



An Australian Government Initiative



NGO GUIDELINES

# Guidelines for NGOs

## Working with trafficked people

### THIRD EDITION

A publication by members of the National Roundtable on Human Trafficking and Slavery to assist non-government organisations working with people who have experienced human trafficking, slavery or slavery-like practices, including forced marriage



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## FOREWORD

Human trafficking, slavery and slavery-like practices such as servitude, forced labour, deceptive recruiting for labour or services, forced marriage and debt bondage (hereafter, human trafficking and slavery) are complex, clandestine and abhorrent crimes and grave violations of human rights. Australia is committed to a future where no one is a victim of human trafficking or slavery, and the human rights of all people are valued equally.

Such is the seriousness of these exploitative practices that they cannot be stopped by government alone. The Australian Government works in partnership with other governments, domestically and internationally, with international and regional organisations, and with civil society to prevent human trafficking and slavery, investigate and prosecute offenders, and support trafficked people, including by protecting their human rights.

While the Australian Federal Police (AFP) is responsible for verifying people as suspected victims of human trafficking or slavery and referring them for Australian Government support, the complementary role non-government organisations (NGOs) play in identifying and assisting potential victims is integral to Australia's fight against human trafficking and slavery.

Assisting trafficked people to deal with, and recover from, the impact of their experience can be both challenging and confronting. A hallmark of the Australian response to human trafficking and slavery is the genuine collaboration between government and non-government partners, and the Australian Government appreciates the considerable expertise and experience NGOs bring to this work.

The *Guidelines for NGOs: Working with trafficked people* were developed by a working group established at the first meeting of the National Roundtable on Human Trafficking and Slavery in 2008, and published later that year. The second edition of the Guidelines was published in 2010. This third edition reflects significant changes in legislation, policy and practice relevant to working with trafficked people, including the criminalisation of forced marriage as a slavery-like offence in 2013.

Developed by NGOs for NGOs, the Guidelines are an important resource for any organisation, whether they are an NGO well established in this area, or one working with trafficked people for the first time.

The Guidelines promote the best interests of trafficked people including the importance of informed consent, privacy protection and services tailored to the individual. They provide practical advice to NGOs dealing with people who have experienced all forms of human trafficking and slavery, including sexual and other forms of labour exploitation, forced marriage and other serious exploitation within intimate relationships.

I hope this third edition of the Guidelines will continue to assist NGOs in delivering their valuable work.

**The Hon Michael Keenan MP**  
**Minister for Justice**

## Acknowledgments

The Guidelines were developed in 2008 by a working group of the National Roundtable on Human Trafficking and Slavery. The working group was chaired by Elizabeth Broderick, the then Sex Discrimination Commissioner and Commissioner Responsible for Age Discrimination.

The members of the working group were:

- Anti-Slavery Australia
- Australian Catholic Religious Against Trafficking in Humans
- Australian Government Attorney-General's Department
- Australian Government Department of Immigration and Border Protection
- Australian Government Department of Social Services
- Australian Government Fair Work Ombudsman
- Australian Human Rights Commission
- Josephite Counter Trafficking Project
- NSW Rape Crisis Centre
- Project Respect
- Scarlet Alliance, Australian Sex Workers Association
- The Salvation Army, and
- Victim Support Australia.

This edition of the Guidelines is the result of consultations throughout 2015, including at the seventh meeting of the National Roundtable on Human Trafficking and Slavery on 22 June 2015.

## Currency

The information contained in the Guidelines is current as at 1 July 2015.

## Terminology

For ease of reference, the Guidelines use the term 'human trafficking and slavery' to encompass the range of slavery-like practices contained within the Commonwealth *Criminal Code Act 1995* (Criminal Code), including servitude, forced labour, deceptive recruiting for labour or services, forced marriage and debt bondage.

The Guidelines use the term 'trafficked people' as a general term that encompasses people who have experienced human trafficking, slavery or slavery-like practices, including servitude, forced labour, deceptive recruiting for labour or services, forced marriage and debt bondage. The exception is where the term 'victim' is used in relation to a proper noun or has a specific meaning in relation to law enforcement or human rights.

The United Nations (UN) considers the use of terms such as 'prostitute' or 'prostitution' as stigmatising. The preferred terminology for the sale of sexual services is the 'sex work industry', and 'sex workers' for persons employed in that industry. The Guidelines use these terms accordingly.

Detailed definitions of the terms used in the Guidelines are set out in the Glossary.

## Disclaimer

The Guidelines have been prepared for general information purposes only, and are not intended to provide exhaustive advice. The Guidelines do not override legislation or internal policies or procedures. It is recommended that NGOs seek independent legal advice as necessary. The Australian Government is not responsible for any actions taken as a result of information contained in the Guidelines.

## BACKGROUND ON HUMAN TRAFFICKING AND SLAVERY

Australia has an international obligation to prevent human trafficking and slavery and protect and support trafficked people. In 2005 Australia ratified the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the Convention on Transnational Organized Crime (the Trafficking Protocol).

The Trafficking Protocol defines trafficking in persons as:

***...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.***

Under the Trafficking Protocol the consent of the victim is irrelevant where it is obtained by any of the coercive, deceptive or abusive means described in the definition of trafficking. The use of coercive, deceptive or abusive means is not required under the Trafficking Protocol where the victim is a child.

The *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* (Supplementary Slavery Convention) calls for the ban of slavery-like practices including debt bondage, servile marriage, and servitude, building upon the 1926 *Convention to Suppress Slavery and the Slave Trade*. Australia ratified the Supplementary Slavery Convention in 1958.

In shaping our national response to human trafficking and slavery, Australia also observes our binding legal obligations under other international instruments. A body of international human rights and labour treaties form part of the legal framework for human trafficking and slavery, including:

- the *Universal Declaration on Human Rights*
- the *International Covenant on Civil and Political Rights*
- the *International Covenant on Economic, Social and Cultural Rights*
- the *Convention on the Elimination of All Forms of Discrimination against Women*
- the *Convention on the Rights of the Child*, and its Optional Protocols on: the sale of children, child prostitution and child pornography; and on involvement of children in armed conflict
- the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*
- the *International Convention on the Elimination of All Forms of Racial Discrimination*
- International Labour Organization Convention No. 29 on Forced or Compulsory Labour
- International Labour Organization Convention No. 105 on the Abolition of Forced Labour, and
- International Labour Organization Convention No. 182 on the Worst Forms of Child Labour.

While there is little reliable data about the nature and extent of human trafficking and slavery, there is general consensus that these exploitative practices affect almost every country in the world, whether as a source, transit or destination country—or as a combination of these. Opportunities to traffic people into, or exploit people within, Australia are limited because of our strong migration controls, geographic isolation, and high degree of regulation, compliance and enforcement.

Australia is primarily a destination country for human trafficking and slavery, with the majority of trafficked people identified by Australian authorities to date being women from South East Asia who have been exploited within the sex work industry. Cases of men and women exploited in situations outside the sex work industry, such as in the domestic work, hospitality and construction industries, or within intimate, marital or family relationships, are now being identified by Australian authorities on a comparable basis to those exploited within the sex work industry. Following the criminalisation of forced marriage in 2013, an increasing number of people in, or at risk of, forced marriage are being identified by Australian authorities.

In Australia, human trafficking, slavery, servitude, forced labour, deceptive recruiting for labour or services, forced marriage, and debt bondage are serious criminal offences. Victims of these offences may be able to receive support under the Australian Government's Support for Trafficked People Program. There are also special visa arrangements under the Human Trafficking Visa Framework for trafficked people who are not Australian citizens and do not already hold a valid visa.

Human trafficking and slavery matters in Australia have largely involved small crime groups, rather than large organised crime groups. These small crime groups use family or business contacts overseas to facilitate recruitment, movement and visa fraud. Human trafficking and slavery matters have also generally involved other crime types, including migration fraud, identity fraud, document fraud and money laundering.

Research undertaken by the Australian Institute of Criminology has shown that offenders convicted of human trafficking and slavery offences under the Criminal Code often share similar backgrounds, experiences and characteristics with their victims. As well as being of the same sex, offenders often share similar cultural, language, socio-economic and migration backgrounds and work histories with their victims. Female offenders may also have prior histories of victimisation.

### **Signs that a person may have been trafficked**

The following may indicate that a person is a victim of human trafficking, slavery, or slavery-like practices, such as servitude, forced labour, deceptive recruiting for labour or services, or debt bondage:

- the person appears to be servicing a debt to their employer or a third party (such as a recruitment service)
- the person is unable to terminate their employment at any time
- personal documents, such as passports or residency documents, are being held by the employer or a third person, and the worker is not allowed to access these documents when they wish to do so
- there are indications that the worker is being subjected to, or threatened with, violence in connection with their employment
- the person is being confined or isolated in the workplace or only leaves at odd times
- the person is living at the workplace, or another place owned/controlled by their employer
- the person is subject to different or less favourable working conditions than other employees because he/she comes from overseas
- the person is in the control of another person and is not allowed to speak for himself/herself
- the person has an intermediary who 'holds' or 'invests' the person's money for him/her
- the person does not understand the terms or conditions of his/her employment.



## Signs that a person be may in, or at risk of, a forced marriage

The following may indicate that a person is in a forced marriage, or at risk of being made to enter into a forced marriage:

- the person has a family history of elder siblings leaving education early and/or marrying early
- the person displays signs of depression, self-harming, social isolation and substance abuse
- the person is subject to unreasonable or excessive restrictions from their family, such as not being allowed out or always having to be accompanied
- the person expresses concern regarding an upcoming family holiday
- the person has an extended absence from school, college, or the workplace, or begins to display truancy or low motivation
- the person has limited career choices, or their parents control their income
- there is evidence of family disputes or conflict, domestic violence, abuse or running away from home.

More information on human trafficking and slavery is available from the Attorney-General's Department (AGD) website at: <[www.ag.gov.au/humantrafficking](http://www.ag.gov.au/humantrafficking)>. More information on forced marriage, including the *Information about forced marriage for agencies, community organisations and service providers booklet*, is available at: <[www.ag.gov.au/forcedmarriage](http://www.ag.gov.au/forcedmarriage)>.

## THE IMPORTANT ROLE OF NGOS IN COMBATING HUMAN TRAFFICKING AND SLAVERY

NGOs have a vital role in supporting trafficked people and improving public understanding of human trafficking and slavery issues. One of the challenges for NGOs and government alike is to raise awareness about all forms of human trafficking and slavery so that people who experience exploitation are identified, supported and protected. Trafficked people are often non-citizens and may have little or no information about their rights under Australian law. They may not self-identify as being trafficked and may be afraid of engaging with Australian authorities. Where a trafficked person's family members have been involved in their experience of exploitation, this may also make them reluctant to seek help.

NGOs might come into contact with trafficked people through the services they provide to migrant workers, culturally and linguistically diverse people, women, young people, or because they offer specialised services to trafficked people. If there is reason to believe someone has been trafficked, then that person should be treated as a victim of human trafficking or slavery unless, and until, a different conclusion is reached. However, some trafficked people may not wish to be identified or referred to as a victim of trafficking. When an NGO believes that a person may have experienced human trafficking or slavery, the NGO should give that person information about their rights and entitlements, including the rights of victims of crime. Legal and immigration advice must only be given by qualified people.

People who have experienced exploitation may have suffered physical and/or psychological abuse. They may be victims of physical or sexual assault, or psychological coercion. Trafficked people's short-term and long-term needs may include the need for interpreters, housing, food and clothing, medical care, legal and immigration services, safety planning, English language classes, assistance in finding employment and education opportunities, and information about the Australian legal system, their human rights and legal entitlements including compensation and financial assistance. These needs must be met in a professional manner. Each person will have different needs, and support should be adapted appropriately. Trafficked people who are children may have additional needs because of their particular vulnerability, and support provided should always take into account their best interests.

NGOs may provide services while a person is still in a situation of exploitation, or when a person is involved in court proceedings. NGOs must be careful that their actions do not further harm the rights or dignity of people who may have experienced human trafficking or slavery. Trafficked people have a right to refuse help. Services offered by NGOs must be non-judgmental, non-discriminatory and respect the dignity and human rights of trafficked people including the right to privacy, confidentiality and self-determination.

The National Roundtable on Human Trafficking and Slavery was established in 2008 as a consultative mechanism between government and NGOs on emerging human trafficking and slavery issues. The National Roundtable was established in recognition of the fact that cooperation between government, civil society, business and industry, and unions is key to preventing human trafficking and slavery, detecting, investigating and prosecuting the perpetrators, and protecting and supporting victims. One of the outcomes of the inaugural Roundtable was the establishment of a working group to develop guidelines to provide practical guidance for NGOs working with trafficked people. This is the third edition of those Guidelines.

The Guidelines aim to help NGOs provide services for trafficked people in a way that is safe, ethical and respects and protects their human rights. They should be read in conjunction with other relevant laws and guidelines including those listed in the Useful resources section of the Guidelines. NGOs working with people in, or at risk of, forced marriage may also find the *Information about forced marriage for agencies, community organisations and service providers booklet* useful. The booklet is available at: <[www.ag.gov.au/forcedmarriage](http://www.ag.gov.au/forcedmarriage)>.

# 10 PRINCIPLES FOR WORKING SAFELY AND ETHICALLY WITH TRAFFICKED PEOPLE

## 1 UNDERSTAND AND PROTECT THE RIGHTS OF TRAFFICKED PEOPLE

Human trafficking, slavery, servitude, forced labour, deceptive recruiting for labour or services, forced marriage, and debt bondage are prohibited under Australian law and under international instruments to which Australia is a party (see, for example, the Trafficking Protocol). NGOs should ensure any person who is at risk of, or who has been subjected to, human trafficking or slavery can get advice about their rights and entitlements. NGOs be sure to fully promote and protect human rights of trafficked people in all aspects, without discrimination on the basis of race, religion, sex, gender, sexual orientation, age, disability or other grounds.

People who are identified as suspected victims of trafficking or slavery by the AFP may be eligible for support including temporary visas and individualised case managed support through the Australian Government's Support for Trafficked People Program. Trafficked people who make a contribution to the investigation of a human trafficking or slavery-related offence and who would be in danger if they returned to their home country may be eligible for a visa to allow them to remain in Australia permanently. Trafficked people who cannot help police may be eligible for other visas and assistance. NGOs should tell people what services are available to them and how they can get advice about their legal rights and entitlements, including compensation and financial assistance.

