refuge system has many women using supports who are new migrants and have no income. Not all of these relationships are for financial gain by the partner/spouse but many are. Many of these women's families have paid the fare to Australia in the belief that the woman can have security and in the hope that the relationship will grow to being supportive, if not loving.*

*In supporting these women we hear stories of men who have had multiple 'wives' who come into the DV service system eventually, at different times or occasionally simultaneously. (5 or more in spite of immigration restrictions)*

*These women are a financial asset to these men, sometimes with sex added – that is the sole purpose of the transaction. Some women know this prior to the agreement but do not expect they will be injured or kept prisoner.*

*Additionally, in the past, these women also fell short of being protected under family violence and immigration supports – when it was disclosed that the partner had no intention of an intimate ‘marriage’ relationship. In one instance the issue of the marriage not being ‘consummated’ was used as a piece of evidence to see her returned to her country.*

*This abuse of women (and sometimes children) is ...I believe ... an issue to be addressed within the definition of trafficking.’*

ACRATH is keen to see government and civil society work together to prevent these marriages from taking place as well as supporting women survivors of such marriages to begin to heal and to commence a new life.

### **Specific recommendations:**

#### **1. NEED FOR RESEARCH**

We believe that there is a clear need for evidence-based research in which researchers seek input from:

- a. Survivors of sham marriages
- b. NGOs, especially those working in the family violence sector, and those working in CALD communities
- c. People working in organizations tackling human trafficking
- d. People associated with the already existing forced and servile marriage court cases.

#### **2. NEED FOR AN EFFECTIVE HOTLINE**

We believe that a woman finding herself in a sham, forced or servile marriage needs access to a telephone hotline. ACRATH asks that the provision of such a service be explored with already existing family violence and Lifeline services. ACRATH does not want to see the provision of a ‘half-hearted’ inadequate service which requires the woman seeking emergency help to follow a series of complicated prompts to find the service she NEEDS. An inadequate hotline is a breach of trust with, and deterrent for, a woman who believes she has a phone number to a hotline that will lead to a resolution of her current difficulties.

#### **3. PREVENTION OF SHAM MARRIAGES**

We believe that prevention of these marriages should be our first focus, and we therefore recommend to this Inquiry the following measures:

- a. Community education within the broader Australian community. ACRATH is currently working on a community education project in which we tackle societal attitudes of patriarchy and exploitation. ACRATH commends this approach to this Inquiry; ACRATH further recommends attaching a community education program to prevent sham, servile and forced marriages to already existing Human Rights and ‘No to Violence Against Women’ community education programs. ACRATH further recommends exploring embedding these threads into the Australian national curriculum. We

refer to the National Plan to Reduce Violence Against Women and their Children 2010-2022 endorsed by the Attorney General and the Minister for the Status of Women on 15<sup>th</sup> February 2011.

- b. ACRATH understands that before a woman can enter Australia for marriage, she is interviewed alone by a Department of Immigration official and in some cases assisted by a Department of Immigration interpreter. ACRATH believes this presents a crucial opportunity for supporting women facing marriage in Australia. ACRATH therefore makes three recommendations:
  - i. That a credit card-sized concertina brochure be developed to convey to a woman her rights in marriage according to Australian law and relevant phone numbers should her situation mean she needs to seek assistance. The small size of the brochure has been recommended to ACRATH as something a woman can conceal and keep private. Our colleagues in Brazil have successfully lobbied their government to ensure Brazilian women receive a credit card-sized brochure from the Department of Immigration at the time of their departure.
  - ii. That such a brochure be given to women at their **private** pre-marriage interview with a Department of Immigration official.
  - iii. That the Department of Immigration officials responsible for conducting these interviews are women and that they receive training about their role in preventing sham, forced and servile marriages.
- c. ACRATH believes a further opportunity for preventing sham, servile and forced marriages occurs during marriage preparation between marriage celebrants with women and men planning their marriage. ACRATH therefore recommends material on this issue be included in pre-service and in-service training for all marriage celebrants, both civil celebrants and ministers of religion. ACRATH further recommends encouragement that marriage celebrants conduct separate interviews with women and men preparing for marriage, and that the small credit-card sized brochure mentioned above, be distributed by all celebrants.

