



Australian Government

NATIONAL ACTION PLAN TO COMBAT **MODERN SLAVERY** 2020–25



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DEDICATION

The *National Action Plan to Combat Modern Slavery 2020–25* (National Action Plan) is dedicated to all who have experienced and survived the egregious forms of exploitation we call modern slavery.

The National Action Plan is also dedicated to the people and organisations who work tirelessly to prevent modern slavery, and to support victims and survivors of modern slavery seeking to rebuild their lives.



THE PLAN AT A GLANCE



VISION

We are committed to a future where no one is subjected to modern slavery and the human rights of all people are valued equally.

PRINCIPLES

We must respond to modern slavery in a manner that is comprehensive, effective, timely, coordinated and consistent with our international obligations.

We must address the unique needs of women and children, who are disproportionately affected by modern slavery.

We must maintain a strong deterrence framework which promotes investigations, prosecutions and the enforcement of civil sanctions, and penalises offenders to the full extent of the law.

We must provide holistic, gender-sensitive, culturally responsive, trauma-informed, victim centred protection and support to all victims and survivors of modern slavery.

NATIONAL STRATEGIC PRIORITIES

PREVENT

Implement prevention activities that combat the drivers of modern slavery and empower individuals and groups that are vulnerable to modern slavery.

DISRUPT, INVESTIGATE AND PROSECUTE

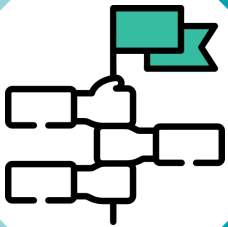
Identify victims and survivors, implement disruption strategies, and deter perpetrators by holding them to account through effective investigations and prosecutions.

WHERE WE WANT TO BE

Vulnerable communities and individuals in Australia and in global supply chains are safer and protected from modern slavery crimes.

Justice responses are effective and perpetrators are held to account.

The rights of victims and survivors, particularly women and girls, are protected and promoted.



MISSION

We work to actively prevent and combat all forms of modern slavery, wherever it occurs, including by supporting, protecting and empowering victims and survivors.

We must afford victims and survivors of modern slavery access to effective remedies.

We must promote a collaborative response that is built on the participation of victims and survivors of modern slavery, government, civil society, business, unions, academia and the broader community working in partnership to prevent and combat modern slavery.

We must strive to be an international and regional leader and partner in deterring and combating modern slavery, and work cooperatively with other governments both internationally and regionally towards this end.

We must promote an evidence-based response to modern slavery and its root causes and drivers, to build our understanding of modern slavery and how to prevent it.

We must ensure the voices of victims and survivors of modern slavery, particularly women and children, inform our responses to modern slavery.

SUPPORT AND PROTECT

Provide holistic and tailored victim centred support and protection that meets the needs of victims and survivors.

PARTNER

Collaborate across government and with international partners, civil society, business, unions and academia to ensure a coordinated response to modern slavery.

RESEARCH

Strengthen data collection practices to build the evidence base to support our response to modern slavery.

Victims, survivors and their families and communities are supported.

Victims and survivors are empowered to rebuild their lives.

Australia is an international and regional leader driving collaborative responses to modern slavery, including human trafficking.

Australia makes a significant contribution to the understanding of the drivers of modern slavery and effective responses to these crimes.

ACKNOWLEDGEMENTS

The Australian Government acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to Elders past, present and emerging.

We acknowledge the victims and survivors of modern slavery. Your voices have shaped this National Action Plan. Through this National Action Plan, we will prioritise your empowerment and focus on strengthening your voices as we work together to prevent modern slavery in Australia.

We also acknowledge the civil society organisations, peak bodies, businesses, unions, academics and government agencies that contributed to the development of the National Action Plan. This includes members of the *National Roundtable on Human Trafficking and Slavery* and the *Government's Interdepartmental Committee on Human Trafficking and Slavery*.

Combating modern slavery requires a whole-of-community response. While this National Action Plan outlines Government priorities and activities, we acknowledge the unique and important roles that state and territory governments, civil society organisations, peak bodies, business, unions, and academics all play.

SUPPORT

Help is available for any person experiencing, or at risk of, modern slavery.

If you have immediate concerns for your safety, the safety of another person, or there is an emergency, dial Triple Zero (000).

You can also contact the Australian Federal Police (AFP) on 131 237 (131AFP) or go to the AFP website at www.afp.gov.au for help. The AFP can keep you safe, provide advice and refer you to other services that provide accommodation, financial support, counselling, and legal and immigration advice.

If you are in, or at risk of, forced marriage, you can contact My Blue Sky, Australia's national forced marriage service. Call (02) 9514 8115, text +61 481 070 844 (9am–5pm Monday to Friday), email help@mybluesky.org.au or visit www.mybluesky.org.au for support and free, confidential legal advice.

Free interpreter services are available to help any person communicate with service providers in their own language. Call Translating and Interpreting Service on 131 450. All calls are free and confidential.

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FOREWORD

We are pleased to present Australia's *National Action Plan to Combat Modern Slavery 2020–25*. The National Action Plan sets the strategic direction of our work to combat modern slavery in Australia over the next five years.

Modern slavery is a devastating crime that exploits the most vulnerable in our communities. It is a crime that sees women, men and children deprived of their freedom and robbed of their rights. Modern slavery also taints the global supply chains of the goods and services we purchase everyday.

The United Nations estimates that over 40 million people are trapped in modern slavery, including 16 million in private sector supply chains. Australia is not immune. There were an estimated 1,900 victims and survivors of modern slavery between 2015 and 2017 alone, with 83 per cent being women and girls.

Modern slavery has no place in our society. This is why we have been relentless in our opposition to these grave violations of human rights through implementing a strong program of initiatives to combat modern slavery in Australia and abroad.

While we have made significant progress, there is still more work to be done. Under this National Action Plan, we will implement a strategic program of initiatives to prevent, disrupt, investigate and prosecute modern slavery crimes. We will support and protect victims and survivors, and further our understanding of modern slavery through enhanced research and data collection. We will do this in partnership with international partners, civil society, business, unions, academia and governments both in Australia and abroad. Modern slavery crimes concern us all and everyone has a role in addressing them.

This National Action Plan will build on our successes to date and lay the foundations for a future where no one is a victim of modern slavery and the human rights of all are protected and valued equally.

The Hon Jason Wood MP
Assistant Minister Customs,
Community Safety and Multicultural Affairs

Senator the Hon Marise Payne
Minister for Foreign Affairs and
Minister for Women

The Hon Peter Dutton MP
Minister for Home Affairs

The Hon Christian Porter MP
Attorney-General and Minister
for Industrial Relations

Senator the Hon Anne Ruston
Minister for Families and Social Services

Senator the Hon Michaelia Cash
The Minister for Employment, Skills,
Small and Family Business

TERMINOLOGY

The National Action Plan uses the umbrella term ‘modern slavery’ to describe all human trafficking, slavery and slavery-like offences in Divisions 270 and 271 of the *Criminal Code Act 1995* (Cth) (Criminal Code). These offences include trafficking in persons, slavery, servitude, forced labour, deceptive recruiting for labour or services, debt bondage, and forced marriage. Modern slavery is also used to describe the worst forms of child labour, including the commercial sexual exploitation of children and the exploitation of children for illegal activities such as drug trafficking.

The National Action Plan uses the terms ‘victim’ and ‘survivor’ to describe an individual who has experienced modern slavery. We acknowledge that individuals who have experienced modern slavery may not identify with the terms ‘victim’ or ‘survivor’.

ABBREVIATIONS

Attorney-General’s Department	AGD
Australian Border Force	ABF
Australian Criminal Intelligence Commission	ACIC
Australian Federal Police	AFP
Australian Institute of Criminology	AIC
Department of Education, Skills and Employment	DESE
Department of Foreign Affairs and Trade	DFAT
Department of Home Affairs	Home Affairs
Department of Social Services	DSS
Fair Work Ombudsman	FWO
Non-Government Organisations	NGOs
Support for Trafficked People Program	Support Program
United Nations	UN

1. THE RIGHT TO FREEDOM FROM SLAVERY

Every person has the right to be free from slavery. This is enshrined in international law, which recognises freedom from slavery as a fundamental right that applies without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Nevertheless, modern slavery practices persist and are serious crimes and grave violations of human rights.

The United Nations estimates that over 40 million people are trapped in modern slavery globally. Modern slavery can occur in every country, industry and sector. It can also occur in private domestic and family settings. Women and girls are disproportionately affected by modern slavery and account for over 70 per cent of victims and survivors globally. One in four victims and survivors of modern slavery are children.¹



The United Nations estimates that **over 40 million** people are trapped in modern slavery globally.

