

# Trends & issues

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**Foreword** | *Victim/survivors of human trafficking involving partner migration employ diverse help-seeking strategies, both formal and informal, to exit their exploitative situations. Drawing on primary research conducted by Lyneham and Richards (forthcoming), the authors highlight the importance of educating the community and professionals from a wide range of sectors—including health, mental health, child protection, social welfare, social work, domestic violence, migration, legal and law enforcement services—about human trafficking and the help-seeking strategies of victims/survivors in order to support them to leave exploitative situations.*

*Enhancing Australia's knowledge of victim/survivors' help-seeking strategies will better inform government and community responses to this crime, improve detection and identification of human trafficking matters and subsequent referral to appropriate victim services.*

Adam Tomison  
Director

## Help-seeking strategies of victim/survivors of human trafficking involving partner migration

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There is a diversity of experiences among victim/survivors of human trafficking across all aspects of the trafficking process. Recognising and responding to this diversity, and the challenges involved, is important in understanding human trafficking and the development of legal and policy initiatives to address it (Flynn, Alston & Marson 2012). While research is increasingly focused on the nature of, and responses to, human trafficking involving men and women exploited for labour purposes, including in the sex work industry (eg see Burn et al. 2011; Cullen & McSherry 2009; David 2010, 2008; Schloenhardt, Beirne & Corsbie 2009), to date, little has been documented about the help-seeking strategies of victim/survivors of human trafficking generally and victim/survivors of human trafficking involving partner migration specifically. This is largely because of the clandestine nature of human trafficking generally and the particularly hidden nature of exploitation that occurs in domestic settings (Lyneham & Richards forthcoming). However, the concern for human trafficking into domestic settings has received growing attention, with the Australian Government introducing criminal offences for forced marriage, as well as strengthening Australia's laws against domestic servitude and servile marriage in February 2012 (see *Crimes Legislation Amendment (Slavery, Slavery-Like Conditions and People Trafficking) Act 2013*).

Human trafficking is defined by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol) and involves the recruitment or transportation of a person by means of deceit, force or coercion for the purpose of exploitation (see United Nations 2000 for full definition). Human trafficking is similarly defined under Australian legislation (Division 271 Criminal Code 1995).

Human trafficking involving partner migration refers to cases where marriage and other intimate relationships have been used as the action or exploitation element of human trafficking. That is, the Partner Migration system may be used to facilitate human trafficking, or spouses may be subjected to exploitative conditions by their partners in Australia. For cases of human trafficking involving partner migration, exploitation can include forced marriage, servile marriage, domestic servitude, sexual servitude, forced labour and other slavery-like conditions. Help-seeking has been defined as 'any communication about a problem or troublesome event which is directed toward obtaining support, advice, or assistance in times of distress' (Gourash cited in Lumby & Farrelly 2009: 1). Help-seeking behaviours are typically categorised as 'formal' (eg reporting to law enforcement and/or other professional services such as counsellors or crisis accommodation) and 'informal' (eg seeking help from family, friends, neighbours and/or colleagues; Meyer 2010).

Understanding the help-seeking strategies of victim/survivors of human trafficking involving partner migration is important if victims are to be effectively supported to exit exploitative situations, receive appropriate and targeted victim support, and be assisted through the criminal justice system. Research demonstrates that cases of human trafficking involving partner migration (and similar exploitative scenarios involving slavery) can have extremely serious consequences for women and their children, including sexual and physical violence, domestic and sexual servitude, and even death (Cunneen & Stubbs 2000; Lyneham & Richards forthcoming). Consequently, cases are likely to be treated (indeed misidentified) as domestic violence. While identifying a person's experience as domestic violence may allow them to exit the abusive situation and receive support, it is important to correctly identify trafficked people for a number of reasons. First, correctly identifying trafficked people is the first step toward protecting their human rights. Second, while cases of human trafficking into a domestic setting are likely to involve domestic violence, the

defining feature of a trafficked person's experience is the exploitative purpose. Correct identification can therefore ensure appropriate social and criminal justice support and visa entitlements are accessed. Third, the serious nature of the offence can be recognised and harsher penalties can be imposed on offenders. Finally, correct identification has important implications for detection, enforcement and monitoring (Lyneham & Richards forthcoming).

Drawing on research undertaken to explore the role of partner migration in human trafficking into Australia (Lyneham & Richards forthcoming), this paper presents qualitative data on the help-seeking strategies of victim/survivors of human trafficking and similar exploitative situations involving partner migration. It also discusses how victim/survivors' narratives of help-seeking might better inform government and community responses to human trafficking and associated exploitative scenarios involving partner migration.