## **C Anti trafficking Overseas Development Assistance**

### **1. 0.5% of GNI**

ACRATH asks the Australian Government to ensure our Overseas Development Assistance (ODA) reaches 0.5% of our Gross National Income by 2015 and 0.7% by 2020.

ACRATH is particularly concerned that in the last federal budget, Australia has fallen behind its commitment to meet its ODA target and has deferred by one year its achievement of the target to reach 0.5% to 2016-17. Australia's aid budget is now 0.35% of GNI. The impact of the government's one year delay to the Aid Budget increase means fewer people will have access to clean water, sanitation, education and health care. ACRATH is most concerned about the impact on women and girls.

### **2. Millennium Development Goal 8**

calls on developed nations to work in partnership with developing nations to meet the MDGs. It asks all nations to commit to allocating 0.7% of their gross National Income (GNI) to overseas development assistance, which works out to be 70 cents out of every \$100.

### **3. In this submission, ACRATH wants to make the link between effective ODA and the elimination of human trafficking.**

We know from our work in Australia and from our partner organisations in the Asia Pacific region, that the vulnerability to trafficking for poor women can be in part addressed by achieving the MDGs. We therefore encourage the Independent Review of Aid Effectiveness to recommend

Australia's energetic co-operation to achieve the MDG targets fully and on time. We further encourage the Independent Review to recommend Australia continue its leadership role at the UN by following through on their commitments.

**4. ACRATH further wants to make the link between the elimination of human trafficking and the facilitation of women's empowerment in poor communities.**

We know from our work in Australia and from our partner organisations in the Asia Pacific region that small amounts of microfinance targeted to empowering women and facilitating their agency to help themselves can make major change in their lives. We therefore encourage the Independent Review of Aid Effectiveness to recommend the funding of microfinance projects and institutions, such as the Grameen Bank.

**5. ACRATH wants to raise the issue of small community organisations in the Asia Pacific region who have worked in partnership with us and who struggle to maintain their anti trafficking support for victims and advocacy because of a lack of funding.**

These organisations often carry out remarkable programs with victims of trafficking, including rescues, as well as ongoing emotional and financial support for victims as they recover from their trafficking ordeal; these organisations often also bravely raise their advocacy voice to try to shut down the systems that facilitate human trafficking. This latter activity can be physically dangerous, and can also mean that funding sources dry up. We therefore encourage the Independent Review of Aid Effectiveness to recommend the expansion of the Human Rights grants scheme in each Embassy so that they can facilitate the strengthening of existing Australia - Asia Pacific NGO partnerships in anti human trafficking work.

## **D Ratification of convention on the protection of the rights of all migrant workers and members of their families**

ACRATH urges the Ratification as soon as possible of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, and *International Labour Organisation Convention No. 189 (2011) concerning Decent Work for Domestic Workers*. The exposure draft of the Australian National Human Rights Plan 2012 item 50 says "The Australian Government will work with the ILO to protect migrants from labour exploitation in the South-East Asian region".

## **In Conclusion**

ACRATH commends the Government's efforts to prevent people trafficking and slavery and to protect the rights of the victims of such crimes. We encourage the Government to continue considering these issues within the paradigm of human rights, and continue to engage with key stakeholders including NGOs and community groups to develop effective legislative and non-legislative measures to tackle these issues.

Thank you for considering our recommendations.

ACRATH  
2012.

Dated: September 12,

## Appendix 1 Reparation orders

ACRATH re-submits this material of July 2012 from its submission to the Senate Inquiry on the *Crimes Legislation Amendments (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012*

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### 1.1 Introduction

As discussed at length in ACRATH's submission (the **Submission**) on 'The Criminal Justice Response to Slavery and People Trafficking; Reparation; and Vulnerable Witness Protections' Discussion Paper (the **Discussion Paper**), we consider that the current drafting of section 21B of the *Crimes Act 1914* (Cth) (**Crimes Act**) does not adequately provide for reparation orders to be made for the benefit of victims of people trafficking and slavery offences. One of the objectives of the Bill is to increase the availability of reparation to these victims. However, it is ACRATH's view that the Bill has not adequately addressed this deficiency.

