8 February 2019

# Australian submission to the

# Committee on the Elimination of Discrimination Against Women on

# draft General Recommendation on

# Trafficking in Women and Girls in the Context of Global Migration

Australia welcomes the opportunity to provide a written submission to the Committee on the Elimination of Discrimination Against Women on the development of the General Recommendation on Trafficking in Women and Girls in the Context of Global Migration.

The Office for Women within the Department of the Prime Minister and Cabinet, prepared this submission, in collaboration with the Department of Home Affairs, the Attorney-General’s Department, the Department of Foreign Affairs and Trade, the Department of Jobs and Small Business, and the Department of Social Services.

Australia takes note of the Concept Note dated 8 November 2018, prepared for the Committee on the Elimination of Discrimination Against Women, and provides input on the sub-themes, as requested in paragraph 54. The Committee’s Concept Note addresses various thematic issues, including the root causes of trafficking in women and girls and policy initiatives that States may undertake to combat trafficking.

The Committee provides guidance in the Concept Note on its interpretation of States Parties’ obligations under the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). In the present submission, Australia focuses on legislative and policy initiatives that it has undertaken to combat the trafficking of women and girls. Australia has not made detailed comments on the Committee’s interpretation of States Parties’ obligations under the CEDAW as reflected in the Concept Note. Australia wishes to emphasise, however, the importance of international law principles applicable to the interpretation of treaty obligations. Australia also reiterates the need to ensure that views included in General Recommendations reflect the interpretation of the relevant obligations as understood by States Parties to the Convention.

Australia also wishes to emphasise that States are afforded a margin of discretion in meeting their obligations under CEDAW, as recognised by the Committee (see, for instance, *Nguyen v Netherlands*, CEDAW Communication No 3/2004 (29 August 2006), [10.2]).

## INTRODUCTION

The Australian Government is committed to preventing and addressing human trafficking, slavery and slavery-like practices, domestically, regionally, and internationally. Australia has had a comprehensive, whole-of-government strategy to combat these crimes since 2004. Australia maintained its Tier 1 ranking in the *2018 United States Trafficking in Persons Report[[1]](#footnote-1)* for the 15th consecutive year, highlighting Australia’s strong response to human trafficking and slavery.

Australia agrees that trafficking in women and girls is a phenomenon rooted in gender-based discrimination and inequality, and constitutes gender-based violence against women. Australia acknowledges conflict, humanitarian crises and disasters constitute increased risk for trafficking, where women and girls experience unique consequences.

Australia has comprehensively criminalised human trafficking, slavery and slavery-like practices, including forced labour, and forced marriage. These offences apply to exploitation in any industry. Penalties for these offences range from four years’ imprisonment for debt bondage, to 25 years’ imprisonment for slavery and trafficking in children.

Australia is actively engaged in the fight against human trafficking and slavery with other countries in our region and beyond.

* Australia ratified CEDAW on 28 July 1983. Australia acceded to the Optional Protocol to CEDAW on 4 December 2008.
* Australia is a party to the *Convention against Transnational Organised Crime* and signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, in 2005.
* Australia ratified the *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)* on 21 December 2017.
* Australia has ratified the following relevant International Labour Organization (ILO) Conventions: *Forced Labour Convention (No. 29), Abolition of Forced Labour Convention (No. 105), Worst Forms of Child Labour Convention (No. 182)* and is progressing ratification of the *Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29)*.
* Australia is a founding member and co-chair (with Indonesia) of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (*Bali Process*), a regional cooperation forum to address human trafficking and modern slavery.

Australia has been a destination country for human trafficking and slavery. Historically, a significant proportion of trafficked people identified by Australian authorities have been women from Asia who have been exploited within the sex industry. In recent years, more diverse groups of victims by gender and country of origin have been identified. These victims have often been exploited in a range of industries other than the sex industry, or within intimate and family relationships.

Australia is committed to the suppression of all forms of exploitation of prostitution of women including supporting women in their transition from sex work to alternative employment.

During 2016-17, the Australian Federal Police received 150 referrals for suspected instances of human trafficking and slavery. The majority of referrals were related to forced marriage, sexual exploitation and labour exploitation. In 2016-17, there were 39 victims referred to the Australian Government’s Support for Trafficked People Program; all referrals were female. The highest number of referrals (21) were for women suspected of being in, or at risk of, a forced marriage. In early 2019, the Australian Institute of Criminology, in partnership with the Walk Free Foundation, is expected to release the first national estimate for the prevalence of human trafficking and slavery victimisation in Australia.