### The research study

The Australian Institute of Criminology recently conducted exploratory research directed at understanding the role of partner migration in human trafficking into Australia (see Lyneham & Richards forthcoming for a comprehensive explanation of the methodology). The study involved:

- reviewing documentary material on identified cases of human trafficking involving partner migration contained in the United Nations Office on Drugs and Crime's international human trafficking case law database (<http://www.unodc.org/cld/index.jsp>) and the University of Queensland's case reports on human trafficking in Australia (<http://www.law.uq.edu.au/human-trafficking-case-reports>);
- analysing quantitative data on Prospective Marriage visas and Partner visas provided by the Department of Immigration and Citizenship;
- qualitative interviews with key stakeholders from relevant government, non-government, law enforcement and victim support agencies (n=17);

- analysing the case files of women identified as victim/survivors of human trafficking involving partner migration or of similar exploitative scenarios related to partner migration (n=8); and
- in-depth qualitative interviews with these victim/survivors (n=8).

The eight women interviewed for this research are referred to throughout this paper as 'victim/survivors' in line with conventional practice and in order to highlight the level of exploitation suffered by each of the women. This does not mean, however, that all the women would be considered victim/survivors of human trafficking, either under the United Nations (2000) definition or under Australian legislation. Rather, this terminology reflects that the women were all victims/survivors of a range of serious crimes, including threats and physical and sexual violence (see also Bales 2005). As discussed further in Lyneham and Richards (forthcoming), some have also been formally identified as victims of human trafficking by the relevant Australian authorities, or meet the United Nations and Australian legal definitions of victims of human trafficking.

Partner migration is related to human trafficking in three main ways:

- under the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (United Nations 1956), marriage without free and full consent and practices that allow a wife to be bought, sold or inherited are considered practices similar to slavery and therefore fall under the definition of exploitation in the United Nations Trafficking Protocol;
- partner migration can be the vehicle or means via which an individual is recruited for exploitation (eg slavery or servitude for sexual exploitation, or domestic servitude; Lyneham & Richards forthcoming); and
- intimate partner relationships themselves can be so exploitative that one party is effectively enslaved in domestic and/or sexual servitude (Lyneham & Richards forthcoming).

There is an existing perception in the human trafficking literature that victim/survivors can be disaggregated according to the nature of

the exploitation into ‘two main categories—“labour” and “sex”’ (Schofield et al. 2011: 396). Lyneham and Richards’ (forthcoming) study found that while some of the relevant identified cases contain the elements necessary to meet existing definitions of labour or sex trafficking, human trafficking involving partner migration represented a unique form of human trafficking, in which the ‘exploitation’ element is neither simply sexual exploitation nor labour exploitation but the exploitation of the very personhood of the victim/survivor. For victim/survivors, this exploitation involved:

- their labour (in the form of domestic servitude, forced labour outside the home, or both);
- their body (in the form of sexual servitude to their intimate partner and/or lack of control over childbearing); and
- their self (in the form of loss of freedom and psychological bondage).

## Caveats

The focus of this paper is on the help-seeking behaviours of the eight victim/survivors interviewed for this study, as well as those identified in publicly available documents such as court reports. As discussed previously, victim/survivors referred to here not only include those formally identified as victim/survivors of human trafficking, but also victim/survivors of related exploitative scenarios who may not have been formally identified and who have been classified, or perhaps misidentified, as victims of domestic violence. Due to the small number of cases used in the study, the results must be interpreted with caution as they are not generalisable to a larger population of victim/survivors without further investigation.

All the victims/survivors interviewed for Lyneham and Richards’ (forthcoming) study (or identified in other documentary material) were female. This does not mean that males cannot be victims of trafficking scenarios involving partner migration. For example, the United Kingdom’s Forced Marriage Unit has indicated that it has provided assistance to male victims of attempted forced marriages

(UK Foreign and Commonwealth Office 2010; see also Hill & McVeigh 2010).

It is probable, however, that women are more likely than men to be the victims of exploitative marriages related to human trafficking in Australia, partly because ‘the primary mechanism by which many women qualify for entry is through their relationships with men’ (Cunneen & Stubbs 2000: 6). Statistics for the period 1996 to 2008 clearly show a gender imbalance among fiancés and spouses sponsored to enter Australia, with women outnumbering men 2:1 during this period (Crock 2010). Conversely, among applicants for skilled work visas during this period, men outnumbered women 2:1 (Crock 2010).

