

Submission
No 25

INQUIRY INTO HUMAN TRAFFICKING

Organisation: Australian Red Cross

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SUMMARY

In light of the Australian Government’s 2016—2019 joint pledge with Australian Red Cross to work together to combat human trafficking, slavery and slavery-like practices, Red Cross is pleased to contribute to the Committee’s understanding of the effectiveness of efforts to address human trafficking and of the gaps in preventing and responding to the needs of those affected.

In response to the Select Committee on Human Trafficking, Red Cross addresses the following terms of reference:

- the role and effectiveness of New South Wales law enforcement agencies in responding to human trafficking;
- the prevalence of human trafficking in New South Wales;
- the effectiveness of relevant legislation and policies, and
- other related issues.

As an Auxiliary to Government and a member of the National Round Table on Human Trafficking and Slavery (National Round Table), Red Cross works to address broader systemic issues identified directly through our work. Our submission is based on Red Cross experience working to address the needs of the most vulnerable in Australia and globally, including our direct experience and knowledge addressing the impact of human trafficking (and more recently forced marriage) in Australia – through the Support for Trafficked People Program, which is a key component of the Australian Government’s *National Action Plan to Combat Human Trafficking and Slavery 2015–19* (National Action Plan).¹

The National Action Plan sets the strategic framework for Australia’s whole-of-community response to human trafficking and forced marriage for the next five years. The framework recognises that “States and Territories have a range of responsibilities that intersect with the strategy to combat human trafficking and slavery”², including for example, Child Protection, victims of crime assistance schemes, workers’ compensation, and occupational health and safety.

The effectiveness of support provided to those who have experienced human trafficking and forced marriage both reflects and impacts on the effectiveness of Commonwealth and State efforts to address human trafficking.

In order to ensure the needs of people subjected to trafficking, slavery and slavery-like practices are adequately met, Red Cross supports a holistic integrated response. As such Red Cross supports a focus on strengthening the connectedness of the Australian Government response with the states and territories and agrees that “[s]trengthening cooperation between State and Territory and the

¹ The National Action Plan was released by the Australian Government in 2014.

² National Action Plan (p. 2).

Australian governments, and between State and Territory and Australian government agencies, will ensure a joined up and holistic response to human trafficking and slavery.”³

In addressing these terms of reference, Red Cross makes 17 recommendations to further strengthen NSW Government responses to human trafficking and forced marriage – in line with the National Action Plan.

In summary, a holistic and integrated approach should be based on common principles and objectives and a strong protection framework that:

- is informed by meeting the humanitarian needs of trafficked people;
- is cross-jurisdictional and cross-sectoral – with protocols that clearly articulate roles and responsibilities, communication and referral pathways;
- ensures trained and skilled first responders and frontline services – this requires building the capacity of government and non-government agencies and service providers to recognise indicators of coercion and exploitation and provide potential victims with information on their options and entitlements and appropriate referrals;
- involves resourced support services that are appropriate for the individual and whose staff understand how to work safely and ethically with trafficked people;
- includes a community awareness campaign – given the vital role the public plays in connecting trafficked people with services, and safety and prevention; and
- supports further research that enhances knowledge of the nature and extent of human trafficking and forced marriage in NSW and how to effectively meet the needs of trafficked people.

Red Cross and the Support for Trafficked People Program

Red Cross is active in the human trafficking and forced marriage sphere globally with different National Societies involved in a range of work that includes: prevention and awareness raising activities; facilitating regional dialogues and networks; delivering support programs and assisting people who have experienced trafficking and forced marriage; and undertaking advocacy through the principle of humanitarian diplomacy.

The Support Program was established in 2004 as part of the Australian Government’s whole-of-government approach to combating human trafficking and slavery. The Support Program is a component of the Australian Government’s National Action Plan and is administered by the Department of Social Services (DSS). Red Cross, with its global and nationwide capacity to work with those made vulnerable by migration, has been delivering the Australian Government Support Program since March 2009.