### 1.2 Limitations of section 21B reparation orders

In the Submission, ACRATH detailed the various factors which we consider to limit the utility of reparation orders in circumstances of people trafficking and slavery, including:

- (i) the possibility that not all victims will come to the attention of a judge with the power to grant a reparation order;
- (ii) the requirement for a conviction to be made before a reparation order may be made and the intrinsic challenges in securing such a conviction;
- (iii) the fact that a reparation order is effectively a civil judgment which requires enforcement by the victim against the perpetrator and the resultant detriment this may have on the victim's recovery;
- (iv) the potential inequity caused by the discretionary nature of reparation orders, which may result in the order made not being proportionate to the harm suffered;
- (v) the lack of procedures which require courts to consider whether any person may be entitled to a reparation order and to invite such person to make an application for an order under section 21B;
- (vi) the fact that the terms of section 21B are limited to loss suffered by victims as a *direct* result of the commission of an offence; and
- (vii) the fact that section 21B does not specifically provide for reparation orders to be made in respect of non-economic loss (such as pain and suffering, loss of amenities or loss of expectation of life), which is a type of loss frequently suffered by victims of trafficking and slavery.

We believe the fact that there are no documented cases of reparation orders being made to survivors of people trafficking is testament to the existence of the above issues and the need for significant reform in this area.

### 1.3 The proposed amendment to section 21B of the *Crimes Act*

The proposed amendment to section 21B addresses item (vi) above by eliminating the discrepancy between reparation orders made in favour of Commonwealth authorities and those made in favour of individual victims, thus allowing individual victims to be awarded reparations for any loss suffered or any expense incurred by reason of the offence committed against them. ACRATH supports this amendment.

It was acknowledged by the Government in the Discussion Paper that non-economic losses are likely to result from offences such as people trafficking and that section 21B does not specifically

refer to non-economic losses. However, the Discussion Paper infers that there is no need for section 21B to do so as the inclusion of non-economic loss is implied by other provisions in the Crimes Act. ACRATH believes it is not appropriate for this to be left as a matter of statutory interpretation and, for the avoidance of doubt, it would be preferable for the terms of section 21B to allow for reparation orders to be made to individuals in respect of both economic and non-economic loss.

#### **1.4 Victims of crime assistance schemes**

As discussed in the Submission, ACRATH submits that while reparation orders are appropriate in some circumstances, given their limited usefulness in the context of slavery and people trafficking victims (as detailed above), they must be considered as one element in a suite of reparation options. In particular, ACRATH considers victims of crime assistance schemes to be a more appropriate and more accessible means to providing redress to victims of people trafficking and slavery.

However, as detailed in the Submission, ACRATH also considers there to be limitations in the state assistance schemes in the context of the federal people trafficking offences and sees a need for the harmonisation of these state schemes. ACRATH would also like the Government to consider the possibility of explicitly recognising people trafficking and slavery related offences in the victims of crime assistance schemes.

ACRATH looks forward to further consultation with the Government in relation to this issue.

## Appendix 2 - Victims of crime compensation schemes

ACRATH re-submits this detailed material on compensation for trafficked people from an earlier submission, *The Criminal Justice Response to Slavery and People Trafficking; Reparation; and Vulnerable Witness Protections*.

ACRATH suggests that state-based victims of crime compensation schemes, are a more accessible means, in most cases, to providing redress to survivors of people trafficking.

**4.1** The primary benefits of compensation schemes arise out of their being State-funded and not requiring any ongoing involvement by the affected survivor with the trafficker. Survivors of people trafficking often live in fear of violent repercussions from traffickers, and are deeply traumatised by their experiences. Compensation schemes are attractive because ordinarily applicants are not required to 'confront' or claim directly from a trafficker. In addition, having applications dealt with 'on the papers' can relieve applicants of some of the hardship associated with reliving their ordeals.

