



Australian Government

TRAFFICKING IN PERSONS

THE AUSTRALIAN GOVERNMENT RESPONSE
1 July 2017 – 30 June 2020

THE TENTH REPORT OF THE INTERDEPARTMENTAL COMMITTEE
ON HUMAN TRAFFICKING AND SLAVERY

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FOREWORD

I am pleased to present the tenth report of the Interdepartmental Committee on Human Trafficking and Slavery. This report highlights the important work of Australian Government agencies and their civil society partners during 2017-20 to combat human trafficking and slavery in Australia and globally. This has been a period of concerted government action and strong achievements towards our goal of a future where no one is a victim of modern slavery.

During the reporting period, the Government marked a new era in business transparency by passing the landmark *Modern Slavery Act 2018* (the Act). The Act ensures large businesses play their part in tackling modern slavery in supply chains globally by maintaining responsible and transparent supply chains that assess and address modern slavery risks. To support implementation of the Act, the Government established the Modern Slavery Business Engagement Unit within the Australian Border Force, and launched new guidance to assist business to comply with their obligations under the Act. The Government also established the consultative Modern Slavery Expert Advisory Group to seek strategic advice on implementation of the Act. In 2020, the first annual report to the Australian Parliament on implementation of the Act was released, which lays the foundations for future review.

The Government worked closely with regional and international partners to drive cooperative and coordinated action to combat modern slavery in Australia and abroad. In 2017, the Government supported the launch of the Bali Process Government and Business Forum to raise awareness and drive action on human trafficking and slavery. The Government followed up these international commitments in 2019 by convening an International Modern Slavery Conference with over 400 delegates from 18 countries, and launched the ten-year \$80 million ASEAN-Australia Counter-Trafficking Initiative to increase the effectiveness of South East Asian justice systems.

During the reporting period, the Government took action to prevent modern slavery, and support and protect victims and survivors. The Government provided \$500,000 for a 12-month trial to improve forced marriage victim's access to longer-term support under the Support for Trafficked People Program. In 2019, the Government announced this additional support would be integrated into the Program on an ongoing basis, recognising the specialised needs of victims of forced marriage. The Government also focused on combating labour exploitation by boosting protections for vulnerable workers, including in response to the recommendations of the Migrant Workers' Taskforce report published in March 2019.

The COVID-19 Pandemic posed unforeseen challenges, and exacerbated risks for those in, or vulnerable to, modern slavery. The impacts of COVID-19 and its corresponding public health measures increased isolation of individuals and created barriers to support, and caused loss of work and income, creating further vulnerabilities to unscrupulous employment and exploitation. In response to these heightened risks, the Government committed a further \$2.7 million in funding to the Support for Trafficked People program to protect vulnerable individuals.

However, the scourge of modern slavery cannot be eradicated by Government alone, and the Government recognises the value of collaboration in combatting these crimes. Over the reporting period, the Government collaborated with business, unions, academia and the non-government sector through the National Roundtable on Human Trafficking and Slavery and the Modern Slavery Expert Advisory Group, and I thank these individuals and organisations for their dedication and expertise in working with Government. Over 2017-20, the Government allocated almost \$1.4 million in grant funding to eight specialist civil society organisations working to combat modern slavery.

While we have made strong progress, there is still more work to be done. To implement the *National Action Plan to Combat Modern Slavery 2020-25* the Government has committed \$10.6 million to further these strategic initiatives, which includes \$4.4 million in multi-year grants funding.

I look forward to building on our successes to date and strengthening our response to these crimes in the years to come.

The Hon Jason Wood MP

Assistant Minister for Customs,
Community Safety and Multicultural Affairs

TERMINOLOGY

Human trafficking and slavery

For ease of reference, this document uses ‘human trafficking and slavery’ and ‘modern slavery’ as umbrella terms 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. These terms are 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.

This report uses the terms ‘victim’ and ‘survivor’ to describe an individual who has experienced human trafficking and slavery. We acknowledge that individuals who have experienced human trafficking and slavery may not identify with the terms ‘victim’ or ‘survivor’.

ABBREVIATIONS

Association of Southeast Asian Nations	ASEAN	Department of Social Services	DSS
Attorney-General’s Department	AGD	Human Trafficking Visa Framework	HTVF
Australia-Asia Program to Combat Trafficking in Persons	AAPTIP	Fair Work Ombudsman	FWO
Australian Border Force	ABF	Interdepartmental Committee on Human Trafficking and Slavery	IDC
Australian Criminal Intelligence Commission	ACIC	International Labour Organization	ILO
Australian Federal Police	AFP	International Organization for Migration	IOM
Australian Institute of Criminology	AIC	Joint Standing Committee on Foreign Affairs, Defence and Trade	JSCFADT
Bridging F visa	BVF	Non-government organisation	NGO
Commonwealth Director of Public Prosecutions	CDPP	Operational Working Group on Human Trafficking and Slavery	OWG
Criminal Justice Stay visa	CJSV	Referred Stay (Permanent) visa	RSV
Department of Foreign Affairs and Trade	DFAT	Support for Trafficked People Program	STPP
Department of Immigration and Border Protection	DIBP	United Nations Office on Drugs and Crime	UNODC
Department of Home Affairs	Home Affairs	United Nations General Assembly	UNGA

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EXECUTIVE SUMMARY

The Australian Government (the Government) has reported on the outcomes under Australia's strategy to combat human trafficking and slavery since 2009, when it tabled the first report of the Interdepartmental Committee on Human Trafficking and Slavery (IDC) in the Australian Parliament. This first report covered the period from January 2004 to 30 April 2009, the second report from 1 May 2009 to 30 June 2010 and successive reports have covered subsequent years until 30 June 2017.¹ This is the tenth report of the IDC, which covers the period 1 July 2017 to 30 June 2020 (2017-20).