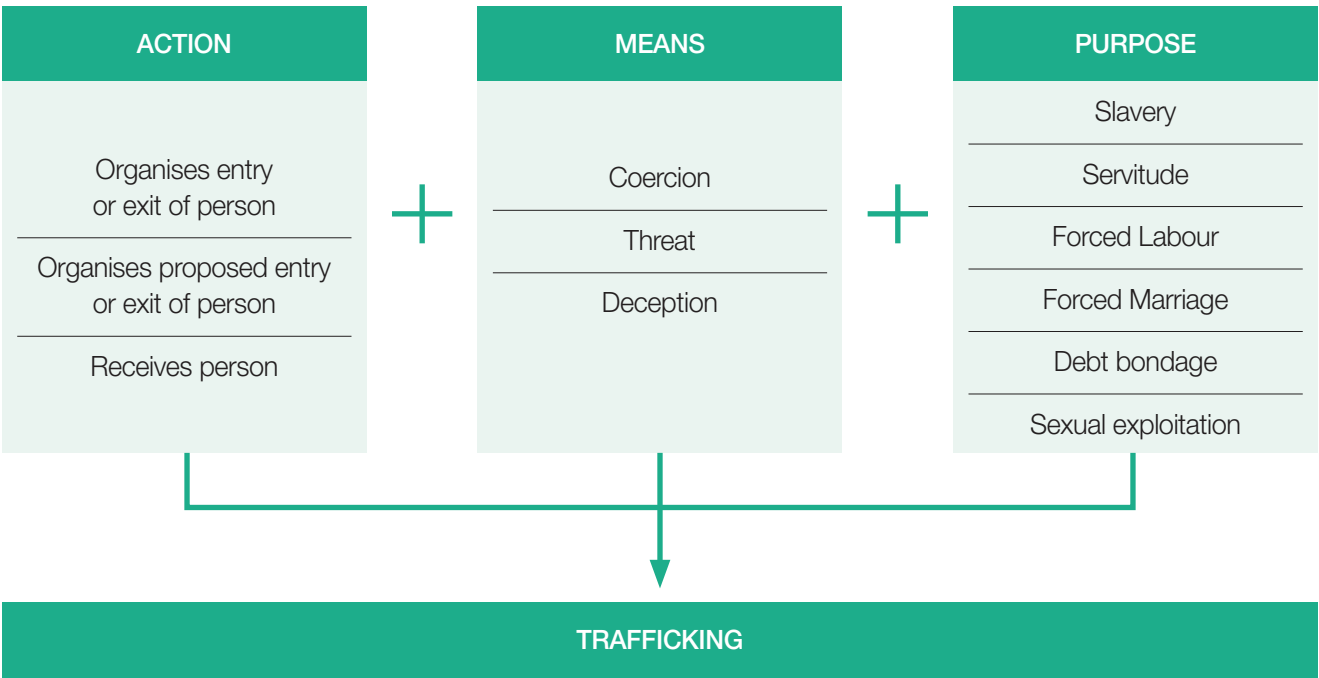
2. WHAT IS MODERN SLAVERY?

In Australia, modern slavery refers to a range of serious exploitative practices, including trafficking in persons, slavery, slavery-like practices, and the worst forms of child labour. While each of these practices are distinct, they all involve the manipulation of complex relationships between an offender and a victim, and undermine a victim's personal freedom and ability to make choices for themselves.

THE DIFFERENT FORMS OF MODERN SLAVERY

Trafficking in persons

Trafficking in persons is the physical movement of people across or within borders through coercion, threat or deception for the purpose of exploiting² them when they reach their destination.



Where the person being trafficked is a child, coercion, threat or deception is not required for a trafficking in persons offence to be established under Australian law. That means that any child who has been physically moved for the purpose of exploitation has been trafficked. This includes moving children for the purpose of exploitation in orphanages.

Trafficking in persons can also include situations where people are physically moved through coercion, threat or deception to have their organs removed without their consent.

Slavery

Slavery refers to situations where individuals are owned by others. This includes when the ownership arises because of a debt or contract made by the victim. Slavery may include circumstances where someone:

- buys or sells another person
- uses a person or their labour in a substantially unrestricted manner
- controls a person's movements, or
- makes a person work with little or no pay.

Slavery-like practices

Slavery-like-practices involve exploitation so serious that it is considered similar to slavery. Slavery-like practices criminalised in Australia are forced labour, forced marriage, servitude, debt bondage and deceptive recruiting for labour



Forced labour

Where a person is not free to stop working or not free to leave their place of work.



Forced marriage

Where someone is married without freely and fully consenting to the marriage because of threats, deception or coercion, or the individual is incapable of understanding the nature and effect of the marriage ceremony, or the individual is under the age of 16 years.



Servitude

Where an individual is either not free to stop working or leave their place of work and their personal freedom is significantly restricted.



Debt bondage

Where an individual works to repay a real or perceived debt that is excessive and that they may never be able to pay off. Often, the individual has little control over how long they must work or what type of work they need to do to pay back the debt.



Deceptive recruiting for labour or services

A situation where a victim is deceived about the type of work they will be doing, the length of their stay, their living or working conditions or how much they will earn.

Worst forms of child labour

Situations where children are subjected to slavery or slavery-like practices, or engaged in hazardous work. Hazardous child work includes work in dangerous or unhealthy conditions that could result in the child falling ill, becoming injured, or dying.

Practices related to modern slavery

There are a number of practices that do not constitute modern slavery but have links to modern slavery practices. These include child sexual abuse, family violence, female genital mutilation/cutting, dowry abuse, money laundering, people smuggling, and substandard working conditions. Further information on these practices can be found at Appendix A.

WHO CAN IDENTIFY MODERN SLAVERY?

Victims and survivors of modern slavery may go to school, participate in community activities, or seek medical assistance. Modern slavery can occur in all parts of the community, which is why every member of the community can play a role identifying cases of modern slavery and assisting victims and survivors to seek help.

The AFP maintains a list of possible indicators that a person may be a victim and survivor of modern slavery. These indicators can be found on the AFP's website at www.afp.gov.au on the 'Human Trafficking' page.³

WHAT ARE THE CAUSES OF MODERN SLAVERY?

Modern slavery crimes persist due to a range of root causes and drivers including:

- poverty
- underemployment and unemployment
- displacement, including because of conflict or natural disasters
- discrimination and marginalisation, including gender inequality
- weak rule of law
- lack of education, opportunities and access to resources, and
- workplace conditions



Modern slavery is highly lucrative and is estimated to generate more than **\$150 billion** in illicit profits annually.⁴

ONGOING AND EMERGING CHALLENGES

There are a number of ongoing and emerging global challenges that impact our efforts to prevent and combat modern slavery.

To ensure the National Action Plan remains effective, we will continue to monitor and assess these challenges and add new initiatives to the National Action Plan as required.



COVID-19

The COVID-19 pandemic has exacerbated existing risks and created new risks of modern slavery. The impacts of COVID-19 and corresponding public health measures have increased the isolation of individuals in or at risk of modern slavery, particularly forced marriage. COVID-19 has also increased the vulnerability of workers to criminal labour exploitation due to loss of work and income.



Displacement and migration

Displacement and migration due to conflict, poverty, or other drivers, is increasing the number of individuals at risk of modern slavery in our region, as well as in global supply chains. Conflict breaks down the rule of law and creates economic instability, which in turn creates additional vulnerabilities for individuals exposed to modern slavery crimes. Displacement and migration can also increase vulnerability by separating people from their community, family support structures and financial networks.⁵



Technology

The rapid increase in technological advancements and social media interconnectedness has also provided perpetrators with new avenues to target, recruit, and exploit victims online. Technology can increase the scale and speed with which modern slavery crimes are committed. Technology also reduces the risk to perpetrators, with less face-to-face contact with victims providing them anonymity and making investigation of crimes more difficult.⁶



Gender norms

Harmful gender norms continue to limit women and girls' empowerment and realisation of their full human rights. For example, unequal access to education and economic autonomy limits the ability of women and girls to make choices about their lives and increases vulnerability to modern slavery crimes and certain forms of exploitation, including sexual exploitation.

MODERN SLAVERY IN AUSTRALIA

Australia is not immune from modern slavery

From July 2015 to June 2017, the AIC and the Walk Free Foundation estimated that there were up to 1,900 victims and survivors of modern slavery in Australia.

The research examined the hidden nature of these crimes and estimated that for every victim and survivor detected by authorities in Australia, four remain undetected.⁷



For every victim detected, four go undetected

Australian business, charities and other organisations are exposed to modern slavery risks through their global operations and supply chains. We are working closely with business to combat these risks through Australia's world-leading *Modern Slavery Act 2018* (Cth) (Modern Slavery Act). This important legislation aims to combat modern slavery by holding large businesses and other organisations publicly accountable for their actions to address modern slavery in their global supply chains.

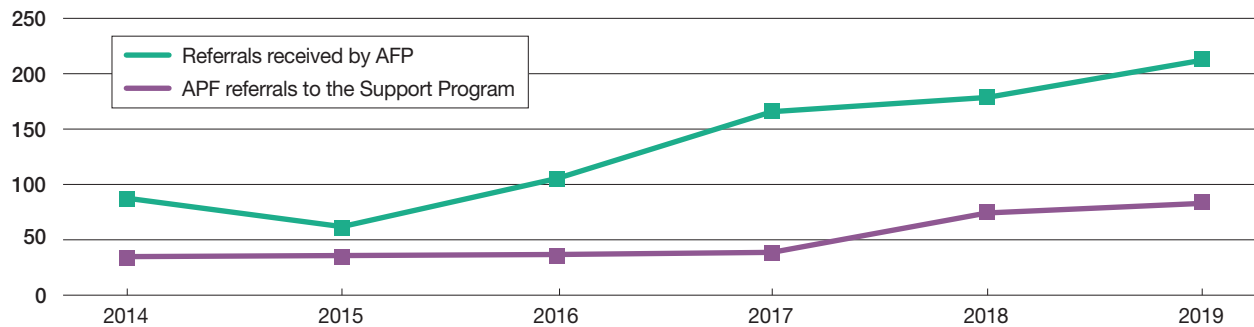
Supporting victims and survivors of modern slavery

Since 2004, the Government has provided comprehensive, tailored support to victims and survivors of modern slavery through its dedicated Support for Trafficked People Program (Support Program).

The Support Program meets victim and survivors' basic needs, including food, safe accommodation, and support for mental and physical health and well-being.