**4.2** However, despite the benefits of statutory compensation schemes over other avenues, there remain significant challenges for survivors of people trafficking to seek and obtain compensation. In large part, these difficulties arise because the state-based schemes have not been conceived by reference to some of the peculiar circumstances arising in the case of survivors of people trafficking and do not offer a user-friendly, transparent and predictable outcome.

**4.3** Applications for compensation by survivors of people trafficking are somewhat unique for the following reasons:

- The exploitation commonly occurs over a long period of time. The existing compensation schemes are better adapted to providing redress for discrete 'acts of violence'.
- The exploitation often takes place over a substantial geographical range. Some relevant conduct frequently occurs outside Australia, or otherwise within more than one Australian jurisdiction.
- The exploitation frequently involves many different persons, including 'recruiters' in the country of origin and 'purchasers' in Australia, and intermediaries.
- Those exploited are often quite deliberately engendered with a deep-seated fear of authorities, and are subject to implicit and explicit threats to their safety and to the safety of their families. Some emanate from countries where authorities are susceptible to corruption and brutality.

**4.4** These difficulties are exacerbated by the fact that the crimes most relevant to survivors of people trafficking are found in Commonwealth legislation. Commonwealth criminal law was, until recently, 'victim-less'. ACRATH notes that the recently enacted criminal offence provisions relating to internet pornography and overseas sex tourism also have clearly identifiable victims.

**4.5** Perhaps due to the traditional character of Commonwealth crimes, there is no Commonwealth compensation scheme. Rather, each state and territory has its own compensation scheme, which was designed to provide redress to victims of conduct criminalised by the laws of each particular jurisdiction. Applications are determined according to the scheme in place in the jurisdiction where a given applicant was a victim of a crime. ACRATH submits that this introduces a measure of arbitrariness. Commonly, trafficked persons will have no control over their ultimate destination within Australia.

**4.6** There are significant differences between the schemes. By way of example, ACRATH highlights the following differences between the New South Wales and Victorian schemes.

**4.6.1** The New South Wales scheme permits compensation for psychological or psychiatric injury only in circumstances where the victim is suffering from a:

- 'chronic psychological or psychiatric disorder that is moderately disabling', where the applicant was a victim of armed robbery, abduction or kidnapping; or
- 'chronic psychological or psychiatric disorder that is severely disabling'.

Under the Victorian scheme, compensation is available for:

- 'mental illness or disorder or an exacerbation of a mental illness or disorder'; or
- 'any grief, distress, trauma or injury' (under the head of 'special financial assistance').

**4.6.2** It would appear, therefore, that the Victorian scheme more readily grants compensation for mental harm. Under the New South Wales scheme, with respect to a victim of a crime other than armed robbery, abduction or kidnapping, it must be shown that mental harm is 'severely disabling', whereas under the Victorian scheme it is sufficient to demonstrate *some* mental harm (or some exacerbation of pre-existing mental harm), or otherwise 'any grief, distress, trauma or injury'.

**4.6.3** A further point of difference is that the Victorian scheme largely restricts compensation to amounts directly referable to expenses incurred or to be incurred by the survivor in recovering from the relevant crimes. This can be difficult to quantify and estimate. Funds are only available 'at large' under the 'special financial assistance' head, which is capped at \$10,000. Under the New South Wales scheme, victims are able to access more significant amounts of compensation without needing to itemise expenses connected with their recovery. For example, up to \$50,000 can be obtained for a pattern of unlawful sexual intercourse.

**4.6.4** In addition, the New South Wales scheme contemplates the recovery by the state from offenders of sums paid to victims, whereas the Victorian scheme does not. As noted above, survivors of people trafficking are often fearful of violence from traffickers both in Australia and in their country of origin. The possibility of funds being reclaimed from traffickers may make survivors reluctant to apply for compensation.

**4.6.5** One matter that the schemes do have in common is that they are not well adapted to providing certainty of redress for Commonwealth crimes. In particular, the mechanics of the schemes are designed to pick up salient features of state- and territory-based crimes.

