




# **Guidelines for NGOs**

## Working with trafficked people

A publication by the Working Group  
of the National Roundtable on  
People Trafficking to assist  
Non-Government Organisations  
working with trafficked people



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# 2008

## Guidelines for NGOs working with trafficked people

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A publication by the **Working Group of the National Roundtable on People Trafficking** to assist **Non-Government Organisations** working with **trafficked people**

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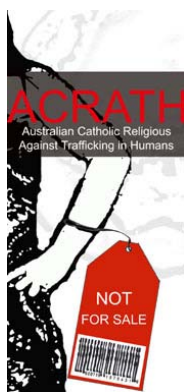


**Australian Government**



**Australian  
Human Rights  
Commission**

*everyone, everywhere, everyday*



**Anti-Slavery Project**

**PROJECT  
RESPECT**



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<b>Foreword .....</b>	<b>3</b>
<b>10 principles for working safely and ethically with trafficked people.....</b>	<b>7</b>
<b>Guidelines onr working safely and ethically with trafficked people.....</b>	<b>9</b>
<b>1. Understand and protect the rights of trafficked people.....</b>	<b>9</b>
<b>2. Always act to protect people’s safety .....</b>	<b>12</b>
<b>3. Negotiate informed consent.....</b>	<b>12</b>
<b>4. Provide appropriate referral information .....</b>	<b>17</b>
<b>5. Protect privacy and confidentiality.....</b>	<b>19</b>
<b>6. Provide culturally appropriate services .....</b>	<b>21</b>
<b>7. Provide professional and ethical services.....</b>	<b>23</b>
<b>8. Know how to respond to subpoenas and other requests for information.....</b>	<b>25</b>
<b>9. Know how to support witnesses in court proceedings .....</b>	<b>28</b>
<b>10. Recognise families and children have special needs.....</b>	<b>31</b>
<b>Acronyms and abbreviations.....</b>	<b>32</b>
<b>Glossary of Terms .....</b>	<b>33</b>
<b>Referral Guide .....</b>	<b>38</b>
<b>Anti-trafficking NGOs.....</b>	<b>38</b>
<b>Australian Federal Police .....</b>	<b>39</b>
<b>Domestic Violence and Sexual Assault Help Lines.....</b>	<b>40</b>
<b>Emergency Services .....</b>	<b>41</b>
<b>Immigration advice and information.....</b>	<b>41</b>
<b>Government agencies and statutory bodies.....</b>	<b>42</b>
<b>Refuge Services .....</b>	<b>44</b>
<b>Sex Worker Organisations including multilingual projects.....</b>	<b>44</b>
<b>Support for Victims of People Trafficking Program .....</b>	<b>46</b>
<b>Translating and Interpreting Services .....</b>	<b>46</b>
<b>Unions .....</b>	<b>46</b>
<b>Victim Support Services .....</b>	<b>47</b>
<b>Useful resources.....</b>	<b>48</b>
Multilingual resources for trafficking victims .....	48
Professional Guidelines for Service Providers .....	48
International resources.....	48

## Foreword

I am pleased to support the publication of the *2008 Guidelines for Working with Trafficked People*.

Trafficking in persons is a crime which harms too many women, men and children around the world. For many years, the Australian Government has worked to prevent trafficking and to investigate and prosecute offenders. We have also provided support and protection for victims of trafficking. Non-government organisations (NGOs) have been integral to Australia's fight against trafficking, and have played an especially important role in assisting victims.

These guidelines were developed by NGOs for NGOs. They represent a comprehensive resource, both for well-established NGOs and organisations supporting trafficked persons for the first time. The guidelines promote the best interests of victims of trafficking including the importance of informed consent, privacy protection and culturally appropriate services. They provide practical advice to NGOs dealing with victims of all forms of trafficking, including sexual servitude and labour exploitation.

The guidelines were developed by a Working Group established at the first meeting of the National Roundtable on People Trafficking. I convened the Roundtable in June 2008 with the support of my colleagues the Minister for Foreign Affairs, the Hon Stephen Smith MP, the Minister for Immigration and Citizenship, Senator the Hon Chris Evans and the Minister for the Status of Women, the Hon Tanya Plibersek MP. The Roundtable provides opportunities to consult, test and develop government policy as well as a forum for government and non-government organisations to exchange information and ideas.

The National Roundtable on People Trafficking Working Group comprises Commonwealth Government agencies and nine NGOs, and was chaired by the Australian Human Rights Commission. In particular, I note the work of the Anti-Slavery Project which, together with the Commission, has played a significant role in drafting the guidelines and coordinating input from Working Group members.

The Government acknowledges the challenges faced by all NGOs working with victims of crime. Assisting victims to deal with, and recover from, the trauma associated with human trafficking is challenging and the Government appreciates the considerable expertise and experience NGOs bring to this work. I hope these guidelines will be invaluable for NGOs and others who work in our community to support victims of people trafficking. I am particularly pleased to offer my congratulations to everyone involved in the development of this important practical resource.

Copies of these guidelines can be found on the Attorney-General's Department website: <[www.ag.gov.au](http://www.ag.gov.au)>.

**The Hon Bob Debus MP**  
**Minister for Home Affairs**  
**December 2008**

## **Acknowledgments**

These Guidelines were produced by the Working Group of the National Roundtable on People Trafficking. The Working Group was chaired by Elizabeth Broderick, the Sex Discrimination Commissioner and Commissioner Responsible for Age Discrimination.

The members of the Working Group are:

- Anti-Slavery Project, University of Technology, Sydney
- Australian Catholic Religious Against Trafficking in Humans
- Scarlet Alliance
- Project Respect
- Salvation Army
- Victim Support Australasia
- NSW Rape Crisis Centre
- Josephite Counter Trafficking Project
- Attorney-General's Department
- Australian Government Office for Women
- Department of Immigration and Citizenship
- Workplace Ombudsman
- Australian Human Rights Commission.

The Working Group gratefully acknowledges the contribution of the Commonwealth Director of Public Prosecutions, the Australian Federal Police and the members of National Roundtable on People Trafficking in the development of these Guidelines.

## **Currency**

The information contained in these Guidelines is current as at 11/12/2008.

The Guidelines will be revised regularly by the National Roundtable on People Trafficking to take account of changes to law or the services that are available.

## **The important role of NGOs in combating people trafficking**

Australia has an international obligation to prevent trafficking and protect trafficking victims. In 2005 Australia ratified the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention on Transnational 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 of 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. Children can never consent to be exploited.

As well as the Trafficking Protocol, there are international treaties that prohibit different forms of exploitation that may occur in a trafficking situation including slavery, debt bondage, forced labour, child labour and forced marriage.

Around the world, men, women and children are trafficked into many different industries including agriculture, construction, domestic work, hospitality, sex work and factory work. In Australia there is greater public awareness about trafficking into the sex industry than trafficking into other industries. This does not mean that labour trafficking or other forms of trafficking do not happen in Australia. Any kind of trafficking is a crime in Australia.

In Australia, slavery, sexual servitude, deceptive recruiting for sexual services, trafficking and debt bondage are all criminal offences. Victims of the offences may be able to receive victim support under a program administered by the Australian Government Office for Women. There are also special visa arrangements for trafficking victims who assist police investigations and prosecutions.

The National Roundtable on People Trafficking was convened in June 2008 by the Minister for Home Affairs, the Hon. Bob Debus MP with the support of the Minister for Immigration and Citizenship, Senator the Hon Chris Evans MP, and the Minister for the Status of Women, the Hon Tanya Plibersek MP. The Roundtable brought together NGOs, unions, victims of crime support organisations and key government agencies. The Roundtable established the Working Group to develop guidelines to provide practical guidance to NGOs working with trafficked people.

NGOs have a vital role in supporting trafficked people and improving public understanding of trafficking. One of the challenges for NGOs and government is to work together to raise awareness about all forms of trafficking so that people who are trafficked are identified, supported and protected. Trafficked

persons are usually non-citizens and may have little or no information of their rights under Australian law. They may not self-identify as being trafficked and may be afraid of engaging with Australian 'authorities'.

NGOs might come into contact with trafficked people through the services they provide to migrant workers or because they offer specialised services to trafficking victims. If there is reason to believe someone has been trafficked, then that person should be treated as a victim 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 been trafficked, the NGO should give that person information about their rights and entitlements including the rights of victims of crime. Legal and immigration advice should only be given by qualified people.