## 2 ALWAYS ACT TO PROTECT PEOPLE'S SAFETY

Even once they leave a situation of exploitation, trafficked people may still be in danger. The AFP can be contacted on 131 AFP (131 237). If someone is in immediate danger, always dial 000. Generally, information about a trafficked person should only be disclosed with that person's informed consent (see Principle 3).

## 3 OBTAIN INFORMED CONSENT

To provide advice to a trafficked person or act on their behalf, you need that person's informed consent. Informed consent is when a person freely agrees to a course of action (which may include doing nothing) after receiving and considering all the facts and information they need to make a decision. If the trafficked person is a child, they may not be able to provide informed consent. Consider a child's age and relative maturity, seek and listen to their wishes, but always act in their best interests. Be aware of any mandatory reporting obligations in relation to children that may apply in your state or territory.

#### **4 PROVIDE APPROPRIATE REFERRALS**

Be aware of the legal rights and entitlements of trafficked people, as well as services that may be available to them such as financial assistance, compensation, and access to the Australia Government's Support for Trafficked People Program and Human Trafficking Visa Framework. Always give trafficked people information about their rights, entitlements, and services that can help them as soon as possible. This should include information about how to contact the AFP as soon as possible, and if necessary, information about the Department of Immigration and Border Protection (DIBP), and how to obtain independent legal and migration advice. Legal and migration advice must only be provided by a qualified person. It may also be appropriate to refer trafficked people to services that can meet any immediate needs, including medical care and housing. If necessary, consider whether you need to use accredited interpreters or provide information in a person's preferred language. In particular, this should be done when seeking informed consent and when providing information regarding the legal process.

#### **5 PROTECT PRIVACY AND CONFIDENTIALITY**

Generally, information about a trafficked person should only be disclosed with that person's informed consent (see Principle 3). Only collect information that is necessary to provide services to trafficked people. Only use personal information for the purposes you collected it. Know the risks of recording information about trafficked people and keep all records secure.

#### **6 PROVIDE SERVICES THAT ARE APPROPRIATE FOR THE INDIVIDUAL**

Trafficked people come from diverse backgrounds. Know how to provide services that are appropriate for the person's age, sex, gender, culture, and are appropriate if the person has a disability. For example, as many trafficked people identified in Australia are from culturally and linguistically diverse backgrounds, NGOs should consider whether information and services provided are culturally appropriate and inclusive, including whether an accredited interpreter is required. In particular, this should be an important consideration when seeking informed consent and providing information regarding the legal process.

#### **7 PROVIDE PROFESSIONAL AND ETHICAL SERVICES**

Do not promise help you cannot deliver. Train staff and volunteers on how to provide safe and ethical services to trafficked people.

#### **8 KNOW HOW TO RESPOND TO SUBPOENAS AND OTHER REQUESTS FOR INFORMATION**

If your NGO is served with a subpoena (an enforceable court order to produce documents and/or to attend court and give evidence) get legal advice straight away. Tell the trafficked person a subpoena has been served. Do not take any further action until you have received legal advice.

## **9 KNOW HOW TO SUPPORT WITNESSES IN COURT PROCEEDINGS**

NGO staff may accompany trafficked people to court when they give evidence in court proceedings. The Commonwealth Director of Public Prosecutions (CDPP) provides advice to witnesses about court proceedings.

When you attend court do not discuss the case with the trafficked person if they are to be a witness, or behave in any way which may suggest that you are coaching the trafficked person when she or he is giving evidence. After the trafficked person has given evidence and been excused by the judge or magistrate, he or she should not remain in the courtroom. After leaving the court, you and the trafficked person should not talk with any other witnesses about the case.

## **10 RECOGNISE THE PARTICULAR NEEDS OF CHILDREN**

The particular physical, psychological and psychosocial harm that may be suffered by trafficked people who are children, and their increased vulnerability to exploitation, means that they may require additional supports to those required by trafficked people who are adults. The best interests of the child should be a primary consideration in all decisions or actions that affect the child. NGOs should be aware of relevant mandatory reporting requirements, noting that children have the right to privacy and there is an obligation to protect the child from the arbitrary and unlawful interference with that right.

If the trafficked person is a child with family overseas, or an adult who has dependent children and/or a partner in their country of origin, they may need legal advice about opportunities for family reunification. If an adult trafficked person has dependent children in Australia, recognise the importance of respecting and protecting the rights of those children and consider their needs, including how to assist them or refer them to relevant support services.

# GUIDELINES ON WORKING SAFELY AND ETHICALLY WITH TRAFFICKED PEOPLE

## 1 Understand and protect the rights of trafficked people

### 1.1 Understand the rights of trafficked people

People who have experienced human trafficking or slavery are victims of human rights abuses and victims of crime. The *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking* provide guidance on protecting the rights of trafficked people. The *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* sets out minimum standards for the treatment of victims of crime.

The rights of trafficked people must be respected, without discrimination, regardless of their race, religion, sex, gender, sexual orientation, age, disability or other characteristics, or on the basis of the type of exploitation they may have experienced.

As victims of crime, trafficked people may have legal rights and entitlements under Australian law. Human trafficking, slavery, servitude, forced labour, deceptive recruiting for labour or services, forced marriage and debt bondage are criminal offences under Commonwealth *Criminal Code Act 1995* (Criminal Code). As a victim of one of these crimes, a trafficked person may be eligible for assistance under the Support for Trafficked People Program (see 1.2) and Human Trafficking Visa Framework (see 1.3). Under the Commonwealth *Migration Act 1958* (Migration Act), it is an offence for an employer to knowingly or recklessly allow a non-citizen without work rights to work, or to refer them for work. It is an aggravated offence to do so in circumstances where the worker is being exploited.

A trafficked person may be able to make a complaint under the Commonwealth *Fair Work Act 2009* (Fair Work Act) or relevant state or territory laws. A trafficked person may be eligible for financial assistance under state or territory statutory schemes or may be able to pursue a civil claim for damages.

A trafficked person may also be able to make a complaint of discrimination under Commonwealth or state or territory anti-discrimination laws (for example, the Commonwealth *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Disability Discrimination Act 1992*, and *Age Discrimination Act 2004*) on the grounds of sex (including pregnancy, marital status, breastfeeding, family responsibilities, sexual harassment gender identity, intersex status and sexual orientation), disability, race and age.

Under the Commonwealth *Marriage Act 1961* (Marriage Act), it is an offence for a person to solemnise, or purport to solemnise, a marriage if the person has reason to believe that one or both of the parties are not of marriageable age. It is also an offence under the Marriage Act for a person to go through a form or ceremony of marriage with a person who is not of marriageable age. This means that in the case of child marriage, both the person who performed the ceremony and the person who married the child can be charged with an offence.

It is important that legal and migration advice is only provided to trafficked people by qualified solicitors and migration agents.

## 1.2 Understand the Support for Trafficked People Program

The Support for Trafficked People Program is a national support program for suspected victims of human trafficking and slavery in Australia, administered by the Australian Government Department of Social Services (DSS). Anyone who may have been subject to a human trafficking or slavery-related offence (such as forced marriage) may be eligible, including trafficked people who are children. If a trafficked person is not an Australian citizen and does not already hold a valid visa, he or she can also access the Human Trafficking Visa Framework (see 1.3). Referrals to the Support Program can only be made by the AFP.

The Support Program is divided into the following streams:

**Assessment and Intensive Support Stream**—intensive support for up to 45 days to all trafficked people referred by the AFP, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence. The Assessment and Intensive Support Stream provides a recovery and reflection period and time for trafficked people to assess their options. Trafficked people on the Assessment and Intensive Support Stream have access to the following support as needed: case management support; secure accommodation; a living allowance; an amount for the purchase of essentials such as clothing and toiletries; access to health care, including counselling; access to interpreters; and access to legal and migration services.

**Extended Intensive Support Stream**—access to a further 45 days' support for trafficked people who are willing, but not able, to assist with the investigation or prosecution of a human trafficking or slavery-related offence, for example due to ill health, trauma, age or practical impediment. Trafficked people who are children are automatically entitled to access the Extended Intensive Support Stream if they consent to continued support and/or if it is in their best interests. This extended period of support is provided on a case-by-case basis and is designed to provide flexibility in the support available to trafficked people.

**Justice Support Stream**—support until the investigation and, if applicable, prosecution of a human trafficking or slavery-related matter is finalised. Trafficked people on this stream may be eligible for Centrelink, Medicare and pharmaceutical benefits, and may be assisted to access longer-term housing, education and training opportunities, and social supports.

**Temporary Trial Support Stream**—intensive support (similar to that provided under the Assessment and Intensive Support Stream) for trafficked people who return to Australia to give evidence pertaining to a human trafficking or slavery-related prosecution. Recipients are entitled to short-term accommodation and a weekly living allowance.

There is also a **transition period** available for trafficked people leaving the Support Program.

Trafficked people who have dependent children living with them may receive assistance with arranging childcare, schooling, counselling and medical support. They can also be assisted to access parenting support of education.

The Support Program is delivered by the Australian Red Cross as a contracted service provider. A dedicated Red Cross caseworker provides individual case management support, and coordinates each trafficked person's access to support services as appropriate.

### 1.3 Understand the Human Trafficking Visa Framework

The Human Trafficking Visa Framework was established by the Australian Government on 1 January 2004, and amended on 1 July 2009 and 1 July 2015. The visas under the Visa Framework may be available to any person identified by the police as a suspected victim of human trafficking or slavery, regardless of the type of exploitation they have experienced. The Visa Framework enables trafficked people who are not Australian citizens and do not already have a valid visa to remain in Australia, access the Support for Trafficked People Program (see 1.2), and participate in the criminal justice process.

Suspected victims of human trafficking and slavery who do not hold a valid visa when identified may be granted a Bridging F visa valid for 45 days. A second Bridging F visa may be granted for a further 45 days on a case-by-case basis, for example if the person is a child or because of ill health.

A trafficked person who is assisting with an investigation or prosecution may be eligible for a temporary visa under the Visa Framework for the duration of the criminal justice process. The trafficked person's immediate family members in Australia can also be granted a visa during this period.

A trafficked person who has made a contribution to the criminal justice process may be eligible for a permanent Referred Stay visa if they would be in danger if they returned to their home country. Their immediate family members in Australia and overseas may also be eligible for this visa.

In addition to the Human Trafficking Visa Framework, a trafficked person may be eligible for other visas.

### 1.4 Tell trafficked people about their rights

NGOs have an important role in helping people who may have been trafficked to:

- access legal advice about their rights and entitlements, including compensation and financial assistance, and
- understand what support services are available, and how they can access these services.

NGOs should offer to refer a person who may have experienced human trafficking or slavery to a service that can provide legal advice about their rights and entitlements (see Provide appropriate referrals at 4). A trafficked person may also need access to social services, health care and accommodation. The needs of each trafficked person will differ depending on his or her individual situation. Some of the services which may be required include:

- housing
- food and clothing
- medical care (emergency and long-term)
- health education
- mental health care
- safety planning
- legal advice about immigration status
- legal advice about pursuing financial assistance and/or civil remedies
- English language classes, and
- assistance in finding employment and education, and/or accessing income support.

The services an NGO can offer may depend on the trafficked person's immigration status. For example, if a person does not hold a visa that allows him or her to work legally in Australia, the NGO should not assist that person to find employment.



Legal advice must only be given by qualified legal practitioners. The Migration Act requires that advice about migration matters, including advice about visa options or assistance with visa applications, should be provided by a registered migration agent.

Agents who are providing advice should have the trafficked person sign a Form 956 Appointment of a Migration Agent or other authorised recipient. This form should be sent to: <people.trafficking@border.gov.au>.

NGOs working with people who may have been trafficked are encouraged to:

- provide a respectful, non-judgmental and non-discriminatory service
- protect privacy, confidentiality and safety
- give the person all the relevant information about their rights in a form that the person can understand
- listen to the person's views about their past, current and future circumstances (noting the importance of avoiding re-traumatising the person—see 1.5 Do no harm)
- respect the person's right to self-determination, and
- only act on a person's behalf with that person's informed consent.

NGOs should support and respect the ability of people who may have experienced human trafficking or slavery to make informed choices. This involves providing services that are appropriate for the individual (see Provide services that are appropriate for the individual at 6).

#### **Example: What can the Fair Work Ombudsman do?**

People working in Australia are entitled to the benefit of the minimum protections and working conditions provided for in the Fair Work Act. The Fair Work Ombudsman (FWO) is responsible for providing education, assistance and advice about the Commonwealth workplace relations system, and enforcing compliance with workplace laws.

Where the FWO identifies behaviour that could amount to human trafficking or slavery, evidence is referred to the AFP. When investigating matters that may also involve human trafficking or slavery, the FWO will focus on examining compliance with workplace laws. This may include investigating wages, entitlements or general protections matters. General protections matters may include discrimination, adverse action, and sham contracting matters.

In June 2013, the FWO commenced legal action against a Tasmanian restaurant for seriously underpaying a Chinese chef that it had sponsored to work in Australia. The chef was required to work a 60 hour week and was found to have been underpaid a total of \$86,118 between 2008 and 2011. The court found that the owners had created false time and wages records showing that the chef had worked 38 hours a week and provided those false records to Fair Work inspectors.

The court found that the employee was directed by the owners on the restaurant to sign those time and wages books at intervals of around three to four months, on the basis that they were needed for immigration purposes. The court declared that the chef was a vulnerable person who was highly reliant on the restaurant owners to remain in Australia. In early 2015, the restaurant and its owners were penalised a total of \$85,000.

## 1.5 Do no harm

The *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking* state that 'anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum seekers'.

Although NGOs want to help trafficked people, if an NGO fails to act safely and ethically, they may inadvertently harm the person they want to help. Staff and volunteers at NGOs must avoid:

- re-traumatising a person through inappropriate or unnecessary questioning
- exposing a person to danger, or fear of danger by breaching their privacy (see Protect privacy and confidentiality at 5)
- providing incorrect advice or referring a person to authorities without their informed consent (see Provide appropriate referrals at 4)
- miscommunication and misunderstandings as a result of cultural differences, or failing to provide culturally appropriate services (see Provide services that are appropriate for the individual at 6)
- arranging interviews between a person and media/researchers without obtaining informed consent of the trafficked person (see Deal with the media and researchers ethically at 7.4)
- promising services that cannot be delivered or promising services on behalf of another organisation/agency or imposing the values and views of the NGO on the trafficked person, or
- failing to provide adequate training for volunteers and staff (see Train NGO staff and volunteers at 7.2).