**4.6.7** ACRATH notes and commends the recent efforts made to overhaul and simplify regulation in the sphere of fair trading and consumer protection, with the Australian Consumer Law replacing some 20 Commonwealth, state and territory acts. ACRATH further notes that, as part of the reform, a public consultation process was conducted, with the aim of ensuring reform would be 'based on best practice in existing state and territory consumer laws'.

**4.6.8** ACRATH urges the Government to consider harmonising the current state compensation schemes. As part of the harmonisation, ACRATH suggests that a consultation process be undertaken to ensure that the best elements of the various schemes are combined, and that the harmonised scheme is otherwise suitable to address the needs of survivors of Commonwealth crimes, including survivors of people trafficking.

Additionally, a harmonised scheme will facilitate closer cooperation and efficient collaboration between community legal centres, victim support services, and other stakeholders, within and outside Australia.

### **Survivors of child sex tourism**

ACRATH wishes to note ... that survivors of child sex tourism also suffer significant non-economic loss. ACRATH is aware of reports in 2010 of survivors of child sex tourism being returned to their home country, Cambodia, without the necessary financial support to enable them to begin to heal and start to reintegrate into society. ACRATH submits that as the Australian government's response to people trafficking is intended to address the full cycle of trafficking from recruitment to reintegration, survivors of child sex tourism must be given appropriate financial and personal support to assist them in healing and in the reintegration process

## Appendix 3 – ACRATH’s written reply to the Victorian Government response to the June 2010 report of the Inquiry into People Trafficking for Sex Work

Australian Catholic Religious Against Trafficking in Humans (ACRATH) is committed to working towards the elimination of human trafficking. ACRATH is endorsed by Catholic Religious Australia and is the peak body for more than 180 religious congregations in Australia.

ACRATH aims to:

- Raise awareness of human trafficking, its causes and scope for local action;
- Undertake work to ensure the needs of people who have experienced trafficking are met; and
- Collaborate with like-minded organisations in Australia, the Asia Pacific region and internationally to advocate for measures to address trafficking.

ACRATH refers to the Victorian Inquiry into People Trafficking for Sex Work’ dated June 2010 (‘the Inquiry’) and welcomes the Victorian Government’s Response to this Inquiry dated December 2011 (‘the Victorian Government’s Response’).

The community sector believes that trafficking is a very real problem in Victoria, with a significant number of trafficked women in Victorian brothels today.

ACRATH acknowledges the Victorian Government’s establishment of the Victoria Sex Industry Strategic Management Group and the Sex Industry Co-ordinating Unit (‘SICU’) in 2012.

It is ACRATH’s belief, however, that much more could be done by the Victorian Government in response to the Inquiry. ACRATH sees no reason why Victoria could not be leading the way nationally in addressing the scourge of sex trafficking.

In short, ACRATH believes that in order to eradicate the crime of sex trafficking in Victoria:

- public awareness needs to be significantly increased;
- enforcement of regulations needs to be regular, consistent and transparent;
- the sources of sex trafficking also need to be targeted; and
- most importantly, victims of trafficking need to be adequately supported.

ACRATH’s response to particular issues in the Victorian Government’s Response is as follows:

### **A. Education, Training and Awareness**

ACRATH believes that one of the most pressing issues is that the general public are simply unaware that sex trafficking exists in Victoria.

ACRATH believes that there is far more the Victorian Government can do to raise awareness of this problem beyond a campaign (Recommendation 12), a general website on sex work (Recommendation 13), and awareness notices targeting sex services (Recommendation 14).

ACRATH is unaware of any Victorian Government funded awareness campaigns in the media and social media involving any aspect of human trafficking.

ACRATH recommends that:

1. The Victorian Government establish a **public awareness campaign** that aims to inform the public about identifying and reporting sex trafficking. If this is seen to be a Federal responsibility, then we ask that Victoria take this request to COAG.

Any such campaign would be more effective if the Government works with and supports NGOs, such as, Project Respect, the Red Cross, the Salvation Army, ACRATH and other organisations , which together have a wealth of existing knowledge and experience of trafficking processes, causes and demand.

