

DIRECT SERVICES AND SUPPORT FOR SURVIVORS OF TRAFFICKING IN AUSTRALIA: THE IMPORTANCE OF COLLABORATIVE INITIATIVES

Sr. Margaret Ng rsj, B.Ed., Dip. Counselling, M.P.S.

(Coordinator of Josephite Counter-Trafficking Project)

Trafficking of Persons is a transnational crime that violates the human rights of the individual. Human Trafficking is the third largest source of income globally and Australia is a country of destination. Men, women and children have been brought into Australia under false pretences and have ended up in debt bondage and working in terrible slave-like conditions.

The process of Human Trafficking and the impact on Survivors of Trafficking

The following elements of Human Trafficking are found in Article 3 of the UN Trafficking Protocol:

1. Process of recruitment, harbouring, moving or obtaining a person by
2. Means of force, fraud, deception or abuse of position of vulnerability, having control of another for the
3. Purpose of ‘exploitation’ ending in debt bondage, prostitution and sexual exploitation, ‘forced labour or services, slavery or practises similar to slavery, servitude or the removal of organs’.¹

‘Human traffickers prey on the vulnerable’.² The survivors of trafficking in Australia, according to Australian Federal Police (AFP) statistics, many of whom have come from countries in the Asia Pacific Region are easy targets for the traffickers. The trafficked persons are often from areas where there is poverty and they have difficulty in finding work because of low education levels. Others who have higher qualifications are also lured by traffickers who present lucrative opportunities for work, including the possibility of permanent residence here in Australia; these people come into Australia on the 457skills visa. ‘The majority of trafficked people have tended to enter Australia legally on tourist, student or work visas, but

¹ *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons*, 2003.

² Dept of State, USA (2008) Introduction in *Trafficking in Persons Report*, Publication 11407, Office of Under Secretary for Democracy and Global Affairs and Bureau of Public Affairs.

ended up in situations of exploitation akin to debt bondage or forced labour' according to Pearson.³

As cited by Vidal in her paper on Trauma Informed Care and Practice for Trafficked people and CALD Populations⁴, traffickers' 'ploys are creative and ruthless, designed to trick, coerce and win the confidence of potential victims. Very often these ruses involve promises of a better life through employment, educational opportunities or marriage.'⁵ Common experiences of survivors of trafficking include being subjected to working in bad conditions, suffering physical, verbal and/or sexual abuse. They are often isolated, sometimes forced to live at their workplace and forced to provide labour without payment. Travel documents are often confiscated and freedom is restricted. They are usually unaware of their rights having been told that they had to work out their 'contract'. This results in 'emotional dysregulation, loss of safety, direction and the ability to detect and respond to danger cues'.⁶

The impact of the trafficking process, usually, has a traumatic effect on the survivor of trafficking. Trust has been broken and the individual often suffers from having experienced threats (by the trafficker), whether physical or psychological. Added to this is the difficulty of coming to terms with what has happened, a feeling of helplessness and guilt, as well as coping with the major life transition of being in a foreign environment/country. 'Chronic exposures can lead to a sense of losing one's self or identity' as highlighted by Grant.⁷

The death of Ms Puongtong Simaplee on 27th September 2001 at Villawood Immigration Detention Centre in Sydney and the ensuing coronial inquiry was the catalyst that brought the complex issue of Trafficking in Australia to the forefront. Kathleen Maltzahn the founder of Project Respect, in her book, *Trafficked*,⁸ describes the steps taken by her and other concerned stakeholders to participate in the 2003 coronial inquiry, and to raise questions around the circumstances of Ms Simaplee's death. Press coverage in the months following the inquiry highlighted the stories of other trafficked women into Australia and the violence that they had faced.

The report that was handed down by the deputy coroner in April 2003 resulted in a concerted effort by Parliamentarians to encourage the Joint Parliamentary Committee on the Australian

³ Pearson in Dottridge M., *Collateral Damage: The impact on Anti-Trafficking Measures on Human Rights around the world* (Thailand: Amarin Publishing, 2007), pp 28-60.

⁴ Vidal L., *Trauma Informed Care and Practice for Trafficked People and CALD Populations*, 2011.