The prevalence of female participants recruited to the study is also due, at least in part, to the mandate of the organisations via which participants were recruited; that is, to provide assistance and supported accommodation to female victims and, in some instances, their children.

The absence of male participants is important to bear in mind, given that help-seeking behaviours are likely to be gendered. The help-seeking behaviours described in this paper may not therefore be relevant to male victims of human trafficking involving partner migration.

Finally, the help-seeking strategies discussed in this paper relate to human trafficking involving partner migration and may not be relevant to other scenarios involving human trafficking. For example, victims of human trafficking involving commercial labour exploitation typically seek help via industrial or civil remedies (David 2010). Therefore, the characteristics of the victim/survivor and the nature of their exploitative situation, coupled with the type of help-seeking options that are available to them, will influence an individual’s behaviour in seeking assistance.

## Women’s help-seeking in relation to domestic and sexual violence

A significant body of literature exists on women’s help-seeking behaviours in relation to domestic and sexual violence (eg see

Brewster 2001; Kaukinen 2004; Moe 2007). This literature is broadly relevant given that cases of human trafficking involving partner migration often involve domestic violence and are therefore identified and responded to as such (ACRATH 2011; Lyneham & Richards forthcoming). As little is known about the help-seeking behaviours of trafficked people, this associated body of literature is also useful to draw some tentative hypotheses and comparisons about help-seeking strategies used by women who are in similar positions of powerlessness within intimate relations. The literature consistently demonstrates, however, that Anglo-Saxon women seek help more frequently than women from culturally and linguistically diverse (CALD) backgrounds (Kaukinen 2004; Moe 2007). Its relevance is further limited in three main ways.

First, the literature on how women seek help to exit relationships characterised by domestic violence usually assumes that victim/survivors are aware of the existence of social support services and/or the legitimacy of law enforcement. For human trafficking victim/survivors, however, this is often not the case as they are likely to be isolated, unfamiliar with the language spoken in the country they have been trafficked into and fearful or suspicious of law enforcement. Barriers that prevent victim/survivors from seeking help are discussed in more detail below.

Second, the domestic violence literature is largely irrelevant in those cases in which partner migration is the vehicle or means via which a woman is recruited for exploitation, but does not constitute the exploitation itself (eg where a woman is recruited via partner migration and then exploited within the sex industry; see *R v Foad Ali Solaiman* [2008] NSWDC 53) or domestic servitude and labour exploitation (see *R v Kovacs* [2008] QCA 417)). As discussed in more detail below, cases such as these do not appear to be as frequently identified as domestic violence.

Third, the mainstream literature on help-seeking strategies of women exiting violent relationships does not take into account unique circumstances of women trafficked

via partner migration or for exploitative marriages, such as their vulnerable immigration status, limited English and/or possible involvement in vulnerable activities such as working in the illegal sex industry (Heath & McLachlan cited in Taylor & Putt 2007). These factors are all likely to impact on their help-seeking strategies.

For the above reasons, the literature on domestic and sexual violence is limited in its usefulness and applicability to migrant victim/survivors. Examining the literature on the help-seeking behaviours of migrant victim/survivors is more relevant, as it takes into account the context of limited family support, limited proficiency in English and cultural issues that characterise some women's immigration experiences (eg see Bui 2003; Bui & Morash 2007; Taylor & Putt 2007).

## Barriers to help-seeking

The large majority of the eight victim/survivors interviewed for Lyneham and Richards' (forthcoming) study were unaware of the existence of social services such as women's refuges. According to one stakeholder (service provider, interview 2011), one victim/survivor had even confused staying in a women's refuge with being a refugee. Further, most of the victim/survivors did not consider their experiences to constitute domestic or sexual violence; as Taylor and Putt's (2007: 2–3) research has found, many CALD women believed, for example, that 'rape could not occur within marriage since the marriage contract implied consent for sexual intercourse...in some languages, the word for marriage literally means 'having sex'.

In addition to the factors that may act as barriers to reporting violence among women from CALD communities generally (eg lack of family ties in Australia, social isolation, a sense of obligation to stay in an abusive relationship, cultural shame and stigmatisation, and pressure to conform to cultural traditions of male dominance; Heath & McLachlan cited in Taylor & Putt 2007), migrant victim/survivors of human trafficking may face a number of barriers to help-seeking, including:

- participation in illegal or vulnerable activities such as sex work (Taylor & Putt 2007);
- lack of permanent residency and fear of deportation (Taylor & Putt 2007; Lyneham & Richards forthcoming; Moe 2007); and
- mistrust of police and other services due to a lack of awareness of immigration options (Lyneham & Richards forthcoming; Moe 2007).

