

Australia



Population: 21,262,641
Population Growth Rate: 1.195%
Birth Rate: 12.47 births/1,000 population
Life Expectancy: *total population:* 81.63 years; *male:* 79.25 years; *female:* 84.14 years (2008 est.)
Literacy Rate: *total population:* 99%; *male:* 99%; *female:* 99% (2003 est.)
Net Migration Rate: 6.23 migrant(s)/1,000 population
Unemployment Rate: 5.7%
Gross Domestic Product per Capita: \$38,500
Religions: Catholic 25.8%, Anglican 18.7%, Uniting Church 5.7%, Presbyterian and Reformed 3%, Eastern Orthodox 2.7%, other Christian 7.9%, Buddhist 2.1%, Muslim 1.7%, other 2.4%, unspecified 11.3%, none 18.7% (2006 Census)
Languages: English 78.5%, Chinese 2.5%, Italian 1.6%, Greek 1.3%, Arabic 1.2%, Vietnamese 1%, other 8.2%, unspecified 5.7% (2006 Census)
Ethnic Groups: White 92%, Asian 7%, Aboriginal and other 1%
Capital: Canberra¹

Trafficking Routes

Australia is a destination country for trafficking in women and children for commercial sexual exploitation. Most of the women trafficked into Australia are recruited from Southeast Asian countries for exploitation in the sex industry,² mainly from Cambodia, southwest China, Lao People's Democratic Republic, Burma, Thailand, Vietnam³ and India.⁴

¹ CIA, THE WORLD FACTBOOK (2009), <https://www.cia.gov/library/publications/the-world-factbook/geos/as.html>.

² JANET PHILLIPS, PARLIAMENT OF AUSTRALIA-PARLIAMENTARY LIBRARY, PEOPLE TRAFFICKING: AN UPDATE ON AUSTRALIA'S RESPONSE (2008), available at: <http://www.une.edu.au/asiacentre/PDF/No19.pdf>.

³ *People Trafficking and Child Exploitation: Australia's Aid Program Response*, AusAID, April 2007, available at: <http://www.usaid.gov/country/peopletraffick.cfm>

⁴ *Australia Concerned at Trafficking in Indian Children*, THAINDIAN NEWS, Aug. 23, 2008, http://www.thaindian.com/newsportal/uncategorized/australia-concerned-at-trafficking-in-indian-children_10087539.html.

Factors That Contribute to the Trafficking Infrastructure

People from developing countries often find themselves with no options other than to seek jobs in developed countries that have a demand for unskilled labor. With few legal avenues for migration available, many individuals become vulnerable to traffickers for both forced labor and sexual exploitation.⁵

In Australia, the vast majority of reported cases have involved women who have been trafficked into the sex industry. Project Respect, an Australian nongovernmental organization, believes the demand for trafficked women is driven by multiple factors, such as a lack of women in Australia willing to participate in prostitution, the demand for compliant women who can be treated violently, and racist ideas that Asian women have certain desirable qualities.⁶

Lack of education and abuse of alcohol and other substances have led to an increase of Northern Territory Aboriginal children in the informal sex trade. A government study found that girls between the ages of 12 and 15, received alcohol, money, and other goods in exchange for sex with local mine workers.⁷

Forms of Trafficking

At least 1,000 women are trafficked to Australia every year to engage in forced prostitution, according to an estimate based on approximately 300 interviews with trafficking victims conducted by Project Respect.⁸

Children are often kidnapped from countries like India and adopted by Australian parents. At least 120 children from southern India were abducted from slums and sold for as little as \$280 to Malaysian Social Services, an adoption agency based in Chennai, before being sent overseas, including to Australia.⁹

Government Responses

The federal government takes a strong leadership role on the issue of human trafficking. The government is committed to an open and transparent partnership with NGOs and industry bodies that work on human trafficking concerns. The Minister for Home Affairs has established the National Roundtable on People Trafficking, which ensures that government remains responsive to emerging trafficking trends. The Attorney General's Department chairs an Interdepartmental Committee, comprised of several

⁵ Phillips *supra* at 2.

⁶ Project Respect, Why Australia?, http://projectrespect.org.au/our_work/trafficking/why_australia.

⁷ NORTHERN TERRITORY GOVERNMENT AUSTRALIA, INQUIRY INTO THE PROTECTION OF ABORIGINAL CHILDREN FROM SEXUAL ABUSE (2007), *available at*: <http://www.inquirysaac.nt.gov.au/>.