⁵ Vidal cited Dept of State, USA (2008) Introduction in *Trafficking in Persons Report*.

⁶ Herman in Vidal, *Trauma Informed Care*, p.10.

⁷ Grant R., *Living and Working in Environments of Violence and Trauma* (Grant self published, 1999), p. 74.

⁸ Maltzahn K., *Trafficked*, (Sydney: UNSW Press, 2008), pp 56-66.

Crime Commission (ACC) to look at Australia's response to trafficking and the efficacy of the existing legacy.⁹ Following the Parliamentary Committee's report which had bipartisan support, the Australian government announced its trafficking strategy to eradicate trafficking in persons in 2003. Since then Australia has co-founded and co-chairs the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process) to combat people trafficking on the international scene

Australia has also ratified the UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children in 2006 and has taken a whole-of-government approach with the focus on prevention, detection and investigation.

By 2004 the Australian government had put in place an initial \$20 million package to combat Human Trafficking. This new package was initiated to meet the trafficked persons' basic needs for safety, food, accommodation, mental and physical health and well-being. It included legal and policing initiatives, a visa framework and a range of support services for suspected trafficking victims who were able to assist in the trafficking investigation or prosecution of traffickers. However, trafficked persons who chose not to give evidence or had insufficient evidence to assist law enforcement authorities were deported to their country of origin.¹⁰

Support for victims of trafficking, that is, for those who have proceeded from the Bridging Visa F to the Criminal Justice Stay Visa (CJSV), and Witness Protection visas is administered by the Office for Women. This program which was established in 2004 was initiated to meet the trafficked person's basic needs for safety, food, accommodation, mental and physical health and wellbeing.¹¹ This meant that anyone on the Support Program would have a case manager, with 24/7 support, who had the responsibility of helping clients to access services such as safe and suitable accommodation according to Australian Federal Police (AFP) requirements, income support, medical needs (including counselling), legal and migration advice, language and appropriate skills development training including vocational training and social support.¹² The contract for the Support Program was initially given to Southern Edge Training. Subsequently, in March 2009 the Australian Red Cross took over the delivery of the program and has made valuable contribution with the support given to trafficked persons

⁹ Maltzahn, *Trafficked*, pp. 56-66.

¹⁰ *Trafficking in Persons: The Australian Government Response*, Jan 2004 – April 2009.

¹¹ *Trafficking in Persons: The Australian Government Response*, 1 May 2009 – 30 June 2010.

¹² *Trafficking in Persons: The Australian Government Response*, 1 May 2009 – 30 June 2010.

Involvement of Religious and Community Groups

Project Respect, established in 1998 Melbourne, continues working with and supporting women in the sex industry and women who have been trafficked. Force Ten was set up in Sydney by the National Council of Churches to educate students in schools about the issue of Trafficking. Awareness-raising forums were also organised in Sydney in 2004 and 2005.

In the meantime other concerned groups began to be more involved in the issue of human trafficking in Australia. Religious groups and Religious Congregations who were aware of trafficking because of their world wide membership and their experience of working with trafficked persons, came together to look at this issue and to look at ways of supporting the victims of trafficking. In 2003, in Rome, a *Trafficking in Women and Children: Information and Workshop Kit* had been produced by the Catholic Union of the Superiors General (USG/UISG) to provide an overview of some of the main issues regarding trafficking in women and children. It also outlined possible strategies for religious congregation to network together and with others to combat trafficking.

Josephite Counter-Trafficking Project (JCTP) a Congregational project of the Sisters of St Joseph of the Sacred Heart, was established in 2005 to promote, by way of holistic direct services, the spiritual, physical and emotional development of people who have undergone the trauma of being trafficked to Australia. JCTP is committed to promoting and upholding the human rights of people who have been trafficked. We believe that because of the complex nature of Trafficking of Persons it is of vital importance that Government agencies, NGOs and individuals work together to address this issue.

