



# HUMAN TRAFFICKING



## **Role of the AFP**

The role of the AFP, is to investigate allegations, identify offences and gather evidence to support the prosecution of those offences.

This process is rigorous and needs to be, allegations of this type are very serious in nature, therefore AFP investigations need to be comprehensive, thorough and able to withstand intense scrutiny.

The AFP has dedicated Human Trafficking (HT) teams in both Sydney and Melbourne, with HT trained members in each of the other states and territories.

Members undertake specialist training to enhance knowledge and skills in dealing with all aspects of Human Trafficking which includes forced marriage.

## **Background**

- In 2013, the Australian Parliament enacted legislation to criminalise forced marriage.
- Forced marriage places people, mostly women and girls at risk and can result in harmful consequences, including emotional and physical abuse, restrictions of movement and autonomy, and loss of access to education.

## Definitions

**Forced marriage:** a marriage is a forced marriage if 'because of the use of coercion, threat or deception, one party to the marriage (the *victim*) entered into the marriage without freely and fully consenting'.



## Support for Victims

Victims of this crime type require specialised support and it is the responsibility of the AFP to ensure they are referred to the appropriate support network.



## **Support for Victims**

- The Support for Trafficked Persons Program (STPP) has been established to provide this specialised support.
- The STPP is administered by the Department of Social Security (DSS)
- The AFP can refer victims to the STPP where offences under the HT framework are disclosed.

Matters of this nature are both complex and sensitive, Police are trained to deal with victims of this crime type with empathy and professionalism.

## **Support for Victims**

In the event a person does not wish to assist with an investigation and or subsequent prosecution, the AFP may refer that person to another police service or support agency.



### **Support for Victims under 18 years**

Police have mandatory reporting obligations and this will (in all likelihood) necessitate the involvement of other agencies.



## **Investigation Process – Immediate Response**

Police action is dependent on the individual circumstances of each report and many factors are taken into account in deciding a course of action.



## **Investigation Process**

**When a referral is received or an offence is identified and requires an immediate response the AFP will:**

- Attend and speak with the victim
- Obtain details from the victim in relation to the alleged criminality.
- Provide the victim with information relating to police investigations and possible judicial processes.
- Refer the victim to the appropriate support agency i.e. the STPP
- Take immediate action to protect the victim or others.

## Prosecution

All decisions in relation to a possible prosecution are evidence based.

In order for a prosecution to be successful Police must make out their case, such that a jury or "trier of fact" can be satisfied "beyond a reasonable doubt" that the accused person is actually guilty of the offences brought against them.



## Referrals

Since forced marriage was criminalised in March 2013, the AFP has received over 100 referrals of forced marriage:

- 11 within the 2013/14 FY
  - 33 within the 2014/15 FY
  - 69 within the 2015/16 FY
- The FY15/16 referrals are broken down by state as follow:



# Referrals

2015/16 FY	
Australian Capital Territory	0
New South Wales	36
Victoria	19
Queensland	5
South Australia	4
Northern Territory	0
Western Australia	1
Tasmania	0
Offshore	4
Total	69

## **Victims**

- Mostly female
- Mostly under 18
- Mostly Australian citizens with an ethnic background
- Some have been removed offshore to be married in the family's homeland
- Of those taken offshore, most have been taken to non-Hague Convention countries

## **Forced Marriage indicators**

- Sudden announcement of engagement
- Family history of elder siblings leaving education early and/or marrying early
- Depression, self – harming, suicide, and substance abuse
- Social isolation
- Unreasonable restrictions from the family and excessive parental restriction e.g. not being allowed out or the person always being accompanied
- Young person expressing concern regarding an upcoming family holiday
- Evidence of family disputes/conflict, domestic violence/abuse or running away from home

## **Forced Marriage indicators**

- Extended absence from school/college, truancy, drop in performance, low motivation
- Poor attendance in the workplace, parental control of income and limited career choices
- Evidence of family disputes/conflict, domestic violence/abuse or running away from home
- Young person expressing concerns
- Extended absence from school or college
- Poor attendance in the workplace
- Little to no control over significant life decisions



## Challenges

- Victims reluctant to give evidence
- Obtaining evidence can be difficult
- Difficult for Australian authorities to act or protect
- Liaising with external agencies
- Welfare of the child has absolute priority



## **AFP Assistance / Intervention**

- Activating alerts
- Detention or interviews
- Where sufficient evidence exists, arrest offenders and take the minors into protective custody
- Refer victims to support agencies
- Working collaboratively with State and Territory LEA



## **AFP Assistance / Intervention**

Once a victim has been moved offshore the AFP is limited in what it can do. However the AFP can still:

- Provide advice to Consular staff
- Speak with victims
- Liaise with foreign LEA
- Assist with the repatriation of victims
- Secure evidence held in or by foreign jurisdictions

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QUESTIONS