⁸ *How Are Women Trafficked?*, PROJECT RESPECT, *available at*: http://projectrespect.org.au/our_work/trafficking/why_trafficking

⁹ Thaindian News *supra* at 4.

government agencies, which is responsible for coordinating the government's efforts to combat people trafficking.¹⁰

The Criminal Code Amendment, the Slavery and Sexual Servitude Act of 1999¹¹ prohibits slavery¹² and slave trading.¹³ The act also criminalizes sexual servitude¹⁴ and punishes anyone “who conducts any business that involves the sexual servitude of other persons and who knows about, or is reckless as to, that sexual servitude.”¹⁵ The penalty for these crimes is imprisonment for 15 years.¹⁶ An enhanced penalty of imprisonment for 19 years applies when a victim is less than 18 years of age.¹⁷ In addition, the act punishes deceptive recruiting for sexual services¹⁸ by imprisonment for seven years,¹⁹ which is increased to nine years if a person recruited is below 18 years of age.²⁰ Under this act, a slavery offense can be prosecuted irrespective of whether it occurs inside or outside Australia.²¹

The Crimes (Child Sex Tourism) Amendment Act of 1994²² prohibits an Australian from engaging in sexual activities with children younger than 16 years of age while overseas²³ with a punishment of imprisonment for 17 years.²⁴

The states and territories have their own laws addressing prostitution and related activities. For example, the Criminal Code of Queensland prohibits procuring a young person for carnal knowledge,²⁵ procuring sexual acts by coercion,²⁶ permitting abuse of children on premises,²⁷ procuring prostitution,²⁸ knowingly participating in provision of

¹⁰ Australian Government- Attorney-General's Office, People Trafficking, http://www.ag.gov.au/www/agd/agd.nsf/Page/People_Trafficking.

¹¹ Law No. 104 of 1999 (Australia).

¹² *Id.* art. 270.3(1) (...include possessing a slave or exercising over a slave any of the other powers attaching to the right of ownership, engaging in slave trade, entering into any commercial transaction involving a slave, exercising control or direction over a slave, or providing financing for an act of slave trade or any commercial transaction involving a slave).

¹³ *Id.* art. 270.3(3) (...includes (a) the capture, transport, or disposal of a person with the intention of reducing the person to slavery or (b) the purchase or sale of a slave).

¹⁴ *Id.* art. 270.6 (...a person (a) who causes another person to enter into or remain in sexual servitude and (b) who intends to cause, or is reckless as to causing, that sexual servitude is guilty of an offense).

¹⁵ *Id.* art. 270.6(1).

¹⁶ *Id.* art. 270.6(1)(d).

¹⁷ *Id.* art. 270.6(1)(c).

¹⁸ *Id.* art. 270.7(2) (...commercial use or display of the body of the person providing the service for the sexual gratification of others).

¹⁹ *Id.* art. 270.7(1)(b).

²⁰ *Id.* art. 270.7(1)(a).

²¹ Law 104 *supra* at 12 (...offense is subject to the double jeopardy requirement, under art. 270.13 of the law).

²² Law No. 105, 5 July 1994 (Australia).

²³ *Id.* § 50 BA. (...offense is subject to the double jeopardy requirement. Under section 50 FC of the law, “If a person has been convicted or acquitted in a country outside Australia of an offence against the law of that country in respect of any conduct, the person cannot be convicted of an offence in respect of that conduct”).

²⁴ *Id.* § 50 BA.

²⁵ Criminal Code of Queensland (Australia), § 217 (...maximum punishment- imprisonment for 14 years).

²⁶ *Id.* § 218 (...maximum punishment- imprisonment for 14 years).

²⁷ *Id.* § 213 (...maximum punishment- imprisonment for 10 years if a child is 12 or older, 14 years to life if under 12).

²⁸ *Id.* § 229 G (...maximum punishment- imprisonment for 7 years).

prostitution,²⁹ being present in places reasonably suspected of being used for prostitution,³⁰ having an economic interest in premises used for the purposes of prostitution,³¹ and permitting a young person to be at a place used for prostitution.³²

In October 2003, the Australian government announced additional anti-trafficking measures with a \$20 million package, targeting sex trafficking in particular. It included a new Australian Federal Police (AFP) unit and a Transnational Sexual Exploitation and Trafficking Team.³³

In 2003, the Government's Action Plan to Eradicate Trafficking in Persons was announced, focusing on prevention, detection and investigation, criminal prosecution, and victim support and rehabilitation.³⁴

In 2004, the government established the Support for Victims of People Trafficking Program, which provides individualized case management and support to victims. Victims have access to assistance including secure accommodations, a living allowance, a food allowance, access to health care (including counseling), access to interpreters, and access to legal services.³⁵ In July 2009, this program was updated and access to victim support services is no longer linked to specific visas, but is available to any suspected trafficking victim on a valid Australian visa. The Bridging F Visa time period was extended from 30 to 45 days, and it is possible for a trafficking victim to be granted a second 45-day Bridging F Visa.³⁶

The Justice Support Stream provides ongoing support for victims. Under this program, victims have access to additional long term support including rent assistance, health care, access to legal services and interpreters, assistance to obtain employment and training, and links to social support.³⁷

The Criminal Code Amendment (Trafficking in Persons Offences) Bill was passed by Parliament and became law on August 3, 2005. The offenses covered by this law include trafficking in general, which "criminalizes bringing a person to Australia by means of threats, force, or deception and is punishable by up to 12 years [of] imprisonment, or 20 years if the offender intends that the victim will be exploited, or the victim is subjected to cruel, inhuman, or degrading treatment." This law includes penalties of up to 20 years' imprisonment for child trafficking, with proof of force or threats not necessary, and the consent of the child is not relevant.³⁸

²⁹ *Id.* § 229 H (...punishment- imprisonment for 3 to 7 years).