Since 2005 JCTP has developed networks among others working on the issue of trafficking - working in collaboration with other Religious, the Department of Immigration and Citizenship (DIAC), Australian Federal Police (AFP), Red Cross, Salvation Army, Anti-Slavery Project and other NGOs. Currently, JCTP, together with the Catholic Archdiocese of Sydney, are in partnership with the Australian Institute of Criminology to undertake research into exploitation/trafficking in the construction industry. This will be done in collaboration with the Construction Forestry, Mining and Energy Union (CFMEU).

JCTP has piloted initiatives and programmes with a view to improve the quality of life of trafficked persons through:

- a. Developing trusting relationships through mentoring, advocacy and support or accompaniment

- b. Encouraging the development of self-esteem, confidence and a sense of worth through provision of opportunities for (life) skills development and work. For example, we offer basic English and/or Computer classes for those who are not eligible for study at Tertiary Adult Further Education (TAFE) or need individual lessons because they lack the confidence to attend ordinary classes. Opportunities for vocational courses such as food-handling, barista, and skin care and make-up have been helpful in helping the women to develop a sense of self-confidence and self-worth. They are also a means to assist participants as part of their reintegration/rehabilitation process in Australia or in their countries of origin.
- c. Facilitating cultural and social reintegration and rehabilitation through cultural understanding – where appropriate, building a cultural bridge by providing services in people’s mother tongue languages.
- d. Encouraging initiative, independence and freedom of choice through information about options available to them, including services of government agencies and NGOs. Sometimes they are ineligible for services because of their visas and this is where networking and collaboration with other NGOs, Catholic, and Culturally and Linguistically Diverse communities (CALD) organisations comes into play.

Advocacy for the rights of the survivors of trafficking has been an important factor in the provision of support and direct services to trafficked children, women and men. Especially is this so when they are not aware of their human rights, lack language skills and are unfamiliar with the way things work here in Australia. We also assist with support for families in their homeland and the process of family reunification.

Survey and Responses

JCTP has also conducted a survey in 2007 on the social needs of Trafficked women. This consultation invited comments from a number of colleagues and clients about ways in which we could strengthen our response to meet related social needs.

Special attention was given to:

- 1. Ways of strengthening the self-esteem of trafficked persons;**
- 2. Practical needs.**

Most of the responses addressed these two areas of need. However a small number also provided particular comment on:

- 3. Legal advice and Representation;**

4. Advocacy, law reform and community education.

Some of the responses under the first two headings in fact included comments on (3) and (4) as above.

Responses from the survey highlighted the importance of a culturally-sensitive, empowerment model for assistance to the trafficked person. Needs highlighted were those of safe and appropriate accommodation and the importance of cross-cultural approaches, and collaboration with others who are active in the field and where appropriate, with Culturally and Linguistically Diverse communities (CALD).

ACRATH

In 2005, at a meeting in Sydney, representatives from Catholic Religious Congregations met to discuss the issue of Trafficking. From this meeting, Australian Catholic Religious Against Trafficking in Humans (ACRATH)¹³ was established and JCTP was one of the four co-founders of the group. ACRATH is endorsed by Catholic Religious Australia (CRA) which represents more than 8000 women and men who belong to religious orders and who are dedicated to the elimination of trafficking and slavery in Australia. 'ACRATH is concerned for the well-being of people trafficked into Australia, whether for sex work, for work in other industries, or for organ harvesting'.

ACRATH raises awareness, sharing information and building networks nationally and globally. Members of ACRATH work together to facilitate action to combat trafficking and to provide education regarding the issue of trafficking. ACRATH also provides direct services e.g. rehabilitation and reintegration programs.

Anti - Slavery Project

In 2005 Senior Lecturer, Jennifer Burn and Jenny Stanger started the Anti-Slavery Project at the University of Technology and Science, Sydney, dedicated to eliminate all forms of human trafficking and slavery. Its strategy was to bring about a 'comprehensive approach to address the needs and concerns of victims'... as well as 'the underlying roots of their exploitation.'¹⁴ Since then ASP has brought together other agencies and the Community Response Network Partner Agreements was formed.

¹³ <http://acrath.org.au/>. Louise Cleary is the current national chair of this organisation.