## EFFECTIVE PREVENTION

Australia seeks to prevent human trafficking in Australia through the *National Action Plan to Combat Human Trafficking and Slavery 2015–19 (National Action Plan)*. The *National Action Plan* provides the strategic framework for Australia's response to human trafficking and slavery, and aims to prevent and deter human trafficking and slavery; detect, investigate and prosecute offenders; and provide support to trafficked people, including by protecting their human rights.

Areas of focus under the *National Action Plan* include:

* monitoring and improving Australia’s criminal law frameworks;
* awareness raising and education for vulnerable groups, frontline responders and the general community;
* refining the Government’s response to forced marriage;
* responding to labour exploitation in supply chains;
* strengthening engagement with Australia’s States and Territories; and
* enhancing regional cooperation through the [*Bali Process*](https://www.baliprocess.net/).

Australia will establish a new National Action Plan to combat trafficking and slavery from 2020.

Australia has taken a strong stance against forced marriage, including by introducing standalone criminal offences with tough penalties, expanding specialist law enforcement teams, tailoring support to victims’ needs, undertaking nationwide awareness-raising and training for frontline workers, and funding civil society organisations to deliver community-based prevention projects. Australia is currently developing a proposed model for a civil Forced Marriage Protection Order scheme, which will provide a flexible civil remedy for people in, or at risk of, forced marriage. Australia conceptualises forced marriage as both a slavery-like practice and a complex form of gender‑based family violence, and recognises that young women and girls are disproportionately affected by forced marriage.

On 29 November 2018, the Australian Parliament passed the *Modern Slavery Act 2018* (Cth). The *Modern Slavery Act* requires Australian businesses and other entities with annual consolidated revenues of more than AUD$100 million (estimated to total about 3,000 companies), to report on the risks of modern slavery in their operations and supply chains, as well as the actions they have undertaken to address those risks. In a world first, the Australian Government will lead by example by publishing an annual modern slavery statement covering Commonwealth procurement.

Australia is at the forefront of the fight against human trafficking internationally, engaging at bilateral, regional and multilateral levels. Regionally, the *Bali Process Government and Business Forum*, co-chaired by Australia and Indonesia and established in August 2017, endorsed in August 2018 the so-called ‘AAA’ recommendations for business and government collaborative action to eradicate human trafficking and modern slavery. The focus is to – ‘acknowledge’ and encourage awareness of the problem, ‘act’ to strengthen and implement policy and legal frameworks and promote regional consistency, and ‘advance’ to ensure effectiveness and sustainability.

Australia funded the UN Women-ILO *Preventing the Exploitation of Migrant Women Workers in ASEAN* (PEMWWA) project (AUD$2 million, 2014-16). The project provided Association of South East Asian Nations (ASEAN) policy makers with access to evidence and knowledge to counter and prevent the abuse, violence, trafficking and exploitation of women migrant workers.

Australia is also a key partner of the ILO *TRIANGLE in ASEAN* program, which seeks to significantly reduce the exploitation of labour migrants in the region through increased legal and safe migration and improved labour protection.

## ADDRESSING ROOT CAUSES

Noting that root causes of trafficking in women and girls include gender-based discrimination and inequality, the Australian Government undertakes a number of initiatives to address gender inequality and empowerment of women, with a particular focus on:

* women’s economic empowerment;
* women’s leadership; and
* safety of women and their children.

The Australian Government is committed to eliminating discrimination against women. Australia’s *Sex Discrimination Act 1984* (Cth) makes it unlawful to discriminate on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity or intersex status in certain areas of public life.

One of the goals under Australia’s *National Action Plan* is to contribute to initiatives which tackle the root causes of human trafficking and slavery. Australia is pursuing this goal through a variety of measures, including:

* advocating for adherence to minimum standards for human rights working conditions through regional engagement and international fora such as the United Nations Human Rights Council; and
* supporting projects that focus on eradicating poverty, providing education, and promoting gender equality and empowerment of women and girls.

The Australian Government has close partnerships with, and provides funding to support, specialist non-government organisations (NGOs) that tackle the root causes of human trafficking and slavery. Civil society plays a vital role in identifying and supporting human trafficking and slavery victims, as well as raising community awareness on these issues. Since 2008, the Government has awarded more than $5.8 million to specialist NGOs working to combat human trafficking and slavery. Following a highly competitive grants round, the Government awarded four NGOs $125,000 each over 2018‑19 to undertake community‑based projects. Several of these NGOs are addressing the root causes of human trafficking in different sectors and communities across Australia, such as in rural and remote areas, and are building resilience within vulnerable cohorts.