People who have been trafficked have often suffered physical and psychological abuse. They may be victims of sexual assault. Trafficked people have short-term and long-term needs including the need for interpreters, housing, food and clothing, medical care, health education, health care, legal and immigration services, safety planning, English language classes, assistance in finding employment and education 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 and culturally appropriate manner.

NGOs may provide services while a person is still in a trafficking situation 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 individuals who may have been trafficked. Trafficked persons have a right to refuse help. Services offered by NGOs must be non-judgemental and respect the dignity and human rights of the trafficked person including the right to privacy, confidentiality and self-determination. NGOs should focus on helping to meet the individual needs of each trafficked person.

These Guidelines aim to help NGOs provide services for trafficked people in a way that is safe, ethical and respects the human rights of trafficked people. They should be read in conjunction with other relevant laws and guidelines including those listed in the **Resources** section of these Guidelines.

## There are 10 principles for working safely and ethically with trafficked people.

1. **UNDERSTAND AND PROTECT THE RIGHTS OF TRAFFICKED PEOPLE.** Trafficking, slavery, sexual servitude, deceptive recruiting for sexual services and debt bondage are criminal offences under Australian law. Trafficked people who can help police investigations may be eligible for visas and victim support. Trafficked people who can not help police may be eligible for other visas. NGOs should tell people what services are available to them and how they can get legal advice about their legal rights and entitlements, including compensation and financial assistance.
2. **ALWAYS ACT TO PROTECT PEOPLE'S SAFETY.** If someone is in danger always dial 000. Do not publicly disclose the identity of a trafficked person as this may jeopardise the person's safety.
3. **NEGOTIATE INFORMED CONSENT.** To conduct an interview with 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.
4. **PROVIDE APPROPRIATE REFERRALS.** Always give people who may have been trafficked information about the services that can help them as soon as possible. This should include information about how to contact the Australian Federal Police and obtain legal advice.
5. **PROTECT PRIVACY AND CONFIDENTIALITY.** Do not disclose the personal information of a person who may have been trafficked. Only collect information which is necessary to provide services to trafficked people. Only use personal information for the purpose you collected it. Know the risks of recording information about trafficked people and keep all records secure.
6. **PROVIDE CULTURALLY APPROPRIATE SERVICES.** Trafficked people come from culturally diverse backgrounds. Know how to provide culturally appropriate services. Consider whether you need to use accredited interpreters or provide information in a person's preferred language.
7. **PROVIDE PROFESSIONAL AND ETHICAL SERVICES.** Do not promise help you can not deliver. Train staff and volunteers about 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 notice to attend court and give evidence) get legal advice straight away. Tell the trafficking

victim 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 trafficking victims to court when they give evidence in court proceedings. When you attend Court do not discuss the case with the witness or behave in any way which may suggest that you are coaching the witness when she or he is giving evidence. After the witness has given evidence and been excused by the Judge/Magistrate, the witness should not remain in the courtroom. After leaving the court, you and the witness should not talk with any other witnesses about the case. If a suppression order is made to protect the victim's identity, make sure you know the terms of the suppression order.

**10. RECOGNISE FAMILIES AND CHILDREN HAVE SPECIAL NEEDS.**

The United Nations Children's Fund guidelines on the protection of child victims of trafficking are available at [http://www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf). If a trafficked person has dependent child/ren in Australia, consider what support services the child needs. If the person has dependent children and/or a partner in their country of origin they may need legal advice about opportunities for family reunification.

# 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 been trafficked are victims of human rights abuses and victims of crime. The ***United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking*** provide guidance on protecting the rights of trafficked people. The ***United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*** set out minimum standards for the treatment of victims of crime.

Victims of trafficking are the victims of crime and may have legal rights and entitlements under Australian law. NGOs and trafficking victims need to know:

- **Trafficking, slavery, sexual servitude, deceptive recruiting for sexual services and debt bondage** are criminal offences under *Criminal Code Act 1995 (Cth)* (the Commonwealth Criminal Code)
- A **trafficked person** or a person who may have been witness to a trafficking offence may be able to assist police investigations and prosecutions into these offences.
- A trafficked person who is of interest to police investigations or prosecutions may be eligible for a visa under the **People Trafficking Visa Framework** and for victim support under the **Victim Support Program** administered by the Australian Government Office for Women.
- In addition to the **People Trafficking Visa Framework**, a trafficked person may be eligible for other visas. For example, a trafficked person who would be at risk if they went home may be able to apply for a protection visa as a **refugee**.
- Under the ***Migration Act 1958 (Cth)*** 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.
- A trafficked person may be able to make a complaint under the ***Workplace Relations Act 1996 (Cth)*** or relevant State or Territory laws.
- A trafficked person may be eligible for **compensation** under State or Territory statutory compensation schemes or may be able to pursue a civil claim for damages.

### 1.2. Tell trafficked people about their rights

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

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

NGOs should offer to refer a person who may have been trafficked 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:

- Legal advice about immigration status
- Legal advice about pursuing compensation and or/civil remedies
- Housing
- Food and clothing
- Medical care (emergency and long-term)
- Health education
- Culturally sensitive mental health care
- Safety planning
- English language classes
- Assistance in finding employment and education

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.

The *Migration Act 1958* (Cth) requires that advice about migration matters, including advice about visa options or assistance with visa applications, should be provided by a registered migration agent.

NGOs working with people who may have been trafficked must:

- 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 a person's views about their past and current circumstances

- Respect the person’s right to self-determination
- 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 been trafficked to make informed choices. This involves providing culturally appropriate services: **see provide culturally appropriate services at 5.**

#### **What can the Workplace Ombudsman do?**

The Workplace Ombudsman received a complaint about conditions of employment of four 457 visa holders. After arriving in Australia, the four men spent two weeks living and sleeping at the office where they worked. There was no shower and they were expected to wash at a basin in the workplace or at the local swimming pool. When formal accommodation was arranged, it was a rented share house owned by the employer, within 300 metres of the workplace. The men felt they were constantly ‘on call’ for duties.

Working conditions for the men were very different to those of other workers. They worked longer hours and money for medical expenses, rent, and immigration costs taken from their wages without their consent. After an investigation, the Workplace Ombudsman determined that a total of \$93,667.66 in unpaid wages was owed to the four workers. The Workplace Ombudsman brought proceedings in the Federal Magistrates’ Court against the company and company director.

The company was placed into liquidation but the Workplace Ombudsman persisted with the claim against the company director. The Federal Magistrates’ Court ordered him to pay total penalties of \$9,240, from a maximum \$26,400. The \$93,667.66 in underpayments was provided to the workers within a matter of weeks of the breaches having been determined by the Workplace Ombudsman.

### **1.3. Do no harm**

The ***UN Recommended Human Rights Principles and Guidelines on 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 harm the person they want to help. Staff and volunteers at NGOs must avoid:

- Re-traumatising a person through inappropriate or unnecessary questioning: **see conducting an interview at 3.3**
- Exposing a person to 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 and failing to provide culturally appropriate services: **see *provide culturally appropriate services at 5***
- Arranging interviews between a person and media/researchers without obtaining informed consent of the trafficked person: **see *deal with media and researchers safely and ethically at 6.***
- 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
- Failing to provide adequate training for volunteers and staff: **see *Train NGO staff and volunteers at 6.3.***

## **2. Always act to protect people's safety**

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

If someone is in danger dial 000 straight away. The person who may be in danger may be the trafficked person, their child, or an NGO worker. 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 feels suicidal
- A person requires immediate medical attention

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

An NGO must not jeopardise a trafficked person's safety by publicly disclosing that person's identity. **See *protect privacy and confidentiality at 5.***

## **3. Negotiate informed consent**

To conduct an interview with a person who may have been trafficked or act on that person's behalf you need 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.

To be able to make an informed decision people must receive clear, unbiased, accurate information about their rights and options in a format they can understand. 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 culturally appropriate services at 6.1-6.3.***

### **3.1. Provide all relevant information**

If you believe that a person may have been trafficked, give that person information about their rights and options **as soon as possible**. Make sure this information is:

- Accurate and up to date
- Include information about both community and government services
- Culturally and linguistically appropriate.