## 2 Always act to protect people's safety

Even once they leave a situation of exploitation, a trafficked person may still be in danger. It is important NGOs take appropriate measures to protect people's safety. Generally, NGOs should not disclose any information that may identify a particular person, without the person's informed consent.

### 2.1 Protect a person's safety in a crisis

If someone is in immediate danger dial 000 straight away. The person who may be in danger may be the trafficked person, an NGO worker, or someone else. It may be you. In a crisis situation you do not need to get a person's informed consent to call 000. Crisis situations may arise where:

- a person is at risk of physical injury
- children are at risk
- a person has a significant mental health crisis, for example he or she feels suicidal, or
- a person requires immediate medical attention.

### 2.2 Do not jeopardise a person's safety

Meetings with trafficked people should be organised in a secure and private place where they will not be recognised and will feel comfortable and safe.

Do not attempt to set up a meeting with the person and their family or community members to discuss the situation, or contact family or community members, if you do not have the express permission of the person. Do not speak to, or approach, the trafficked person if they are in the company of people you do not know and trust, or allow family or community members to be present at meetings.

An NGO should only ever disclose information about a trafficked person with that person's informed consent, unless they are at immediate risk of harm, or are a child. See Protect privacy and confidentiality at 5.

### 2.3 Consider creating a safety plan

Consider working with a trafficked person to prepare a safety plan. A safety plan can help a trafficked person protect themselves from further harm, and understand how to seek help safely. A safety plan should outline how to find help and talk to other people safely, and how to plan ahead to respond appropriately in unsafe situations.

A template safety plan for people in, or at risk of, forced marriage is available from AGD's website at: <[www.ag.gov.au/forcedmarriage](http://www.ag.gov.au/forcedmarriage)>.

## 3 Obtain informed consent

To provide information to a trafficked person or act on that person's behalf, you need voluntary, informed consent from the person. Informed consent is when a person freely agrees to a course of action (which may include doing nothing) after receiving and considering all the facts and information they need to make a decision.

If the trafficked person is a child, they may not be able to provide informed consent. Consider a child's age and relative maturity, seek and listen to their wishes, but always act in their best interests. For information on assisting a trafficked person who is a child, see Recognise the particular needs of children at 10.

To be able to make an informed decision people must receive clear, unbiased, accurate information about their rights and options in a form they can understand. If necessary, this may involve using interpreters or material which has been translated into a person's preferred language.

Do not pressure a person to make decisions quickly. Consider providing a cooling off period to let a person consider the information they have received. See Provide services appropriate for the individual at 6.

### 3.1 Provide all relevant information

If you believe that a person may have experienced human trafficking or slavery, give that person information about their rights and options as soon as possible. Make sure this information:

- is accurate and up-to-date
- includes information about both community and government services, and
- is appropriate given the person's particular characteristics and/or circumstances.

Make sure the person feels comfortable asking for further information. Answer any questions as soon as possible.

One NGO will not have the resources and expertise to meet all the needs of a trafficked person. NGOs should endeavour to provide timely and appropriate referrals to other services. Only refer a person to another service with their informed consent. See the Referral guide at the end of the Guidelines, Provide appropriate referrals at 4, and Provide services appropriate to the individual at 6.

### 3.2 Consider whether a formal meeting is necessary

A formal meeting to discuss a trafficked person's experiences may help an NGO obtain the information they need to assess which services or referrals will help that person. However, such a meeting may not be necessary, and may have negative consequences, including:

- re-traumatising the person by asking inappropriate or sensitive questions, which they may later need to repeat to police or a specialist service provider, and
- information from the meeting being stored unsafely or later subpoenaed.

Sometimes a less invasive approach, where you can make referrals or provide services without conducting a formal interview, will be best for the trafficked person. You may refer the person to the AFP or another service with relatively basic information about the person's circumstances.

Before you ask a trafficked person to participate in a formal meeting to discuss their experiences, think about whether:

- a formal meeting would be in the best interests of the trafficked person
- your NGO needs further information to determine what services to offer the person or to make an appropriate referral, or whether you can make these decisions with the information you already have

your NGO can conduct the meeting in a manner appropriate to the person, taking into account characteristics such as age, culture, and language

your NGO has privacy systems in place to store both hardcopy and electronic information, and another NGO or government agency is already providing services to the person.

### 3.3 Request consent to conduct a formal meeting

The person the NGO proposes to meet with must always have the final say on whether the meeting occurs. Before you ask a person if they want to participate in a formal meeting, tell the person:

- the purpose of the meeting

- who will see the information, what it will be used for, and how it will be recorded and stored, and

- the risks of participating in the meeting, including that discussions may be the subject of a subpoena served on the NGO.

It is also good practice to ask the person their preference for the gender and ethnicity of the person who meets with them.

If the meeting is part of a service needs assessment (to determine if the service can appropriately meet the needs of the person), this should be explained to the person as the purpose of the meeting.

Make sure the person knows receiving services from your NGO is not conditional upon participating in a formal meeting. Explain the services your NGO can provide without a meeting. Tell the person it is their right to:

- decide not to participate in a formal meeting

- terminate the meeting after it begins

- require that the meeting is not recorded

- restrict how information obtained in the meeting is used, and

- ask a support person to accompany them to the meeting.

Sometimes it may be necessary to use a qualified interpreter to negotiate informed consent from a person to participate in a formal meeting.

### 3.4 Conduct formal meetings carefully and respectfully

Always tell the person you are meeting with:

- the content of the meeting will be private (but bear in mind the possibility of a subpoena, discussed below, or any relevant mandatory reporting obligations, which should be explained to the person before collecting any information as part of the meeting)

- the meeting can be stopped or paused at any time, and

- when advice will be given about services that may help.

Only ask questions on a 'need to know' basis; collect only the information that you need in order to provide your services to the person (for example, if you need to know the answer to be able to provide services to the person or make an appropriate referral).

To reduce the risk of re-traumatizing a trafficked person during a formal meeting you should:

- conduct the meeting a manner appropriate to the individual, taking into account characteristics such as age, culture, and language

conduct the meeting in a place where the person feels safe and comfortable

only include people who need to attend—this may include someone the trafficked person wants to attend. It is important to understand that sometimes the person’s family or community may be involved in their experience of exploitation

avoid repetitive or judgmental questions

let the trafficked person answer questions at their own pace without being interrupted

be aware of the time—take appropriate breaks and tell the person that they can stop the meeting at any time, and

look for signs of anxiety such as consistently avoiding eye contact, evading questions, trembling, shaking or crying, severe headache, dizziness or nausea, difficulty breathing or becoming flushed. Stop the meeting if these symptoms occur or if for any reason it becomes unsafe to continue the meeting.

Do not conduct multiple formal meetings unless absolutely necessary. Always take a trafficked person’s assessment of their own safety seriously. If someone is, or feels they are, in immediate danger, call 000 immediately.

Records made by an NGO about a trafficked person can be subject to a subpoena. Make sure you only record information with the informed consent of the trafficked person and if recording the information is necessary. It is important to remember that if a trafficked person says something different to an NGO than they later say in court, this might affect their credibility or believability as a witness. See Protect privacy and confidentiality at 5, and Know how to respond to subpoenas and other requests for information at 8.

Read more about how to make appropriate referrals at 4. Contact details for NGO services and government agencies are listed in the Referral guide at the end of the Guidelines.

### **Example: Conducting a formal meeting**

A migrant worker tells you that they have been told they owe their workplace a debt. The person did agree to a debt, but the amount of the debt was increased without the person’s agreement. The person believes they have already paid the debt. They want to know what they can do.

Consider:

- Does the person feel that their safety is at risk?
- Does the person understand that they are, or may be, a victim of a crime?
- Does the person want the police involved?
- What exactly does the person wish you to do? Can you offer the things they are seeking?
- Does the person need information about their visa and/or immigration status from a registered migration agent?
- Does the person need a referral to an anti-trafficking support organisation?
- Does the person need a referral to their country’s embassy?
- Does the person want a referral to a trade union or other workers’ association?
- Does the person know their rights as an employee in Australia?
- Does the person wish to continue working at the workplace?
- Does the person understand how the AFP and FWO can help them?
- Is the person happy for referrals to relevant government agencies, including the AFP, being made?

## 4 Provide appropriate referrals—tell people who can help

### 4.1 Prepare referral information

NGOs that provide services to people who may have experienced human trafficking or slavery need to know how to make appropriate referrals. The Referral guide at the end of the Guidelines contains contact details for government agencies and NGOs that provide support and assistance to trafficked people.

Prepare referral information that contains accurate, up-to-date information about the services provided by NGOs and government agencies. If necessary, prepare this information in the preferred language of the trafficked person.

### 4.2 Provide referral information as soon as possible

Once an NGO identifies a person as someone who may have experienced human trafficking or slavery, that person should be given information about relevant services as quickly as possible. Providing this information will help the trafficked person make informed choices about which services, if any, they want to access. Areas of need may include:

- victim support
- legal and migration advice
- accommodation or refuge services
- financial support
- translation services
- psychological support
- medical treatment, and
- police intervention.

It is important to remember that legal and migration advice must only be provided by a qualified person.

A trafficked person may have difficulty trusting someone who is trying to help them. Do not promise help that your NGO can not deliver or give a person unrealistic expectations about what might happen to them. Be clear about what is possible and what is not.

Be responsive to the individual needs of the person. Listen to their story and consider what support—if any—they have received to date, whether they are involved in legal proceedings and the stage of those proceedings. Consider the facts to decide the appropriate referrals. Remember, a person must give informed consent to a referral made on their behalf unless he or she is in immediate danger, or is a child.

### 4.3 Provide information about the AFP and other authorities

If you suspect a person has been trafficked, always tell that person how they can contact the AFP. The AFP can assess whether a person may be a victim of human trafficking or slavery and refer the person to the Australian Government Support for Trafficked People Program as appropriate (see 1.2). The AFP can also support an application under the Human Trafficking Visa Framework if the person is not an Australian citizen and does not already hold a valid visa (see 1.3). Trafficked people in need of information about their visa status can also seek advice from DIBP.

Trafficked people may be reluctant to contact authorities. This can be because of:

- a lack of trust in police or government
- a sense of shame or embarrassment, or fear being judged
- the involvement of family members in their experience of exploitation
- fear of removal from Australia or punishment by Australian authorities
- threats being made, including threats to third parties such as children or family members, or
- a lack of understanding about what will happen after authorities have been contacted.

A trafficked person may also not identify themselves as a victim or consider their situation to have involved human trafficking or slavery.

Before a trafficked person is referred to authorities, the person must be given information about what may happen if they proceed. In some cases it may be appropriate for an NGO to anonymously contact the AFP to learn more about what will happen if that person contacts the AFP. In these circumstances, you should not provide information that identifies the person.

Where a trafficked person is fearful about contacting authorities, the NGO should offer to support and accompany them to meet with authorities if this would help the person feel safer. A person's belief that contacting authorities will be dangerous should be taken seriously, but advice about the role of agencies like the AFP should be provided. An informed decision not to contact authorities should be respected, unless the person is a child and contacting authorities is a mandatory reporting obligation or would otherwise be in the child's best interests.

### 4.4 Provide referral information in a safe way

The safety of the trafficked person must be the primary concern of the NGO. If a person is still in a situation of human trafficking or slavery, only provide written information if it is safe to do so, and make sure computer networks are secure. NGOs should also take steps to ensure NGO workers providing services to trafficked people are not themselves placed in unsafe situations.

Generally, you should only share personal information about a person who may have been trafficked with another NGO or agency with the informed consent of that person. See Obtain informed consent at 3, and Develop networks with other NGOs and service providers at 7.3.



## 5 Protect privacy and confidentiality

Always protect the privacy and confidentiality of people who may have experienced human trafficking or slavery. The safety of a trafficked person may be threatened by the careless or unintentional disclosure of information by staff or volunteers at the NGO. One way this can happen is by using email systems that are not secure.

### 5.1 Protect privacy and confidentiality

Do not disclose the personal information of a person who may have experienced human trafficking or slavery. To keep personal information confidential NGOs should:

- require staff and volunteers to sign a confidentiality agreement
- ensure all staff understand privacy obligations and the risks of breaching the privacy of trafficked people
- implement a policy for recording and storing information about trafficked people and take disciplinary action in response to breaches of this policy
- obtain legal advice before responding to demands to hand over documents—See Know how to respond to subpoenas and other requests for information at 8
- understand the implications of protecting a victim’s identity during court proceedings—see Know how to support witnesses in court proceedings at 9, and
- make sure public presentations or interviews do not disclose personal information about a trafficked person without that person’s informed consent.

If a trafficked person wants to make their identity public, the NGO should tell them about the risks of doing so.

Breaches of privacy can occur if you:

- use a trafficked person’s name in a media interview
- transmit, store or dispose of information via non-secure means such as putting information in a general rubbish bin or giving it to a journalist
- publish photos or films where the identity of a trafficked person is disclosed—if a trafficked person is filmed, you may need to conceal their face, voice and surroundings
- disclose information about the country of origin or circumstances of a particular case that enable the trafficked person to be identified, or
- make public recordings of a trafficked person—if a person is recorded, best practice is to obscure their voice using revoicing techniques.

See also Deal with the media and researchers ethically at 7.4.

Under the Commonwealth *Privacy Act 1988* (Privacy Act) government and some private sector organisations are required to protect the privacy of personal information. Although small NGOs may not be legally required to comply with the Privacy Act, all NGOs should take the following steps to protect people’s personal information:

only collect information that is necessary. If your NGO can provide effective services to a trafficked person without collecting their personal information, then allow that person to interact with your NGO anonymously and do not keep records of their personal information

do not collect personal information about a trafficked person just because you think it may come in handy later. Only collect personal information you need. If you need further information later, collect it then

tell people what you are going to do with the personal information you collect about them

only use personal information for the purpose you collected it

consider whether you need to disclose personal information. You should not disclose personal information without the informed consent of the trafficked person

if people ask, give them access to the personal information you hold about them

keep personal information about trafficked people secure

don't keep information you no longer need. If you no longer need the information and there is no legal reason to keep it, then destroy it

keep records containing personal information about trafficked people accurate and up-to-date

consider making someone in your organisation responsible for privacy compliance, and

if you receive a subpoena to produce documents which relate to someone's personal information, seek legal advice before producing the documents. See Know how to respond to subpoenas and other requests for information at 8.