NGOs would welcome the opportunity to liaise with the Government about this.

Such a campaign, we suggest, should include the implementation of a multi-lingual information and reporting hotline, a poster campaign in public toilets, airports and other public areas including public service offices. We also suggest the Government publish information about successful prosecutions of instances of trafficking.

We also urge the Government to include information raising sex trafficking awareness in newspapers containing adult services sections. Again, if this is regarded as a Federal responsibility we ask that it become a COAG agenda item.

2. The Victorian Government establish a **website** specifically dealing with the issue of trafficked women in the sex industry. Information on this website would need to include an explanation of the physical, emotional and psychological damage typically suffered by victims of trafficking. It should also include information about how to detect the tell tale signs of trafficked women, and whom to contact in this event of suspected cases. Details about the SICU could also be included.

Should the Government elect not to establish its own website, it should note that many NGO's have websites with educational material that can be endorsed by the Government and referred to in its advertising. Would the government be prepared to call a roundtable in Victoria for exploration and sharing of websites?

3. The Government's Response recommends that the Government provide **voluntary training** to various people about trafficked sex workers. Further, it recommends training for a limited number of groups being public servants likely to be involved with dealing with trafficking related enforcement issues, and for those caring for trafficked people (Recommendations 15-18)

ACRATH however recommends that sex trafficking training be made **compulsory** for these groups identified, as well as, for example, taxi drivers, hotel workers, flight attendants, and customs officers.

Compulsory training has proven beneficial in other countries such as the USA and the UK with those who are most likely to come into contact with trafficked women.

Training should ensure that professionals who come into contact with trafficked people understand the government's protocols for referral to the AFP.

ACRATH has formally agreed not to discuss prostitution. However, we would like to see Government education programs also focus on behavioural change to reduce the demand for prostitution. All campaigns need to discourage the demand for sexual exploitation, the commodification of women, and positively promote gender equality.

Campaigns should be implemented in the school curriculum and the wider community. They should focus on educating and influencing potential purchasers of sex, discourage demand for sexual exploitation, promote gender equality and address public misconception of the difference between smuggling and trafficking.

Training must be extended to secondary school teachers who have the opportunity and ability to influence the views, behaviour and self esteem of young adults.

It is noted that ACRATH and Project Respect have each already developed such training programs aimed at reducing demand.

## **B. Law and Criminal Justice issues**

Appropriate deterrence conveys the important message to the public and perpetrators of sex trafficking that it is an offence taken seriously by the Victorian Government.

Many worthwhile recommendations have been made in the Inquiry relating to criminalising the offence of trafficking (Recommendation 6), giving a higher priority to the issue (Recommendation 8), appropriate financial and operational deterrents (Recommendation 5 and 7), and improving ease of enforcement and agency collaboration (Recommendations 9-11).

ACRATH believes that enforcement and deterrence can be increased as follows:

1. We ask that assistance and support to victims of trafficking be provided regardless of whether, or to what degree, the victim contributes to police investigations. If this is a Federal Government domain, we ask the Victorian government for support for this issue.
2. We acknowledge the fact that the AFP has established a **telephone hotline** for sex workers, and for clients or potential clients of trafficked sex workers to anonymously report their suspicions of trafficked women. We would like to see this telephone number prominently listed on all websites associated with the sex work industry, and appear in all publicity campaigns. It is noted that 13% of trafficked people were identified by community members.<sup>1</sup> We believe that this statistic would be increased if it were easier to report suspected cases.
3. Compliance checks in brothels need to ensure that the **signs in appropriate foreign languages** be adequately displayed; and these languages need to be regularly updated, as supply countries change over time. Routine compliance checks of these signs is critical. As it is well known that victims of sex trafficking are highly suspicious of engaging with police, we suggest that signage includes contact details of NGOs such as Project Respect.
4. We recommend that licences and brothel planning permits be **permanently cancelled** where crimes of trafficking have been committed. We recommend that an offender be banned permanently from obtaining a licence after his/her first offence.
5. ACRATH recommends that it become mandatory for an **independent observer and/or social worker** to accompany police to brothels. We also recommend that such a person also be present during police questionings to ensure the victim feels safe and is supported. We strongly recommend that interpreters (even if only accessible by telephone) be present during police visits to brothels.
6. Collaboration between the police, the NGOs, SICU and the Australian Federal Police has been established, and we strongly recommend that these relationships actively continue to be strengthened and developed in any way that is advantageous to the victims.
7. Intentionally, knowingly or recklessly obtaining sexual services from trafficked victims should be made a separate offence under the *Crimes Act 1958* (Vic). Those who organise and profit from the industry should also be punished. ACRATH considers that such a measure could reduce the