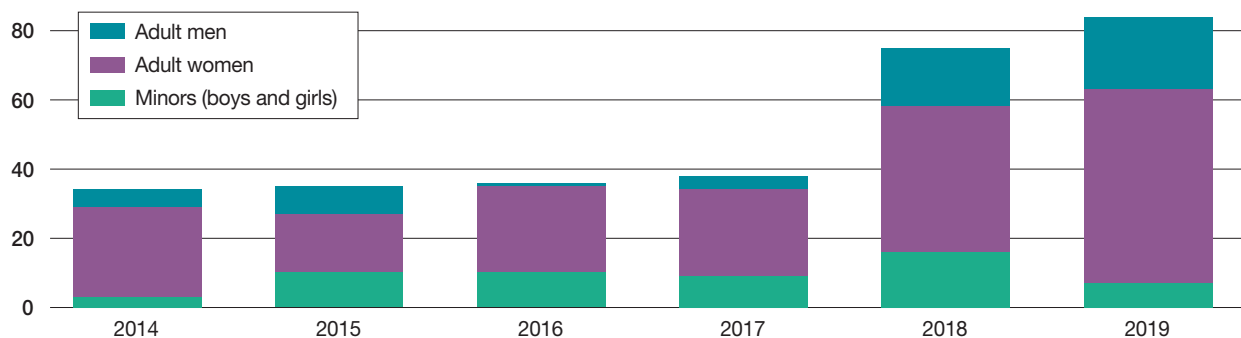
A snapshot of the Support for Trafficked People Program

Number of referrals and victims supported in Australia



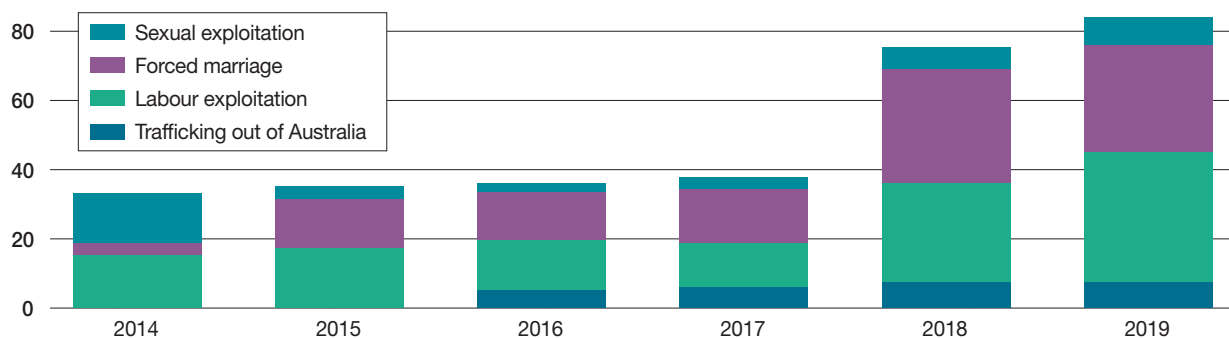
- Since 2014, the number of cases referred to the AFP and the Support Program has more than doubled.

Number of victims referred to the Support Program by gender



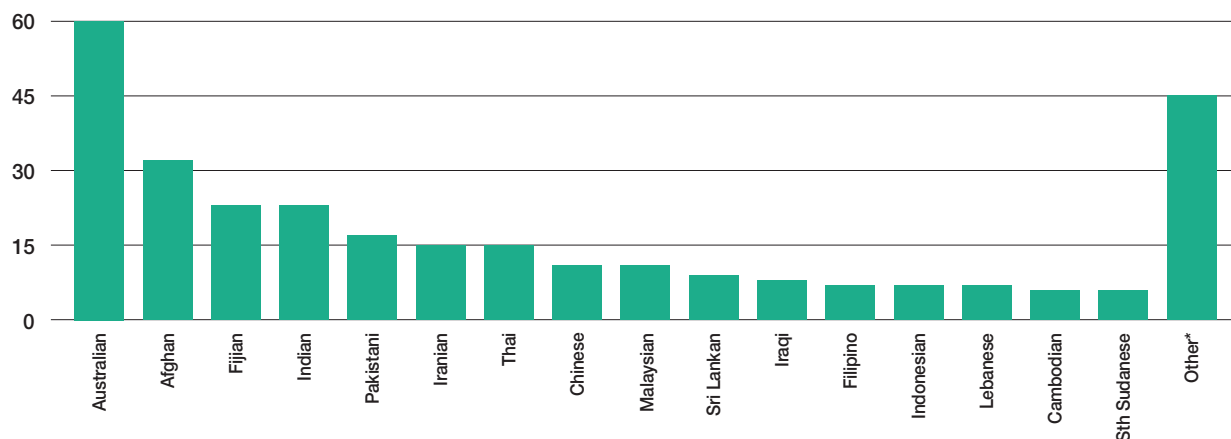
- Since 2017, there has been a significant rise in both female and male victims referred to the Support Program.
- Victims are mostly women and children, accounting for 75% of Support Program clients in 2019.

Support Program clients by modern slavery crime



- There is a continuing rise in victims of criminal forms of labour exploitation and forced marriage, which are the most common referrals to the Support Program.
- Victims of sexual exploitation are declining as a proportion of total victims on the Support Program.

Nationalities of victims on the Support Program between 2014–19



- Most victims are Australian.
- Non-Australian victims are primarily from South Asia, the Middle East and more recently, the Pacific Region.

* 'Other' category refers to nationalities with less than five referrals during 2014–19.

What does modern slavery in Australia look like?

SLAVERY IN A BROTHEL

An Australian couple organised for five women to travel to Australia to work in their brothel.

When the victims arrived, the couple forced each victim to repay an artificial 'debt contract' of between \$35,000 to \$45,000 by servicing clients at the brothel. The couple forced the women to work seven days a week, for an average of 16 hours per day. They were forced to work and sleep in locked premises and were not allowed to leave the brothel unaccompanied. The couple also forced the victims to work through their menstruation and during severe illnesses and infections. The victims' personal possessions, including their passports, were confiscated and they received threats that their families would be harmed if they escaped.

The couple were convicted of five counts of slavery.

TRAFFICKING OF A CHEF

An Australian restaurant owner organised the travel of a man to Australia to work as a chef in one of his restaurants.

When the man arrived in Australia, the restaurant owner confiscated his passport and made him work approximately 12 hours a day, seven days a week, with minimal and irregular rest breaks. The man was forced to live in the restaurant and bathe in the kitchen using buckets of water. The man had limited freedom of movement, was continually physically and mentally abused, and received threats against his family overseas.

The restaurant owner was convicted of trafficking in persons and was also ordered to pay almost \$200,000 to the victim, which included back pay, entitlements and interest owed to the victim.

FORCED MARRIAGE OF AN UNDERAGE GIRL

A religious official conducted a marriage ceremony between an underage girl and an adult man in Australia. The religious official was aware the girl was not of marriageable age, but claimed that he had conducted a religious blessing, rather than the solemnisation of a marriage.

Both the husband and religious official were charged with forced marriage offences. The charges were subsequently withdrawn after the underaged girl advised that she consented to the marriage. The husband and religious official were subsequently convicted of unlawfully marrying an underaged person and unlawfully solemnising a marriage involving an underaged person.

In 2019, the Government amended the forced marriage offences to make the issue of consent by any person under the age of 16 irrelevant. If this case occurred today, the consent would not have resulted in the withdrawal of the forced marriage charges.

SERVITUDE IN A PRIVATE HOME

A criminal organisation in Australia was operating two fraudulent “call centres”, exploiting almost 50 workers that had been recruited from overseas. The victims were forced to work 15 hours per day, seven days a week, with no pay. The victims had their passports and mobile phones taken from them, and were subject to a regimented work schedule and strict house rules that controlled when they could shower, eat and sleep.

Two offenders were convicted of servitude.



3. NATIONAL ACTION PLAN

THE NATIONAL ACTION PLAN

This National Action Plan provides the strategic framework for Australia's response to modern slavery from 2020 to 2025. It builds on the achievement of past plans, including the 2004 *Action Plan to Eradicate Trafficking in Persons* and the *National Action Plan to Combat Human Trafficking and Slavery 2015–19*.

VISION

The vision of this National Action Plan is for a future where no one is subjected to modern slavery, and the human rights of all people are valued equally.

MISSION

The mission of this National Action Plan is for the Australian Government, working in partnership with others, to actively prevent and combat all forms of modern slavery, wherever it occurs, including by supporting, protecting and empowering victims and survivors.



FIVE STRATEGIC PRIORITIES

The National Action Plan identifies five National Strategic Priorities to focus the Government's efforts.

1

Prevent modern slavery by combating the drivers of these crimes and empowering individuals and groups that are vulnerable to modern slavery.

2

Disrupt, Investigate and Prosecute modern slavery by identifying victims and survivors, implementing disruption strategies and holding perpetrators to account through effective investigations and prosecutions.

3

Support and Protect victims and survivors by providing holistic and tailored victim centred support and protection.

4

Partner across government and with international partners, civil society, business, unions and academia to ensure a coordinated response to modern slavery.

5

Research by strengthening data collection and analysis to build the evidence base that supports our response to modern slavery.

HOW WE GOT HERE

The National Action Plan was developed through extensive community consultation, which formally commenced in 2019. The stakeholders consulted included civil society groups, peak bodies, businesses, unions, academics, service providers, anti-slavery networks and international organisations. The National Action Plan is also informed by the AIC's *Review of the National Action Plan to Combat Human Trafficking and Slavery 2015–19*.

RELATED PLANS AND FRAMEWORKS

This National Action Plan does not exist in isolation. It is part of a much broader framework of initiatives that promote the rights of individuals and groups and seek to prevent other forms of exploitation and abuse. These include:

- the *National Plan to Reduce Violence against Women and their Children 2010–2022*
- the *National Strategy to Fight Transnational Serious and Organised Crime 2018*
- the *AFP Child Protection Plan 2020–2022*
- the *National Action Plan on Women, Peace and Security 2020–2030*⁸
- the *International Strategy on Human Trafficking and Modern Slavery 2021–25*,⁹ and
- the *National Strategy to Prevent Child Sexual Abuse*.¹⁰

PRINCIPLES

The National Action Plan is underpinned by nine principles that will guide our work to implement the five National Strategic Priorities.