¹⁴ <http://www.antislavery.org.au/>

ASP has also been involved in research with other international bodies, to provide a basis for future law reform agenda. It has partnered ACRATH, lobbying Federal Government Parliamentarians regarding trafficking issues and has represented people who have been trafficked. In 2006 Jennifer Burn worked with Australian religious congregations to present a submission on law reform to the United Nations Convention of the Elimination of all forms of Discrimination against Women (CEDAW).¹⁵

At the beginning of 2008 the Salvation Army opened its Safe House in Sydney, providing supported accommodation and comprehensive case management services for trafficked women under the supervision of Jenny Stanger; she had had experience in USA with the provision of services for trafficked persons. It was a timely answer to the pressing need for safe accommodation. Since then the service offered by the Salvation Army has been expanded to meet the needs of trafficked men, women and children who are living in the community.

People accessing the support provided by the Safe House are assessed according to the United Nations definition of Human Trafficking and services provided are not limited to their choice or capacity to participate in criminal investigation. Services provided operate on a 'do no harm' premise based on the needs of the clients. They live in a safe environment with access to health, mental health e.g. counselling, legal support from Salvos Legal (a free legal service for people who cannot afford to pay), rights education and education and employment support.

Another NGO providing services to trafficked sex workers is the Scarlet Alliance¹⁶ which is the national peak body representing the interests of sex workers and sex workers organisations in Australia. They provide cross-cultural support and run programs for the diverse members of their community.

The Importance of Collaborative initiatives

From the examples of direct services mentioned earlier in this paper, it is evident that a collaborative model is the way forward to address the complexity of the issue of People Trafficking and the needs of the Survivors of Trafficking. No one organisation can provide fully for the Survivors of Trafficking.

¹⁵ <http://www.antislavery.org.au/>

¹⁶ <http://www.scarletalliance.org.au>

On June 23rd 2008, the Australian Government, recognising the good work being done in the community by NGOs and Religious organisations, convened the first National Roundtable on People Trafficking (NRPT) as part of its consultation process. Participants at the NRPT included Anti-Slavery Project, the Australian Chamber of Commerce and Industry, the Australian Medical Association, Australian Women Lawyers, the Australian Human Rights Commission (AHRC), the Law Council of Australia, the National Association of Community Legal Centres, the National Association of Service Against Sexual Violence, Project Respect, the Salvation Army, Scarlet Alliance, Sisters of St Joseph and Victim Support Australasia Inc.

At the NRPT, NGOs who work at the coalface with Survivors of Trafficking were able to share their concerns regarding the needs of their clients and the shortfall of the visa framework at that point of time.

One of the outcomes of the NRPT was the setting up of a taskforce comprised of NGOs and government agencies to develop Guidelines for NGO's working with Trafficked people.¹⁷ This was completed in December 2008 and launched in 2009 by the Minister for Home Affairs. A summary of the Guidelines is available in 5 languages. JCTP has appreciated the opportunity to participate in the first Roundtable consultation organised by the Attorney General's Department and the working group on Guidelines for NGOs working with trafficked people.

Another outcome from the NRPT was the funding of 4 major stakeholders, ACRATH, Anti-Slavery Project, Project Respect and Scarlet Alliance. This was much appreciated as it enabled the NGOs to continue providing direct services to the Survivors of Trafficking. The Government took note of the concerns and suggestions of the NGOs regarding the vulnerability of the traumatised Survivors of Trafficking and the importance of a more flexible visa framework. In June 2009 the Government announced 'changes to the People Trafficking Visa Framework and the Support for Victims of People Trafficking Program to provide more flexible assistance for victims and their families.'¹⁸

The Reforms included:

- De-linking victim support from visas

¹⁷ Guidelines for NGOs Working with trafficked people: A publication of the Working Group of the National Roundtable on People Trafficking to assist Non-Government Organisations working with trafficked people, 2010 Second Edition.

¹⁸ *Trafficking in Persons: The Australian Government Response*, 1 May 2009 – 30 June 2010.