The Privacy Act contains exemptions that permit the disclosure of personal information to law enforcement agencies, such as the AFP, in circumstances where it is reasonably believed the use or disclosure of the information is necessary for the law enforcement agency to undertake relevant activities, such as the investigation of human trafficking and slavery offences.

More information about privacy is available from the Office of the Australian Information Commissioner at: <[www.oaic.gov.au](http://www.oaic.gov.au)>.

## 5.2 Record and store information safely

There are significant risks in recording the personal information of trafficked people. Personal information about a trafficked person should be de-identified. This means that names and personal details should not be linked to conversation records.

Paper records should be kept in a secure place where they are not visible or accessible to members of the public. If you are using computers, put security systems in place to protect any confidential material stored electronically. Change computer passwords regularly. Install firewalls, cookie removers and anti-virus scanners. Do not share confidential data by non-secure email.

Volunteers and staff at NGOs should only have access to files on a 'need to know' basis. If an NGO is no longer legally required to keep information and it is not necessary to keep the information, it should be safely destroyed. Paper records should be shredded. Electronic records or files should be deleted in a way that ensures they cannot be retrieved.

Guidelines on information management are available from the Australian Association of Social Workers at: <[www.aasw.asn.au/document/item/4680](http://www.aasw.asn.au/document/item/4680)>.

## 6 Provide services that are appropriate for the individual

People who have experienced human trafficking and slavery come from diverse backgrounds. A person may experience serious exploitation regardless of race, religion, sex, gender, sexual orientation, or whether they have a disability. Trafficked people may experience exploitation in a professional or in a personal setting, and may or may not be subjected to movement across transnational or national borders. Support and services provided to trafficked people should be based on their individual needs—a 'one-size-fits-all' approach cannot be applied.

The majority of trafficked people identified in Australia to date have been adult women from South East Asia who have been subjected to exploitation in the commercial sex industry. However, Australian authorities have identified men and women from diverse backgrounds who have been exploited in industries including construction, agriculture, hospitality and domestic work. Some trafficked people have been subjected to exploitation within intimate relationships, which may or may not have been genuinely entered into. Since the criminalisation of forced marriage in 2013, an increasing number of people in, or at risk of, forced marriage have been identified. People who experience forced marriage are more likely to be young women, often under 18, who are Australian citizens or residents. However, men and boys can also experience forced marriage.

It is important to be aware that people who have experienced trafficking or slavery (including people who have arrived from overseas, as well as residents and citizens) may not be familiar with the Australian legal system or the availability of support services in Australia. NGOs should ensure trafficked people have access to information about their rights, while remaining conscious of providing information and services that are appropriate for the person and their specific circumstances.

### 6.1. Provide culturally appropriate information, in appropriate languages

Trafficked people may not speak or read English or be familiar with the Australian legal system. They may have difficulty accessing services because:

- they do not recognise their experience as human trafficking or slavery
- they are not aware that all forms of human trafficking and slavery are illegal in Australia
- they lack a general understanding of the Australian legal system, Australian society or the services that are available to trafficked people
- they are not aware of their rights in relation to work or marriage in Australia
- service provision may not be appropriate for the person's characteristics or circumstances, or
- they are fearful of people in positions of authority, such as police, because of previous negative experiences or stereotypes.

NGOs should provide information in the preferred language of the trafficked person. If an NGO is unable to provide information in the preferred language of the trafficked person, the NGO should refer the person to a culturally or language appropriate service.

NGOs need to consider whether it is necessary to seek the services of an accredited interpreter, including to obtain informed consent. Using interpreters can help the trafficked person feel at ease, understand their options and tell their story. However, trafficked people may feel ashamed or distrustful talking about their experiences to someone from the same cultural background. They may also fear (or

know) that the interpreter has links to people involved in their experience of exploitation. No one from the person's immediate community (including friends, family, neighbours or community leaders) should be used as an interpreter.

Be aware of the risk that inaccurate translations may inadvertently insult or misinform trafficked people. NGOs should only use accredited interpreters who agree to keep information obtained when speaking to the trafficked person confidential.

If possible, you should ask the trafficked person what gender and ethnicity they would prefer the interpreter to be. It is also useful to confirm at the outset that the interpreter and trafficked person can understand each other, and are not impacted by communication difficulties such as the use of different dialects.

Wherever possible, NGOs should obtain training in using interpreters and interpreter services, including the Australian Government's Translating and Interpreting Service (TIS) which is available 24 hours a day. You can find out more at: <[www.tisnational.gov.au](http://www.tisnational.gov.au)>.

## 6.2. Provide culturally inclusive services

In providing culturally inclusive services, NGOs should consider:

- translating resources into different languages
- obtaining copies of multilingual resources, particularly if your NGO does not have the funding to translate your own materials
- proactive hiring of multilingual staff
- staff training to improve cultural competence, including awareness and understanding
- training in the use of interpreters and interpreter services, including the Australian Government's Translating and Interpreting Service (TIS) and on site interpreters
- becoming aware of multilingual anti-trafficking NGOs and service providers
- providing referrals to, and networking with, culturally appropriate services
- promoting services within culturally diverse communities
- seeking assistance from culturally competent interpreters, bilingual and cross cultural workers.

## 7 Provide professional and ethical services

Staff and volunteers at NGOs need to make sure that the relationships that they maintain with trafficked people are professional, ethical and safe. NGOs working with trafficked people should seek to comply with the minimum standards set out in these Guidelines.

### 7.1 Maintain professional relationships

Recognise the limitations of your NGO. Do not promise services or assistance that your NGO is not able to provide or overstate your ability to help a trafficked person. Do not promise services or support on behalf of another agency or person.

The relationship between you and the trafficked person should be professional, not personal. It is not appropriate to have a trafficked person stay at the homes of NGO staff and volunteers. This is an unsustainable arrangement which could jeopardise the safety of both the trafficked person and the NGO worker.

You should not act as intermediary in discussions between a trafficked person and his or her employer, family or community. This may expose both you and the person you are trying to help to danger.

Tell people how they can make a complaint if they are unhappy with the services your NGO provides.

### 7.2 Train NGO staff and volunteers

NGOs need to train staff and volunteers about how to provide safe and ethical services to trafficked people. All staff and volunteers should read these Guidelines before starting to work with people who may have been trafficked.

Where possible, training should be ongoing. Ongoing professional development is important in ensuring good practice responses.

NGO case managers or senior staff should provide appropriate supervision of junior staff and volunteers.

### 7.3 Develop networks with other NGOs and service providers

A trafficked person may be receiving services from both government agencies and community organisations. In some circumstances, it may help to communicate with other NGOs and government agencies about an individual case.

NGOs may need to form referral networks to ensure that each trafficked person has access to comprehensive and appropriate physical, legal and psychosocial care. Information about government agencies, NGOs and service providers is in the Referral guide at the end of the Guidelines. NGO and service provider networks for human trafficking and slavery also exist in some jurisdictions.

Informed consent must be obtained from the trafficked person to share their personal information with other organisations and agencies. See Obtain informed consent at 3.

## 7.4 Deal with the media and researchers ethically

NGOs may be asked by journalists or researchers to share their expertise about trafficked people. While NGOs may wish to make public comments about human trafficking and slavery issues, NGOs should not:

- make public statements that disclose the personal information of trafficked people without their informed consent (in obtaining informed consent, NGOs should make the person aware of the possible implications or impact of disclosing their story in the media)
- make public statements about a trafficked person who is part of an ongoing investigation, without seeking prior advice about any potential impact this may have on the investigation
- pressure trafficked people to participate in interviews with journalists or researchers
- give trafficked people the impression that NGO or government services may be withdrawn or denied to them if they refuse to be interviewed by the media or researchers
- give trafficked people the impression that NGO or government services will only become accessible to them if they agree to be interviewed by the media, or
- speak on behalf of other NGOs without permission.

NGOs are sometimes asked to facilitate interviews with trafficked people in order to raise public awareness about human trafficking and slavery. Due to trafficked person-service provider power structures, a trafficked person may agree to media interviews because they don't want to disappoint the NGO. Make it clear that you will not be disappointed if a person declines a request to speak to a researcher or a journalist.

If a trafficked person makes an informed decision to speak publicly about their experience, that choice must be respected and supported. That person should be given information about how they can protect their identity, should they wish to do so. This may include measures such as use of a pseudonym, not disclosing their place of origin, or the location of their exploitation. NGOs should consider the need to carry out a risk assessment, and ensure there is appropriate support and training available to the trafficked person before and after they speak publicly about their experience.

Comments made to the media during, or in the lead up to, court proceedings can interfere with the administration of justice and may constitute a contempt of court. NGOs may wish to seek legal advice before providing information to the media in these circumstances.

Stories about trafficking for the purpose of sexual exploitation can foster stereotypes about the sex industry. It is important to differentiate between sex workers and victims of trafficking and avoid sensationalist language—for example 'sex slave', 'contract girls', 'girls' and 'plying their trade'. Use language that recognises the humanity of the individuals involved—for example 'sex worker,' 'sex workers on contract,' 'women' and 'working.'

Stories about forced marriage can also involve the propagation of harmful stereotypes about religion and culture. Forced marriage is not limited to any particular cultural group, religion, ethnicity, age or gender. Forced marriage should not be confused with arranged marriage, which is a consensual, legal practice. A fact sheet for media about forced marriage is available from AGD's website at: <[www.ag.gov.au/forcedmarriage](http://www.ag.gov.au/forcedmarriage)>.

When speaking to the media or in public about human trafficking generally, NGOs should be seek to ensure that their terminology and content is sensitive to, and wherever possible empowering for, trafficked people.

You should also be sure to check your own organisation's internal media policies.

## 7.5 Use safe and ethical research practices

NGOs may wish to engage in research for a number of reasons. For example, NGOs may wish to find out about available services for people who have experienced human trafficking or slavery, or to understand what is happening in their community. Research on human trafficking and slavery can involve a range of quantitative and qualitative methodologies, which may or may not seek the participation of key individuals, agencies and organisations. Examples of research methods that do not require human participation include desktop research, literature reviews, and theoretical studies. Research methods that do involve human participation include surveys (interviews and questionnaires), focus groups, observations, case file analysis, and analysis of recorded crime statistics (for example, police data). Research involving human participants requires great care and attention to ensure that there is no risk of harm to those undertaking the research and to those being studied, and to ensure that there are no damaging consequences as a result of the research. There are many sensitivities to consider and address when researching human trafficking and slavery. These include the impacts of labelling and stigmatising language, participant vulnerability and safety, cultural appropriateness, participant-researcher power structures, the use of interpreters, and engaging with minors, among others.

If an NGO wishes to engage in any research involving contact with people, including with trafficked people, it is advisable to seek advice from a reputable research institution, such as a university or hospital, in order to ensure sound research and ethical practice, or to consider partnering with an established research group. Obtaining ethics approval from a relevant Human Research Ethics Committee (such as from a university, research institute, hospital, or justice or policing agency) and adhering to the National Health and Medical Research Council (NHMRC)'s National Statement on Ethical Conduct in Human Research will ensure that studies involving contact with people, especially vulnerable persons, is conducted in a safe and ethical manner.

Some forms of research are best conducted with the advice of a steering committee or reference panel. Best practice approaches may include having members of the affected community (for example, a person from within the sex industry or the construction industry, or from a relevant association or union, as appropriate) on a steering committee or reference panel to advise the research project. Such a committee or panel may contribute to the development of the aims and methodology of a research project, draft and/or advise on survey methodologies including questionnaires or interview questions, or be involved in collecting the data. Such a committee or panel may also be consulted in analysing the results of the project, and editing and approving the final research report. In any case most experienced researchers consult with relevant communities to ensure the appropriateness of the research methodology and interpretation of the findings.

Before beginning any research project, an NGO should undertake a risk assessment to ensure all potential harms and consequences are considered. Harms to the individual may include physical harm (such as threats of assault), psychological harm (to participants through re-victimisation, and researchers through vicarious trauma), social isolation, stigma, and legal risks (including those resulting from direct or inadvertent release of information to authorities). NGOs must ensure that the security, health and well-being of all individuals involved are safeguarded. As such, it is necessary to obtain informed consent from all research participants, and protect their privacy and confidentiality. Participants should be given an information sheet written in plain language that outlines the purpose of the research, what their participation involves, the steps taken regarding privacy and confidentiality, how the information will be used, how the participant can withdraw, who they can contact if they would like further information, and the details of the approving ethics committee if they have concerns with the manner in which the research is being conducted.

Risks may also be of a broader nature, such as interference with public health initiatives, existing anti-trafficking projects or law enforcement investigations. Research should only be undertaken if the benefits outweigh the harms. If a project does go ahead, NGOs should have mechanisms in place to deal with any risks and harms, such as appropriate training (see Train NGO staff and volunteers at 7.2), reporting, accountability and referral practices (see Provide appropriate referrals at 4), as well as adequate storage of confidential material (see Record and store information safely at 5.2).

Investigations to identify criminal acts should always be left to local authorities. If an NGO decides to undertake research, it should ensure that it is not interfering with any police investigations, other research operations or government monitoring bodies. See Develop networks with other NGOs and service providers at 7.3. If the research uncovers illegal activity, it is best to refer the information to local authorities and be sure not to disclose it to others, including the media. See Deal with the media and researchers ethically at 7.4.

If the research uncovers findings of a sensitive, confidential or inexplicable nature, careful consideration should be given to whether these are reported. For example, if a small population of trafficked people is being examined, the identity of individual participants may be difficult to protect. Information reported out of context, and sometimes even in the correct context, may harm individuals and may undermine the development of the sound evidence base needed to build an effective trafficking response. Great care must be exercised to avoid misrepresenting the nature of research or survey findings.

Further advice can be obtained from:

- Australian Institute of Criminology
- university researchers
- area health services / tertiary hospital research committees
- law enforcement authorities
- relevant ethics committees or bodies
- relevant community organisations, and
- relevant unions, employer groups and industry bodies.