1

Australia responds to modern slavery in a manner that is comprehensive, effective, timely, coordinated and consistent with our international obligations.

2

Australia addresses the unique needs of women and children, who are disproportionately affected by modern slavery.

3

Australia maintains a strong deterrence framework which promotes investigations, prosecutions and the enforcement of civil sanctions, and penalises offenders to the full extent of the law.

4

Australia provides holistic, gender-sensitive, culturally-responsive, trauma-informed, victim-centred protection and support to all victims and survivors of modern slavery.

5

Australia affords victims and survivors of modern slavery access to effective remedies.

6

Australia promotes a collaborative response that is built on the participation of victims and survivors of modern slavery, government, civil society, business, unions, academia and the broader community working in partnership to prevent and combat modern slavery.

7

Australia strives to be an international and regional leader and partner in deterring and combating modern slavery, and works cooperatively with other governments both internationally and regionally towards this end.

8

Australia promotes an evidence-based response to modern slavery, and its root causes and drivers, to build our understanding of modern slavery and how to prevent it.

9

Australia ensures the voices of victims and survivors, particularly women and children, inform our responses to modern slavery.

NATIONAL STRATEGIC PRIORITY 1: PREVENT

Prevention is the most effective way to eliminate modern slavery in Australia and abroad. This is why we will implement prevention activities that combat the drivers of modern slavery and empower individuals and groups that are vulnerable to modern slavery.



Addressing the root causes

We must address the root causes of modern slavery to effectively prevent these crimes. We will fund initiatives that combat the drivers of modern slavery in Australia and in the global supply chains of our goods and services, and empower individuals and groups that are vulnerable to modern slavery, including women and children. This includes funding overseas development programs and domestic community-based projects to prevent and deter modern slavery, and supporting businesses to understand, assess and address modern slavery risks in their supply chains.



Reaching vulnerable groups

We must intervene early to prevent modern slavery from occurring. We will prioritise raising awareness of modern slavery and its indicators in regions and sectors of the community most at risk, using culturally appropriate approaches. This includes reaching:

- individuals and communities in rural, regional, and remote areas of Australia, and
- workers, particularly migrant workers, to raise awareness of their rights and protections under Australian workplace laws to identify exploitative workplace practices.



Preventing forced marriage

Reports of forced marriage in Australia have continued to rise since criminal offences were introduced in 2013. We will strengthen our prevention efforts by promoting community understanding of forced marriage and its disproportionate impact on women and girls. We will also develop and disseminate information in community languages to bolster the ability of members of our community to identify people in, or at risk of, forced marriage, and to seek support and protection.



Addressing risks in global supply chains

Businesses must respect human rights in the conduct of their business activities and have a vital role to play in combating modern slavery in global supply chains. By taking action to assess and address modern slavery risks, businesses can help create fairer and safer supply chains that are free from exploitation. We will continue to proactively work with the business community to support businesses and other entities to identify and address modern slavery risks in their global operations and supply chains, and comply with their obligations under the Modern Slavery Act.



Everyone plays a role in prevention

We recognise that everyone has a role to play in preventing modern slavery. We will raise awareness of modern slavery in the Australian community, including the business community, to promote a better understanding of the circumstances in which modern slavery may occur.

We will also continue to advocate for international and regional compliance with international human rights law and relevant international labour standards to address the drivers of modern slavery.

ITEM	ACTIONS	AGENCY RESPONSIBLE
1	Provide funding and practical support through Australia's overseas development program and domestic grants programs to address drivers of modern slavery and empower individuals and groups vulnerable to modern slavery, including women and children.	DFAT, ABF, Home Affairs
2	Deliver targeted awareness-raising initiatives on a range of modern slavery issues.	ABF, Home Affairs
3	Deliver national awareness campaigns to the Australian community on modern slavery.	ABF
4	Launch new online information, tools and resources on modern slavery, translated into community languages.	ABF
5	Provide education and advice about workplace rights and protections under the <i>Fair Work Act 2009</i> and available FWO services, to protect and empower vulnerable workers.	FWO, AGD
6	Deliver information and guidance to businesses, other reporting entities, investors and consumers on modern slavery risks in global supply chains and the Modern Slavery Act reporting requirements.	ABF, DFAT
7	Progress initiatives to identify and address modern slavery risks in Government procurement and investments.	ABF
8	Advocate for the promotion and protection of human rights, including adherence to international labour standards, in relevant international and regional fora.	DFAT, AGD, ABF
9	Progress ratification of the <i>Forced Labour Protocol of 2014</i> .	AGD
10	Progress ratification of the International Labour Organisation's Minimum Age Convention (C138).	AGD
11	Promote the <i>Principles to Guide Government Action to Combat Human Trafficking in Global Supply Chains</i> .	ABF

NATIONAL STRATEGIC PRIORITY 2: DISRUPT, INVESTIGATE AND PROSECUTE

A strong justice response is required to deter individuals and hold offenders of modern slavery crimes to account for their actions. This is why we will work to identify victims and survivors, implement disruption strategies, and deter perpetrators by holding them to account through effective investigations and prosecutions.

Enhancing identification and disruption of modern slavery



Strong criminal justice responses are an integral part of combating modern slavery in Australia. Modern slavery is a clandestine crime, which means it can be challenging to identify. To help address this we will promote awareness and understanding of modern slavery to support identification and disruption of these crimes.

We will raise awareness of the indicators of the different forms of modern slavery so that law enforcement and other frontline officials, including teachers and health professionals, can identify and refer victims and survivors of modern slavery to support services. We will enhance existing training and resources for frontline officials to equip them to help disrupt these crimes.

Enhancing investigations and prosecutions



Effective investigations and prosecutions are core to combating modern slavery. We will continue to provide dedicated resources to AFP officers to pursue investigations that support prosecutions. We will also provide targeted training to prosecutors and lawyers to support successful convictions, which holds perpetrators to account and deters reoffending and potential offenders.

Strengthening our legislative framework



A legislative framework with strong offences plays an important role in efforts to deter offenders. We will undertake a review of Australia's existing offences and visa framework to ensure our legislation continues to be effective against changing criminal methodologies.

Working closely with overseas partners



Modern slavery practices, particularly human trafficking, are transnational crimes that take place across national borders. We will work closely with overseas partners to build the capacity of government officials to develop and implement effective laws and policy to identify and support victims and survivors, and to investigate and prosecute modern slavery crimes.

ITEM	ACTIONS	AGENCY RESPONSIBLE
12	Promote and distribute indicators of the different types of modern slavery.	ABF, AFP, Home Affairs
13	Deliver training, resources and awareness-raising initiatives, in collaboration with civil society organisations, to a broad cross-section of frontline responders to support the identification and referral of victims and survivors, and the disruption of modern slavery practices. Frontline responders include law enforcement, workplace inspectors, education and health officials.	ABF, AFP, Home Affairs, FWO, CDPP, Services Australia
14	Provide resources and deliver training for state and territory police officers to identify and refer cases of modern slavery to the AFP.	ABF, AFP
15	Expand existing training for ABF officers to identify and refer cases of modern slavery to the AFP, particularly in relation to serious labour exploitation.	ABF, Home Affairs
16	Provide ongoing dedicated specialist resources to AFP officers to identify, disrupt and investigate cases of modern slavery.	AFP
17	Provide resources and deliver training for prosecutors and lawyers on prosecuting and managing cases of modern slavery.	CDPP
18	Implement the <i>National Policing Protocol to Combat Modern Slavery</i> , which will guide cooperation between federal, state and territory law enforcement to detect and investigate modern slavery.	AFP
19	Undertake a targeted review of the modern slavery offences in Division 270 and 271 of the Criminal Code.	ABF, AFP, AGD, CDPP
20	Undertake a targeted review of Australia's visa framework, including to identify and reduce vulnerabilities to modern slavery.	ABF, Home Affairs
21	Deliver and fund overseas capacity-building activities to support the identification of victims and survivors, and the investigation and prosecution of modern slavery crimes.	DFAT, ABF, Home Affairs, CDPP, AFP

NATIONAL STRATEGIC PRIORITY 3: SUPPORT AND PROTECT

Providing holistic and tailored support and protection that meets the needs of victims and survivors of modern slavery is a fundamental National Strategic Priority of this National Action Plan.

Support that empowers



Increased access to tailored information and support will empower victims and survivors to rebuild their lives. This is why we will undertake a targeted review of existing support, protections, defences and remedies. A targeted review will also ensure we continue to respond to emerging issues and challenges facing victims and survivors, including the impacts of COVID-19.

We will build on existing support for individuals in or at risk of forced marriage by developing a model for enhanced civil protections and remedies.

Support for women and children



Victims and survivors of modern slavery in Australia are predominantly women and girls.

We will undertake a targeted review of existing support and protections to ensure we provide holistic and tailored victim-centred support and protection that is trauma-informed and meets the unique needs of women and children. We will also implement a *Protocol for the treatment of children suspected as victims of human trafficking, slavery or slavery-like practices* to ensure child victims and survivors are provided tailored support and protection.

Working with civil society and business



Civil society plays a crucial role providing essential services to support and protect victims and survivors of modern slavery. This is why we will provide practical guidance and support to civil society organisations that are supporting victims and survivors. In consultation with civil society, we will update guidelines for civil society organisations working with modern slavery victims and survivors.

We will also work with business to improve pathways to effective remedies for victims, in accordance with the right to remedy under the *United Nations Guiding Principles on Business and Human Rights*.