³⁰ *Id.* § 229 I (...punishment- imprisonment for 3 to 7 years).

³¹ *Id.* § 229 K (...punishment- imprisonment for 3 to 7 years).

³² *Id.* § 229 L (...maximum punishment- imprisonment for 14 years).

³³ Australian Government *supra* at 11.

³⁴ AUSTRALIAN GOVERNMENT, *TRAFFICKING IN PERSONS: THE AUSTRALIAN GOVERNMENT RESPONSE* (2009), *available at*:

[http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(084A3429FD57AC0744737F8EA134BACB\)~IDC+Annual+Report_WEB.pdf/\\$file/IDC+Annual+Report_WEB.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(084A3429FD57AC0744737F8EA134BACB)~IDC+Annual+Report_WEB.pdf/$file/IDC+Annual+Report_WEB.pdf).

³⁵ Australian Government *supra* at 11.

³⁶ Australian Government, Australian Government Anti-Trafficking Strategy Factsheet, June 2009, *available at*: <http://www.ag.gov.au/peopletrafficking>.

³⁷ *Id.*

³⁸ Australian Government- Department of Foreign Affairs and Trade, Commonwealth Anti-Trafficking Legislation, http://www.dfat.gov.au/illegal_immigration/laws.html.

Nongovernmental and International Organization Responses

Child Wise is Australia's leading child protection charity working in Australia, Asia, and the Pacific to prevent child abuse. Formed in 1993 as ECPAT Australia, the organization broadened its focus and changed its name in 2001. Child Wise seeks to prevent child abuse by promoting awareness as well as providing the tools for individuals and communities to address these issues. Child Wise "provides direct support, counseling, education, advocacy, program implementation, participatory training, capacity building, and research to provide a comprehensive, strong, and specialized service that provides dynamic responses to protect children everywhere."³⁹ Child Wise's Speak Up program is a child protection campaign designed to empower people to speak up for children and put a stop to child sexual abuse.⁴⁰

Project Respect started in 1998 as a direct service conducting outreach and offering support to women in the sex industry. It now aims to empower and support women in the sex industry, including women trafficked to Australia. The organization offers outreach, counseling, education assistance, referrals for legal and financial support, and social activities for peer support and relaxation. In 2003, Project Respect launched a national campaign with *The Australian* newspaper, to encourage the Australian government to recognize human trafficking as a problem in Australia and to respond to it. The campaign resulted in the government's providing a \$20 million countertrafficking package.⁴¹

Multilateral Initiatives

Australia actively engages with other countries in the fight against human trafficking and participates actively in international forums such as the U.N. Commission on Crime Prevention and Criminal Justice and the UNTOC Conference of Parties to better address and prevent trafficking.

Australia takes a collaborative approach to working with other countries in the region through forums such as the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. Initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime held in Bali in February 2002, the Bali Process is a collaborative effort by more than 50 countries and numerous international agencies. It is co-chaired by Australia and Indonesia.⁴² The meeting has included workshops on criminalization of human smuggling and trafficking, plan of action, law enforcement and travel document fraud, trafficking/public awareness, legislation, identity management, refugee status determination, return of unlawful migrants, and child sex tourism strategies.⁴³

In 2003, the Asia Regional Cooperation to Prevent People Trafficking was launched by the Australian government. This initiative aimed to facilitate a more effective and coordinated approach to fighting trafficking within and between the

³⁹ Child Wise- ECPAT in Australia, *About Us*, <http://www.childwise.net/index.php>.

⁴⁰ *Id.*

⁴¹ Project Respect, *About Us*, <http://projectrespect.org.au/>.

⁴² Bali Process, *available at*: <http://www.baliprocess.net/>.

⁴³ Bali Process, *Summary of Activities*, <http://www.baliprocess.net/index.asp?pageID=2145831402>.

member countries. The initiative worked with the national criminal justice agencies of Cambodia, Lao PDR, Myanmar, and Thailand, and with entities in Indonesia. The initiative cooperated with the Association of Southeast Asian Nations (ASEAN) and key regional forums on trafficking, including the Coordinated Mekong Ministerial Initiative Against Trafficking, which began in August 2006 and is projected to run for five years.⁴⁴

The Asia Regional Trafficking in Persons (ARTIP) Project directly contributes to preventing human trafficking in the Asia Region. ARTIP was launched in August 2006 to promote a more effective and coordinated approach to human trafficking by criminal justice systems of governments in the Asia region.⁴⁵ Thailand, Lao PDR, and Myanmar are the initial members. Indonesia joined in August 2007, and Vietnam joined in November 2008. The project hopes to expand to other ASEAN countries because of its central role in the development of common standards, shared best practices, and strong regional policy on trafficking.⁴⁶

⁴⁴ AusAID, Asia Regional Trafficking in Persons Project (ARTIP), <http://www.artipproject.org/artip-project/artip-project.html>.

⁴⁵ Australian Government- AusAID, *Anti-trafficking Activities*, <http://www.ausaid.gov.au/country/peopletraffick.cfm>.

⁴⁶ ARTIP *supra* at 49.