The victim/survivors in Lyneham and Richards' (forthcoming) study were largely wary of police, usually because the police in their countries of origin were perceived as being corrupt. Victim/survivors frequently spoke about the alleged corruption of the police forces in their home country and how this influenced their decisions about whether to contact the police for assistance in Australia. Stakeholders confirmed the lack of trust that migrant women sometimes have in law enforcement and the criminal justice system. One stakeholder (service provider, interview 2011) said:

There is rarely a legal outcome at the end of these cases. [The police] don't proceed because there is no support from the victim; because [the victims] don't understand and because they don't want police involved. They have a misunderstanding of what the role of the police is in Australia compared to what is in their home country.

Therefore, distrust, perception of police corruption and fear of deportation contributed to victim/survivors' disinclination to seek formal help from law enforcement. Victim/survivors reported feeling 'scared to contact police' or being unwilling to report to police 'because of the repercussions', as well as being fearful of the retribution they could face from their husbands if they did so (victim/survivors, interviews 2011). A number of victim/survivors also expressed concern about the legal consequences of escaping their situation and taking their children with them, as this might be viewed by the police as child abduction (victim/survivors, interviews 2011).

Further, some victim/survivors were led to believe that the police would not be able to help them unless they could show physical signs of abuse. One woman was told by her husband:

I will not hit you because I don't want a problem with the police report (victim/survivor, interview 2011).

Another reported that her husband would try to control his physical abuse because he believed he would get in trouble with the police if he was physically violent (victim/survivor, interview 2011).

On the small number of occasions in which victim/survivors chose to involve the police based on the belief that the police would intervene and facilitate appropriate referral pathways, they did not receive the expected outcome from their attempt at seeking help. Commonly, their situation was not recognised as exploitative or as related to human trafficking. However, with the introduction of the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*, the Australian Federal Police Human Trafficking Investigation Program trains both federal and state/territory police to recognise and respond to forced marriages with appropriate interventions and referral mechanisms.

One woman (victim/survivor, interview 2011) believed that police involvement was a useful immediate intervention, however, after a short period, her husband's behaviour became abusive once more and she feared the consequences and reprisals she may face if she were to contact the police again. The same woman chose not to report her experience to police once she exited the situation because she thought the police would believe her husband over her (victim/survivor, interview 2011).

As Lyneham and Richards (forthcoming) found, in some cases, these barriers to reporting were actively fostered by victim/survivors' husbands, who almost universally sought to prevent their wives from seeking help by deliberately misinforming them about the role of police and about the ability they had, as Australian sponsors, to send their wives 'back home'. While all the women in the study had entered Australia legally on Prospective Marriage or Partner visas, they reported high levels of anxiety about their immigration status and believed their husbands' claims that they



could be easily be 'sent home'. One victim/survivor's husband threatened her by saying:

I will return you to [your home country]...  
The law in Australia says that in the first two years of marriage if the husband says he doesn't want to live with his wife anymore, then he can send her back (victim/survivor, interview 2011).

While victim/survivors' concerns about being deported were clearly deliberately fuelled by their husbands, it is important to recognise that such concerns are understandable, as the women's immigration status is, in most cases, dependent on maintaining their intimate relationship with their Australian partner. While the Family Violence Provisions exist to allow migrant spouses to remain in Australia if they or a member of their family experience violence by their sponsoring partner (DIAC 2012), these provisions are not available to fiancés on Prospective Marriage visas who have not yet married their partner. Consequently, migrant fiancés may feel they are forced to marry their abusive partner in order to remain in Australia. Further, as the victim/survivors in Lyneham and Richards' (forthcoming) study were unaware of the existence of the Family Violence Provisions, it is likely that many other migrant spouses would also be unaware of their existence. Taken together in the context in which police undertake opportunistic activities that may result in immigration compliance checks, even 'in response to reports or when called to a house; and even when individuals presented as victims' (Weber 2011: 459), the women's fears are conceivable despite being largely unfounded.

### Help-seeking strategies of victim/survivors of human trafficking involving partner migration

The available information on the help-seeking strategies of victim/survivors of human trafficking involving partner migration demonstrates that women pursue a diverse range of avenues in seeking to exit their exploitative situations.