Australia supports global initiatives under the Sustainable Development Goals, such as *Alliance 8.7*, the Global Alliance to Eradicate Forced Labour, Modern Slavery, Human Trafficking and Child Labour. *Alliance 8.7* addresses Sustainable Development Goal 8.7. Australia is the current chair of the Global Coordinating Group, and under Australia’s chair, Alliance 8.7 has prepared a Strategic Vision Paper; launched country level activities to accelerate action; launched Delta 8.7: The Alliance 8.7 Knowledge Platform (www.delta87.org) at UNGA 2018; and finalised the Alliance 8.7 governance structure.

## POOR GOVERNANCE and CORRUPTION

A key aim of the *Bali Process* is to raise awareness of the disproportionate effects of trafficking on women and girls. Various training workshops are run under the *Bali Process*, with some covering the uniquely vulnerable position of women and children to trafficking. The *Bali Process* also encourages member states to collaborate with their respective civil society organisations, who often have specialist skills in engaging with female victims of trafficking.

## LEGAL FRAMEWORK

Australia has a strong legal framework to respond to trafficking in women and girls, with comprehensive criminal laws that comply with Australia’s international obligations.

Divisions 270 and 271 of the Commonwealth *Criminal Code Act 1995* (Cth) (*Criminal Code*) comprehensively criminalise human trafficking, slavery and slavery‑like practices such as forced labour, forced marriage and debt bondage. Maximum penalties range from four years’ imprisonment for debt bondage, to 25 years’ imprisonment for slavery and trafficking in children. The *Crimes Act 1914* (Cth) contains protections that are afforded to vulnerable witnesses giving evidence in Commonwealth criminal proceedings, including victims of human trafficking and slavery‑related offences.

The Australian Government continues to carefully monitor and refine Australia’s legislative frameworks. For example:

* the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* (Cth) introduced new offences of forced marriage, harbouring a victim, and standalone offences of forced labour and organ trafficking;
* the *Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015* (Cth) expanded the definition of forced marriage and increased the associated penalties;
* the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018* (Cth) clarified the operation of Australia’s human trafficking and slavery-related offences, including by expanding the relevant evidence provisions and strengthening the debt bondage offence; and
* the *Modern Slavery Act 2018* (Cth)introduced a requirement for Australian businesses and other entities with annual consolidated revenues of more than AUD$100 million to report annually on modern slavery risks in their operations and supply chains, and actions they have taken to address those risks.

Australian laws cover crimes committed inside Australia, or on board an Australian registered ship or aircraft, or where the extradition of an alleged offender who is an Australian national is refused and the person is in Australia. Some offences, including those relating to child sexual exploitation overseas, slavery, and slavery like practices such as servitude, forced labour and forced marriage provide for extended geographical jurisdiction where Australian citizens, residents or body corporates can be prosecuted for crimes committed outside Australia.

For constitutional reasons Australia’s human trafficking offences only apply to trafficking into, within and out of Australia.

The *Criminal Code* provides defences for people who commit crimes when subject to exploitation.

In Australia, the marriageable age is 18 as provided for under section 12 of the *Marriage Act 1961* (Cth). It is possible for a person aged 16 or 17 to marry in ‘exceptional and unusual circumstances’ but only if they have the consent of their parents - or equivalent - and authorisation from a judge. In addition, Australia will not recognise a valid foreign marriage involving two parties who were not domiciled in Australia at the time of the marriage if either party is under the age of 16 years. A foreign marriage where at least one of the parties was domiciled in Australia at the time of the marriage will not be recognised as valid in Australia at any time, regardless of the age of the parties, if either party was not of marriageable age at the time the marriage was solemnised (section 88D of the *Marriage Act 1961*).

In addition to human trafficking and slavery offences, Australia prosecutes offenders under criminal laws in Division 272 of the Criminal Codeagainst engaging in, or encouraging, sexual activity with children overseas. These offences may be committed by an offender travelling overseas or by technological means online, for example by the use of live-streaming. The Criminal Code also contains offences regarding child abuse material.

## DETECTION MECHANISMS AND COOPERATION

Domestically, Australia’s response to human trafficking and slavery under the *National Action Plan* has a strong focus on the investigation and prosecution of offenders.

Between 2004 and 31 December 2018, the Australian Federal Police received 1106 referrals for possible human trafficking and slavery‑related matters (163 in 2017-18), and 439 people suspected of being victims of trafficking, slavery or slavery-like practices were referred to the Australian Government’s *Support for Trafficked People Program*.