ITEM	ACTIONS	AGENCY RESPONSIBLE
22	Develop and distribute factsheets and resources on available support services and pathways on accessing support.	ABF, DSS
23	Develop a model for enhanced civil protection and remedies for individuals in, or at risk of, forced marriage.	ABF
24	Implement the <i>Protocol for the treatment of children suspected as victims of human trafficking, slavery or slavery-like practices</i> .	DSS, ABF
25	Provide practical support and guidance to NGOs who are supporting victims and survivors, including through updating the Guidelines for NGOs: Working with trafficked people.	ABF, AFP, DSS
26	Undertake a targeted review of support and legislative protections, defences and remedies available to modern slavery victims and survivors, particularly women and children, taking into account existing reviews and inquiries.	ABF, DSS, AFP, CDP, AGD, Home Affairs
27	Undertake a review of state and territory victims of crime financial assistance schemes and its availability to victims and survivors of modern slavery.	ABF
28	Support businesses to improve pathways to effective remedies for victims and provide effective remediation in instances of modern slavery, through guidance and awareness raising activities.	ABF

NATIONAL STRATEGIC PRIORITY 4: PARTNER

We must work together in close partnership to combat modern slavery. It is only through our joint efforts that we can develop and implement a holistic response to modern slavery in Australia. This is why we will collaborate across government and with international partners, civil society, business, unions and academia to ensure a coordinated response to modern slavery.

Working with state and territory governments



State and territory governments are at the frontline of our response to modern slavery. State and territory law enforcement officers are often first responders to modern slavery crimes. Victims of modern slavery can also present through state and territory government services, including in schools and hospitals. Cooperation with state and territory governments to raise awareness is therefore a crucial part of preventing modern slavery in Australia.

To build our collective efforts, we will develop a strategy for Commonwealth cooperation with state and territory governments and strengthen Australia's whole-of-community response to these crimes.

Partnering with victims and survivors



We recognise that victims and survivors of modern slavery play a key role in shaping our response to modern slavery in Australia. We will develop a Victim and Survivor Engagement and Empowerment Strategy to prioritise empowering victims and survivors and strengthening their voices as we work together to prevent modern slavery in Australia.

Collaborating with civil society, business, academia and unions



We recognise that modern slavery is a complex crime and government action is only part of the solution. We will prioritise our ongoing collaboration with civil society, business, unions and academia, including through the Government's National Roundtable on Human Trafficking and Slavery and the Modern Slavery Expert Advisory Group. To address modern slavery risks in global supply chains, we will host a national modern slavery conference to bring together government, business and civil society and drive action to tackle modern slavery. We will also continue to support the work of civil society organisations to combat modern slavery through the delivery of grant funding.

Promoting coordinated international responses



We will continue to work closely with international and regional partners to combat modern slavery. We will promote effective and coordinated responses to these crimes in line with the forthcoming *International Strategy on Human Trafficking and Modern Slavery*.

ITEM	ACTIONS	AGENCY RESPONSIBLE
29	Work collaboratively with states and territories to ensure complementary approaches to combating modern slavery in Australia.	ABF
30	Develop a strategy for Commonwealth cooperation with state and territory governments on modern slavery, building on existing cooperation and networks in states and territories.	ABF, AFP
31	Develop a Victim and Survivor Engagement and Empowerment Strategy.	ABF
32	Work collaboratively across Commonwealth Departments and agencies to combat modern slavery risks in Commonwealth procurements and investments.	ABF
33	Provide funding and practical support through domestic grants programs to combat modern slavery.	ABF
34	Review the Terms of Reference, structure and membership of the National Roundtable on Human Trafficking and Slavery to support continued effective consultation on modern slavery issues.	ABF
35	Consult the Modern Slavery Expert Advisory Group and other civil society and business stakeholders to support effective implementation of the Modern Slavery Act.	ABF
36	Develop a Modern Slavery Recognition Scheme to highlight innovative and collaborative business and civil society actions to address modern slavery risks in supply chains.	ABF
37	Host a National Modern Slavery Conference to bring together civil society, business, and other relevant stakeholders to drive action to tackle modern slavery.	ABF
38	Promote effective and coordinated international and regional responses to modern slavery in line with the <i>International Strategy on Human Trafficking and Modern Slavery</i> .	DFAT, ABF, Home Affairs
39	Provide funding to overseas anti-trafficking programs.	DFAT

NATIONAL STRATEGIC PRIORITY 5: RESEARCH

To combat modern slavery effectively, we must strengthen our data collection processes to build the evidence base to support our response to these crimes in Australia.



Monitoring and evaluation framework

It is important that we measure the impact and success of our initiatives to ensure our responses to modern slavery in Australia are effective.

We will establish a Monitoring and Evaluation Framework that will enhance data collection and information sharing. The Monitoring and Evaluation Framework will allow us to evaluate the success of initiatives over the life of the National Action Plan.



Research on modern slavery

We must continue to build our understanding of modern slavery practices in Australia and abroad. To build our evidence base to combat modern slavery, we will conduct research on new and emerging issues including:

- new and long-term risks of modern slavery in Australia caused by the COVID-19 pandemic
- multiple and intersectional drivers of modern slavery in Australia
- offenders and criminal methodologies, including the use of technology to facilitate modern slavery
- methods to prevent forced marriage, and
- good-practice response to modern slavery in supply chains.

Research on new and emerging issues promotes an evidence-based response to modern slavery and allows us to tailor initiatives effectively to combat these crimes. We will also consider the disproportionate impact of modern slavery crimes on women and children in our research, to ensure our initiatives respond to the unique needs of women and children.



Modern slavery in supply chains

The Modern Slavery Act requires large businesses and other entities to provide annual statements outlining their actions to address modern slavery risks in their global operations and supply chains.

We will publish these statements on a public online register to ensure statements are easily accessible and comparable. This will increase the available information and data on modern slavery risks in the supply chains of Australia's goods and services.

We will monitor the implementation of the Act to assess the effectiveness of our actions to address modern slavery risks in the supply chains of Australian goods and services. We will report annually on our efforts to implement the Act and conduct a formal review of the operation of the Act after three years.

ITEM	ACTIONS	AGENCY RESPONSIBLE
40	Establish a Monitoring and Evaluation Framework for the National Action Plan to enhance data collection and information sharing between government agencies, and with business and civil society organisations.	AIC, ABF
41	Undertake research on modern slavery in Australia through the Government's Human Trafficking and Modern Slavery Research Program.	AIC
42	Provide funding to academics, civil society and industry to undertake research on modern slavery in Australia.	AIC, ABF
43	Establish a research network to advance and promote collaboration on modern slavery research.	ABF
44	Monitor and report on the implementation of the Modern Slavery Act, including through annual reports to Parliament.	ABF
45	Undertake a review of the operation of the Modern Slavery Act in 2022.	ABF
46	Publish modern slavery statements produced under the Modern Slavery Act on a public online register and provide business with guidance on compliance and good practice trends.	ABF

4. WORKING IN PARTNERSHIP

WHOLE-OF-COMMUNITY RESPONSE

In implementing this National Action Plan, we seek to ensure there is a whole-of-community response to combat modern slavery.

Modern slavery is a complex crime and Government action is only part of the solution. The Government is therefore committed to building strong partnerships with:

- **civil society organisations** who often directly engage with individuals at risk of modern slavery and are uniquely placed to identify, engage and support victims and survivors
- **business and unions** who play a key role in combating modern slavery risks and addressing exploitation in global supply chains and operations, and enhancing Australia's response to serious forms of labour exploitation, and
- **academia** who support a better understanding of how and why modern slavery is occurring and provide evidence-based solutions to enhance Australia's response to modern slavery.

National Roundtable on Human Trafficking and Slavery

In 2008, the Government established the National Roundtable on Human Trafficking and Slavery (National Roundtable). The National Roundtable brings together civil society, business, unions, academia, and Australian Government departments responsible for combating modern slavery.

The National Roundtable acts as the Government's primary mechanism to consult key stakeholders on modern slavery policy and legislative issues and reforms. The National Roundtable will play a key role in supporting implementation of the National Action Plan through consultation on the development of key initiatives over the life of the plan.

Modern Slavery Expert Advisory Group

In 2020, the Modern Slavery Expert Advisory Group (the Expert Advisory Group) was established to provide strategic advice to Government to support the effective implementation of the Modern Slavery Act and drive best-practice responses to eradicate exploitation in our supply chains.

The Expert Advisory Group will support implementation of this National Action Plan by providing advice to inform the Government's actions to combat modern slavery in supply chains, including the development of Commonwealth Modern Slavery Statements, the development of awareness-raising materials, and supporting the establishment of the Modern Slavery Recognition Scheme.

Funding specialist anti-slavery organisations

Between 2008 and 2020, the Government has provided more than \$6.2 million in funding to support Australian NGOs to deliver community-based initiatives to combat modern slavery. Under this National Action Plan, the Government will continue to provide funding to NGOs to support the vital role they play in combating modern slavery and raising community awareness of these crimes.

AUSTRALIAN GOVERNMENT

AUSTRALIAN BORDER FORCE & DEPARTMENT OF HOME AFFAIRS

Leads the whole-of-government response to modern slavery, including modern slavery policy and legislation. Administers the Human Trafficking Visa Framework. Responsible for the identification and referral of victims of foreign worker exploitation and the investigation of visa and migration fraud. Chairs the National Roundtable and Expert Advisory Group.

AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Responsible for delivering the Human Trafficking and Modern Slavery Research Program.

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Responsible for deciding whether to prosecute a modern slavery offence and undertaking those prosecutions.

AUSTRALIAN FEDERAL POLICE

Responsible for investigating the modern slavery offences in the Criminal Code.

DEPARTMENT OF SOCIAL SERVICES

Responsible for the Government's dedicated support program for victims and survivors.

FAIR WORK OMBUDSMAN

Responsible for ensuring compliance with workplace laws.

AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION

Responsible for developing a national understanding of serious and organised crime.