### Seeking informal help

In the majority of cases, victim/survivors sought informal help in the first instance from family, friends, neighbours and/or colleagues. One victim/survivor (victim/survivor, interview 2011) described seeking the help of a sympathetic neighbour to call her parents (which she was not permitted to do by her husband) in order to alert them to the situation and to gain their approval for her to escape. With the support of her family, and following her sister's migration to another Australian city, this victim/survivor 'ran away' from her exploitative situation, taking her three young children to stay with her sister and her sister's husband, before relocating to a women's refuge on their advice.

Another woman described being so frightened that her husband would hurt her that she 'snuck out' of the house and ran to a neighbour's house at night. While this woman's neighbour and his wife attempted to comfort her, they also incorrectly informed her that as her husband had not been physically violent, she could not go to the police. Although this victim/survivor returned home following this attempt to seek help, she ultimately exited the situation by 'running away' and staying with a local friend. Initially, this strategy meant leaving her children with their father; however, the victim/survivor extricated her children from the situation a number of days later by picking them up from childcare. Once out of her exploitative situation, this victim/survivor sought help from a community worker and was referred to a women's refuge.

In the case of *R v Kovacs* [2008] QCA 417, the victim/survivor similarly sought informal help from colleagues and other people known to her. In this case, two defendants—Mr and Mrs Kovacs of Weipa, Queensland—were convicted of slavery offences for forcing a Filipina woman into domestic servitude and labour exploitation after arranging for a friend to travel to the Philippines to marry her and therefore facilitate her entry into Australia. The victim/survivor was made to work both in the Kovacs' shop and in their home following this sham marriage. David (2010: 19)

describes her help-seeking strategies as follows:

At trial, the young woman gave evidence that while she was in Weipa, she had tried to escape the situation, seeking the assistance of a woman she worked with at the shop. However, Mr and Mrs Kovacs located her shortly after she left their house, confiscated her passport and returned her to the family home. The young woman also gave evidence that, while in theory she had access to a pay phone at the shop, the only person she knew who owned a telephone was her aunt back in the Philippines—the very person who had suggested she work for Mrs Kovacs. According to her evidence, the young woman remained in that situation until she managed to escape again, with the assistance of another worker in the shop and Mr Kovacs' estranged daughter.

### Seeking formal help

In a minority of cases, the victim/survivors interviewed for the study described seeking help from formal service providers in the first instance. For example, as mentioned above, one woman (victim/survivor, interview 2011) called the police in response to escalating threats of violence from her husband and found this to be an effective strategy in the short term. While her husband's violent and threatening behaviour subsided for a short period, it returned and began to escalate again soon afterwards. The victim/survivor did not, however, report her husband to the police again, as she perceived that her husband was 'nice' to the police and she thought they would believe him and not her as she had complained to the police once already. Following this, the victim/survivor sought help from a local migrant community organisation that she was aware of due to the information that the Department of Immigration and Citizenship had provided in the course of her immigrating to Australia. An information session on domestic violence provided by the community organisation helped the victim/survivor identify what she was experiencing. As a result, the woman spoke to a social worker at the service and was given assistance to leave

her exploitative marriage. In this case, a case worker was able to identify that the victim/survivor's experience constituted human trafficking, due to the woman being effectively enslaved in domestic servitude. As a result, the victim/survivor was referred to an appropriate non-government service for trafficked women.

A second woman interviewed for the study had also received information on domestic violence from a presentation run in conjunction with her English classes, and from health information provided to her following the birth of her baby. The woman did not, however, recognise her own situation as domestic violence due to the absence of physical violence by her husband. This victim/survivor described seeking help by 'breaking down in tears' at an appointment with Centrelink, after which she was referred by staff to a domestic violence service.

### Combinations of formal and informal help-seeking

In three cases, victim/survivors of human trafficking involving partner migration and related exploitative scenarios sought help from individuals who, while they had become known to the women in a professional capacity, were thought of by the women as friends, or friends of their families.

One of these victim/survivors sought help from her migration agent during a visit to enquire about her tax file number. The woman described her help-seeking as follows (victim/survivor, interview 2011):

One day I went to visit my mother's friend's house...On the way home, my mother's friend...took me to see a migration agent, Agent B, so I could get my tax file number. Agent B is a very close friend to my mother and to [my mother's friend]. He said the [tax file number] was sent to my husband's address and I said I had not received it. He promised to help me and asked how my life had been. I told him I was not happy and what had happened to me...Agent B said he could refer me to someone to give me advice. He referred me to see a domestic violence worker...