Australia’s *International Strategy to Combat Human Trafficking and Slavery,* released in March 2017, focuses onsetting strategic priorities, and enhancing our leadership, coordination and advocacy to promote regional and international cooperation.

Australia’s Ambassador for People Smuggling and Human Trafficking plays a lead role in this engagement, including as co-chair with Indonesia of the 45 member country *Bali Process,* the preeminent regional group working to address human trafficking, among other issues. The Ambassador is responsible for advancing Australia’s interests in promoting effective and practical international cooperation to address people smuggling and trafficking in persons.

The *Bali Process* develops regional norms, promotes cooperation and builds capacity. The *Bali Process* Regional Support Office conducts activities guided by the eight themes of the *Strategy for Cooperation* of August 2018, including law enforcement, stakeholder engagement and victim protection. The *Bali Process* has developed regional best practice policy guides and training modules on criminalising human trafficking, and using financial techniques to support anti-trafficking investigations. Among other highlights, it has facilitated coordination on the disruption and prosecution of human trafficking criminal syndicates.

Multilaterally, Australia promotes an integrated approach through the Inter-Agency Coordination Group against Trafficking in Persons, and the Alliance 8.7 partnership of government, UN agencies, businesses promote joined up action at regional and country levels chaired by Australia since November 2017. This complements commitments under *Sustainable Development Agenda* item 8.7, and the *Call to Action* to end forced labour, modern slavery and human trafficking launched in September 2018. The *Financial Sector Commission,* to strengthen the role of the financial sector in fighting modern slavery and human trafficking, is co-convened by Australia with Liechtenstein and the UN University, and was launched in September 2018.

Australia partners with ASEAN to strengthen criminal justice responses to human trafficking, including by promoting gender-responsive approaches to policing and advocating for the different needs of male and female victims. The ASEAN-Australian Counter Trafficking program (A$80m, 2019-2028) builds on our 15-year history of supporting improved criminal justice responses in ASEAN, with successive programs supporting more than 10,000 investigators, prosecutors, judges and court officials, through training and capacity building, and helping to establish and support specialist units in ASEAN members to investigate and prosecute trafficking in persons. For instance, some two thirds of female investigators in Cambodia have received training, and the Cambodian National Police has developed a ‘Gender Code of Conduct’ for anti-trafficking police.

Australia supports safe and fair migration in the region to reduce migrants’ vulnerability to trafficking. The TRIANGLE in ASEAN program (A$20m, 2015-25) helps ASEAN countries reform their labour migration policies and legislation, and provides legal and financial advice to prospective migrant workers and their families. Since 2010, this program has helped more than 100,000 labour migrants, potential migrants and their family members access advice and/or legal support through Migrant Resource Centres in Cambodia, Laos, Thailand, Myanmar, Vietnam and Malaysia.

In the Pacific, Australia is collaborating with international organisations, civil society and other partners to raise awareness of human trafficking and modern slavery. Australia is supporting efforts to promote responsible business practices in the region, to prevent human exploitation.

## VICTIMS IN DETENTION AND PERPETRATORS IN DETENTION

In accordance with the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Australia seeks not to detain or punish victims of human trafficking and slavery. To date, Australia has prosecuted 55 persons for human trafficking and slavery-related offences and has successfully secured 20 convictions. As of October 2018, there are currently 13 human trafficking and slavery-related matters before the courts. Australia has also secured convictions against offenders using other offences in some cases of human trafficking and slavery-related practices.

Attached at **Annexure A** is a table of Commonwealth prosecutions and convictions.

The *Criminal Code* includes a number of general defences for victims of slavery who are compelled to commit a crime due to exploitation. For example, section 10.2 of the *Criminal Code* outlines the defence of duress, providing that a person is not criminally responsible for a Commonwealth offence if he or she carries out the conduct constituting the offence under duress (that is, where a threat has been made and a person reasonably believes it will be carried out unless they commit the offence). The *Criminal Code* also contains other defences that may be relevant depending on the circumstances, such as for self-defence, and sudden or extraordinary emergencies.

## ACCESS TO JUSTICE

Australia’s strategy to combat human trafficking emphasises both high quality investigations by police, and the prosecution of perpetrators. The Australian Federal Police is deployed in all state and territory capital cities and major airports, and is able to flexibly deploy resources as investigative priorities require. The Australian Border Force has a network of designated Human Trafficking Contact Officers located in all states and territories, which assess and identify human trafficking during operational activities.