ATTORNEY-GENERAL'S DEPARTMENT

Responsible for national workplace policy and programs, administering key legislation relating to the national industrial relations system and criminal law, overseeing the Government's response to migrant worker exploitation and progressing ratification of international labour standards.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Responsible for international and regional engagement on modern slavery, supporting modern slavery victims and survivors overseas, and strengthening protections for private domestic workers employed in the households of foreign diplomats and consular staff in Australia.

DEPARTMENT OF EDUCATION, SKILLS AND EMPLOYMENT

Responsible for education, skills and employment policy, and the Seasonal Workers Program.

DEPARTMENT OF THE PRIME MINISTER AND CABINET

Provides advice and support to the Prime Minister and the Cabinet to achieve a coordinated approach to policy development.

STATE AND TERRITORY GOVERNMENTS

Responsible for areas that intersect with the Australian Government's strategy to combat modern slavery, including child protection, domestic violence, financial assistance to victims of crime, and any state-based modern slavery legislation. State and territory Governments also play a key role in combating modern slavery risks in the supply chains of Australia's goods and services. State and territory frontline agencies also play a key role in the identification and support of victims and survivors.

AUSTRALIAN COMMUNITY

NATIONAL ROUNDTABLE AND EXPERT ADVISORY GROUP

Contributes to policy development through direct engagement with Government.

MEMBERS OF THE AUSTRALIAN COMMUNITY

Raising awareness of modern slavery, identifying cases of modern slavery and referring cases to the authorities.

CIVIL SOCIETY ORGANISATIONS

Identifying and supporting victims and survivors, and raising awareness of modern slavery.

BUSINESS AND UNIONS

Identifying and addressing modern slavery in businesses' global operations and supply chains, and enhancing Australia's response to serious forms of labour exploitation.

ACADEMIA

Improving understanding of how and why modern slavery is occurring and providing evidence-based solutions to support Australia's response to these crimes.

5. MONITORING AND MEASURING PROGRESS

MONITORING AND MEASURING PROGRESS

We are committed to being accountable and transparent in our work to implement the National Action Plan.

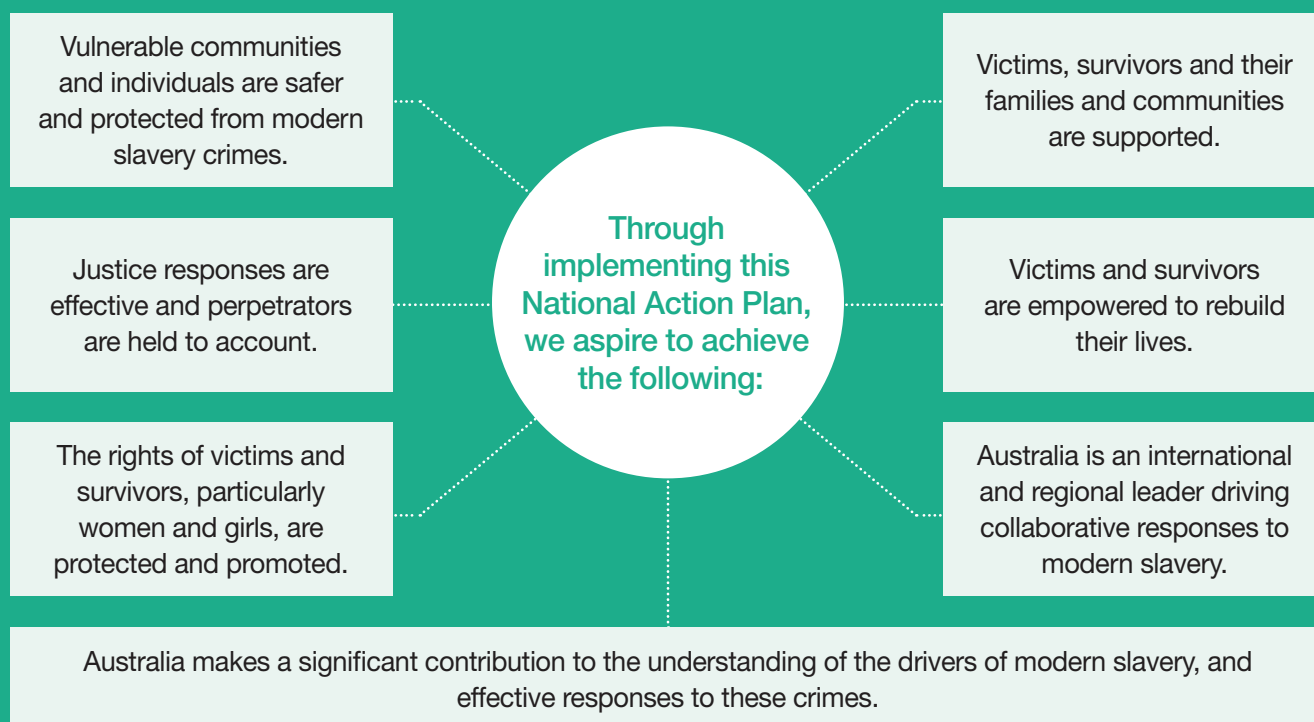
The primary mechanism for assessing progress under the National Action Plan will be through regular reporting under the National Action Plan's Monitoring and Evaluation Framework, developed by the AIC. The Monitoring and Evaluation Framework will track progress against short, medium and long-term outcomes of the National Action Plan.

The Government will provide updates on implementation of the National Action Plan to Parliament. The National Roundtable will also be updated on the process of implementation of the National Action Plan.

NEW MEASURES

To ensure the ongoing flexibility of Australia's strategy to combat modern slavery, we will review the action items and assess whether it is necessary or appropriate to amend or add new action items to the National Action Plan. This process will be undertaken in consultation with the National Roundtable.

WHERE WE WANT TO BE



6. BUILDING ON AUSTRALIA'S RESPONSE

A SNAPSHOT OF EXISTING EFFORTS

CRIMINAL JUSTICE <ul style="list-style-type: none"> • Strong criminal offences for modern slavery with penalties of up to 25 years' imprisonment • Specialist teams in the AFP to investigate modern slavery cases • Prosecutions for modern slavery offences, with 25 individuals convicted of these crimes in Australia (as at 1 August 2020) 	TRAINING <ul style="list-style-type: none"> • Training frontline officials to recognise and respond appropriately to indicators of modern slavery 	RESEARCH <ul style="list-style-type: none"> • Funding research into national modern slavery trends
COLLABORATION <ul style="list-style-type: none"> • Establishing and implementing the Modern Slavery Act in partnership with business and civil society to drive action to combat modern slavery in global supply chains • Working closely with civil society organisations to address modern slavery, including through the National Roundtable on Human Trafficking and Slavery • Providing over \$6.2 million in Government funding between 2008 and 2020 to NGOs working to combat modern slavery 	INTERNATIONAL AND REGIONAL ENGAGEMENT <ul style="list-style-type: none"> • Co-chairing with Indonesia the <i>Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime</i> to drive regional cooperation and coordination on transnational crime • Co-chairing the <i>Bali Process Government and Business Forum</i> to enhance government and private sector collaboration • Working with partner governments in the region to combat modern slavery and identify and protect victims and survivors • Implementing the <i>ASEAN-Australia Counter Trafficking Program 2018–28</i> to enhance responses to trafficking in persons in the Asia-Pacific region • Promoting multi-sector global partnerships through Alliance 8.7 to achieve Target 8.7 of the 2030 Sustainable Development Goals, to eradicate forced labour, modern slavery, human trafficking and child labour 	SUPPORT AND PROTECTION <ul style="list-style-type: none"> • Enhancing a Government-funded victim and survivor support program that provides individualised case management support • Expanding support and protections available for people in or at risk of forced marriage • Establishing specialist visa arrangements to allow victims and witnesses to remain in Australia to receive support and participate in investigations and prosecutions • Specific protections for victims and survivors giving evidence in court

LEGISLATIVE FRAMEWORK

Modern slavery criminal offences

Australia has robust criminal offences for modern slavery with penalties of up to 25 years' imprisonment.

Divisions 270 and 271 of the Criminal Code contain the offences relating to trafficking in persons, slavery and slavery-like practices.

Slavery-like practices include servitude, forced labour, and deceptive recruiting. These offences can apply to the exploitation of a person's labour or services in any industry, or to exploitation within intimate relationships.

Australia's slavery offences have universal jurisdiction, meaning they apply whether or not the conduct occurred in Australia, and whether or not the victim or the offender are Australian citizens or residents. The trafficking in persons and slavery-like practices offences have extended geographic jurisdiction, and can therefore apply where the conduct occurred in Australia, or where the conduct occurred outside Australia but the offender was an Australian corporation, citizen or permanent resident.

An extract of the offences in Divisions 270 and 271 can be found at Appendix B.

The Modern Slavery Act 2018

The Modern Slavery Act establishes a practical risk-based framework to directly target modern slavery practices in global supply chains, and support the Australian business community to identify and address their modern slavery risks.

The Modern Slavery Act requires over 3,000 business and other entities to prepare annual modern slavery statements on their actions to address modern slavery risks in their global operations and supply chains. It applies to businesses and other entities in the Australian market with \$100 million or more of annual consolidated revenue.

The Government is publishing statements on an online register to ensure they are easily accessible by the Australian community. The Government will also publish annual statements on modern slavery risks in government procurement and investments.

Vulnerable witness protections

The *Crimes Act 1914* provides protections for victims and survivors of modern slavery when giving evidence in court. Under Part 1AD of the Crimes Act and Division 279 of the Criminal Code, victims and survivors can:

- give evidence via closed-circuit television, video-link or video recording
- have their contact with the defendant or members of the public limited, and
- have a support person with them while they give evidence.

Part 1AB also makes it an offence to publish material identifying a victim or survivor of modern slavery, and allows victims or survivors of modern slavery to make victim impact statements to the court outlining the harm they have experienced.