The following documents provide information about appropriate research methods:

- Australian Code for the Responsible Conduct of Research, NHMRC (2007)
- Ethical and Safety Recommendations for Interviewing Trafficked Women, World Health Organization (2003)
- National Statement on Ethical Conduct in Human Research, NHMRC (2007)
- Researching Sensitive Topics, Renzetti and Lee (1993), and
- The Ethics of Migration Research Methodology: Dealing with Vulnerable Immigrants, Liempt and Bilger (2009).

Ethical guidelines on the use of client information for research and educative purposes are also available from the Australian Association of Social Workers at: [www.aasw.asn.au/document/item/4678](http://www.aasw.asn.au/document/item/4678).



## 8 Know how to respond to subpoenas and other requests for information

### 8.1 Understand what a subpoena is

All NGOs should have a policy in place that states what to do and who to contact for legal advice in the event the NGO is served with a subpoena.

A subpoena is an enforceable court order to produce documents and/or notice to attend court and give evidence.

An NGO served with a subpoena is legally required to comply with it, unless there are legal grounds on which a court decides to set a subpoena aside or vary the order for production.

To have a subpoena set aside or have the order to produce documents varied, an NGO must make an application to the court.

NGOs that work with trafficked people can be served with a subpoena:

- to produce documents by a certain date—for example, an NGO may receive a subpoena to produce documents (including electronic and handwritten) that relate to a trafficked person's interaction with the NGO, such as notes taken during meetings or counselling sessions

- to give evidence in court on a certain date—for example, an employee or volunteer at an NGO may receive a subpoena to appear in court and give evidence about their interaction with the trafficked person, and

- to produce documents and appear in court.

Subpoenas can be issued by the parties to criminal and civil court proceedings.

In criminal proceedings both the prosecution and the defendant can serve a subpoena. The prosecution in human trafficking and slavery matters will usually be represented by the CDPP. As a practical matter, an NGO is more likely to be served with a subpoena issued by the defence rather than the CDPP, although the CDPP also has the power to issue subpoenas.

The FWO may commence court proceedings against employers who contravene the civil penalty provisions of the Fair Work Act. Trafficked people may also be involved in civil proceedings to claim compensation.

Do not give access to third parties until instructions have been sought from the client and/or legal advice taken. See Record and store information safely at 5.2.

### 8.2 Always get legal advice if served with a subpoena

If issued with a subpoena, obtain legal advice immediately and before responding to the subpoena in any way. The Guidelines do not provide legal advice on what to do if an NGO is served with a subpoena. Different states and territories apply different laws in relation to subpoenas.

Make sure all staff and volunteers are aware that if a subpoena is served they should always seek legal advice as soon as possible. This is important to identify whether there is any ground for objecting to the subpoena.

The CDPP is unable to provide legal advice to NGOs or act for NGOs on the return of the subpoena. However, if the subpoena relates to a criminal court proceeding then the NGO should consider telling the CDPP that they have been served with the subpoena.

Identify all the documents that you think may fall within the terms of subpoena and give them to your legal adviser. It is important to identify who owns the documents that have been subpoenaed and who can properly object to the production of the documents. Depending on the document sought, the document may belong to the NGO or to the trafficked person.

The law about objections to subpoenas is complex. For example, you may be able to object to the production of documents because they are subject to a counselling communication privilege. The operation of 'protected counselling communication' privilege differs in different state and territory jurisdictions.

Any records on NGO premises that you believe are subject to privilege should be securely stored and labelled with a warning that their contents may be privileged. For example: 'Warning: these notes may be privileged'.

You should always follow legal advice about how to respond to the subpoena. Your legal adviser will advise whether there are any grounds to object to the production of any or all of the documents. If you are advised that the documents are privileged, you will need to assert the claim to privilege to the court in person or by letter. You may still be required to present the documents to the court so the court can decide if the objection is justified.

The party who issues the subpoena should provide money to enable the NGO to meet the reasonable costs of complying with the subpoena.

#### **Example: Being served with a subpoena**

You have been helping a trafficked person find a job and accommodation. A few months ago you spoke to her about her experiences, which included episodes of personal violence against her. The woman was very distressed and you arranged for a sexual assault counsellor to meet her. You always keep good file notes of your conversations with clients and store notes carefully. The AFP has investigated the case and the CDPP is preparing for trial. When you got home today a person gave you a notice requiring you to give copies of all your files to the court. For advice on what to do read sections 8.1 and 8.2, and seek independent legal advice as soon as possible.

### **8.3 Always advise the trafficked person about the subpoena**

If your NGO has been served with a subpoena, you should inform the trafficked person as soon as possible. This is because the documents that have been subpoenaed may belong to the trafficked person.

If a client's counselling notes are sent to court without the consent of the client there may be legal consequences for an individual worker or the NGO. A client could take legal action against the worker, counsellor or NGO if they are not notified of the existence of the subpoena.

## 8.4 Requests from statutory bodies, media and researchers

If an NGO receives a letter from a statutory body to produce information, the NGO should seek legal advice about whether the NGO is required by law to comply with the request.

Some government agencies have statutory powers to require the production of documents. For example, to investigate breaches of Commonwealth workplace relations laws, the FWO has statutory powers to require the production of documents. FWO Workplace Inspectors also have the right to enter, without force, premises on which they believe that:

- work governed by Commonwealth workplace relations laws has been or is being conducted, or
- there are documents the Workplace Inspector is authorised to inspect, make copies of, take extracts from or retain, which may include documents held by an NGO in relation to a trafficked person.

Workplace Inspectors have the right to enter such premises and:

- inspect any work, material, machinery, appliances, article or facility
- take samples of any goods or substances
- interview any person
- require a person to produce documents to the inspector and inspect, make copies of or take extracts from the document, and
- require a person to tell the Workplace Inspector who has custody of a document.

The Commonwealth *Freedom of Information Act 1982* (FOI Act) provides a legally enforceable right of access to government documents. It applies to Australian Government ministers and most agencies, although the obligations of agencies and ministers are different. The FOI Act does not cover requests made to NGOs. All Australian states and territories also have freedom of information laws covering their public sectors.

If your NGO receives a request for information which is not legally binding, remember that the personal information of a trafficked person is confidential and should not be shared with third parties. If information is provided, it should generally only be done with the informed consent of the trafficked person.

NGOs may also be approached by researchers who are interested in meeting with trafficked people, or members of the media who would like to interview or film trafficked people. NGOs should consider the sensitivities involved in such requests, including the safety of the trafficked person should their identity be revealed. NGOs should also consider whether a trafficked person may agree to participate in a research or media interview because they have been asked to do so by an NGO that has been providing them with support or access to services. It will always be important to obtain a trafficked person's informed consent before providing their details to researchers or members of the media. See Deal with the media and researchers ethically at 7.4.

## 9 Know how to support witnesses in court proceedings

### 9.1 Vulnerable witness protections

Under the Commonwealth *Crimes Act 1914* (Crimes Act), victims of human trafficking and slavery offences are considered to be vulnerable witnesses, and as such are entitled to give evidence in Commonwealth criminal proceedings using alternative arrangements (such as by closed-circuit television, video recording or video link). The Crimes Act places limits on the cross-examination of vulnerable witnesses, allows vulnerable witnesses to have a support person with them while they give evidence, and to have their contact with the defendant or members of the public limited. As complex criminal matters often progress to re-trials or appeals, the Crimes Act also provides for evidence given by a vulnerable witness at trial to be admitted as their evidence in a later trial. It is an offence under the Crimes Act to publish material which identifies a vulnerable witness.

### 9.2 CDPP Witness Assistance Service

The CDPP Witness Assistance Officer provides information and support to victims and witnesses of Commonwealth crimes prosecuted by the CDPP, including victims of human trafficking, slavery, servitude, forced labour, deceptive recruiting for labour or services, forced marriage and debt bondage.

This assistance includes:

- providing information about the court process
- where appropriate, keeping victims and witnesses informed of key developments in the case, and
- liaising with NGOs as appropriate.

The Witness Assistance Officer is based in Sydney.

### 9.3 Guidelines for accompanying witnesses to court

People who have been trafficked may be able to give evidence as a witness in the prosecution of those who have committed criminal offences. NGO staff may wish to accompany victims to court when they give evidence.

#### (a) Pre-trial conference

Prior to the witness giving evidence before court, a CDPP case officer will often seek to meet with the witness to discuss their evidence and make sure the witness understands what will happen when attending court.

If you, as an NGO case manager, intend to attend court with the witness, it may also be appropriate for you to attend the pre-trial conference. At the pre-trial conference you should:

- introduce yourself to the prosecutor and advise the prosecutor that you intend to attend court with the witness, and
- ask the prosecutor any questions you may have about the court process and your responsibilities.

It is important to note that it is not unusual for a victim-witness to expand upon or change his or her evidence at the pre-trial conference. If this occurs, the CDPP has an obligation to disclose this to those acting for the alleged offender. If there is a dispute about what was said at the conference, and if the NGO case manager is present, the NGO case manager may be called as a witness in the trial.

### **(b) Attending court**

The witness will usually be required to give evidence before a court on at least two occasions—the committal and the trial. The time delay between the committal and the trial can be lengthy, usually many months, and on some occasions there may be more than one trial.

Always be on time when you attend court.

Advise the prosecutor that you and the witness have arrived and how long you intend to be present. For example, you may intend to stay for as long as the witness is required.

The prosecutor will advise where the witness needs to sit while waiting to give evidence. A witness will usually be required to wait outside the courtroom until they have given their evidence. You should wait with the witness during this time.

The prosecutor will try to give the witness an indication of when he or she will be required to give evidence. This will only be an estimated time. The witness may have to wait for hours or even days.

You can talk to the witness but cannot discuss the case or the witness's evidence. You should not tell the witness about anything that has been asked of previous witnesses in the courtroom. Keep conversations with other witnesses and interpreters to a minimum. Do not discuss the case.

The witness should not be made aware of evidence that another witness has given or is going to give under any circumstances.

An NGO staff member or a witness should not have any contact with a member of the jury under any circumstances.

### **(c) Inside the court**

A court officer will advise when the witness is required to enter the court to give evidence. At this time you can also enter the court and sit in the public seating area. Before you enter the courtroom, make sure your mobile telephone is turned off and take off sunglasses, hats or caps.

You may look at the witness while he or she is giving evidence. However, make sure that you do not behave in any way which may suggest that you are coaching the witness. Keep your facial expressions and body language neutral. Do not nod or shake your head, mouth words or do anything else that could be perceived as attempting to influence the witness.

If you are a support person for a vulnerable witness, you can accompany them while they give evidence. You must not prompt the witness or influence their answers, or disrupt the questioning of the witness. Any words you speak while accompanying the witness must be able to be heard by the judge and, if there is a jury, all members of the jury.

While the witness is being cross-examined by the lawyers for the defendant(s), the witness is not able to discuss any aspect of the case with members of the prosecution team. This means that the witness is not able to discuss the case with members of the prosecution team from the time the cross-examination starts to the time the cross-examination finishes, even if the cross-examination continues over a number of days. NGO staff should not discuss the case with the prosecution team during this period either.

#### **(d) After the witness gives evidence**

After the witness has given their evidence and been excused by the judge or magistrate, the witness should not stay in the courtroom or be in a position to hear the evidence of other witnesses.

This is because:

- if the matter is a committal proceeding it is only the first step in the trial process and the witness is likely to have to give evidence at the trial
- the witness may be recalled to give evidence at the same hearing, and
- if there is a successful appeal, there may be a re-hearing or re-trial.

Following this rule will avoid any suggestion of collusion between witnesses or the tailoring of evidence by the witness.

The prosecutor will advise when the witness is no longer required to attend the court hearing. When you leave court, you and the witness should not talk with any other witnesses about the case, whether that other witness has given evidence or not.

#### **(e) Further information**

Further information about giving evidence in court and the prosecution process can be found on the CDPP website under the Victims and Witnesses tab at: <[www.cdpp.gov.au](http://www.cdpp.gov.au)>.

#### **What can the AFP and CDPP do?**

The AFP investigates offences against Commonwealth legislation including of human trafficking, slavery, servitude, forced labour, deceptive recruiting for labour or services, forced marriage and debt bondage. The CDPP is responsible for the prosecution of Commonwealth crimes.

The AFP gathers evidence and compiles the evidence into a brief. This brief is then referred to the CDPP where it is assessed in accordance with the Prosecution Policy of the Commonwealth to determine the appropriate criminal charges and decide whether a prosecution should proceed.

The CDPP prepares the matter for court, presents the prosecution case on behalf of the Commonwealth and makes submissions to the court on sentencing. The CDPP may appeal a sentence imposed by the court if it considers that the sentence is not in accordance with the law. The evidential and procedural laws applied to the proceedings are dependent on state or territory jurisdiction.

Because human trafficking and slavery offences sometimes overlap with, or are accompanied by, state or territory offences (such as kidnapping, assault, sexual assault, and deprivation of liberty) a trafficked person's case may be investigated and prosecuted by state and territory law enforcement agencies. Commonwealth and state and territory agencies can work together to ensure that the Commonwealth human trafficking and slavery offences are appropriately investigated and prosecuted.

## 10 Recognise the particular needs of children

Australia has ratified several international instruments that are relevant to trafficked people who are children. Of primary concern is the *Convention on the Rights of the Child* (CRC) and its two Optional Protocols. Article 3(1) of the CRC provides that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.

### 10.1 Trafficked people who are children have special rights

Child trafficking is a specific offence under the Criminal Code, and slavery-like offences, including forced marriage, are considered aggravated and carry higher penalties if the victim is a child. A person is considered a child if he or she is under 18. A child cannot, in any circumstances, consent to being exploited.

The best interests of the child must be a primary consideration in all actions or decisions that will affect the child. Parents have primary decision-making responsibility on behalf of children, except where they fail to, or are unable to, make the child's interests a basic concern (for example, if the parent is involved in the child's exploitation). In determining what is in a child's best interests, consideration should be given to the needs, wishes and feelings of the child. Although the views of a child need to be considered, acting in their best interests may sometimes involve going against their wishes.

When there is doubt about whether a trafficked person is a child, the person should be afforded the protections available to children to the extent it is in their best interests. A child who may be a victim of human trafficking or slavery should be treated as such unless, and until, a different determination is made.

Trafficked people who are children must be afforded support and protections that are delivered in a timely manner and are responsive to their unique needs. Children must be afforded at least the same level of support and protection that is made available to adults, including providing them access to independent legal advice. When there are differences in the support and protections provided to children when compared to adults, this disparity should be for the benefit of the child.