The Australian Government has invested in specialised training to Government officials involved in combating human trafficking to support effective investigations. The Australian Federal Police conducts regular specialised training courses to ensure ongoing investigative skills and capacity are maintained in the investigation of human trafficking. The prosecution of human trafficking cases are administered by the Commonwealth Director of Public Prosecutions. Prosecutors are trained on interacting with victims and vulnerable witnesses, and have established a Human Trafficking and Slavery Focus Group to share information and resources.

Australia has comprehensive procedures in place to support victims during the prosecution process. Part IAD of the *Crimes Act 1914* (Cth) contains Commonwealth vulnerable witness protections. These include specific rules to assist and protect victims and vulnerable witnesses while giving evidence during a prosecution.

There are support services available for victims and vulnerable witnesses to assist them during the process. Victims have access to justice through referrals for legal advice via the Support for Trafficked People Program. Victims may also be supported with access to justice through Legal Aid commissions and civil society organisations. Following the conviction of an offender, victims can receive reparations of money payments if ordered by the court.

## ASSISTANCE SERVICES

The Australian Government provides a comprehensive range of support services for trafficked people through the *Support for Trafficked People Program*, including case managed support, social support, financial assistance, assistance with securing safe accommodation, accessing medical treatment, counselling, referral to legal and migration services, and appropriate skills development training.

For the 2017/18 financial year the *Support for Trafficked People Program* received funding of AUD$2.219 million. As at 31 December 2018, 439 suspected victims have received wrap-around support through the Government’s *Support for Trafficked People Program* since it began in 2004. A total of 378 of these clients have been women and girls.

All suspected victims are eligible to receive up to 45 days’ initial intensive support. Clients who participate in criminal proceedings are eligible for further support throughout the duration of the criminal justice process. Victims of forced marriage are eligible for up to 200 days support. All clients are eligible for a 20 business day transition period prior to exiting the program – with extensions possible under certain circumstances.

Australia also supports non-resident victims of trafficking through the Human Trafficking Visa Framework. This enables foreign nationals, who do not hold a valid visa and are suspected of being victims of human trafficking or slavery, to remain lawfully in Australia, including both on a temporary and permanent basis, depending on the circumstances. Foreign nationals who are granted a visa under the Human Trafficking Visa Framework can access support through the *Support for Trafficked People Program*.

## IMPLEMENTATION CHALLENGES

Like all countries, Australia faces challenges in implementing anti-trafficking strategies. Human trafficking is a hidden crime and is difficult to detect. Victim identification and cooperation can be highly complex.

The *Support for Trafficked People Program* is demand driven, and the number of clients on the program at any one time fluctuates. While this is due to the nature of the program and can be impacted by other activities, which increase awareness of trafficking or identification of possible victims, it makes forecasting demand difficult. Both the service provider and government are responsive to changes in demand, however, this challenge is likely to continue into the future.

Investigations into human trafficking and slavery cases can be complex and long-running, and may require close collaboration with governments overseas. Key challenges for Australian Government investigative agencies include difficulties progressing cases where key witnesses or offenders are overseas. When prosecuting human trafficking offences, the suspected victim is often the key prosecution witness. As a result, the willingness of the suspected victim to participate in the criminal justice process can be crucial for a prosecution to succeed. Corroborative evidence is frequently necessary to meet the high standard of proof in criminal proceedings.

## CASE EXAMPLES OF GOOD PRACTICE

The *Support for Trafficked People Program* supports clients through the provision of individually tailored, case-managed support. People referred as being in, or at risk of forced marriage currently comprise the largest cohort of clients on the program (approximately 35% of all clients as at 31 December 2018). The majority of this cohort are women and girls. Below is an example of the experience of one of these clients.

**Case study: support for person suspected of being a victim of forced marriage**

A young woman under the age of 18 was referred to the *Support for Trafficked People Program* as being at risk of forced marriage and experiencing multiple complex issues, including being at risk in her family home, experiencing mental health issues including suicidal ideation with self-harm attempts, and indicators of trauma such as aggression and anxiety. Her recovery was further complicated by the separation from her family and community necessary to keep her safe, which challenged her sense of identity. This adversely impacted upon her stability and ability to make decisions, and required daily contact from the caseworker to assist her to access specialised support services.