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. This is why you need to know how to make appropriate referrals. Only refer a person to another service with their informed consent. **See *Referral Guide at page 37; Provide appropriate referral information at 4; Provide culturally appropriate services at 6.1-6.3.***

### **3.2. Consider whether an interview is necessary**

An interview with a trafficked person may help an NGO obtain the information they need to assess which services or referrals will help that person. However, conducting an interview is not always necessary. Conducting an interview can have negative consequences, including:

- retraumatising the individual through inappropriate questioning
- information from the interview being stored unsafely or later subpoenaed

Instead, you may refer the person to another service without conducting an interview. Before you ask a person to participate in an interview, think about:

- whether your NGO needs further information to determine what services to offer the person or to make an appropriate referral
- whether your NGO can conduct the interview in a culturally appropriate manner (for example, do you have an interpreter?)
- whether your NGO has privacy systems in place to store information
- whether another NGO or government agency is already providing services to the person.

### 3.3. Request consent to conduct an interview

The person who the NGO proposes to interview must always have the final say on whether the interview occurs. Before you ask a person if they want to participate in an interview, tell the person:

- What is purpose of the interview
- Who will see the information, what it will be used for, and how it will be recorded and stored.
- What are the risks of being interviewed

Make sure the person knows receiving services from your NGO is not conditional on participating in an interview. Explain what services your NGO can provide without conducting an interview. Tell the person it is their right to:

- Decide not to be interviewed
- Terminate the interview after it begins
- Require that the interview is not recorded
- Restrict how information obtained in the interview is used
- Ask a support person to accompany them to the interview

#### ***How do I negotiate informed consent?***

During an interview with a new client you form the view that the person may have been trafficked to Australia. You think that the AFP should be contacted immediately. What should you do before contacting the AFP? Would your response be different if the client looked out the window and became alarmed on seeing a person who had threatened violence against her if she spoke to anyone about her experiences? **For advice on what to do read section 3.3 and 5.3**

### 3.4. Conduct an interview carefully and respectfully

Always tell the person being interviewed:

- the content of the interview will be kept confidential
- the interview can be stopped or paused at any time, and
- When advice will be given about what services that may help.

Some of the following questions may assist NGOs to decide if a person may be a victim of trafficking and to identify what services may help that person.

- How did you make the arrangements to travel to Australia?

- Did an agent help you?
- Was it expensive for you to come to Australia?
- Can you tell me about the passport you used?
- Did you obtain a visa yourself? If no, how did you obtain your visa?
- Do you have your passport now?
- What did you think you were coming to Australia to do?
- What amount of money did you think you would be paid in Australia?
- Do you have a debt or a contract? If Yes, What are the arrangements?
- Did the arrangements change after you arrived in Australia?
- What have you been doing since arriving in Australia?
- How soon after arriving in Australia did you begin working?
- Could you leave the job if you wanted to?
- Have you ever been threatened or hurt?
- What were your working and living conditions like?
- Did you have to ask permission before going out?
- Did you ever think you needed to see a doctor? If yes, were you able to see a doctor?
- Did anyone ever threaten your family?
- What would you like to do now?

Do not ask every question on this list. Only ask questions on a 'need to know' basis. (e.g. 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-traumatising a trafficked person during an interview you should:

- Conduct the interview in a culturally appropriate way
- Conduct the interview in a safe place where the person feels comfortable
- Only having people present who need to attend (this may include someone the person being interviewed wants to attend)
- Avoid repetitive or judgmental questions.

- Let the person being interviewed answer questions at their own pace without being interrupted.
- Watch out for signs of anxiety like: consistently avoiding eye contact, evading questions, trembling, shaking or crying, severe headache, dizziness or nausea, difficulty breathing or becoming flushed.
- Stop the interview or take a break if the person becomes anxious about being interviewed or if it becomes unsafe to continue the interview.

Do not conduct multiple interviews unless absolutely necessary. Always take a trafficked person's assessment of their own safety seriously.

#### ***Conduct an interview – sex industry example***

A woman tells you that the brothel she is working in says she owes them a debt. She says the debt has increased from what she had agreed to. She believes she has already paid the debt and she wants to know what she can do. Consider:

- Whether she needs information about her visa status and/or immigration advice. Does she need a referral to a registered migration agent for advice and/or the Department of Immigration and Citizenship?
- Whether she needs to get a new passport and a new print out of her air ticket, if the brothel owner is withholding hers. Does she need a referral to her country's embassy?
- Whether she has somewhere to stay. Does she need a referral to an accommodation or refuge service?
- Whether she wants to speak to police? If she is working legally does she want to stay in Australia for the duration of her visa? Whether she wants to working in the sex industry?
- Whether she wants to assist police investigations or prosecutions or whether if she wants the NGO to give the police information anonymously. If she is willing to assist police she may be eligible for the Victim Support Program. She may wish to give information to police but may not wish to give a formal statement or take part in an investigation or prosecution.

Read more about how to make appropriate referrals at 4. Contact details for NGO services, including sex worker organisations, accommodation and refuge services, and Government agencies are listed in the **Referral Guide**. More information about the laws in relation to the sex industry in each State and Territory is available from <http://www.scarletalliance.org.au/laws>

When you conduct interview you may obtain information about other people who may be victims of trafficking. In this situation you should provide this information to the AFP and/or a specialised anti-trafficking NGO.

Written interview records can be subject to a subpoena. Make sure you only ever record information with the informed consent of the trafficked person **and** if it is necessary to record the information. **See protect privacy confidentiality at 5; Know how to respond to subpoenas and requests for information at 8.**

## **4. Provide appropriate referral information – tell people who can help**

### **4.1. Prepare referral information**

NGOs that provide services to people who may have been trafficked need to know how to make appropriate referrals. The **Referral Guide** at page 37 of these 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 possible, 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 been trafficked, that person should be given information on the services that can assist him or her as quickly as possible. Providing this information will help trafficked people to make informed choices about what services, if any, they want to access. Areas of need may include:

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

A trafficked person may have difficulty trusting an NGO. 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 each person. Listen to the story of the person you are talking to, consider what support – if any – they have received to date, whether the person is involved in legal proceedings and what stage those legal proceedings are at. Consider what referrals are appropriate in the facts of this case. Remember a person must give informed consent to a referral that is made on their behalf.

### **4.3. Provide information about the Australian Federal Police**

If you suspect a person has been trafficked, always tell that person how they can contact the Australian Federal Police (AFP). The AFP is responsible for deciding whether a person is a suspected trafficking victim and if he/she may be able to assist with the investigation of a suspected trafficker.

The AFP can assess whether a person is a victim of trafficking and whether they will support an application for a visa and the Victim Support Program, a national support program for victims of people trafficking in Australia, administered by the Australian Government Office for Women (OFW).

The Victim Support Program provides individualised case management and support to victims around Australia who meet the eligibility criteria. The support program is one component of the Commonwealth Government's Anti-Trafficking Strategy, which is a whole-of-government initiative led by the AGD.

The Victim Support Program is available to people who are:

- assessed by the AFP as willing and able to assist with the investigation or prosecution of a people-trafficking offence; and
- granted a valid visa under the People Trafficking Visa Framework.

The Department of Immigration and Citizenship refers suspected trafficking victims to the AFP as do some NGOs. Many people who have been trafficked may be reluctant to contact authorities. This can be because of:

- lack of trust in police or government
- fear of removal
- prior threats made by their trafficker and
- lack of understanding about what will happen after authorities have been contacted.

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

#### **4.4. Provide referral information in a safe and culturally appropriate way**

The safety of the trafficked person must be the primary concern of the NGO. If a person is still in a trafficking situation, only provide written information if it is safe to do so

Where possible, provide referral information in the preferred language of the trafficked person: **see *provide culturally appropriate services at 6.***

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 *negotiate informed consent at 3.1 – 3.5; Develop productive working relationships with other service providers at 6.4.***

### **5. Protect privacy and confidentiality**

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

#### **5.1. Protect privacy and confidentiality**

Do not disclose the personal information of a person who may have been trafficked. To keep personal information confidential NGOs should:

- Require staff and volunteers to sign a confidentiality agreement. Make sure all staff understand the risks of breaching the privacy of trafficking victims.
- Implement a policy on recording and storing information about trafficking victims and take disciplinary action in responses to breaches of this policy.
- Obtain legal advice before responding to demands to hand over documents: **see *Know how to respond to subpoenas at 8.***
- Understand the implications for protecting a victim's identity where a suppression order has been made in court proceedings: **see *Support Witnesses in Court Proceedings at 9.***
- Make sure public presentations or interviews do not disclose personal information about a trafficked person without that person's consent.