Trafficked people who are children have a legitimate role to play in criminal or civil actions against their alleged offenders including the right to be heard, the right to information, and the right to be kept informed.

The Australian Association of Social Workers has ethical guidelines on working with child clients, particularly with respect to consent, confidentiality and child-centred practices, available at: <[www.aasw.asn.au/document/item/4682](http://www.aasw.asn.au/document/item/4682)>.

## 10.2 Make appropriate referrals for child victims of trafficking

If you suspect that a child has experienced human trafficking or slavery, or is at risk of exploitation, contact the AFP immediately. You do not need informed consent from a suspected child victim before contacting authorities. The child's safety must be the top priority.

NGOs should be aware of relevant mandatory reporting requirements in your state or territory, noting that children have the right to privacy and there is an obligation to protect the child from the arbitrary and unlawful interference with that right.

Child protection is a state and territory responsibility. Trafficked people who are children are still eligible to access the Support for Trafficked People Program (see 1.2) but may also be given additional support through state and territory child protection authorities.

Providing services to trafficked people who are children requires special skills and training. In most cases services will be provided by specially trained service providers from government agencies, with support from specialised NGOs. For example, where a child will be a witness in a court proceeding, state and territory Child Witness Services will provide support, counselling and facilities for the child to give evidence from a remote location. This assistance is free and available regardless of whether the prosecution is for a state, territory or Commonwealth offence.

If an NGO is assisting a trafficked person who is a child, primary consideration must be given to the child's safety. Public comments by NGOs must never identify trafficked people who are children and every effort must be made to protect the child's privacy. Children do not have the capacity to consent to the distribution, publication or presentation of any written or visual material which would identify them as victims of human trafficking or slavery. NGOs should avoid using any images of trafficked people who are children, because of the risk it could identify them.

## 10.3 Consider the needs of the children of adult trafficked people, and family reunification

The *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* states that the term 'victim' includes, where appropriate, the immediate family or dependents of the direct victim. If an adult trafficked person has dependent children in Australia, consider any support services needed.

If the trafficked person is a child with family overseas, or an adult who has dependent children and/or a partner in their country of origin, they may need legal advice about opportunities for family reunification. The reunification of a trafficked person who is a child with their family members should only be considered if it is in the child's best interests.



## ACRONYMS AND ABBREVIATIONS

AFP	Australian Federal Police
AGD	Australian Government Attorney-General's Department
Crimes Act	Commonwealth <i>Crimes Act 1914</i>
Criminal Code	Commonwealth <i>Criminal Code Act 1995</i>
CDPP	Commonwealth Director of Public Prosecutions
DIBP	Australian Government Department of Immigration and Border Protection
DFAT	Australian Government Department of Foreign Affairs and Trade
DSS	Australian Government Department of Social Services
Fair Work Act	Commonwealth <i>Fair Work Act 2009</i>
FWO	Fair Work Ombudsman
Migration Act	Commonwealth <i>Migration Act 1958</i>
NGO	Non-government organisation
NHMRC	National Health and Medical Research Council
Trafficking Protocol	The United Nations <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</i>
UN	United Nations
UNICEF	United Nations Children's Fund

## GLOSSARY OF TERMS

### **Aggravated offence**

An aggravated offence is one which attracts a harsher penalty because of the circumstances of the offending. The human trafficking and slavery-like offences under the Criminal Code may be aggravated in particular circumstances including where the victim is under the age of 18, or where the offender subjected the victim to cruel, inhuman or degrading treatment.

### **Best interests of the child**

The 'best interests of the child' is a doctrine used by courts and other decision-makers to determine issues relating to the well-being of children. In determining what is in a child's best interests, a court or decision-maker should consider the needs, wishes and feelings of the child, and ensure that the human rights of the child are at the forefront of consideration. Although the views of a child need to be considered, acting in their best interests may sometimes involve going against their wishes.

### **Child**

A child is anyone under 18. A child victim of human trafficking or slavery is anyone who was under the age of 18 at the time of the offence.

### **Coercion**

An offender may use physical or non-physical coercion to gain a trafficked person's compliance. The Criminal Code defines coercion to include force, duress, detention, psychological oppression, abuse of power and taking advantage of a person's vulnerability.

### **Compensation**

A victim of a human trafficking or slavery offence may be entitled to financial assistance under a state or territory government-funded statutory financial assistance compensation scheme for victims of crime. A trafficked person may also seek reparation from the offender if the offender is convicted of a human trafficking, slavery, or slavery-like offence, or compensation through the civil court system for damage caused through a civil wrong such as a breach of a duty of care in negligence, false imprisonment or breach of contract.

### **Criminal Code**

The Criminal Code criminalises human trafficking (including child, domestic and organ trafficking) slavery, servitude, forced labour, forced marriage, deceptive recruiting for labour or services, debt bondage and harbouring.

### **Debt bondage**

The Criminal Code defines debt bondage as the status or condition of a person that arises from a pledge of personal services as security for a debt owed, or claimed to be owed if the debt owed or claimed to be owed is manifestly excessive, the reasonable value of those services is not applied toward the liquidation of the debt or purported debt, or the length and nature of those services are not respectively limited and defined. Debt bondage is an offence under section 271.8 of the Criminal Code, with a maximum penalty of four years' imprisonment, or seven years' imprisonment in the case of an aggravated offence.

### **Deceptive recruiting for labour or services**

Deceptive recruiting occurs where a person, with the intention of inducing another person to enter into an engagement to provide labour or services, deceives that other person about:

- the extent to which the person will be free to leave the place or area where the person provides the labour or services, or
- the extent to which the person will be free to cease providing the labour or services, or
- the extent to which the person will be free to leave his or her place of residence, or
- if there is, or will be, a debt owed or claimed to be owed by the person in connection with the engagement—the quantum, or the existence, of the debt owed or claimed to be owed, or
- the fact that the engagement will involve exploitation, or the confiscation of the person’s travel or identity documents, or
- if the engagement is to involve the provision of sexual services—that fact, or the nature of sexual services to be provided (for example, whether those services will require the victim to have unprotected sex).

Deceptive recruiting for labour or services is an offence under section 270.7 of the Criminal Code, with a maximum penalty of seven years’ imprisonment, or nine years’ imprisonment in the case of an aggravated offence.

### **Domestic trafficking**

See **Human trafficking**.

### **Forced labour**

The Criminal Code defines forced labour as the condition of a person who provides labour or services and who, because of the use of coercion, threat or deception, does not consider himself or herself to be free to cease providing labour or services, or to leave the place or area where he or she provides labour or services. Forced labour is an offence under section 270.6A of the Criminal Code, with a maximum penalty of nine years’ imprisonment, or 12 years’ imprisonment in the case of an aggravated offence.

### **Forced marriage**

The Criminal Code defines a forced marriage as one where a party entered into the marriage without freely and fully consenting because of the use of coercion, threat or deception. Forced marriage is an offence under section 270.7B of the Criminal Code, with a maximum penalty of four years’ imprisonment, or seven years’ imprisonment in the case of an aggravated offence.

### **Informed consent**

Informed consent occurs where a person agrees to an act after being given all the relevant information about the consequences of that act.

### **Human trafficking**

The Trafficking Protocol defines trafficking in persons, or human trafficking, as the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

The Criminal Code criminalises human trafficking and includes specific offences of domestic trafficking, organ trafficking and trafficking in children. The human trafficking, or trafficking in persons, offences are set out in sections 271.2 to 271.7E of the Criminal Code. The Criminal Code also criminalises the exploitative purposes for which a person might be trafficked, including slavery, servitude, forced labour and forced marriage.

### **Human Trafficking Visa Framework**

The Human Trafficking Visa Framework was established by the Australian Government on 1 January 2004 and amended on 1 July 2009 and 1 July 2015. It enables suspected victims of human trafficking and slavery to remain lawfully in Australia. It consists of the Bridging F visa and the Referred Stay visa. The Visa Framework may apply to any eligible trafficked person, regardless of the type of human trafficking or slavery-related exploitation they may have experienced.

### **Labour trafficking**

See **Human trafficking**.

### **Migrant smuggling**

Article 3(a) of the UN *Protocol Against the Smuggling of Migrants by Land, Sea and Air* defines 'smuggling of migrants' as 'the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'. Migrant smuggling is an offence under the Criminal Code and Migration Act.

### **Migrant worker**

A migrant worker is a person who works, has been working or will work in a remunerated activity in a country where he or she is not a national.

### **National Roundtable on Human Trafficking and Slavery**

Since 2008, the National Roundtable on Human Trafficking and Slavery has been held annually as at a consultative mechanism between government, civil society organisations, business and industry groups, and unions on emerging human trafficking and slavery issues. Since 2011, a supplementary officer-level Senior Officials' Meeting has also been held annually.

### **Personal information**

Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

### **Refugee**

A person who is outside his/her country of nationality and who has a well-founded fear of persecution as a result of his/her race, religion, nationality, membership of a particular social group or political opinion; and for fear of this persecution, is unable or unwilling to avail himself/herself of the protection of that country, or to return to it.

### **Repatriation**

Repatriation is the return of a trafficked person to his or her country of nationality.

### **Servitude**

The Criminal Code defines servitude as the condition of a person who provides labour or services and who, because of the use of coercion, threat or deception, does not consider himself or herself to be free to cease providing labour or services, or to leave the place or area where he or she provides labour or services. To be in a condition of servitude, the person must also be significantly deprived of his or her personal freedom. Servitude is an offence under section 270.5 of the Criminal Code, with a maximum penalty of 15 years' imprisonment, or 20 years' imprisonment in the case of an aggravated offence.

### **Slavery**

The Criminal Code defines slavery as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person. Slavery is an offence under section 270.3 of the Criminal Code, with a maximum penalty of 25 years' imprisonment.

### **Subpoena**

A subpoena is a court order to produce documents and/or notice to attend court and give evidence.

### **Support for Trafficked People Program**

The Australian Government's Support for Trafficked People Program provides support to suspected victims of human trafficking, slavery and slavery-like practices, including forced marriage, who meet eligibility criteria. Supports provided include accommodation, financial support, counselling, medical treatment, legal and migration advice, and interpreter services. More information about the Support Program is available from the Department of Social Services website at: <[www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/anti-human-trafficking-strategy](http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/anti-human-trafficking-strategy)>.

### **Trafficking in children**

Trafficking in children is an offence under section 271.4 of the Criminal Code, with a maximum penalty of 25 years' imprisonment.

### **Trafficked person**

Under international law a trafficked person is a person who has been recruited, transported or transferred by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of that person, for the purpose of exploitation.

Australia uses the term 'trafficked person' to encompass any person who has experienced human trafficking, slavery or slavery-like practices, whether or not the person was subjected to an element of movement as part of their trafficking experience.

## REFERRAL GUIDE

### Emergency services

<p><b>Triple Zero (000):</b> Triple Zero (000) is the quickest way to get the right emergency service to help you. Dial 000 to contact police, fire or ambulance services in life threatening or emergency situations. If you have hearing or speech impairments, call emergency services on 106 directly through a TTY (teletypewriter or textphone) or computer connected to a modem. You cannot contact emergency services via SMS.</p>	<p><b>T:</b> 000</p>
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### Specialist NGOs

<p><b>Anti-Slavery Australia:</b> Anti-Slavery Australia is a specialist legal service providing legal advice and representation to trafficked and enslaved people. Anti-Slavery Australia is dedicated to eliminating all forms of human trafficking and slavery through direct service and advocacy programs. Services to trafficked people include legal advice and representation on identification of trafficked people, Human Trafficking Visa Framework, other visas, review processes and other immigration issues. Related legal services include citizenship advice, housing, Centrelink payments, and civil compensation. Social support services are also provided. Anti-Slavery Australia assists individual people to identify their situation, and assists NGOs to assess whether a person has been trafficked and can make appropriate referrals.</p>	<p><b>T:</b> 02 9514 9660 <b>E:</b> <a href="mailto:antislavery@uts.edu.au">antislavery@uts.edu.au</a> <b>W:</b> <a href="http://www.antislavery.org.au">www.antislavery.org.au</a></p>
<p><b>Australian Catholic Religious Against Trafficking in Humans (ACRATH):</b> ACRATH is a national organisation comprised of members of different religious congregations and a number of consultant experts. Its aim is to make a stand against all forms of trafficking in humans. ACRATH is actively campaigning against human trafficking on three fronts—lobbying for a human rights-based approach to visas rather than a criminal justice based approach; raising awareness about human trafficking by conducting community and school education programs; and supporting those who have been trafficked by supporting safe housing in Australia and in repatriation programs.</p>	<p><b>T:</b> 03 9645 5986 <b>E:</b> <a href="mailto:eo@acrath.org.au">eo@acrath.org.au</a> <b>W:</b> <a href="http://www.acrath.org.au">www.acrath.org.au</a></p>
<p><b>Australian Muslim Women’s Centre for Human Rights (AMWCHR):</b> The AMWCHR is based in Melbourne and works to advance the rights and status of Muslim women in Australia. The AMWCHR provides case work, referrals, secondary consultation and outreach services for people in, or at risk of, forced marriage.</p>	<p><b>T:</b> 03 9481 3000 <b>W:</b> <a href="http://www.ausmuslimwomenscentre.org.au">www.ausmuslimwomenscentre.org.au</a></p>