³ National Action Plan (p. 2).

Red Cross has supported 245 clients since March 2009, almost half of whom have been supported in NSW. In 2009 and 2010, the largest number of referrals in NSW was for suspected sexual exploitation in the commercial sex industry. From 2011 to 2014, NSW saw fewer numbers for that same type of exploitation, with increasing referrals for labour exploitation – in particular in the hospitality industry and for domestic servitude in private households or in a personal setting (where the exploitation involved an intimate partner or familial relationship). In 2015 and 2016, over half of the individuals supported were referred because they wanted to leave or were at risk of forced marriage.

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Red Cross notes the significant developments that have been made to the Support Program and related visa framework since program establishment in 2004, and acknowledges that it is important for Australia to establish support and protection mechanisms that are suitable for the Australian context. Red Cross also notes the NSW Government's commitment to strengthening and embedding a legal and policy framework in NSW, which "implements a human rights based response to human trafficking in all its forms, guided by the international principle that 'the human rights of trafficked people shall be at the centre of all efforts to prevent and combat trafficking'".⁴

RECOMMENDATIONS

A. Need for a coordinated multi-agency response

Red Cross recommends that the NSW Government:

1. Develops and implements a strategy that directs a State response in accordance with the framework outlined in the *National Action Plan to Combat Human Trafficking and Slavery 2015-19*.

An effective strategy will provide a framework for inter-agency coordination and should provide:

- a. well-articulated goals that protect the needs of those most vulnerable to exploitation, including those that address the particular needs of children and young people;
- b. clear agency responsibilities, including the responsibility to build the capacity of staff to identify and respond to vulnerabilities for exploitation; and
- c. measurable performance indicators.

⁴ As explained by Stephan Kerkyasharian AO, former Chairperson of the (then) Community Relations Commission for a multicultural NSW, who quoted the UN *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (Principle 1), in the Community Relations Commission for a Multicultural NSW's *Inquiry into the Exploitation of People through Trafficking, in All Its Forms in NSW* (December 2013, p. 2).

2. Implements measures to increase the sustained capacity of relevant frontline services, such as NSW Police, NSW Health, and Family and Community Services (early intervention, Child Protection and Out of Home Care, including the Helpline) to appropriately identify and respond to suspected cases of human trafficking, slavery and slavery-like offences.
3. Allocates resources (Attorney General, Family and Community Services, Multicultural NSW) for a Community Awareness Campaign to be rolled out across the State targeting community members to help them identify exploitation and know where to go for help.
4. Encourages NSW Research agencies (through funding opportunities and innovative initiatives) to take up opportunities for further research, which seek to gain greater evidence of the prevalence and effective supports for victims of exploitation.

B. Improving outcomes for people subjected to or at risk of forced marriage

Red Cross recommends that the NSW Government:

5. Establishes and promotes a centralised reporting and data collection mechanism that encourages safe reporting.
6. Reviews existing civil protection measures, including the need for additional protection measures for adults at risk of being taken overseas for a forced marriage; and a review of the current criteria for obtaining Apprehensive Domestic Violence Orders (AVOs) to ensure adequate provisions for people subjected to or at risk of forced marriage.
7. Reviews the capacity of youth housing services to meet the needs of young people subjected to or at risk of forced marriage.
8. Conducts research and facilitates shared learnings between relevant government and non-government agencies of the risks of forced marriage – to build a joint common understanding of the risks and adjust assessment tools as necessary.
9. Researches and pilots alternative early family intervention and family reintegration models that address the particular risks and needs of young people relating to forced marriage.
10. Resources the Education Centre Against Violence (ECAV), in collaboration with relevant agencies and specialist organisations to:
 - a. conduct research into the safety and support needs of people at risk of and subjected to forced marriage, and following this;
 - b. develop appropriate targeted training and awareness raising strategies.