If a trafficking victim 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 the trafficked person's actual name in a media interview

- Transmit, store or dispose of information via non-secure means (e.g. via putting information 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 and surroundings.
- Disclose information about the country of origin or circumstances of a particular case that enable the trafficked person to be identified
- Make public recordings of a trafficked person. If a person is recorded, best practice is to obscure their unique voice by revoicing techniques.

#### How do I protect a person's privacy?

Fred is a volunteer in an anti-trafficking NGO. During his induction Fred met Philip who had been trafficked to Australia to work in the hospitality industry. Last weekend when Fred was buying tickets to see a new movie he saw Philip standing alone near the candy bar. Fred is a friendly person who decided to say hello to Philip and introduce him to his friends. Fred walks to Philip with his friends and says, 'this is Philip. He got ripped off in his job and had a massive debt that he owed a people trafficker. Now Philip is helping the police.'

**What are the issues here? Read section 5.1 to find out.**

Under the *Privacy Act 1988* (Cth) 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, as a matter of best practice 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 an individual without collecting their personal information, then allow that person to interact with your NGO organisation anonymously and do not keep records of their personal information.
- **Do not collect personal information about an individual 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 people who may have been trafficked 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 people who may have trafficked accurate and up to date.**
- **Consider making someone in your organisation responsible for privacy.**

These guidelines are adapted from a publication of the Office of the Privacy Commissioner, '10 steps to Protecting Other People's Personal Information'. More information is available at

[http://www.privacy.gov.au/publications/steps\\_orgs.html](http://www.privacy.gov.au/publications/steps_orgs.html)

## **5.2. Record and store information safely**

There are significant risks in recording the personal information of trafficking victims. Prosecutors report that the existence of prior inconsistent statements has been a major challenge in prosecuting traffickers. Prior inconsistent statements by a person who has been trafficked may be used by defence lawyers to challenge the credibility or believability of that person.

NGOs should only collect information which is necessary to provide services to the trafficked people. Personal information about trafficked persons should be de-identified. This means that names and personal details should not be linked to the interview 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 in place security systems to protect any confidential material stored electronically. Change computer passwords regularly. Install firewalls, cookie removers and anti-virus scanners. Do not share confidential data should not be shared by non-secure email.

Volunteers and staff at NGOs should only have access to files on a 'need to know' basis. If a 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 can not be retrieved.

## **6. Provide culturally appropriate services**

People who have been trafficked come from culturally diverse backgrounds. They may not speak English or be familiar with the Australian legal system. They can face the following barriers in accessing services:

- Lack of knowledge that all forms of trafficking, slavery, sexual servitude and debt bondage are illegal
- Lack of knowledge that sex work is legal in Australia
- Lack of understanding about the Australian legal system and Australian society or the services that are available to trafficking victims
- Lack of understanding about the rights of migrant workers under the Workplace Relations Act
- Lack of culturally appropriate services
- Fear of people in positions of authority, such as police, because of negative experiences in their country of origin

### **6.1. Provide information in appropriate languages**

Where possible, 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 appropriate service.

You must have informed consent from a trafficked person to make a referral on his or her behalf. If an NGO staff member does not speak the preferred language of the trafficked person obtaining informed consent may be difficult. In these circumstances it may be necessary to use an interpreter.

### **6.2. Consider using interpreters**

NGOs need to consider whether it is appropriate and practical to seek the services of an accredited interpreter. Using interpreters can help the trafficked person feel at ease, understand their options, and tell their story.

However, trafficked persons may feel ashamed or distrustful talking about their experience to someone from the same cultural background. They may also fear (or know) that the interpreter has links to their traffickers.

One risk of using volunteer translators is that the translator may know the traffickers. Another risk is that inaccurate translations may inadvertently insult or misinform people who may have been trafficked. This is why you should only use accredited interpreters who agree to keep information obtained in the interview confidential. Where possible, NGOs should use interpreters of the same gender as the trafficked person.

Wherever possible, NGOs should obtain training in using interpreters and interpreter services, including the Commonwealth Government's Translating and Interpreting Service (TIS) which is available 24 hours a day. You can find out more at [http://www.immi.gov.au/living-in-australia/help-with-english/help\\_with\\_translating/index.htm](http://www.immi.gov.au/living-in-australia/help-with-english/help_with_translating/index.htm).

### **6.3. Provide culturally inclusive services**

NGOs should consider:

- Translating your resources into different languages
- Obtaining copies of multilingual resources, particularly if your NGO does not have the funding to translate your own materials
- Pro-active hiring of multilingual staff
- Staff training to improve cultural awareness and understanding
- Training in the use of interpreters and interpreter services, including the Commonwealth government's Translating and Interpreting Service (TIS) and on-site interpreters
- Becoming aware of multilingual anti-trafficking service providers
- Providing referrals to, and networking with, culturally appropriate services
- Promoting your services within culturally diverse communities
- Seeking assistance from 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. 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.

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

### **7.2. Develop networks with other service providers**

A victim of trafficking 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 psycho-social care. However, informed consent must be obtained from the trafficked person to share that their personal information with other organisations and agencies. ***See negotiate informed consent at 3.***

### **7.4 Deal with the media and researchers ethically**

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

- Make public statements that disclose the personal information of trafficked people.
- Pressure trafficking victims to participate in interviews with journalists or researchers.
- 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. 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 survivor of trafficking makes an informed decision to speak publicly about their experience, that choice must be respected. 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 pseudonyms, not disclosing their place of origin, or the location of their exploitation.

Comments made to the media during or in the lead up to a court case 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 exploitation in the sex industry can foster stereotypes about the sex industry. It is important to differentiate between migrant sex workers and trafficking victims and avoid sensationalist language – for example ‘sex slave’, ‘contract girls’, ‘girls’ and ‘plying their trade’.

### **Dealing with the media**

Lesley is media coordinator for a large anti-trafficking agency. Lesley received a phone call from ‘Nighttime News’ about trafficking in Australia. Lesley talked knowledgeably about trafficking in Australia and the journalist asked whether she would agree to a television interview. Lesley is very keen to promote her organization and to do everything she can to prevent trafficking. The journalist says the story can only run if they can include the story and voice of a trafficked person. Filming is scheduled for 4pm today with the story being broadcast tonight. What should Lesley do?

## **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 that is 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 trafficking victims can be served with a subpoena:

1. To produce documents by a certain date. For example, an NGO may receive a subpoena to produce documents that relate to a trafficking victim’s interaction with the NGO, such as notes taken during interviews or counselling session.
2. 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 victim.

A subpoena may require a witness 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 trafficking matters will ordinarily be represented by the Commonwealth Director of Public Prosecutions (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 Workplace Ombudsman may commence court proceedings against employers who contravene the civil penalty provisions of the *Workplace Relations Act 1996* (Cth). Trafficking victims may also be involved in civil proceedings to claim compensation.

Any records on the NGO premises should be securely stored labelled with a warning that their contents may be privileged. For example: *Warning: these notes may be privileged. 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. These 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 will also be 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 documents may belong to the NGO or to the trafficking victim.

The law about objections to subpoenas is complex. One basis upon which you may object to the production of documents is because they are subject to a counselling communication privilege. The operation of 'protected counselling communication' privilege differs in different state and territory jurisdictions.

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 which the subpoena requires to be produced 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 conduct money to enable the NGO to meet the reasonable costs of complying with the subpoena.

### **What should you do if you are served a subpoena?**

You have been helping a trafficked woman find a job and accommodation. A few months ago you spoke to the woman 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 the woman. 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. What should you do?

**For advice on what to do read sections 7.3 and 7.4**

### **8.3 Always advise the trafficking victim about the subpoena**

If an NGO has been served with a subpoena, an NGO must inform the trafficking victim as soon as possible. This is because the documents that have been subpoenaed may belong to the victim.

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 Workplace Ombudsman has statutory powers to require the production of documents. Workplace Inspectors from the Workplace Ombudsman 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. This 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;
- require a person to tell the Workplace Inspector who has custody of a document.

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

## ***9. Know how to support witnesses in court proceedings***

### **9.1 CDDP Witness Assistance Service**

In November 2008, the Commonwealth Director of Public Prosecutions (CDPP) Witness Assistance Service Pilot employed a Witness Assistance Officer. This Witness Assistance Officer will provide information and support to victims and witnesses of Commonwealth crimes prosecuted by the CDPP Sydney Office, including victims of human trafficking, sexual slavery, sexual servitude, debt bondage and labour trafficking. 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 Officer is based in Sydney. Queries in other States and Territories should be directed to the case officer of the relevant case.