Miss R. The next day I called Miss R and arranged an appointment for the following day...I told her that I have some family problems with my in-laws and that my husband has a girlfriend...I told her I cry every day, that I was worried, scared and I didn't know what to do...During this interview my husband called on my mobile and asked why I wasn't at home...He told me to come home immediately otherwise he would send me back to [my home country]. I put the phone on speaker and Miss R heard that conversation. Miss R began to look for a refuge for me to stay.

Another victim/survivor interviewed for Lyneham and Richards' (forthcoming) study described being too frightened to seek help from the neighbours with whom she had become acquainted. Instead, this woman sought help from an English tutor she had met while taking English classes run by a migrant resource community organisation and who she described as a friend. This victim/survivor's English tutor/friend encouraged her to contact a local community centre; following this, she was referred to a women's refuge (victim/survivor, interview 2011). These examples highlight that victim/survivors' help-seeking behaviours were fostered by trust through familiarity with the person from whom they were seeking assistance.

Another victim/survivor interviewed for the study initially sought assistance from the police because she perceived that her child was being physically abused by her husband. The woman referred this information to police and the child was taken to hospital (a medical examination found no evidence of physical abuse on this occasion). On another occasion, the woman contacted police after red marks were found on the back of her child's legs after the child had spent time with the father. On both occasions the woman was unable to leave her situation with police involvement. The woman later sought assistance from a friend who recommended that she speak to a community worker who then referred her to a women's refuge (victim/survivor, interview 2011).

### Other help-seeking scenarios

Documentary material about human trafficking involving partner migration, such as newspaper articles and court records, provides further insight into victim/survivors' help-seeking strategies. This material demonstrates that in some cases, a chance occurrence or serendipitous meeting with a helpful third party has played a critical role in victim/survivors exiting their exploitative marriages. In some instances, this suggests that victim/survivors were offered assistance almost by accident; this does not mean, however, that they were not actively seeking help in other ways.

In the New Zealand case of *R v Prasert Decha-lamsakun*, in which a Thai national brought a Thai woman to Auckland 'under the pretence of being his wife' and forced her to pay off a debt by dancing in a bar, the victim/survivor alerted an employee of the bar that she was unhappy with her situation. The defendant in this case offered to sell the victim/survivor to the same man, who subsequently notified the authorities.

While little has been documented about the help-seeking of the victim/survivor in the case of *R v Foad Ali Solaiman* [2008] NSWDC 53, in which an Egyptian woman was forced to participate in sex work after being brought to Australia via an arranged marriage to an Egyptian-born Australian citizen, court transcripts state that 'evidence was...given from Dr Bishara, an Arab-speaking general practitioner who saw the victim in the periods September–December 2000 in relation to an abortion' (*R v Foad Ali Solaiman* [2008] NSWDC 53). The transcript of *R v Foad Ali Solaiman* provides no further indication of the victim/survivor's help-seeking behaviours; it nonetheless demonstrates the potential for medical professionals to act as a point of intervention and the critical role that they may play in assisting victim/survivors to exit situations of human trafficking involving marriage and other exploitative scenarios.

The potential role of medical practitioners is also highlighted in the case of Ms Amodi, who came to Australia via an arranged marriage but was subjected to domestic violence and reported that she 'was kept in

the dark and used as a slave' (cited in Hand 2010: 13). A newspaper article on the case reveals that Ms Amodi

ended up in Canberra Hospital's psychiatric ward, but a doctor who spoke her language realised she needed a different kind of help and referred her to the Domestic Violence Crisis Service, which put her in touch with [a local women's refuge]' (Hand 2010: 13).

Two of the victim/survivors who participated in Lyneham and Richards' (forthcoming) study had contact with medical practitioners who could have provided a point of intervention for the women to leave their exploitative situation if they were aware of the women's circumstances, her reasons for attending the hospital and knowledge of the indicators of human trafficking.

Through a different set of circumstances, a third woman was also able to exit her situation after seeking advice from medical professionals about the mental health of her husband, who she believed was suffering from trauma following his experiences of being a police officer and serving in the Vietnam War. However, in seeking assistance, it was revealed that the woman's husband had never served in the war and had previously been convicted of impersonating a police officer. This encounter uncovered the husband's deception regarding his identity and led to the victim/survivor's decision to escape her situation.