The Migration Act 1958 offences

The *Migration Act 1958* (Migration Act) creates offences of allowing a person to work, or referring a person for work, if the person is an unlawful non-citizen or a lawful non-citizen working in breach of a visa condition. The offences are escalated to aggravated offences if the worker is being exploited and the person knows of, or is reckless to, that circumstance. The Migration Act also provides for civil employer sanctions in the form of infringement notices and non-fault civil penalties, supplementing Australia's criminal offences.

Visa framework

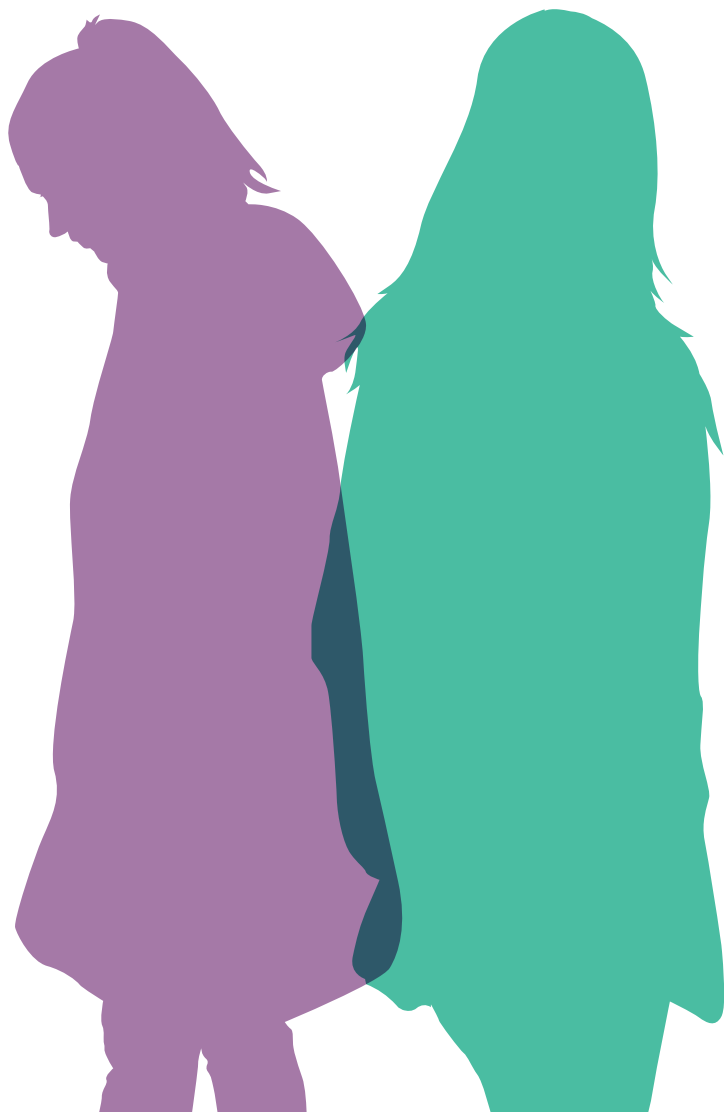
Under the *Migration Regulations 1994*, Australia's Human Trafficking Visa Framework enables foreign nationals, who do not already hold a valid visa and are suspected victims of modern slavery, to remain lawfully in Australia. Like Australian citizens and other valid visa holders who are suspected victims of modern slavery, they are then able to access support through the Government's Support Program. All holders of valid visas receive the same support as clients who are Australian citizens, however their eligibility for some services, or ability to seek employment may be limited by visa conditions. Where a suspected victim has made a contribution to a modern slavery investigation or prosecution of an alleged offender and would be in danger if they returned home to their home country, they may be eligible for a permanent visa to remain in Australia.

Workplace laws

The *Fair Work Act 2009* (Fair Work Act) empowers the FWO to enforce compliance with the Fair Work Act, and associated industrial instruments including awards and registered agreements. The minimum entitlements, conditions and protections provided under the Fair Work Act, and associated instruments, apply to all employees in the national workplace system, including migrant workers and international students.

The Proceeds of Crime Act 2002

The *Proceeds of Crime Act 2002* provides a scheme for tracing, restraining and confiscating the proceeds of crimes against Australian law, including for modern slavery offences. These proceeds can then be returned to the Australian community to fund anti-crime initiatives.



7. INTERNATIONAL CONTEXT

INTERNATIONAL FRAMEWORK

When implementing its response to modern slavery, Australia observes its binding legal obligations under international law. These include obligations set out in the following key treaties:

- *United Nations Convention against Transnational Organized Crime (2000)* (UNTOC), and its *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)* (the Trafficking Protocol) – ratified in 2005
- *ILO Convention No. 29 on Forced or Compulsory Labour (1930)* (*Forced Labour Convention*) – ratified in 1932
- *ILO Convention No. 182 on Worst Forms of Child Labour (1999)* (*Worst Forms of Child Labour Convention*) – ratified in 2006, and
- *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)* (*Supplementary Slavery Convention*) – ratified in 1958.

Further information on international human rights and labour treaties that form the legal framework for modern slavery is set out at Appendix C.

INTERNATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING AND MODERN SLAVERY

In 2021, the Government will launch a new *International Strategy on Human Trafficking and Modern Slavery 2021–25* (International Strategy). The International Strategy will build on the previous *International Strategy on Human Trafficking and Slavery: Amplifying Our Impact* and complement this National Action Plan.

The International Strategy will:

- provide the framework to inform Australia's international efforts to help eradicate human trafficking and modern slavery, with a focus on the Indo Pacific region
- guide Australia's diplomacy, international development, multilateral engagement, trade and advocacy work, and
- set out the bilateral, regional and global avenues through which Australia will seek to make an impact to end these crimes.

The International Strategy will set out possible actions under the following objectives:

- to address the drivers to human trafficking and modern slavery
- to secure justice by strengthening governance, legal systems and redress mechanisms
- to promote integration of human rights and labour standards in responses to human trafficking and modern slavery
- to strengthen government, business and civil society partnerships to address exploitation in supply chains and responsible business practices, and
- to mitigate modern slavery risks in Australia's international engagement.

SUSTAINABLE DEVELOPMENT GOALS

In 2015, Australia and other world leaders adopted the 2030 Sustainable Development Goals designed to guide global development and further advance the realisation of human rights. This included Australia committing to:

- Target 5.2 to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- Target 5.3 to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- Target 8.5 to achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value
- Target 8.7 to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and by 2025 end child labour in all its forms, and
- Target 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children.

THE UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

Australia supports the United Nations *Guiding Principles on Business and Human Rights* (UN Guiding Principles), which were unanimously endorsed by the UN Human Rights Council in 2011. The UN Guiding Principles are the leading set of guidelines for States and business to prevent, address and remedy human rights abuses linked to business activity.



APPENDIX A: PRACTICES RELATED TO MODERN SLAVERY

The following are practices that are related to modern slavery. Their intersections and relationships with modern slavery practices will be further explored as Australia continues to combat modern slavery.

CHILD SEXUAL ABUSE AND EXPLOITATION

Child sexual abuse and exploitation can intersect with modern slavery crimes. This includes where a child is physically moved across or within borders for the purpose of exploiting them.

Australia has an extensive legislative framework in place to prevent, investigate and prosecute all forms of child sexual abuse and exploitation, including offences that occur within Australia and those committed by Australians overseas. This includes criminalisation of the use of the internet, mobile phones and other electronic devices for engaging in sexual activity with a child and dealings with child abuse material. It is also a criminal offence for Commonwealth officers with certain responsibilities for children to fail to take action to protect those children from sexual abuse or report a child sexual abuse offence.

The forthcoming *National Strategy to Prevent Child Sexual Abuse* will build upon this legislative framework and drive a long-term, nationally consistent and coordinated policy approach to preventing child sexual abuse in all settings, including online, familial and institutional. Once implemented, it will encompass government and non-government sector efforts to drive positive cultural change, support victims and survivors of child sexual abuse and prevent future abuse from occurring.

DOMESTIC AND FAMILY VIOLENCE

There are often parallels between the drivers and impacts of domestic and family violence and certain modern slavery practices, such as forced marriage and servitude in family and domestic settings. These crimes involve victims who experience abuse and exploitation by their partner or members of their immediate or extended family. They also often occur in private settings and involve complex forms of gender-based violence, which can result in physical, sexual or psychological harm to their victims.

DOWRY ABUSE

The practice of dowry usually involves the giving of gifts by one family to another before, during, or after a marriage. Dowry abuse refers to violence related to the giving or receiving of a dowry. Dowry abuse can be a form of deception, coercion or threat that facilitates modern slavery crimes, including in domestic and family settings. For example, dowry may be a driver for parents to force a marriage or be part of the coercion experienced by those within forced marriages that prevent them from being able to leave.

FEMALE GENITAL MUTILATION/CUTTING

Globally, there are links between female genital mutilation/cutting and other exploitative practices such as forced marriage and human trafficking, as victims can be taken offshore to have these practices performed. Female genital mutilation/cutting is comprehensively criminalised under the laws of Australia's states and territories.

MONEY LAUNDERING

Modern slavery is a highly lucrative crime, and one of the largest criminal activities in the world. Due to the significant proceeds that these crimes generate, modern slavery often co-occurs with money laundering. Money laundering involves hiding, disguising or legitimising the true origin and ownership of money that has been used in or derived from criminal activities.

Australia has a strong anti-money laundering and counter-terrorism financing regime designed to detect, deter and disrupt the flow of illicit funds from serious and organised crime, prevent Australian businesses from being misused for illicit purposes in support of criminal activity, and provide valuable financial intelligence to revenue and law enforcement agencies. Money laundering is criminalised in Australia under Division 400 of the Criminal Code and laundered funds can be confiscated under the *Proceeds of Crime Act 2002*.