### **9.2 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 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 arrange to meet with the witness to discuss the witness' evidence and make sure that the witness understands what will happen when he or she attends 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
- Ask the prosecutor any questions you may have about the court process and your responsibilities

### **(b) Suppression orders**

In some jurisdictions, a court can make a suppression order to protect a victim's identity. The Court may order that witnesses be addressed and referred to in pseudonyms and/or prevent information about the proceedings, including evidence from being published.

Different States and Territories have different laws for the granting of suppression orders. If a suppression order is made, NGO staff should make sure they know the terms of the suppression order so they can protect a victim's identity in accordance with that order.

### **(c) 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 are attending 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 you where the witness needs to sit while waiting to be called to give evidence. Normally a witness will 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 so long as you do not 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.

Under no circumstances should the witness be allowed to become aware of the evidence that another witness has given or is going to give.

Under no circumstances should an NGO staff member or a witness have any contact with a member of the jury.

#### **(d) 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. You should bow to the Judge or Magistrate when you enter the court. Make sure your mobile telephone is turned off and you take off your hat (if wearing one).

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.

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. It is advisable that you also do not discuss the case with the prosecution team during this period.

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

After the witness has given his/her evidence and been excused by the Judge/Magistrate, the witness should not remain 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
- The witness may be recalled to give evidence at the same hearing
- 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 the witness when he or she 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.

#### **(f) Further information**

Further information about giving evidence in Court and the prosecution process can be found on the CDPP website at [www.cdpp.gov.au](http://www.cdpp.gov.au) in *Steps in the Commonwealth Prosecution Process* and *Guide to Witnesses of Commonwealth Crime – Giving Evidence in Court*.

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

The Australian Federal Police (AFP) investigates offences against Commonwealth legislation including slavery, sexual servitude and people trafficking. The Office of the Commonwealth Director of Public Prosecutions (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 is considered that the sentence is not in accordance with the law. The evidential and procedural laws of the various States and Territories apply to these court proceedings.

## **10. Recognise families and children have special needs**

### **10.1. Child victims of trafficking have special rights**

Child trafficking is a specific offence in the Criminal Code. A child can not – in any circumstances – consent to being exploited. A victim of child trafficking is any trafficked person who is under 18 years of age. If a person's age is unclear, the person should be treated as a child. A child who may have been trafficked should be treated as having been trafficked unless and until a different determination is made.

The 'best interests of the child' (including the right to physical and psychological recovery and social integration) must be paramount at all times. The United Nations Children's Fund (UNICEF) guidelines on the protection of child victims of trafficking are available at [http://www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf).

### **10.2. Make appropriate referrals for child victims of trafficking**

If you suspect that a child is being exploited or trafficked or is at risk of exploitation or trafficking, contact the AFP immediately. You do not need informed consent from a suspected child victim of trafficking before contacting authorities.

Child Protection is a State and Territory responsibility. Child victims that come to the attention of the AFP may be supported by the Victim Support Program until the child can be transferred to the care of the relevant State or Territory authority. It is also likely a guardian would be appointed.

Providing services to child victims of trafficking requires special skills and training. In most cases services will be provided by specially trained service providers at government agencies and departments, not NGOs.

If an NGO is assisting a child trafficking victim, the child's safety is your number one priority. Child victims should be accommodated with a caregiver separately from other adults who are not related to the child. Public comments by NGOs must never identify child victims and every effort must be made to protect the victim's privacy.

### **10.3 The children of trafficked people have special needs**

The *United Nations 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 dependants of the direct victim.

If a trafficked person has a dependent child or children in Australia, NGOS should consider what support services the child needs. Alternatively, if the trafficked person's children and/or partner is in their country of origin they may need legal and immigration advice about opportunities for family reunification.

### **Acronyms and abbreviations**

AFP	Australian Federal Police
AGD	Attorney-General's Department
CDPP	Commonwealth Director of Public Prosecutions
DIAC	Department of Immigration and Citizenship
MARA	The Migration Agents Registration Authority
NGO	Non-Government Organisation
OFW	Australian Government Office for Women
WHO	World Health Organisation
Trafficking Protocol	The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
TSETT	Transnational Sexual Exploitation and Trafficking Teams (within)
UNICEF	United Nations Children's Fund

## **Glossary of Terms**

### **Child**

A child is anyone under 18 years of age. A child victim of trafficking is anyone who was under the age of 18 at the time he or she was trafficked.

### **Compensation**

A victim of trafficking may be entitled to financial compensation under a government funded statutory compensation fund for victims of crime. A trafficked person may also seek 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.

### **Complementary protection**

Complementary protection refers to a State's obligation to provide asylum to a person in need of protection in circumstances where the person's status does not satisfy the criteria for the grant of refugee status as defined by the 1951 UN Refugee Convention.

### **Criminal Code**

The *Criminal Code Act 1995* (Cth) ('the Criminal Code') creates offences of trafficking, trafficking in children, slavery, sexual servitude, debt bondage, and deceptive recruiting for sexual services.

### **Debt bondage**

The Criminal Code defines debt bondage 'as the status or condition that arises from a pledge by a person:

- of his or her personal services;
- or of the personal services of another person under his or her control;

as security for a debt owed, or claimed to be owed, (including any debt incurred, or claimed to be incurred, after the pledge is given), by that person if:

- the debt owed or claimed to be owed is manifestly excessive; or
- 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.

### **Deceptive recruiting for sexual services**

Section 270.7 of the Criminal Code makes deceptive recruiting for sexual servitude an offence. Deceptive recruiting occurs where a person, with the intention of inducing another person to enter into an engagement to provide sexual services, deceives that other person about:

- the fact that the engagement will involve the provision of sexual services; or
- the nature of sexual services to be provided (for example, whether those services will require the person to have unprotected sex); or
- the extent to which the person will be free to leave the place or area where the person provides sexual services; or
- the extent to which the person will be free to cease providing sexual 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, debt bondage or the confiscation of the person’s travel or identity documents.

### **Domestic Trafficking**

The Criminal Code defines domestic trafficking to take place if: a person organises or facilitates the transportation or proposed transportation of another person from one place in Australia to another place in Australia; and the first person uses force or threats; and that use of force or threats results in the first person obtaining the other person’s compliance in respect of that transportation or proposed transportation.

### **Forced labour**

Under the Criminal Code forced labour is defined as the condition of a person who provides labour or services (other than sexual services) and who, because of the use of force or threats: (a) is not free to cease providing labour or services; or (b) is not free to leave the place or area where the person provides labour or services.

International law defines forced labour more broadly as work or services exacted from a person under the menace of a penalty and performed involuntarily.

### **Informed consent**

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

### **Labour trafficking**

See trafficking in persons

### **Migrant worker**

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

### **National Roundtable on People Trafficking**

The National Roundtable on People Trafficking was convened in June 2008 by the Minister for Home Affairs, the Hon. Bob Debus MP with the support of the Minister for Immigration and Citizenship, Senator the Hon Chris Evans MP and the Minister for the Status of Women, the Hon Tanya Plibersek MP. The Roundtable brought together NGOs, unions, victims of crime support organisations and key government agencies including the Australian Federal Police’s Transnational Sexual Exploitation and Trafficking Team, the Department of Immigration and Citizenship, the Attorney-General’s Department, the Australian Government Office for Women, the Australian Crime Commission, the Department of Foreign Affairs and Trade, the Department of Education, Employment and Workplace Relations, the Australian Institute of Criminology and AusAID.

### **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.

## **People Trafficking Visa Framework**

The People Trafficking Visa Framework was established by the federal government on 1 January 2004. It allows a person of interest to law enforcement in relation to a trafficking matter who is assisting, or who has assisted with an investigation or prosecution of people trafficking offenders, to remain lawfully in Australia. It consists of the Bridging F visa, the Criminal Justice Stay visa and the Witness Protection (Trafficking) (Temporary and Permanent) visas. The visa framework may apply to any suspected victim of trafficking, regardless of the industry to which they are alleged to have been trafficked.