Finally, another potential point of intervention for recognising victims of human trafficking is highlighted in the family law case of *Columbia & Columbia* [2009] FamCA 311. In this case, Ms Columbia met and married Mr Columbia during his trip to Thailand. Once in Australia, she was forced to carry out a 'tremendous amount of labouring work' in their market garden as well as 'onerous, personal and perhaps somewhat disgusting tasks' relating to her husband's physical care (*Columbia & Columbia* [2009] FamCA 311). While, once again, little has been documented about the victim/survivor's help-seeking behaviour, the Judge's comments suggest that this woman's case was considered one of domestic violence:

the father is particularly angry at the police force and the Family Violence Act of 2004...which I expect brought into being the family violence orders [against him] (*Columbia & Columbia* [2009] FamCA 311).

This case illustrates that potential human trafficking scenarios involving partner migration, and similar exploitative scenarios such as forced labour and domestic servitude, can be misidentified as domestic violence and indicates the important role that domestic violence services and family law practitioners have in detecting and intervening in cases that might present as domestic violence and/or family law matters but might be more appropriately treated as human trafficking.

## Discussion

The available information from Lyneham and Richards' (forthcoming) study of human trafficking involving partner migration in Australia and from existing documentary evidence shows that victim/survivors of human trafficking involving partner migration employ diverse and sometimes multiple strategies, both formal and informal, to exit their exploitative situations. Victim/survivors alerted a wide range of potential helpers to their plight, including neighbours, friends, family members, colleagues, community workers (both migrant and mainstream), English tutors, migration agents, medical and mental health workers, Centrelink staff, child protection workers and local police.

As might be expected, methods of help-seeking appear to vary according to whether partner migration was used as a vehicle to traffic an individual (as was the case in *R v Kovacs*) or whether the marriage itself constituted exploitation akin to slavery (as was the case in most other cases described above). For example, while many exploitative marriages are identified as cases of domestic violence, this is less likely to be the case where marriage is the means via which a person is trafficked rather than the exploitation itself (eg where a Partner or Prospective Marriage visa is used to traffic a person into commercial sexual exploitation or forced labour). It should be recognised,

however, that in some cases, marriage forms both the action and the exploitation elements of the international definition of human trafficking.

Another factor that may influence help-seeking is the geographical location of the exploitative marriage. AIC research has found that human trafficking and related exploitation occurs in both metropolitan and regional areas in Australia (see David 2010, 2008; Lyneham & Richards forthcoming). Given that a much broader range of both formal (eg community services) and informal (eg neighbours) potential helpers is likely to exist in metropolitan areas, victim/survivors trafficked into regional areas are likely to face fewer opportunities for help-seeking (consider for example *R v Kovacs* [2008] QCA 417).

Understanding the barriers that inhibit a person's help-seeking capabilities are critical for identifying points of intervention and developing measures that increase victim/survivors' chances of exiting their exploitative situation. The victim/survivors in Lyneham and Richards' study faced a number of barriers, including

- being unaware of services;
- not identifying their experiences as violent or exploitative;
- fearing retribution from husbands;
- lack of trust in police and other authorities; and
- lack of an effective response when the victim/survivors initially sought help.

These barriers affect many women in violent and abusive situations; however, immigrant women experience a heightened vulnerability due to:

- language barriers;
- greater social isolation;
- shame and risk of stigmatisation;
- lack of access to passports; and
- limited understanding of Australian culture and laws.

An important finding of this research is that human trafficking involving partner migration is likely to be misidentified as domestic violence and therefore dealt with via legal remedies appropriate for cases of



domestic violence, rather than provisions related to human trafficking and associated exploitation. There is some debate about whether there is any benefit for victim/survivors in being identified as victims of human trafficking rather than domestic violence, with stakeholders interviewed by Lyneham and Richards (forthcoming) suggesting that the legal protections offered to victims of domestic violence are easier to obtain and in some ways less onerous than participating in a potentially traumatic criminal justice process. However, while people trafficked into a domestic setting are likely to experience domestic violence, the defining feature of their trafficking experience is the exploitative purpose that involves conditions of servitude and slavery. These conditions are a breach of a person's human rights by denying their freedom. As such, international and Australian legislation considers human trafficking and slavery to be more severe than domestic violence and harsher penalties can be imposed accordingly. Further, trafficked people may have greater options for victim support and visa entitlements than for migrant victims of domestic violence, such as the benefits of obtaining a visa under the Human Trafficking Visa Framework. Under the visa framework, the immigration status of victim/survivors is less vulnerable and they may have the right to work and remain permanently in Australia. Victim/survivors are also able to access the Support for Trafficked People Program or a non-government support service for trafficked people, which may be better equipped to address the specific needs of trafficked people (eg if a person has experienced labour exploitation). Additional benefits include the recognition of the serious nature of such offences and more effective deterrence of offenders due to the harsher penalties that can be imposed (see Bales 2005). Further, pursuing criminal justice avenues as a victim of human trafficking does not preclude an individual from pursuing these avenues as a victim of domestic violence where visa entitlements are not linked to extensive victim cooperation. However, while all victim/survivors identified by the Australian Federal Police as being trafficked receive intensive support that is de-linked from the criminal

justice process, victim/survivors must be willing to participate in pursuing the matter in the criminal justice system to receive ongoing support and a visa that allows them to reside permanently in Australia.