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<sup>1</sup> UN Report of the Special Rapporteur on Trafficking in persons especially women and children, Joy Ngozi Ezilio dated 18 May 2012, paragraph 42

demand for trafficked women. Such a law has already been enacted and implemented in Sweden and is bringing about positive results.<sup>2</sup>

8. Where it is proven that brothel owners (and other offenders) intentionally, knowingly or recklessly recruit or allow trafficked women to work in their premises, the proceeds of their crime should be directed towards the rehabilitation of victims.

### **C. Victim Support and Support Services**

The Inquiry recommends exploring existing strategies in relation to how each of Red Cross, Project Respect, Salvation Army, ACRATH and other NGO's support victims of trafficking; as well as co-ordinating these services.

This is endorsed by ACRATH. In addition ACRATH recommends that:

1. NGOs be provided with increased funding to better support trafficked women. For example, the Government discontinued its grant to Project Respect. This grant was used to pay a social worker to assist women who were released from trafficking situations. It is requested that this grant be reinstated immediately.
2. Free English classes and TAFE courses be provided by the Victorian Government for victims of trafficking.
3. A State Government strategy be developed to provide safe, secure, affordable and ongoing accommodation to rescued victims of trafficking, particularly for those who are unable to access such assistance when they elect not to assist in police prosecutions. The current provision for housing is inadequate.
4. The Victorian Government petition the Federal Government to support **all** victims of sex trafficking, not just victims of trafficking who have elected to assist in prosecutions. Currently Commonwealth support for victims expires after 45 days unless the victim becomes a crown witness.
5. Victims of sex trafficking applying for victims of crime compensation in Victoria should be entitled to the same amount of compensation as those in other States. This could be achieved by the Standing Committee of Attorneys General ('SCAG') seeking to establish uniform compensation for sex trafficked victims under a Commonwealth law. Alternatively, the Victorian judiciary does have a policy to make multiple awards of special financial assistance. However, it seems that legal teams are not aware of it. Can the Government attend to correcting this lacunae?
6. If some of these issues are Federal, we ask for support from this government in achieving them at the Federal level.

### **D. Co-ordination and Service Delivery**

ACRATH congratulates the Government on the newly establishment of the Sex Trafficking Co-ordinated Unit. Having met with Senior Sergeant Marilyn Ross we are convinced that the establishment of their unit will bring an alleviation of sex trafficking in Victoria. We have been assured that:-

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<sup>2</sup> Refer to: -

[http://www.hks.harvard.edu/cchrp/isht/study\\_group/2010/pdf/GunillaEkbergTheSwedishLaw.pdf](http://www.hks.harvard.edu/cchrp/isht/study_group/2010/pdf/GunillaEkbergTheSwedishLaw.pdf)

1. The welfare of vulnerable persons in the sex industry is their priority.
2. The aftercare care of the victim is paramount to the unit, which works within the framework of the Victorian Charter.
3. They value information sharing, not only with the AFP and Consumer Affairs but also with NGO's.
4. Two of its members have been specifically trained in Human Trafficking and work regularly with the AFP Human Trafficking Team.
5. SICU focuses on both legal and illegal brothels, which includes massage parlours ad strip clubs.
6. We ask which government department is responsible for monitoring forums and websites that reveal signs of trafficking. These sites include punterplanet.com and melbournebrothelsreview.com.au?