## **Office of the Privacy Commissioner**

The Office of the Privacy Commissioner is an independent Office which has responsibilities under the federal *Privacy Act 1988* (Cth) The Act provides protection for: personal information that is handled by Australian and ACT government agencies; personal information that is held by all large private sector organisations, all private sector health service providers and some small businesses; Credit worthiness information held by credit reporting agencies and credit providers; and personal tax file numbers used by individuals and organisations.

## **Refugee**

A person who is outside of 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**

The return of a trafficked person to his or her country of nationality.

## **Restitution**

The *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* states offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families and their defendants. A court can make an order that an offender pay restitution to a victim of crime.

## **Sexual servitude**

Section 270.4 of the Criminal Code defines sexual servitude as the condition of a person who provides sexual services and who, because of the use of force or threats is not free to cease providing sexual services or is not free to leave the place or area where the person provides sexual services.

In this context the word 'threat' means (a) a threat of force; or (b) a threat to cause a person's deportation; or (c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person

## **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.'

## **Smuggling**

Article 3(a) of the Smuggling Protocol 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'. People smuggling is an offence under the Criminal Code.

### **Subpoena**

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

### **Temporary visa holder**

A temporary visa holder is a non-citizen who has obtained a valid Australian visa which permits that person to remain in Australia and engage in some activity (e.g. work or study) for a limited period of time.

### **Trafficking in persons**

The Trafficking Protocol defines trafficking in persons 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 makes trafficking an offence. It also contains offences of domestic trafficking and trafficking in children.

### **Trafficking in children**

Section 271.4 of the Criminal Code makes trafficking in children an offence. This offence has a maximum penalty of 25 years.

### **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.

A victim of trafficking is a person who has suffered physical or emotional injury, or financial loss because of a crime.

### **Unlawful non-citizen**

The term 'unlawful non-citizen' refers to a non-citizen in Australian territory who does not hold a valid Australian visa entitling them to stay in Australia.

### **Support for Victims of People Trafficking Program (Victim Support Program)**

The government funded and administered Victim Support Program is part of the Commonwealth Government's Anti-Trafficking Strategy. The Victim Support Program is available to victims of people trafficking in Australia who are:

- assessed by the AFP as willing and able to assist with the investigation or prosecution of a people-trafficking offence; and
- granted a valid visa under the People Trafficking Visa Framework.

The AFP is responsible for deciding whether a person is a suspected trafficking victim and if he/she may be able to assist with the investigation of a suspected trafficker. DIAC refers suspected trafficking victims to the AFP. Some NGOs also refer suspected trafficking victims.

Intensive support is available for 30 days after a person has been registered as a client of the SVPTP. Support includes social support, accommodation, food and a

living allowance as well as access to counselling, medical treatment, legal and migration advice. A dedicated case manager coordinates these services, and interpreters are engaged if necessary. Ongoing assistance is provided to victims who are willing and able to continue to assist with people trafficking investigations and prosecutions until the investigation and prosecution of a people trafficking matter is finalised. Clients are eligible for Centrelink, Medicare and Pharmaceutical benefits. Support is also provided for victims who return to Australia from overseas in order to give evidence in relation to a people trafficking prosecution. The support includes short-term accommodation and a weekly food and living allowance, as well as case managed compassionate support.

### **Victim of Crime**

The *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* defines 'victims of crime' as meaning persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. In Australia, different states and territories have different definitions of a victim of crime.

A person should be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The UN declaration also states that the term 'victim' includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

### **Victim Impact Statements**

A victim impact statement is a written statement that provides details to the court of the harm suffered by a victim resulting from the offence. Generally a victim impact statement is a written statement however, in some jurisdictions the information can be presented to the court orally. The shape, form and content provided in a victim impact statement varies between jurisdictions.

### **Visa protection**

Visa protection is the mechanism by which non-citizens gain legal permission to remain in Australia by relying on a protection or humanitarian response by government.

### **Vulnerable witness**

Vulnerable witnesses are witnesses or victims of crime that, due to personal attributes or the circumstances of the crime, may be intimidated by giving evidence in a courtroom or in front of an accused. Child witnesses and victims of sexual assault are often considered to be vulnerable witnesses. Vulnerable witnesses are often entitled to give evidence in criminal trials using alternative arrangements (such as closed circuit television).

### **Witness protection**

This is protection and assistance provided by the police to persons who have given or have agreed to give evidence in criminal proceedings, made a statement in relation to a criminal offence or who otherwise require protection or are perceived to be in danger by reason of their evidence (see also **People Trafficking Visa Framework**).

## Referral Guide

### ***Anti-trafficking NGOs***

**Anti-Slavery Project, University of Technology, Sydney:** The Anti-Slavery Project is dedicated to eliminating all forms of trafficking and slavery through direct service and advocacy programs. Services to trafficked people include: legal advice and representation including – identification of trafficked people, trafficking visa framework, other visas, review processes and other immigration issues. Related legal services include citizenship advice, housing, Centrelink payments, civil compensation etc. Social support services are also provided. The Anti-Slavery Project assists individual people identify their situation and assists NGOs assess whether a person has been trafficked and can make appropriate referrals.

**Jennifer Burn, Director of the Anti-Slavery Project**

**T: 02 9514 9662**

**E: [antislavery@us.edu.au](mailto:antislavery@us.edu.au)**

**Australian Catholic Religious Against Trafficking in Humans (ACRATH):** ACRATH is a national organization 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 are actively campaigning against trafficking on three fronts; lobbying for a human rights-based approach to visas rather than a criminal justice-based approach, raising awareness about trafficking by conducting community and school education programmes and supporting those who have been trafficked by supporting safe housing here in Australia and in repatriation programmes.

**Sister Pauline Coll**

**T: (07) 3861-5613**

**Josephite Counter Trafficking Project (JCTP):** The JCTP is a Congregational Ministry that responds to the needs of people who are trafficked. Members of the JCTP are Asian women and women who have had experience in Asia or in working in cross cultural situations. They offer flexible culturally-sensitive support to women of Asian origin who have been trafficked into Australia. They also offer collaboration with religious, government and NGO groups involved in providing services in Australia and globally. Awareness raising programs in the Community and at Villawood Immigration Detention Centre provides information on Trafficking to Staff and Detainees who are then able to access services for people who have been trafficked.

**Sister Margaret Ng**

**T: 0432 084 249**

**Project Respect:** Project Respect challenges exploitation of and violence against women in the sex industry. Project Respect began direct service work in March 2000. They conduct outreach and offer services to women in brothels especially where there is a high concentration of women from non-English speaking

**T: 03 9416 3401**

backgrounds. Support includes social support, court and police support, counselling, accessing services, and referrals for health care, legal advice, employment assistance, education, and English classes.

**Samaritan Accommodation:** Samaritan Accommodation provides services and supports to migrant women who have experienced situations of human trafficking, slavery and/or slavery-like practices. Support can include referrals and information about legal and medical assistance, learning English, finding a job and a place to live. Staff can help residents to understand their situation, get information about their rights, assist with daily living and provide support in making decisions about the future.

**T: 02 9211 5794**

**Scarlet Alliance, The Australian Sex Workers Association:** Scarlet Alliance is the peak body of sex workers and sex worker organisations in Australia, representing state and territory based sex worker organisations, including multilingual projects, for sex workers and migrant sex workers, including sex workers experiencing trafficking-like or slavery-like conditions; female, male and transgender. Scarlet Alliance can offer expert policy, migration, referral advice and support in a variety of languages.

**T:02 9326 9455**

**E:** [info@scarletalliance.org.au](mailto:info@scarletalliance.org.au)

**W:** [www.scarletalliance.org.au](http://www.scarletalliance.org.au)

## ***Australian Federal Police***

**AFP Transnational Sexual Exploitation and Trafficking Team (TSETT):** The AFP has the lead role in investigating trafficking offences. The AFP work with state and territory police in accordance with the *Australian Policing Strategy to Combat Trafficking in Women for Sexual Servitude*. TSETT is a specialist unit responsible for investigating offences related to trafficking in persons. The TSETT Intelligence team is located in Canberra. TSETT Investigation teams located in Sydney and Melbourne where operational resources are currently required. A Human Trafficking, Sexual Servitude & Slavery Information report form is available [online](#).

