

Whole-of-Government Responses to Trafficking of Women in Australia: Key Reforms Needed

Critical Priorities

Visas and comprehensive support must be available to *all* victims of trafficking.

A *range of organisations* across the country must be funded to provide services which are culturally sensitive, understand the differences in trafficking experiences according to gender, and can respond appropriately to highly traumatised people.

Service providers for victims of trafficking must *meet minimum standards of service provision and must be accountable* - to the people who use their services, to government, and to the Australian public.

Victim Support Program

- **The Support for Victims of People Trafficking Project (“victim support program”)** should be open to *all* victims of trafficking in Australia, rather than only those who are of interest to the Australian Federal Police (AFP). Australia has the opportunity to set world best practice in this regard, improving on the current best standard (the Italian model) and we urge the Rudd Government to capitalise on this opportunity.
- **Funding should be provided for a range of organisations across the country to support victims of trafficking**, rather than a contract being awarded to only one tender applicant. This would ensure that 1) we take advantage of existing experience and that services can be tailored to suit specific needs and contexts, rather than one agency attempting to meet the needs of all victims of trafficking across all of Australia; and 2) expertise in trafficking is maintained in a variety of organisations across different sectors rather than concentrated in only a few agencies.
- **The victim trafficking support program must be held to greater levels of accountability and scrutiny.** This would ensure that the support program maintains the highest standards of care. Reviews of the program must be done in consultation with the clients of the program; and, while noting legitimate concerns regarding privacy, confidentiality and security of persons, more information, including an evaluation of the program’s effectiveness should be made public. This would add greatly to the evidence-based practice of all victim support agencies and public policy-makers worldwide. Moreover, community confidence in government programs is increased when information regarding services is shared.

- **A formal mechanism for complaints and redress should be instituted for those accessing the victim support program, and clients should be informed about such a mechanism.** At the moment, it appears that victims are largely reliant on intermediaries, such as Project Respect and the AFP, to ensure their concerns about standards of service are passed on to the service provider. Clients should be able to give feedback, including concerns, in a fair and independent process which ensures that their complaints are considered and that there is a clear process for following up such concerns.
- **Services must be culturally sensitive.** Organisations such as those which belong to the National Immigration and Refugee Women of Australia must be resourced to provide training to victim support agencies on issues to do with culture. Victim support service providers must be required and resourced to provide interpretation for their clients.

Court Processes

- **Minimum standards for court support for victims of trafficking.** The contracted service provider is required to give court support, but this has so far been of inconsistent quality and inadequate in some cases.
- We applaud the recent announcement by the Minister for Home Affairs regarding increased measures of support for victims of crime, particularly the possibility that **provisions to ease the court process for victims of sexual assault be extended to victims of trafficking.** We urge the Government to ensure this happens in a timely manner and look forward to being consulted in the review process.

Visa reform

- **All victims of trafficking should be granted visas and access to support on humanitarian grounds, as they were victims of serious crime in Australia.** At present, only victims of trafficking who are of interest to the AFP are eligible for the visas for victim of trafficking. This means that many victims are excluded from accessing these visas for many reasons: because they do not have enough information, because they are fearful, because police do not consider that they will be good witnesses or have enough relevant information.
- **Women (or their agents) should be able to apply directly for trafficking victim-related visas, and should be able to review or appeal the decision if the visa is not granted.** At present, the visas for victims of trafficking (Bridging F Visa, Criminal Justice Stay Visa, Trafficked Victims Temporary Visa, Trafficked Victims Permanent Visa) can only be secured if the AFP requests DIAC for a visa for a woman - women cannot apply themselves, and decisions are not reviewable.
- **Victims of trafficking should be granted work rights while they are on all trafficking visas, including Bridging Visa F, not just the Criminal**

Justice Stay and Witness Protection visas. Not having work rights limits women's ability to be independent.

Refugee Definitions

- **Trafficked women should be able to access protection visas under the 1951 Refugee Convention, as members of a particular social group, namely "women who were trafficked into prostitution."**
- **The risk of re-trafficking should also be considered grounds for granting refugee status and protection in Australia.**

Protocols

- **A national referral mechanism should be developed between state and Federal police, the Department of Immigration, the Office for Women, the Department of Health, the Attorney-General's Department, the Department for Education, Employment and Workplace Relations, and all trafficking victim support agencies.**

Community Education

- **Community education materials on trafficking should be revised so that they are accessible to trafficked women.**
- **There remains a need for a wider community education program on the issue of trafficking.** This could include posters in brothels (that brothels were compelled through licence conditions not to remove), which give information to clients and women involved in the sex industry about trafficking and where to report it and/or seek help.

Repatriation

- **Review of the repatriation procedures for victims of trafficking who are returning to their homes.** Such a review, or key elements thereof, should be made public. Consideration should be given to operational questions such as funding to local organisations for repatriation support; and who gives the offer of repatriation support (offers should be given to victims of trafficking by people they know or trust to reduce the rate of refusal to participate).
- **Repatriation programs should be offered to victims returning to countries other than Thailand.** At the moment, Australia funds a repatriation program for Thai women through the International Organisation of Migration; the program should either be enlarged to include other countries, such as South Korea, or referral protocols should be developed between relevant organisations in Australia and countries of origin to ensure that victims of trafficking are offered support upon repatriation.

Prepared by Project Respect, March 18 2008