The *Support for Trafficked People Program* helped the client to find suitable, safe accommodation and provided intensive casework to address the client’s social isolation and help her develop independent living skills. She was also linked to mental health support services provided by a psychologist and psychiatrist. The caseworker helped the client to establish routines and enrol in education and linked her to mentoring and other supports provided through the educational institution. The disruption to her education, isolation from her family and community, and the trauma associated with her experiences presented a barrier to the client’s ability to engage consistently in education, but she expressed a wish to recommence her studies in the future, and began building her confidence and stability in order to address the barriers to her continuing her education.

The caseworker assisted the client to navigate safe re-engagement with her family and monitored the impact of this contact on her welfare, revisiting and updating the safety measures that had been put in place for her.

The support provided through the caseworker and the *Support for Trafficked People Program* helped the client to stabilise her situation, giving her the opportunity to begin to make independent, informed decisions for herself. She identified her personal goals (including a return to education), built independent living skills and obtained a casual job before exiting the program.

Many of persons trafficked in Australia are trafficked into sex work. Below is an example of a case that resulted in successful prosecution.

**Case Study: Trafficker Sentenced for Tricking Friend into Sex Work**

On 28 November 2017, Lay Foon Khoo was sentenced to three years and four months’ jail, with a non-parole period of 18 months, backdated to start 11 August 2017, after being found guilty of trafficking a Malaysian woman for sex work in a Perth brothel.

The offender arranged for her friend to travel to Australia from Malaysia, but deceived her about the purpose of the trip. On 29 December 2015, the victim travelled to Perth where Khoo met her at the airport. The victim assumed she was going to stay with her, but instead was taken to a brothel in East Perth known as ‘Sarah’s Massage’.

Once inside, Khoo told the victim she owed her $1,900 for immigration, flights and transport fees, and she would have to do sex work in order to pay her this money back. Khoo also took the victim’s passport.

Over the coming days the victim engaged in sex work and argued with Khoo using WeChat, telling her that she had tricked her into coming to Australia, and asking for her passport back. Khoo then demanded a further $10,000 from the victim, and on 31 December 2015 took $900 and a new Apple iPhone from her.

On 3 January 2016, the victim began talking to a friend in Malaysia via social media. He put her in touch with someone living in Australia who told her to leave the brothel immediately and go to the police.

The next morning the victim caught a taxi to the Perth Police Station where she was referred to the Australian Federal Police, who placed her in the Support for Trafficked People program.

This matter was investigated by the Australian Federal Police, and referred for prosecution.

#### Annexure A – Data on Commonwealth prosecutions and convictions

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Convictions by criminal code (Cth) provision** | **270.3(1)**  **slavery** | **270.5(1)**  **Servitude** | **Previously 270.6(2)**  **Sexual servitude\*** | **271.2(1B)**  **Trafficking in persons** | **271.2(2B)**  **Trafficking in persons** | **271.4(1)**  **Trafficking in children** | **State/**  **Territory** |
| DOBIE, Keith |  |  |  |  |  |  | QLD |
| DS |  |  |  |  |  |  | VIC |
| HO, Ho Kam |  |  |  |  |  |  | VIC |
| HO, Kam Tin |  |  |  |  |  |  | VIC |
| K |  |  |  |  |  |  | QLD |
| KOVACS, Zoltan |  |  |  |  |  |  | QLD |
| LEECH, Sarisa |  |  |  |  |  |  | VIC |
| McIVOR, Trevor |  |  |  |  |  |  | NSW |
| NANTAHKHUM, Watcharporn |  |  |  |  |  |  | ACT |
| NETTHIP, Namthip |  |  |  |  |  |  | NSW |
| SEIDIP, Johan |  |  |  |  |  |  | NSW |
| TANG, Wei |  |  |  |  |  |  | VIC |
| TANUCHIT, Kanokporn |  |  |  |  |  |  | NSW |
| TRIVEDI, Divye |  |  |  |  |  |  | NSW |
| WONG, Chee Mei |  |  |  |  |  |  | NSW |
| YOTCHOMCHIN (KENT), Somsri |  |  |  |  |  |  | NSW |
| McINTOSH (a pseudonym) |  |  |  |  |  |  | VIC |
| HUANG, Yu-Hao |  |  |  |  |  |  | QLD |
| CHEN, Bo-Syun |  |  |  |  |  |  | QLD |
| KHOO, Lay Foon |  |  |  |  |  |  | WA |

\*In 2013, amendments to the Australian Commonwealth *Criminal Code* broadened the existing offence of sexual servitude to apply to servitude in all industries

1. *Trafficking in Persons Report 2018*, US Department of State, <https://www.state.gov/j/tip/rls/tiprpt/2018/>. [↑](#footnote-ref-1)