**T: 1800 813 784**

**E:** [TCCC-OMC@afp.gov.au](mailto:TCCC-OMC@afp.gov.au)

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

### ***Embassy Information***

Cambodia, Royal Embassy of  
5 Canterbury Crescent,  
Deakin, ACT 2600

**T: 02 6273 1259**

Chinese Embassy  
15 Coronation Drive,  
Yarralumla ACT 2600

**T: 02 6273 4780**

Fiji Islands, High Commission of the Republic of the 19 Beale Crescent, Deakin ACT 2600	<b>T: 02 6260 5115</b>
Korean Embassy 113 Empire Circuit, Yarralumla ACT 2600	<b>T: 02 6270 4100</b>
Laos- Embassy of the Lao People's Democratic Republic 1 Dalman Crescent, O'Malley ACT 2606	<b>T: 02 6286 4595</b>
Myanmar, Embassy of the Union of 22 Arkuna Street, Yarralumla ACT 2600	<b>T: 02 6273 3811</b>
Papua New Guinea Embassy 39-41 Forster Crescent, Yarralumla ACT 2600	<b>T: 02 6273 3322</b>
Philippines, Embassy of the 1 Moonah Place, Yarralumla ACT 2600	<b>T: 02 6273 2535</b>
Vietnam, Embassy of the Socialist Republic of 6 Timbarra Crescent, O'Malley ACT 2606	<b>T: 6286 6059</b>

***Domestic Violence and Sexual Assault Help Lines***

<b>Domestic Violence and Sexual Assault Help Line (Australia wide)</b>	<b>T: 1800 200 526</b>
<b>Sexual Assault Help Lines</b>	<b>ACT: 02 6247 2525</b> <b>NSW: 02 9819 6565</b> <b>NT: 08 8922 7156</b> <b>QLD: 1800 010 120</b>

	<b>SA: 1800 817 421</b> <b>TAS: 03 6231 1811</b> <b>VIC: 1800 806 292</b> <b>WA: 1800 199 888</b>
<b>Sexual Health Information Lines</b>	<b>ACT &amp; NSW: 1800 451 624</b> <b>QLD: 1800 118 021</b> <b>SA: 1800 806 490</b> <b>TAS: 1800 675 859</b> <b>VIC: 1800 032 017</b> <b>WA: 1800 198 205</b>

### ***Emergency Services***

**Emergency Services:** The Triple Zero (000) service 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 are deaf, or have a hearing or speech impairment, call police, fire or ambulance on 106 directly through a TTY (known as a teletypewriter or textphone) or computer connected to a modem. You can not contact emergency services using the SMS.

**T: 000**

### ***Immigration advice and information***

<b>Dept of Immigration and Citizenship(DIAC):</b> Under the whole-of-government strategy to combat trafficking in persons, DIAC is responsible for administering the People Trafficking Visa Framework which enables people who have assisted or are assisting with an investigation and/or prosecution to remain lawfully in Australia. The People Trafficking Visa Framework comprises the Bridging F visa, Criminal Justice Stay visa	<b>T: 131 881</b>  <b>E:</b>
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and temporary and permanent Witness Protection (Trafficking) visas.	<a href="mailto:people.trafficking@immi.gov.au">people.trafficking@immi.gov.au</a>
<b>Migration Agents Registration Authority:</b> You can find a registered migration agent by searching the <a href="#">Register of Agents</a> on the MARA website.	W: <a href="http://www.themara.com.au">www.themara.com.au</a>
<b>Immigration Advice &amp; Rights Centre</b>	<b>T: 02 9281 8355</b>
<b>Australian Capital Territory Welfare Rights &amp; Legal Centre</b>	<b>T: 1800 445 665</b>
<b>NSW Welfare Rights Centre</b>	<b>T: 1800 22 6028</b>
<b>Queensland Welfare Rights Centre</b>	<b>1800 358 511</b>
<b>South Australia Welfare Rights</b>	<b>T: 08 8226 4123</b>
<b>Law Institute Victoria-Welfare Rights Unit</b>	<b>T: 03 9416 1111</b>
<b>Community Legal Centres Assoc WA-Welfare Rights &amp; Advocacy Service</b>	<b>T: 08 9328 1751</b>

### ***Government agencies and statutory bodies***

**Attorney-General's Department (AGD)** The AGD is responsible for leading Australia's whole-of-government anti-trafficking strategy. The strategy is supported by a range of targeted interlocking measures that are administered by the Australian Agency for International Development, the Australian Crime Commission, the Australian Institute of Criminology, the Australian Federal Police, the Commonwealth Director of Public Prosecutions, the Department of Immigration and Citizenship, the Department of Foreign Affairs and Trade, the Australian Government Office for Women, and the Department of the Prime Minister and Cabinet.

**W:**  
[www.ag.gov.au/www/agd/agd.nsf/Page/People\\_Trafficking](http://www.ag.gov.au/www/agd/agd.nsf/Page/People_Trafficking)

**Australian Human Rights Commission:** The Commission can investigate complaints of discrimination, harassment and bullying based on a person's sex, disability, race, and age. In the area of employment the Commission can also 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

**T: 1300 656 419**  
**SMS: 0488 744 487 (0488 RIGHTS)**

about alleged breaches of human rights against the Commonwealth and its agencies. The Commission's Complaints Guide has been translated into 15 languages and is available in HTML and PDF formats.

### **Centrelink**

Employment services

Disability, Sickness and Carers

Family Assistance Office

Centrelink International Services

Centrelink Multilingual Call

**W:** [www.humanrights.gov.au/complaints\\_information/lodging.html](http://www.humanrights.gov.au/complaints_information/lodging.html)

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

**T: 13 2850**

**T: 13 2717**

**T: 13 6150**

**T: 13 1673**

**T: T: 13 1202**

**Commonwealth Director of Public Prosecutions (CDPP):** The CDPP is an independent prosecuting service that was established to prosecute alleged offences against Commonwealth law and to deprive offenders of the proceeds and benefits of criminal activity. The 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. The CDPP is not an investigative agency. It can only prosecute, or take confiscation action, when there has been an investigation by an investigative agency such as the Australian Federal Police (AFP). However, the CDPP regularly provides legal advice to investigators at the investigative stage. The CDPP has an office in each capital city and sub-offices in Townsville and Cairns.

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

**T: (02) 6206 5666 Head Office (Canberra)**

**Workplace Ombudsman:** The Workplace Ombudsman appoints Workplace Inspectors empowered to investigate and enforce compliance with the *Workplace Relations Act 1996* and other Commonwealth Workplace Relations Laws. If an NGO believes that an overseas worker has not or is not receiving minimum employment entitlements, the worker or NGO may contact the Workplace Ombudsman. Complaints can be made on an anonymous and/or confidential basis. However, where insufficient employment records can be obtained from the employer, an investigation may be difficult without the complainant's identifying details. The Workplace Ombudsman's website can be accessed in Vietnamese, Chinese, Arabic, Persian, Turkish, Spanish, Korean, Russian, Bahasa Indonesian, Dari, Italian, Serbian, Thai and Croatian.

**T: 1300 724 200**

## ***Refuge Services***

<b>CEAS - Canberra Emergency Accommodation Service- 24 hour Crisis Line :</b>	<b>T: 02 6257 2333</b>
<b>NSW Women’s Refuge Resource Centre:</b> The WRM is a network of 53 Women’s Refuges that provide support and accommodation for women and children in NSW escaping domestic violence.	<b>T: 1800 65 64 63</b>
<b>Centre Against Sexual Assault.</b> The centre is located at 210 Lonsdale Street Melbourne Victoria.	<b>T: 0393473066</b>
<b>Project Respect</b> (See description in specialist trafficking services section)	<b>T: 03 9416 3401</b>
<b>Samaritan Accommodation</b> (See description in specialist trafficking services section)	<b>T: 02 9211 5794</b>
<b>Women's Domestic Violence Crisis Service of Victoria- 24 hour crisis support:</b>	<b>T: 1800 015 188</b>

## ***Sex Worker Organisations including multilingual projects***

**Scarlet Alliance, The Australian Sex Workers Association** specialise 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 further above listing under specific support services for trafficked people.

**02 9326 9455**

**E:[info@scarletalliance.org.au](mailto:info@scarletalliance.org.au)**

**W:[www.scarletalliance.org.au](http://www.scarletalliance.org.au)**

**Australian Capital Territory - SWOP - Sex Workers Outreach Project** - open 10am – 5pm, Wednesday to Friday. SWOP do outreach to sex workers in the ACT, offer written information in a variety of languages and participate in national research with migrant sex workers.