<p><b>Project Respect:</b> Project Respect is a support service for women in the sex industry and women who have been trafficked into Australia’s sex industry. Project Respect is a caring, non-judgmental community, open to all women experiencing harm or violence in the industry. Project Respect believes that all women have the right to feel safe and respected.</p> <p>To support women, Project Respect works in three ways:</p> <ul style="list-style-type: none"> <li>• assisting women one-on-one and helping them to access essential services, such as healthcare, immigration, housing, education and English classes, and legal representation. Project Respect conducts regular brothel visits to legal brothels within the Greater Melbourne area. Project Respect is guided entirely by the needs of women, and does not place limits on the length or type of support offered</li> <li>• connecting women together, allowing them to support one another. Project Respect organises lunches and weekends away that are safe and non-judgmental—rare spaces where women are welcomed, understood and treated with respect, and</li> <li>• advocating for women’s rights against violence, human trafficking and exploitation. Project Respect lobbies all levels of government, and offers women a platform to speak—knowing their voices and leadership will create positive change.</li> </ul>	<p><b>T:</b> 03 9416 3401</p> <p><b>W:</b> <a href="http://www.projectrespect.org.au">www.projectrespect.org.au</a></p>
<p><b>The Salvation Army Trafficking and Slavery Safe House:</b> The Salvation Army operates a safe house service for women who have experienced human trafficking and slavery. The Safe House shelter can accommodate 10 single adult women and provides non-residential support services to men, women and children.</p> <p>Complementary case management support can be provided to individuals already engaged with other services, with the aim of addressing gaps in service delivery or resources, including financial assistance, material aid, brokerage for accommodation, or covering health costs.</p> <p>Prevention support is provided to people at risk of human trafficking or slavery (including overseas), and overseas assistance may be provided to families in countries of origin. Support is provided via a comprehensive case management model delivered by qualified staff.</p> <p>Referrals are accepted from anywhere in Australia. The service itself is located in Sydney.</p> <p><b>The Freedom Partnership to End Modern Slavery:</b> The Freedom Partnership to End Modern Slavery is a national Salvation Army initiative to reduce Australia’s contribution to the global problem of slavery, engaging in national advocacy, campaigning and community organising. The Freedom Partnership offers practitioner training and technical assistance, and can provide advice on indicators of human trafficking and slavery.</p>	<p><b>T:</b> 02 9211 5794</p> <p><b>E:</b> <a href="mailto:endslavery@aue.salvationarmy.org">endslavery@aue.salvationarmy.org</a></p> <p><b>W:</b> <a href="http://www.endslavery.salvos.org.au">www.endslavery.salvos.org.au</a></p> <p><b>T:</b> 02 9266 9762</p> <p><b>E:</b> <a href="mailto:endslavery@aue.salvationarmy.org">endslavery@aue.salvationarmy.org</a></p> <p><b>W:</b> <a href="http://www.endslavery.salvos.org.au">www.endslavery.salvos.org.au</a></p>
<p><b>Scarlet Alliance, Australian Sex Workers Association:</b> Scarlet Alliance is the peak body of sex workers and sex worker organisations in Australia and specialises in peer based service delivery. This includes individual and systemic support for migrant sex workers, national research with migrant sex workers, close relationships with sex workers and sex worker organisations in Asia and the Pacific, capacity building projects in Papua New Guinea, Fiji and Timor Leste, policy analysis of migration and sexual health data and two national symposiums annually presenting contemporary Australian and international data.</p>	<p><b>T:</b> 02 9326 9455</p> <p><b>E:</b> <a href="mailto:info@scarletalliance.org.au">info@scarletalliance.org.au</a></p> <p><b>W:</b> <a href="http://www.scarletalliance.org.au">www.scarletalliance.org.au</a></p>

## Australian Federal Police

**AFP Human Trafficking Team (HTT):** The AFP has the lead role in investigating human trafficking offences, and works closely with its state and territory counterparts. HTT is a specialist unit responsible for investigating offences related to human trafficking and slavery. The HTT National Team is located in Canberra. HTT Investigation Teams are located in Sydney and Melbourne where operational resources are currently required.

**T:** 131 AFP (131 237)

**E:** [human-trafficking-group@afp.gov.au](mailto:human-trafficking-group@afp.gov.au)

**W:** [www.afp.gov.au](http://www.afp.gov.au)

In an emergency, dial 000

## Support for Trafficked People Program

**Department of Social Services (DSS):** DSS administers the Support for Trafficked People Program, a national support program for suspected victims of human trafficking, slavery and slavery-like practices such as forced marriage. The Support Program provides individualised case management and a range of support services to trafficked people around Australia who meet the eligibility criteria. The Support Program is one component of the Australian Government's strategy to combat human trafficking and slavery, which is a whole-of-government initiative led by AGD.

Intensive support is available for the first 45 days after a person has been registered as a client of the Support Program. A further 45 days of intensive support is available on a case-by-case basis, including to trafficked people who are under the age of 18 or who have experienced extreme trauma.

Ongoing assistance is provided to trafficked people who are willing and able to assist with an investigation or prosecution. This support is available until the criminal justice process is finalised. Trafficked people are also assisted to exit the Support Program during a transition period.

The Australian Red Cross is the contracted service provider for the Support Program until 30 June 2018. The Red Cross allocates an individual case manager to each client referred to the Support Program. Case managers are responsible for ensuring the appropriate delivery of support services tailored to meet the client's individual needs.

Case managers provide complex case management and help clients to access a range of support services to improve their mental and physical health and well-being following the trauma of their trafficking experience, and to provide opportunities to learn new skills and develop options for life after exiting the Support Program. These services may include, as appropriate: accommodation; medical treatment; counselling; access to legal and migration advice; appropriate skills development training and social support.

[For more information see Understand the Support for Trafficked People Program at 1.2].

**T:** 1300 653 227

**E:** [peopletrafficking@dss.gov.au](mailto:peopletrafficking@dss.gov.au)

**W:** [www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/anti-human-trafficking-strategy](http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/anti-human-trafficking-strategy)



## Human Trafficking Visa Framework

<p><b>Department of Immigration and Border Protection (DIBP):</b> DIBP is the agency responsible for granting visas to enable people to stay lawfully in Australia.</p> <p>Under the whole-of-government strategy to combat human trafficking and slavery, the Australian Government has established a visa framework that enables suspected victims of trafficking and their immediate family members to remain lawfully in Australia. The Human Trafficking Visa Framework comprises a temporary visa, which allows trafficked people and their immediate family members in Australia and overseas to remain permanently in Australia if they have contributed to the criminal justice process and would be in danger if they returned home.</p> <p>DIBP has offices in all states and territories of Australia.</p> <p>(For more information see Understand the Human Trafficking Visa Framework at 1.3).</p>	<p><b>T:</b> 131 881</p> <p><b>E:</b> <a href="mailto:people.trafficking@border.gov.au">people.trafficking@border.gov.au</a></p> <p><b>W:</b> <a href="http://www.border.gov.au">www.border.gov.au</a></p>
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## Australian Government agencies and statutory bodies

<p><b>Attorney-General's Department (AGD):</b> AGD delivers programs and policies to maintain and improve Australia's law and justice framework, and strengthen our national security and emergency management.</p> <p>AGD has overarching responsibility for Australia's strategy to combat human trafficking and slavery, including:</p> <ul style="list-style-type: none"> <li>oversight of the implementation and monitoring of the <i>National Action Plan to Combat Human Trafficking and Slavery 2015–19</i></li> <li>chairing the Interdepartmental Committee on Human Trafficking and Slavery, the Operational Working Group, the National Roundtable on Human Trafficking and Slavery, and other working groups set up under the auspices of those bodies</li> <li>oversight of the offences in the Commonwealth <i>Criminal Code Act 1995</i>, and relevant provisions of the Commonwealth <i>Crimes Act 1914</i>, Commonwealth <i>Telecommunications (Interception and Access) Act 1979</i> and Commonwealth <i>Proceeds of Crime Act 2002</i></li> <li>implementation and monitoring of the Communication and Awareness Strategy</li> <li>driving engagement with civil society, business and industry, unions and the community, including the management of any funding</li> <li>international legal capacity building, including through the <i>Bali Process Working Group on Trafficking in Persons</i>, and</li> <li>driving Australia's reporting and information exchange in domestic and international fora.</li> </ul>	<p><b>T:</b> 02 6141 6666</p> <p><b>E:</b> <a href="mailto:caps@ag.gov.au">caps@ag.gov.au</a></p> <p><b>W:</b> <a href="http://www.ag.gov.au/humantrafficking">www.ag.gov.au/humantrafficking</a> <a href="http://www.ag.gov.au/forcedmarriage">www.ag.gov.au/forcedmarriage</a></p>
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<p><b>Australian Human Rights Commission:</b> The Commission is Australia's national human rights institution. It assists people to resolve disputes about discrimination and breaches of human rights. The Commission can investigate and resolve complaints of discrimination, harassment and bullying based on a person's sex, disability, race and age. In the area of employment, the Commission can investigate complaints of discrimination based on sexual preference, criminal record, trade union activity, political opinion, religion or social origin. The Commission can also investigate complaints about alleged breaches of human rights against the Commonwealth and its agencies.</p>	<p><b>T:</b> 1300 656 419</p> <p><b>W:</b> <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a></p>
<p><b>Commonwealth Director of Public Prosecutions (CDPP):</b> CDPP is an independent prosecuting service that was established by the Parliament of Australia to prosecute alleged offences against Commonwealth law and to deprive offenders of the proceeds and benefits of criminal activity. CDPP aims to provide an effective national criminal prosecution service to the community that is fair and just and operates with integrity. Prosecutions are conducted in accordance with the Prosecution Policy of the Commonwealth. CDPP is not an investigative agency. It can only prosecute when there has been an investigation by an investigative agency such as the AFP. However, CDPP regularly provides legal advice to investigators at the investigative stage. CDPP has offices in each capital city and sub-offices in Townsville and Cairns. The CDPP also has a dedicated Witness Assistance Officer who has experience and training in dealing with victims of crime, and who operates independently from the prosecution team.</p>	<p><b>T:</b> 02 6206 5666</p> <p><b>W:</b> <a href="http://www.cdpp.gov.au">www.cdpp.gov.au</a></p>
<p><b>Department of Foreign Affairs and Trade (DFAT):</b> Consular assistance is available to trafficked people outside Australia if they are Australian citizens or permanent residents. Consular assistance is available through missions overseas and Australian Consular Officers report information related to the possible commission of a serious extraterritorial offence, such as human trafficking or slavery, to the AFP and other Australian law enforcement agencies to conduct investigations.</p>	<p><b>T:</b> 24-hour consular emergency helpline: 1300 555 135 (within Australia) +61 2 6261 3305 (from overseas) +61 421 269 080 (by SMS)</p> <p><b>W:</b> <a href="http://www.dfat.gov.au/about-us/our-locations/missions/Pages/our-embassies-and-consulates-overseas.aspx">www.dfat.gov.au/about-us/our-locations/missions/Pages/our-embassies-and-consulates-overseas.aspx</a></p>
<p><b>Fair Work Ombudsman (FWO):</b> The FWO is an independent statutory agency of the Australian Government that provides free advice and information on the Australian national workplace relations system, available in 27 languages. The FWO also receives requests for assistance and enforces compliance with national workplace laws. The matters considered by the FWO include claims of substandard working conditions that do not meet the threshold of the human trafficking and slavery criminal offences, including forced labour.</p>	<p><b>T:</b> 13 13 94</p> <p><b>W:</b> <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a></p>

## Telephone help and information lines

<b>Kids Helpline</b>	<b>T:</b> 1800 55 1800
<b>National Sexual Assault, Domestic and Family Violence Counselling Service</b>	<b>T:</b> 1800 737 732 (1800 RESPECT) <b>W:</b> <a href="http://www.1800respect.org.au">www.1800respect.org.au</a>
<b>State and territory child protection help lines</b>	<b>ACT:</b> 132 281; or 1300 556 729 after hours <b>NSW:</b> 132 111 <b>NT:</b> 1800 700 250 <b>QLD:</b> various numbers by postcode; or 07 3235 9999 after hours <b>SA:</b> 13 14 78 <b>TAS:</b> 1300 737 639 <b>VIC:</b> various numbers by postcode; or 13 12 78 after hours <b>WA:</b> 08 9222 2555; or 08 9223 1111 after hours
<b>Sexual assault help lines</b>	<b>ACT:</b> 02 6247 2525 <b>NSW:</b> 02 9819 6565 <b>NT:</b> 08 8922 6472 <b>QLD:</b> 1800 010 120 <b>SA:</b> 08 8226 8787 <b>TAS:</b> 03 6231 1817 <b>VIC:</b> 1800 806 292 <b>WA:</b> 08 9340 1828
<b>Sexual health information lines</b>	<b>ACT:</b> 02 6244 2184 <b>NSW:</b> 1800 451 624 <b>NT:</b> 08 8999 2678 <b>QLD:</b> 07 3837 5611 <b>SA:</b> 1300 883 793 <b>TAS:</b> 1800 675 859 <b>VIC:</b> 1800 032 017 <b>WA:</b> 1800 198 205

## Embassy information

<p><b>Foreign embassies in Australia:</b> DFAT maintains a list of foreign embassies and consulates in Australia, including contact information.</p>	<p><b>W:</b> <a href="http://protocol.dfat.gov.au/Mission/list.rails#T">http://protocol.dfat.gov.au/Mission/list.rails#T</a></p>
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## Emergency accommodation

<p><b>ACT Government Information Portal—Emergency Accommodation (ACT)</b>  <b>W:</b> <a href="http://www.act.gov.au/browse/topics/land-building-and-housing/emergency-accommodation">www.act.gov.au/browse/topics/land-building-and-housing/emergency-accommodation</a></p>
<p><b>Link2home (NSW)</b>  <b>W:</b> <a href="http://www.housing.nsw.gov.au/Help+with+Housing/Homelessness/Are+you+homeless.htm">www.housing.nsw.gov.au/Help+with+Housing/Homelessness/Are+you+homeless.htm</a>  <b>T:</b> 1800 152 152</p>
<p><b>Housing NSW—Find a Housing NSW Office (NSW)</b>  <b>W:</b> <a href="http://www.housing.nsw.gov.au/Contact+Us/Find+an+Office.htm">www.housing.nsw.gov.au/Contact+Us/Find+an+Office.htm</a></p>
<p><b>ShelterMe (NT)</b>  <b>W:</b> <a href="http://www.shelterme.org.au">www.shelterme.org.au</a></p>
<p><b>Queensland Government—List of Emergency and Temporary Accommodation (QLD)</b>  <b>W:</b> <a href="http://www.qld.gov.au/housing/emergency-temporary-accommodation/emergency-accommodation/">www.qld.gov.au/housing/emergency-temporary-accommodation/emergency-accommodation/</a></p>
<p><b>Housing, Property and Land—Crisis Housing (SA)</b>  <b>W:</b> <a href="http://www.sa.gov.au/topics/housing-property-and-land/housing/emergency-shelter-and-homelessness/homelessness-services-providers/crisis-housing">www.sa.gov.au/topics/housing-property-and-land/housing/emergency-shelter-and-homelessness/homelessness-services-providers/crisis-housing</a>  <b>T:</b> 1800 825 955</p>
<p><b>Housing Connect (TAS)</b>  <b>W:</b> <a href="http://www.dhhs.tas.gov.au/housing/housing_connect">www.dhhs.tas.gov.au/housing/housing_connect</a>  <b>T:</b> 1800 800 588</p>
<p><b>Department of Human Services—Crisis Accommodation (VIC)</b>  <b>W:</b> <a href="http://www.dhs.vic.gov.au/for-individuals/crisis-and-emergency/crisis-accommodation">www.dhs.vic.gov.au/for-individuals/crisis-and-emergency/crisis-accommodation</a>  <b>T:</b> 1800 825 955</p>
<p><b>Department for Child Protection and Family Support—Crisis Accommodation and Homelessness Services (WA)</b>  <b>W:</b> <a href="http://www.dcp.wa.gov.au/CrisisAndEmergency/Pages/CrisisHomelessnessServices.aspx">www.dcp.wa.gov.au/CrisisAndEmergency/Pages/CrisisHomelessnessServices.aspx</a>  <b>T:</b> 1800 065 892 (office hours)  <b>T:</b> (08) 9223 1111 (after hours)</p>