## Conclusion

Little has been documented about the help-seeking strategies of human trafficking victim/survivors generally and victim/survivors of trafficking involving partner migration specifically. Understanding these strategies are important, however, if victim/survivors are to be effectively supported to exit exploitative situations, receive appropriate and targeted victim support, and be assisted through the criminal justice system. Help-seeking is therefore an important area for future research both in relation to human trafficking generally and to human trafficking involving partner migration specifically. Three primary recommendations can be made in relation to assisting victim/survivors of human trafficking to seek help to exit exploitative situations involving partner migration.

First, the research demonstrates that both victim/survivors themselves, and those who assist them to exit exploitative scenarios, often do not identify the situation as exploitation or as relating to human trafficking. Therefore, the findings of the study highlight the importance of educating the community and professionals (both government and non-government) from a wide range of sectors—including health, mental health, child protection, social welfare, social work, domestic violence, migration, legal and law enforcement services—about human trafficking (see further Lyneham & Richards forthcoming). In particular, health professionals have the potential to be important vehicles for identification and support. It is important to note, however, that in Lyneham and Richards' (forthcoming) study, the services of health professionals were often sought for issues not directly relating to the exploitation (eg mental health intervention for one victim/survivors' husband, an abortion for another victim/survivor forced to work in the sex industry). Indeed, women generally exited their exploitative situations somewhat serendipitously, rather than as a result of

professionals and others possessing an understanding of the indicators of human trafficking. However, due to the small number of victim/survivors who participated in the study, this may not reflect the general experience in Australia and may change with growing knowledge and awareness of this crime.

While victim/survivors of human trafficking involving partner migration may significantly benefit from accessing domestic violence support services, it is important that this contact results in the correct identification of trafficked people to further facilitate access to specialised social support and relevant criminal justice support mechanisms. Therefore, education and multiagency approaches that involve the domestic violence support workers and other aforementioned agencies and points of intervention are recommended for responding to human trafficking involving partner migration (see also Ming Zhao 2003). Education campaigns such as those developed by Anti-Slavery Australia (see <http://www.antislavery.org.au/resources/educational-videos.html>), Australian Catholic Religious Against Trafficking in Humans (see <http://acrath.org.au/3303/anti-trafficking-radio-awareness-project-rap/>) and the Communications Awareness Strategy that accompanies the National Action Plan to Combat Human Trafficking and Slavery (Australian Government Interdepartmental Committee on Human Trafficking and Slavery forthcoming) are therefore an important tool in preventing human trafficking into Australia. In particular, Lyneham and Richards' research suggests that the educational videos developed by Anti-Slavery Australia, which target legal practitioners and health professionals, will assist in responding to victim/survivors of human trafficking involving partner migration.

Second, the findings highlight that information provided by the Department of Immigration and Border Protection to individuals applying for Prospective Marriage visas or Partner visas could be helpful in informing the help-seeking strategies of victim/survivors of human trafficking. It is vital, therefore, that this information is uniformly distributed and is provided to



partners and prospective partners in their primary language. Lyneham and Richards (forthcoming) make a number of suggestions about tailoring this information to make it more relevant for victim/survivors of human trafficking involving partner migration.

And finally, creating more opportunities for marriage and partner visa holders to discuss their family circumstances without their spouse or the spouse's family present will increase opportunities for detecting exploitative relationships and facilitate disclosure. This could be achieved in several ways. For example, the Legal and Constitutional Affairs References Committee (2012) recommends that all partner visa and prospective marriage visa applicants under the age of 18 be interviewed separately from their Australian sponsor before being granted entry into Australia, while the Coalition Against Trafficking in Women Australia (2012) recommends this procedure be undertaken for all women entering Australia through such visas. It has also been recommended that welfare checks be undertaken several months after arrival and separately from the sponsoring partner and family members to ensure the safety and wellbeing of those on partner visas (Tomison 2012).

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