- Extending the initial stage of the Support Program from 30 to 45 days irrespective of whether they are willing to assist
- Providing a period of up to 90 days assistance to those who are willing but are unable to assist with an investigation and prosecution of a people trafficking offence
- Introducing a 20 day transition period for those exiting the Support Program
- Reducing the Witness Protection (Trafficking) visa process and hastening the pathway to a permanent visa for eligible Survivors of Trafficking by at least 2 years.
- Lowering the threshold for issuing a Witness Protection certificate, from having made a significant contribution, to having made a contribution to an investigation or prosecution.
- Enabling immediate family members who are outside Australia to be included in an application for a Witness Protection.
- Commencing the process for a Witness Protection visa earlier than at the completion of a prosecution process by setting an independent trigger.

It has been helpful to be able to share our concerns regarding the unmet needs of the Survivors of Trafficking. On 21st August 2011, members of ACRATH arrived in Canberra on our 5th annual visit to speak with Members of Parliament and their advisers about our major concerns for people who are trafficked.

Areas of concern raised were:

1. The critical issues facing women who have been freed from trafficking regarding the need for alternative safe, secure, affordable and supportive accommodation. In the current situation of housing shortage in the major cities and with their lack of renting history, clients have difficulty in seeking appropriate and affordable accommodation
2. A national or harmonised financial compensation scheme so that Survivors of Trafficking can make a new start either here in Australia or in their country of origin. It also validates the fact that the person has been a victim in the Trafficking process
3. Access to English and vocational training courses. Clients are ineligible for free TAFE courses because of their Criminal Justice Stay Visa (CJSV) status. They do not have a permanent residence visa and so have to pay International Students' fees.

4. Ensuring that Australia's Overseas Development Assistance contribution reaches 0.5% of our gross national income by 2015 and 0.7% by 2020 as a means to prevent trafficking.

ACRATH's visit to Canberra also included meeting with diplomatic staff representing Timor Leste, the Philippines, The People's Republic of China and Taiwan. It was a dialogue about the way their governments deal with trafficking issues and the work ACRATH does. We look forward to future collaboration with their officials on ways to assist their nationals if they are trafficked to Australia.

Another area of concern is the present visa structure with the focus on the person's capacity to participate in criminal investigation rather than on a human rights approach. The point of concern is in the area of **Family Reunification** and **access to reintegration/rehabilitation and settlement services**. (Survivors of Trafficking worry about threats to their families in their country of origin once they have escaped the situation of trafficking). Trafficked persons on a *Criminal Justice Stay visas (CJSV)* are ineligible for reintegration/rehabilitation services as these are only available for those with Humanitarian visas.

As the title of this paper suggests, it is vital for the well-being of the Survivor of Trafficking that NGOs and government agencies work collaboratively to provide culturally-sensitive, holistic supportive services. The Australian Government is to be commended on its efforts to bring about a comprehensive whole-of-government approach to combating people trafficking and its consultation with stakeholders. However, we would like to encourage the government to implement more fully a Human Rights based approach and to use this as the framework for determining the outcome of the individual's ability to be part of the Trafficked Person's Support Program. In addition, we suggest that the government consider expanding services to include a wider group of Trafficked persons so that these services are not restricted only to those who qualify under the present criminal justice scheme. We look forward to further dialogue and consultation with the Government.

Bibliography

Dept of State, USA (2008) Introduction in *Trafficking in Persons Report*, Publication 11407, Office of Under Secretary for Democracy and Global Affairs and Bureau of Public Affairs.

M. Dottridge, (ed)., *Collateral Damage: The Impact on Anti-Trafficking Measures on Human Rights around the World* (Thailand: Amarin Publishing, 2007).

R.Grant, *Living and Working in Environments of Violence and Trauma* (Grant self published, 1999).

Guidelines for NGOs Working with trafficked people: A publication of the Working Group of the National Roundtable on People Trafficking to assist Non-Government Organisations working with trafficked people, 2010 Second Edition.

K.Maltzahn, *Trafficked*,(Sydney: UNSW Press, 2008).

Trafficking in Persons: The Australian Government Response, Jan 2004 – April 2009.

Trafficking in Persons: The Australian Government Response, 1 May 2009 – 30 June 2010.

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2003.

L.Vidal, *Trauma Informed Care and Practice for Trafficked People and CALD Populations*, 2011.

Websites

<http://acrath.org.au/>

<http://www.antislavery.org.au/>

<http://www.scarletalliance.org.au/>