## Immigration, legal and social security advice and information

<p><b>Anti-Slavery Australia:</b> The legal staff at Anti-Slavery Australia are qualified solicitors as well as registered migration agents.</p>	<p><b>T:</b> 02 9514 9660 <b>E:</b> <a href="mailto:antislavery@uts.edu.au">antislavery@uts.edu.au</a> <b>W:</b> <a href="http://www.antislavery.org.au">www.antislavery.org.au</a></p>
<p><b>National Association of Community Legal Centres (NACLC):</b> The NACLC website provides the contact information for community legal centres across Australia, including dedicated services for women, culturally and linguistically diverse people, children and young people, and people with a disability.</p>	<p><b>W:</b> <a href="http://www.nacclc.org.au/clc_directory.php?letter=c">www.nacclc.org.au/clc_directory.php?letter=c</a></p>
<p><b>National Welfare Rights Network (NWRN):</b> NWRN is the peak community organisation in the area of social security law, policy and administration. NWRN members are community legal centres and organisations whose role is to provide disadvantaged people with free information, advice, education and representation in the areas of social security and family assistance.</p>	<p><b>T:</b> 02 9211 5389 <b>E:</b> <a href="mailto:national@welfarerights.org.au">national@welfarerights.org.au</a> <b>W:</b> <a href="http://www.welfarerights.org.au">www.welfarerights.org.au</a></p>
<p><b>Office of the Migration Agents Registration Authority:</b> Find a registered migration agent by searching the Register of Agents on the MARA website.</p>	<p><b>T:</b> 1300 226 272 <b>W:</b> <a href="http://www.mara.gov.au">www.mara.gov.au</a></p>
<p><b>Salvos Legal:</b> Salvos Legal practices in the areas of commercial and property transactional law on a paid basis, with all fees (net of expenses) being used to fund the operations of 'legal aid' sister firm Salvos Legal Humanitarian.</p> <p>Salvos Legal Humanitarian is a full service free law firm for the disadvantaged and marginalised in NSW and Queensland. As part of Salvos Legal Humanitarian's areas of practice, the firm acts on behalf of people who have experienced human trafficking and slavery in Australia. Salvos Legal Humanitarian's full areas of practice include criminal law, family and children's law, debt, housing, social security law and migration/refugee law.</p> <p>Free legal advice is offered at advice bureaus across NSW and Queensland.</p>	<p><b>T:</b> 02 8202 1500 <b>E:</b> <a href="mailto:enquiries@salvoslegal.com.au">enquiries@salvoslegal.com.au</a> <b>W:</b> <a href="http://www.salvoslegal.com.au/our_services/humanitarian">www.salvoslegal.com.au/our_services/humanitarian</a></p>

## Sex worker organisations including bilingual projects

<p><b>Scarlet Alliance, Australian Sex Workers Association</b> specialises in peer based service delivery by and for sex workers in Australia. This includes individual and systemic support for migrant sex workers, national research with migrant sex workers, close relationships with sex workers and sex worker organisations in Asia and the Pacific, capacity building projects in Papua New Guinea, Fiji and Timor Leste, policy analysis of migration and sexual health data, and two national symposiums annually presenting contemporary Australian and international data. See Specialist NGOs.</p>	<p><b>T:</b> 02 9326 9455 <b>E:</b> info@scarletalliance.org.au <b>W:</b> www.scarletalliance.org.au</p>
<p><b>Sex Workers Outreach Project ACT (SWOP ACT)</b> is open 9.30am–5pm, Tuesday to Friday. SWOP provides an outreach service to sex workers in the ACT, offers written information in a variety of languages and participates in national research with migrant sex workers.</p>	<p><b>T:</b> 02 6247 3443 <b>E:</b> swopl@aidsaction.org.au <b>W:</b> aidsaction.org.au/swop</p>
<p><b>Sex Workers Outreach Project NSW (SWOP NSW)</b> is open Monday to Friday from 10am–6pm, except Wednesday when it opens at 2pm. Located in Surry Hills, Sydney, SWOP promotes the health, safety and wellbeing of sex industry workers. SWOP provides an outreach service across NSW, and has regional staff in northern NSW and the Illawarra. The SWOP Multicultural Project offers migrant sex workers direct support and service delivery in Chinese, Korean and Thai.</p>	<p><b>T:</b> 02 9206 2166 (Sydney) 1800 622 902 (outside Sydney) <b>E:</b> swopconnect@swop.org.au <b>W:</b> www.swop.org.au</p>
<p><b>Sex Workers Outreach Program NT (SWOP NT)</b> is a peer based project that provides an accessible, ethical and effective service to empower and advocate for improvement of Northern Territory sex workers' lives by addressing holistic health issues that include human rights as working rights. SWOP provides an outreach service to all of Darwin's escort agencies, as well as regular visits to Alice Springs and other regional locations.</p>	<p><b>T:</b> 08 8944 7707 <b>W:</b> www.ntahc.org.au/programs/sex-worker-outreach-program</p>
<p><b>Respect Inc. (QLD)</b> is a non-profit community-based association of past and present sex workers focused on the rights and wellbeing of sex workers in Queensland. Respect Inc. has safe drop in spaces for sex workers in Brisbane, Townsville, Cairns and the Gold Coast and provides peer education and support on regular outreach throughout Queensland. Respect Inc. employs bilingual peer educators that speak Korean, Vietnamese and Thai and have translated resources in Simplified Chinese, Thai, Vietnamese and Korean. Respect Inc. is open Monday-Friday from 10am-5pm.</p>	<p><b>T:</b> Brisbane: 07 3835 1111 Townsville: 07 4724 4853 Gold Coast: 07 5657 0857 Cairns: 07 4051 5009 <b>E:</b> info@respectqld.org.au <b>W:</b> www.respectqld.org.au</p>
<p><b>South Australia Sex Industry Network (SIN) (SA)</b> is open Tuesday to Friday from 9:30–5:30pm. SIN provides confidential peer support, a referral service and information about issues that concern sex workers. SIN provides an outreach service to Adelaide brothels and private sex workers and runs a multicultural project for migrant sex workers.</p>	<p><b>T:</b> 08 8351 7626 <b>E:</b> info@sin.org.au <b>W:</b> www.sin.org.au</p>
<p><b>Scarlet Alliance Tasmanian Sex Worker Project (TAS)</b> offers advocacy, information and resources to sex workers across Tasmania and conducts regular outreach visits to private sex workers in Hobart and Launceston.</p>	<p><b>T:</b> 03 6234 1242 <b>E:</b> outreachtas@scarletalliance.org.au</p>

<p><b>Resourcing Health and Education in the Sex Industry (RhED) (VIC)</b> is open Monday to Friday from 1–5pm in St Kilda or by appointment at other times. RhED conducts regular outreach visits to legal brothels in Victoria, and runs a drop in centre for street based sex workers. RhED’s printed resources are available in a variety of languages.</p>	<p><b>T:</b> 1800 458 752 <b>E:</b> sexworker@sexworker.org.au <b>W:</b> www.sexworker.org.au</p>
<p><b>Vixen (VIC)</b> is a volunteer unfunded group of sex workers that advocates for sex workers and provides political representation.</p>	<p><b>T:</b> 0414 275 959 <b>E:</b> vixencollectivemelbourne@gmail.com <b>W:</b> vixencollective.blogspot.com.au</p>
<p><b>Magenta (WA)</b> is open Tuesday to Friday from 9.30am–4pm. Magenta provides information, support and referral including to sex worker friendly lawyers and doctors via outreach, in the office or over the phone.</p>	<p><b>T:</b> 08 9328 1387 <b>W:</b> www.magenta.org.au</p>

## Translating and interpreting services

<p><b>Translating and Interpreting Service (TIS National):</b> DIBP provides TIS National for people who do not speak English and for English speakers who need to communicate with them. TIS has access to over 2,900 contracted interpreters across Australia, speaking more than 160 languages and dialects. TIS National is available 24 hours a day, seven days a week for any person or organisation in Australia requiring interpreting services. TIS National’s charge structure is available at: &lt;www.tisnational.gov.au&gt;. NGOs can apply for a fee exemption for calls through TIS National by completing the ‘Application for exemption from TIS charges’ form and faxing it to TIS for assessment. Further information, including the application form and fax number, can be found on the TIS National website.</p>	<p><b>T:</b> 131 450 <b>W:</b> www.tisnational.gov.au</p>
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## Unions

<p><b>Australian Council of Trade Unions (ACTU)</b></p>	<p><b>T:</b> 1300 362 223 <b>E:</b> help@actu.org.au <b>W:</b> www.actu.org.au</p>
<p><b>Construction, Forestry, Mining and Energy Union</b></p>	<p><b>T:</b> 02 8524 5800 <b>W:</b> www.cfmeu.asn.au</p>
<p><b>United Voice</b></p>	<p><b>T:</b> 02 8204 3000 <b>W:</b> www.unitedvoice.org.au</p>

## Victim support services

<b>Victim support help lines</b>	<b>ACT:</b> 1800 822 272 <b>NSW:</b> 1800 633 063 <b>NT:</b> 1800 672 242 <b>QLD:</b> 1300 139 703 <b>SA:</b> 1800 182 368 <b>TAS:</b> 1300 300 238 <b>VIC:</b> 1800 819 817 <b>WA:</b> 1800 818 988
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## USEFUL RESOURCES

### General information

AGD's human trafficking and slavery and forced marriage webpages include more information on the Australian Government's response to these issues, along with awareness-raising materials. The forced marriage webpage includes online versions of the materials in the Forced Marriage Community Pack, such as information and frequently asked questions sheets; a template safety plan; and information for organisations working with people in, or at risk of, forced marriage. More information, including awareness-raising materials on labour exploitation prepared by the National Roundtable on Human Trafficking and Slavery Communications and Awareness Working Group, will be uploaded to AGD's website as they become available. See:

<[www.ag.gov.au/humantrafficking](http://www.ag.gov.au/humantrafficking)>  
<[www.ag.gov.au/forcedmarriage](http://www.ag.gov.au/forcedmarriage)>

### Multilingual resources for trafficked people

AGD's human trafficking and slavery and forced marriage webpages include translated materials, including on labour exploitation and forced marriage. See:

<[www.ag.gov.au/humantrafficking](http://www.ag.gov.au/humantrafficking)>  
<[www.ag.gov.au/forcedmarriage](http://www.ag.gov.au/forcedmarriage)>

FWO:

<[www.fwo.gov.au](http://www.fwo.gov.au)>  
<[www.fairwork.gov.au/contact-us/language-help](http://www.fairwork.gov.au/contact-us/language-help)>

### Professional guidelines for service providers

Guidelines produced by the Australian Association of Social Workers:

<[www.aasw.asn.au](http://www.aasw.asn.au)>

Policy papers produced by Victim Support Australia:

<[www.victimsupport.org.au/policies.php](http://www.victimsupport.org.au/policies.php)>

## International resources

Empower Foundation, *Hit & Run: Sex Workers' Research on Anti-Trafficking in Thailand*

<[www.empowerfoundation.org/sexy\\_file/Hit%20and%20Run%20%20RATSW%20Eng%20online.pdf](http://www.empowerfoundation.org/sexy_file/Hit%20and%20Run%20%20RATSW%20Eng%20online.pdf)>

Global Alliance Against Traffic in Women, *Human Rights and Trafficking in Persons: A Handbook*

<[www.ungift.org/docs/ungift/pdf/knowledge/Human%20Rights%20and%20Trafficking%20in%20Person.pdf](http://www.ungift.org/docs/ungift/pdf/knowledge/Human%20Rights%20and%20Trafficking%20in%20Person.pdf)>

International Organization for Migration, London School of Hygiene, *Caring for Trafficked Persons: Guidance for Health Providers and Facilitator's Guide*

<[http://publications.iom.int/bookstore/index.php?main\\_page=product\\_info&products\\_id=510](http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=510)>

<[http://publications.iom.int/bookstore/index.php?main\\_page=product\\_info&products\\_id=904](http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=904)>

Office of the United Nations High Commissioner for Human Rights *Recommended Principles and Guidelines on Human Rights and Human Trafficking*

<[www.ohchr.org/Documents/Publications/Traffickingen.pdf](http://www.ohchr.org/Documents/Publications/Traffickingen.pdf)>

Office of the United Nations High Commissioner for Human Rights *Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary*

<[www.ohchr.org/Documents/Publications/Commentary\\_Human\\_Trafficking\\_en.pdf](http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf)>

*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention against Transnational Organized Crime*

<[www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)>

*Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery*

<[www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx)>

*The International Victims Assistance Handbook on the Use and Application of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

<[www.uncjin.org/Standards/9857854.pdf](http://www.uncjin.org/Standards/9857854.pdf)>

UNICEF *Guidelines on the Protection of Child Victims of Trafficking*

<[www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf)>

UN Office of Drugs and Crime *Toolkit to Combat Trafficking in Persons*

<[www.unodc.org/documents/human-trafficking/HT\\_Toolkit08\\_English.pdf](http://www.unodc.org/documents/human-trafficking/HT_Toolkit08_English.pdf)>

World Health Organization *Ethical and Safety Recommendations for Interviewing Trafficked Women*

<<http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf>>





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NGO GUIDELINES