

# Executive Summary

Human smuggling and trafficking reports have been significant media items in Australia ever since a boat carrying 60 illegal immigrants arrived undetected at Scotts Head in New South Wales in May 1999. Almost daily, the media reports on the continuing flow of such vessels into Australian waters, and particularly to Ashmore Reef.

Given the prominence of migration issues on the public agenda, this report seeks to contribute to present discussions by separating the myths from the facts and summarises:

- what we know about human smuggling and trafficking to Australia;
- what we do not know; and
- how the Australian Government has responded.

## Part 1: The Australian Context

In Part 1 of this report, it is noted that, despite the public interest in interceptions of sea vessels carrying illegal migrants, the largest number of people who are intercepted by Australian authorities are those who overstay their visa and work illegally. The second largest group are those who are intercepted at Australian airports, either because they are using false or fraudulent travel documents, or because they are found to be intending to work in Australia in contravention of their visa. For example, in the year 1998–1999, 13,485 overstayers were located, compared to 2106 unlawful arrivals who had travelled by air and 926 unlawful arrivals who had travelled by sea. There are indications that transnational organised crime groups are becoming increasingly involved in people smuggling and trafficking to Australia. The increasing involvement of organised crime groups in the illegal migration process is a matter of concern both from a criminal justice and a human rights perspective.

In Australia, as in other countries of the world, limited evidence is available about the nature and incidence of human trafficking. There is some anecdotal evidence of trafficking activity occurring in various industries, including hospitality, manufacturing, and agriculture. The sector that has received the most media attention, however, is the sex industry. Academic reports suggest that in this industry, the issue of deception or coercion is most likely to occur in relation to working conditions, including the repayment of debts to organisers, rather than the nature of the work involved.

## Part 2: Overview of the Australian Response to Human Smuggling and Trafficking

Part 2 of this report presents an overview of the Australian Government's response to the issues of human smuggling and trafficking. These are discussed under the headings of "Legislation", "Law Enforcement", "International Cooperation", "Economic Assistance", "Research and Data Collection", "Services for Victims of Trafficking", and "Education".

The Australian Institute of Criminology (AIC) is currently taking part in the Global Program Against Trafficking in Human Beings, which was launched by the United Nations Office for Drug Control and Crime Prevention in March 1999. The Global Program, consisting of policy-oriented research and targeted technical cooperation, has been developed by the Centre for International Crime Prevention (CICP) and the United Nations Interregional Crime and Justice Research Institute (UNICRI). CICP is in charge of technical cooperation activities, and UNICRI is in charge of developing standardised research methodology and of coordinating research in the various projects to be carried out under the Global Program (see generally, United Nations 1999).

The Global Program will collect data on different routes for smuggling and trafficking human beings, and the structures and modalities used for transporting and, subsequently, exploiting them. A global inventory of best practices used in addressing organised crime involvement in smuggling and trafficking, including special legislation and institutional arrangements, will be created.

To date, the Federal Government has implemented legislation and various policies to address the issues of human smuggling and undocumented migration generally. It is likely that these will have "flow-on" effects to minimise the incidence of human trafficking and to assist the victims of trafficking. Human smuggling and trafficking are, however, transnational activities. As such, they cannot be stopped by the activities of one country alone. Domestic efforts to stem the activities of smugglers and traffickers will have little effect without the cooperation of origin and transit countries. International cooperation, such as the Asian Regional Initiative Against Trafficking in Women and Children, and the draft Convention Against Transnational Organised Crime, is essential to combat human smuggling and trafficking.