**T: 02 6247 3443**

**NSW - SWOP - Sex Workers Outreach Project** open Monday to Friday 10am – 6pm, except Wednesday when they open at 2pm. Located in Chippendale, Sydney. SWOP promotes the health, safety and wellbeing of sex industry workers. They outreach across NSW, and have 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. SWOP participates in national research with migrant sex workers.

**T: 02 9319 4866**

**W: [www.swop.org.au](http://www.swop.org.au)**

**Northern Territory SWOP - Sex Workers Outreach Project** is a PEER based project that provides an accessible, ethical and effective service that empowers, and advocates for improvement of NT sex workers lives by addressing holistic health issues that include human rights as working rights. SWOP do outreach to all of Darwin's escort agencies, regularly visits to Alice Springs and other regional locations.

**T: 08 8941 1711**

**T: 1800 880 899**

**South Queensland Crimson Coalition** is a volunteer unfunded group of sex workers that does advocacy and political representation for sex workers.

**T: 0421 569 232**

**T: 07 4724 4853**

**United Sex Workers North QLD** provide peer based support and education.

**South Australia Sex Industry Network (SIN).** Opening hours Tuesday-Friday 9:30-5pm. SIN provides confidential peer support/referral and information about issues that concern sex workers. SIN does outreach to Adelaide brothels and private sex workers and runs a multicultural project for migrant sex workers.

**T: 08 8334 1666**

**W: [www.sin.org.au](http://www.sin.org.au)**

**Tasmania Scarlet Alliance CASH Project** offers advocacy, information and resources to sex workers across Tasmania and does regular outreach to private sex workers in Hobart and Launceston.

**T: 03 6234 1242**

**RhED - Resourcing health & Education in the sex industry** is open From Monday to Friday from 1pm. You can come in by appointment at other times. RhED does regular outreach to legal brothels in Victoria, and runs a drop in centre for street based sex workers. RhED printed resources are available in a variety of languages.

**T: 03 9534 8166 OR 1800 458 752**

**W: [www.sexworker.org.au](http://www.sexworker.org.au)**

**Western Australia Magenta** is open Monday to Thursday from 9am – 4pm. **Magenta** provides information, support and referral including to sex worker friendly lawyers and doctors via outreach, in the office or over the phone. **SWOPWA** provides outreach to street-based sex workers in the inner-city and operates Monday to Thursday 11am – 3:30pm plus 2 hours on Friday and Saturday afternoon/evening, 2 out of 3 weeks

**T: 08 9328 1387**

**W: [www.fpwa.org.au/services/magenta/](http://www.fpwa.org.au/services/magenta/)**

## **Support for Victims of People Trafficking Program**

**Australian Government Office for Women (OFW):** OFW administers the Support for Victims of People Trafficking Program (Victim Support Program), a national support program for victims of people trafficking in Australia. The Victim Support Program provides individualised case management and a range of support to victims around Australia who meet the eligibility criteria. The support program is one component of the **Commonwealth Government's Anti- trafficking strategy**, which is a whole-of-government initiative led by the AGD. The Victim Support Program is available to victims of people trafficking in Australia who are assessed by the AFP as willing and able to assist with the investigation or prosecution of a people-trafficking offence; and granted a valid visa under the People Trafficking Visa Framework. Intensive support is available for 30 days after a person has been registered as a client of the Victim Support Program. Ongoing assistance is provided to victims who are willing and able to continue to assist with people trafficking investigations and prosecutions until the investigation and prosecution of a people trafficking matter is finalised.

**T: 1800 808 863**

**E: [svpt.women@fahcsia.gov.au](mailto:svpt.women@fahcsia.gov.au)**

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

## **Translating and Interpreting Services**

**Translating and Interpreting Service (TIS)** The Department of Immigration and Citizenship (DIAC) provides the TIS National interpreting service for people who do not speak English and for the English speakers who need to communicate with them. TIS has access to over 1300 contracted interpreters across Australia, speaking more than 120 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 charge structure:** [http://www.immi.gov.au/living-in-australia/help-with-english/help\\_with\\_translating/service-charges.htm](http://www.immi.gov.au/living-in-australia/help-with-english/help_with_translating/service-charges.htm) NGOs can apply for a fee exemption for calls through TIS National. They will need to complete the 'Application for exemption from TIS charges' form and then fax it through to the attention of the on-site supervisor, to be assessed. Further information including the application form and fax number can be found at: [http://www.immi.gov.au/living-in-australia/help-with-english/help\\_with\\_translating/free-services.htm](http://www.immi.gov.au/living-in-australia/help-with-english/help_with_translating/free-services.htm)

**T: 131 450**

**W: [www.immi.gov.au/living-in-australia/help-with-english/help\\_with\\_translating/service-charges.htm](http://www.immi.gov.au/living-in-australia/help-with-english/help_with_translating/service-charges.htm)**

## **Unions**

**Sex Workers Union, Surry Hills NSW**

**T: 0425 716 744**

**E: [sexworkerunion@gmail.com](mailto:sexworkerunion@gmail.com)**

	<a href="#">m</a>
<b>The Australian Workers' Union</b> is a national union made up of state, regional and industry-based branches. It represents more than 130,000 members across Australia in a diverse range of industries.	<b>T: 02 8005 3333</b> <b>E: <a href="mailto:members@awu.net.au">members@awu.net.au</a></b>
<b>Australian Liquor, Hospitality and Miscellaneous Workers Union (LHMU)</b>	<b>T: 02 8204 3000</b>
<b>Australian Council of Trade Unions (ACTU)</b>	<b>T: 1300 486 466</b> <b>W: <a href="http://www.actu.asn.au">www.actu.asn.au</a></b>

### ***Victim Support Services***

<b>Victim support help lines</b>	<b>ACT: 1800 822 272</b> <b>NSW: 1800 633 063</b> <b>NT: 1800 672 242</b> <b>QLD: 1300 139 703</b> <b>SA: 1800 182 368</b> <b>TAS: 1300 633 773</b> <b>VIC: 1800 819 817</b> <b>WA: 1800 818 988</b>
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## Useful resources

### Multilingual resources for trafficking victims

Attorney-General's Department, People Trafficking Website,  
[http://www.ag.gov.au/www/agd/agd.nsf/page/PeopleTrafficking\\_PeopleTrafficking](http://www.ag.gov.au/www/agd/agd.nsf/page/PeopleTrafficking_PeopleTrafficking)

- This website will be updated in 2009 to contain resources for people who may be trafficked.

Australian Federal Police, Stopping Human Trafficking  
[http://www.afp.gov.au/international/human\\_trafficking.html](http://www.afp.gov.au/international/human_trafficking.html)

- This website contains an online form for reporting human trafficking

Australian Workplace Ombudsman  
<http://www.wo.gov.au/asp/index.asp?sid=7407&page=fact-sheets-view&cid=5371&id=763>

### Professional Guidelines for Service Providers

The national guidelines produced by Victim Support Australasia. Available at:  
<http://www.victimsupport.org.au/policies.php>

Recommendations by Empower Chiang Mai, available at  
<http://www.nswp.org/mobility/mpower-0306.html>

### International resources

UN 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational 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)

UN Office of Drugs and Crime Toolkit to Combat Trafficking in Persons available at  
[http://www.unodc.org/documents/human-trafficking/HT\\_Toolkit08\\_English.pdf](http://www.unodc.org/documents/human-trafficking/HT_Toolkit08_English.pdf)

Office of the United Nations High Commissioner for Human Rights, *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, available at [http://www.unhchr.ch/html/menu3/b/h\\_comp49.htm](http://www.unhchr.ch/html/menu3/b/h_comp49.htm)

*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* (1998), available at: <http://www.uncjin.org/Standards/9857854.pdf> .

*World Health Organisation Ethnical and Safety Recommendations for Interviewing Trafficked Women*, (2003), available at  
<http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf>

UNICEF, *Guidelines on the Protection of Child Victims of Trafficking*, (2006), available at [http://www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf)

Office of the United Nations High Commissioner for Human Rights, *International Principles and Guidelines on Human Rights and Human Trafficking*, (2002), available at: <http://www1.umn.edu/humanrts/instree/traffickingGuidelinesHCHR.html>

Asia Regional Trafficking in Persons Project, Publications and resources page, [http://www.artipproject.org/14\\_links/links.html](http://www.artipproject.org/14_links/links.html)