PEOPLE SMUGGLING

People smuggling is a very different crime to human trafficking and other forms of modern slavery. People smuggling refers to the organised, irregular movement of people across international borders on a payment-for-service basis. This is distinct from human trafficking, which refers to the movement of people across or within borders through coercion, threat or deception for the purpose of exploiting them.

While there are key differences between people smuggling and human trafficking, people who are smuggled can become vulnerable to modern slavery crimes.

SUBSTANDARD WORKING CONDITIONS

Individuals who are vulnerable to substandard pay and working conditions may be vulnerable to modern slavery crimes. However, there are important distinctions between people who experience modern slavery and those who experience substandard pay and working conditions.

Labour exploitation that amounts to modern slavery include the serious forms of labour exploitation criminalised in Divisions 270 and 271 of the Criminal Code. This includes slavery, servitude, forced labour, deceptive recruiting for labour or services, and debt bondage.

Australian workplace law applies to labour exploitation that does not amount to modern slavery, including civil contraventions relating to substandard pay and working conditions. Substandard working conditions can include the underpayment of wages or other entitlements that breach the *Fair Work Act 2009*. These matters are regulated and investigated by the FWO.

APPENDIX B:

CRIMINAL CODE PROVISIONS

DIVISION 270: SLAVERY AND SLAVERY-LIKE PRACTICES

Offence	Section	Elements	Maximum penalty
Slavery	270.3(1)	Intentionally reduce a person to slavery, ¹ possess or exercise rights of ownership over a slave, engage in slave trading, ² enter into a commercial transaction involving a slave, or exercise control or direction over, or provide finance for, slave trading or a commercial transaction involving a slave	25 years
	270.3(2)	Recklessly enter into a commercial transaction involving a slave, or exercise control or direction over, or provide finance for, slave trading or a commercial transaction involving a slave	17 years
Servitude	270.5(1)	Cause another person to enter into or remain in servitude ³	15 years, or 20 years for an aggravated offence ⁴
	270.5(2)	Conduct a business ⁵ involving the servitude of another person or persons	15 years, or 20 years for an aggravated offence
Forced Labour	270.6A(1)	Cause another person to enter into or remain in forced labour ⁶	9 years, or 12 years for an aggravated offence
	270.6A(2)	Conduct a business involving the forced labour of another person or persons	9 years, or 12 years for an aggravated offence
Deceptive recruitment	270.7	Intentionally induce another person to enter into an engagement to provide labour or services, where the other person is deceived ⁷ about: the extent to which the person will be free to leave the place of area where they provide the labour or services, or to cease providing labour or services; the quantum or existence of a debt owed or claimed to be owed; the fact the engagement will involve exploitation or the confiscation of travel or identity documents; or, if the engagement is to involve the provision of sexual services, ⁸ that fact, or the nature of sexual services to be provided	7 years, or 9 years for an aggravated offence

¹ 'Slavery' is defined in section 270.1 of the *Criminal Code* as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.

² 'Slave trading' is defined in subsection 270.3(3) of the *Criminal Code* as including the capture, transport or disposal of a person with the intention of reducing the person to slavery; or the purchase or sale of a slave.

³ 'Servitude' is defined in subsection 270.4(1) of the *Criminal Code* as the condition of a person (the victim) who provides labour or services, if, because of the use of coercion, threat or deception: a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services or to leave the place or area where he or she (the victim) provides labour or services; and the victim is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.

⁴ Under subsection 270.8(1) of the *Criminal Code*, a servitude, forced labour, deceptive recruiting or forced marriage offence is aggravated where: the victim is under 18; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

⁵ 'Conducting a business' is defined in section 270.1A of the *Criminal Code* to include taking any part in the management of the business; exercising control or direction over the business; or providing finance for the business.

⁶ 'Forced labour' is defined in subsection 270.6(1) of the *Criminal Code* as the condition of a person (the victim) who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services; or to leave the place or area where he or she (the victim) provides labour or services.

⁷ 'Deceive' is defined in section 271.1 of the *Criminal Code* as to mislead as to fact (including the intention of any person) or as to law, by words or other conduct.

⁸ 'Sexual service' is defined in the Dictionary to the *Criminal Code* as the use or display of the body of the person providing the service for the sexual gratification of others.

Offence	Section	Elements	Maximum penalty
Forced Marriage	270.7B(1)	Cause another person to enter into a forced marriage ⁹	7 years, or 9 years for an aggravated offence
	270.7B(2)	Be a party to a forced marriage, where you are not a victim of the forced marriage	7 years, or 9 years for an aggravated offence
Debt bondage	270.7C	Intentionally cause another person to enter into debt bondage ¹⁰	4 years, or 7 years for an aggravated offence ¹¹
Trafficking in Persons	271.2(1), (1A)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, using coercion, threat or deception ¹² to obtain that person's compliance	12 years, or 20 years for an aggravated offence ¹³
	271.2(1B), (1C)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, reckless as to whether the other person will be exploited ¹⁴	12 years, or 20 years for an aggravated offence
	271.2(2), (2A), (2B), (2C),	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, deceiving the other person about: the provision, or nature of the provision, of sexual services; the extent to which the person will be free to leave the place or area they provide sexual services, or to cease providing sexual services; the quantum or existence of a debt owed or claimed to be owed; or the fact the engagement will involve exploitation or the confiscation of travel or identity documents	12 years, or 20 years for an aggravated offence
Trafficking in Children	271.4(1), (2)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of a person who is under 18, intending or reckless as to whether the person will be used to provide sexual services or will be otherwise exploited	25 years
Domestic trafficking in persons	271.5(1)	Organise or facilitate the transportation of a person from one place in Australia to another, using coercion, threat or deception to obtain that person's compliance	12 years, or 20 years for an aggravated offence ¹⁵
	271.5(2)	Organise or facilitate the transportation of a person from one place in Australia to another, reckless as to whether the other person will be exploited	12 years, or 20 years for an aggravated offence

⁹ 'Forced marriage' is defined in subsection 270.7A(1) of the *Criminal Code* as a marriage where, 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.

¹⁰ 'Debt bondage' is defined in the Dictionary to the *Criminal Code* as the status or condition that arises from a pledge by a person of his or her personal services, or of the personal services of another person under his or her control, as security for a debt owed, or claimed to be owed, (including any debt incurred, or claimed to be incurred, after the pledge is given), by that person if: the debt owed or claimed to be owed is manifestly excessive; or the reasonable value of those services is not applied toward the liquidation of the debt or purported debt; or the length and nature of those services are not respectively limited and defined.

¹¹ Under subsection 271.9(1) of the *Criminal Code*, a debt bondage offence is aggravated where: the victim is under 18; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

¹² 'Coercion' and 'threat' are defined in section 270.1A of the *Criminal Code*. Coercion is defined as including coercion by any of the following: force; duress; detention; psychological oppression; abuse of power; or taking advantage of a person's vulnerability. Threat means: a threat of coercion; or a threat to cause a person's deportation or removal from Australia; or a threat of any other detrimental action, unless there are reasonable grounds for the threat of that action in connection with the provision of labour or services by a person. Threat includes a threat made by any conduct, whether express or implied and whether conditional or unconditional.

¹³ Under subsection 271.3(1) of the *Criminal Code*, a trafficking in persons offence is aggravated where: the offender intended for the victim to be exploited; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

¹⁴ 'Exploitation' is defined in section 271.1A of the *Criminal Code* as conduct which causes the victim to enter into any of the following conditions: slavery, or a condition similar to slavery; servitude; forced labour; forced marriage; or debt bondage.

¹⁵ Under subsection 271.6(1) of the *Criminal Code*, a domestic trafficking in persons offence is aggravated where: the offender intended for the victim to be exploited; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

APPENDIX C:

INTERNATIONAL LEGAL

FRAMEWORKS

United Nations Convention against Transnational Organized Crime (2000) (UNTOC)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)
(the Trafficking Protocol)

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (the Supplementary Slavery Convention) – for example Articles 1, 3, 5, 6 and 7

International Covenant on Civil and Political Rights – for example Articles 2, 3, 7, 8, 9, 12, 14, 23 and 26

International Covenant on Economic, Social and Cultural Rights (1956) – for example Articles 2, 3, 6, 7, 10, 11 and 12

Convention on the Elimination of All Forms of Discrimination against Women (1979) – for example Articles 2, 6, 9, 11, 12, 14, 15 and 16

Convention on the Rights of the Child (1989) – for example Articles 7, 16, 19, 28, 31, 32, 34, 35, 36, 37 and 39

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) – for example Articles 1, 2, 3 and 8

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000) – for example Articles 1 and 4

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984) – for example Articles 1, 3, 13 and 14

International Convention on the Elimination of All Forms of Racial Discrimination (1965) – for example Articles 2, 5 and 6

ILO Convention No. 29 on Forced or Compulsory Labour (1930) – for example Articles 1 and 2

ILO Convention No. 105 on Abolition of Forced Labour (1957)

ILO Convention No. 182 on Worst Forms of Child Labour (1999) – for example Article 3

Universal Declaration of Human Rights – for example Articles 4, 16 and 23

ENDNOTES

1. International Labour Organisation, 2017.
2. Exploitation in this section includes trafficking in persons, slavery and slavery-like practices as defined in Divisions 270 and 271 of the Criminal Code.
3. www.afp.gov.au/what-we-do/crime-types/human-trafficking
4. International Labour Organisation, 2014.
5. International Organisation of Migration, 2019.
6. United Nations Office on Drugs and Crime, 2019.
7. Australian Institute of Criminology, 2019.
8. At the time of publication, the National Action Plan on Women, Peace and Security 2020-2030 is forthcoming, scheduled for release in 2020.
9. At the time of publication, the International Strategy on Human Trafficking and Modern Slavery 2021-25 is forthcoming, scheduled for release in 2021.
10. At the time of publication, the National Strategy to Prevent Child Sexual Abuse is forthcoming, scheduled for release in 2021–22.