C. Strengthening responses to meet the needs of children

Red Cross recommends that the NSW Government:

11. Includes consideration of the specific vulnerabilities of children subjected to and at risk of forced marriage in the assessment tools guiding staff practice. Following this, training to be provided to equip staff to recognise the indicators and vulnerabilities around forced marriage.
12. Work toward a national and state-level integrated response: Federal and NSW governments to develop a more integrated response to cases of forced marriage, including a tailored and consistent response to cases involving children and young persons. An integrated response to forced marriage should:
 - a. develop a deeper and shared understanding by all agencies of the nature of the risks faced by children and young people at risk of forced marriage, including the risks of staying and returning home;
 - b. be based on common principles and objectives developed in consultation with relevant stakeholders, including Australian Federal Police, State Police, Child Protection and education authorities and Red Cross, relevant NGOs and service providers;
 - c. ensure ongoing and responsive collaboration between agencies and organisations, supported by:
 - protocols and memoranda of understanding with clear time frames – including clear communication protocols;
 - information sharing arrangements;
 - regular meetings and a review process.
 - d. ensure Red Cross and other agencies with experience supporting children affected by trafficking and forced marriage have the opportunity to contribute to the development of Protocols.

Red Cross also notes the following recommendation made by the NSW Government in the 2013 NSW Government Inquiry report:

That the Department of Family and Community Services develop an Action Plan to coordinate and improve services for trafficked and enslaved people, including working with the Commonwealth as needed.⁵

13. Includes consideration of the specific vulnerabilities of parents who have been subjected to trafficking in the Family and Community Services screening tools.

⁵ Community Relations Commission for a Multicultural NSW's *Inquiry into the Exploitation of People through Trafficking, in All Its Forms in NSW* (December 2013, p. 7).

D. Access to education

Red Cross recommends that the NSW Government:

14. Offers subsidised or supported places for vocational education and training to trafficked people via a Training Guarantee similar to that in Victoria, or by broadening current eligibility to the NSW Smart and Skilled initiative.

E. Increasing longer-term housing stability

Red Cross recommends that the NSW Government:

15. Adds an exemption category to the Housing NSW criteria to allow trafficked people on temporary visas access to services and housing from Housing NSW.⁶
16. Ensures NSW Housing service providers are trained to understand and appropriately respond to the needs of people who have experienced human trafficking and forced marriage.

F. Access to travel concessions

Red Cross recommends that the NSW Government:

17. Grants concession rates on NSW public transport to Support for Trafficked People Program clients. This could be achieved by:
 - a. Transport NSW and Centrelink resolving the current 'systems issue' that is preventing clients from accessing the travel concession card;
 - b. the introduction of a model of eligibility specifically for trafficked people on low income or Centrelink payments that allows access to travel concessions. A similar model could be adopted as exists for people who are seeking protection visas in NSW and are receiving support through the Australian Government's Status Resolution Support Service (SRSS).

Throughout this submission, all acts relating to human trafficking, slavery and slavery-like practices are referred to as 'human trafficking and forced marriage.'⁷

⁶ Red Cross made a similar recommendation in the *Australian Red Cross Submission to the NSW Community Relations Commission Inquiry into the Exploitation of Women through Trafficking* (September 2012, p. 10). In turn, that Inquiry recommended in its report to the NSW Government that Housing NSW examines accommodation provisions for victims of human trafficking and slavery. This examination was to determine whether Housing NSW should reconsider the policy of excluding 'non-residents' (meaning those without Australian permanent residency or citizenship) from their services – especially trafficked people – recognising that the small numbers have little impact on their overall services.

⁷ For ease of reference this document uses 'human trafficking and forced marriage' as a general term that encompasses human trafficking, slavery and slavery-like practices including servitude, forced labour, deceptive recruiting for labour or services, debt bondage and forced marriage. The terms 'trafficked person' and 'trafficked people' are also used as general terms for those who have experienced human trafficking, slavery and slavery-like practices. The term 'victim' is also used in this document, where it has a specific meaning in relation to law enforcement.