This report details the Government's efforts to combat human trafficking and slavery under the *National Action Plan to Combat Human Trafficking and Slavery 2015-19* and is supported by the Australian Institute of Criminology (AIC) review of this National Action Plan.² The IDC has oversight of the National Action Plan.

During 2017-20, the Government responded to a significant increase in the number of suspected human trafficking and slavery cases identified in Australia. The Australian Federal Police (AFP) received 605 new reports relating to human trafficking and slavery, taking the total to 1,446 since 2004, and the Commonwealth Director of Public Prosecutions (CDPP) conducted a total of 63 prosecutions. As at 30 June 2020, 18 human trafficking and slavery-related matters were ongoing or before the court.

The Government continued to support and protect victims through its Support for Trafficked People Program (STPP) and the Human Trafficking Visa Framework (HTVF). As at 30 June 2020, a total of 546 clients received specialised support via the STPP since its establishment in 2004, with 98 clients supported in 2017-18, 149 in 2018-19, and 188 in 2019-20. The majority of referrals to the STPP during the reporting period related to forced marriage and labour exploitation. Through the HTVF, the Department of Home Affairs (Home Affairs, formerly the Department of Immigration and Border Protection, DIBP) granted a total of 119 visas to suspected victims of human trafficking and slavery between 1 July 2017 and 30 June 2020.

Australia reinforced its international leadership role in combating modern slavery in supply chains with the Government's passage of the landmark *Modern Slavery Act 2018* (the Act). The Act requires an estimated 3,000 entities to prepare annual modern slavery statements detailing their efforts to assess and address modern slavery risks in their global operations and supply chains. The Government's dedicated Modern Slavery Business Engagement Unit has undertaken extensive engagement with businesses and industry bodies to support reporting entities in meeting their obligations under the legislation. On 18 June 2020, the Government also tabled its own first annual report in Parliament on the implementation of the Act.

During the reporting period, the Government and civil society continued to work collaboratively to combat human trafficking and slavery, including through the National Roundtable on Human Trafficking and Slavery (National Roundtable). Since 2008, the Government has committed more than \$6.2 million in grant funding to support specialist non-government organisations (NGOs) in their efforts to provide services to victims and survivors, and conduct human trafficking and slavery education and awareness-raising initiatives. In June 2018, Anti-Slavery Australia hosted Australia's Inaugural Forced Marriage Conference with the support of Government grant funding. The conference provided an opportunity for service providers, government, academics and community to examine promising practices and developments in preventing forced marriage.

1 Department of Home Affairs, People Smuggling and Human Trafficking [www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/people-smuggling-human-trafficking/human-trafficking], 2020, accessed March 2021.

2 Lyneham S and Voce, I 2019. *Review of the National Action Plan to Combat Human Trafficking and Slavery 2015-2019*. Research Report no. 17. Canberra: Australian Institute of Criminology. https://www.aic.gov.au/sites/default/files/2020-08/r17_review_national_action_plan_to_combat_human_trafficking_and_slavery_2015-19_1.pdf

Combating labour exploitation remained a key focus during the reporting period and the Government took significant action to address migrant worker exploitation, including in response to the recommendations of the Migrant Workers' Taskforce report published in March 2019. Activities included boosting penalties under migration, workplace, superannuation and taxation laws, cracking down on the black economy and illegal phoenixing, and tackling serious forms of exploitation through Taskforce Cadena and Operation Battenrun. The Government also increased measures to ensure visa holders have the information they need to understand their workplace rights and implemented an Assurance Protocol between Home Affairs and the Fair Work Ombudsman (FWO) in 2017 to encourage migrant workers to report workplace exploitation.

Australia continued work with regional and international partners to combat human trafficking and slavery. Australia and Indonesia, as co-chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, launched the Bali Process Government and Business Forum in 2017 to bring together business and government. This new initiative, which was endorsed at the 2018 Bali Process Ministerial Conference, brings together business leaders and governments from the Indo-Pacific region to consider ways to prevent and combat human trafficking, forced labour and modern slavery. Australia furthered its strong history of development cooperation to support the regional response to human trafficking and slavery, launching its new ten-year \$A80 million ASEAN-Australia Counter-Trafficking initiative (ASEAN-ACT) in August 2019 and delivering peer-to-peer technical assistance and capacity building through the *Indo-Pacific Justice and Security Program*. Australia also advocated for the promotion and protection of human rights in regional and international fora, including making statements on human trafficking and slavery at sessions of the United Nations Human Rights Council and General Assembly, and co-sponsoring related resolutions.

The Government made submissions to and appeared before the Senate Standing Committee on Legal and Constitutional Affairs' Inquiry into the practice of dowry and the incidence of dowry abuse in Australia, and made submissions to the Joint Standing Committee on Foreign Affairs, Defence and Trade's (JSCFADT) Inquiry into Human Organ Trafficking and Organ Transplant Tourism. The Government also prepared comprehensive responses to the Parliamentary Joint Committee on Law Enforcement report *An inquiry into human trafficking, slavery and slavery-like practices* and the JSCFADT report *Hidden in Plain Sight: An Inquiry into establishing a Modern Slavery Act in Australia*.

In March 2020, the Government responded to new and heightened risks of human trafficking and slavery caused by the onset of the COVID-19 pandemic, instituting a range of measures to support victims, adapt investigation and prosecution processes, and provide guidance to frontline officials, community organisations, businesses and employees. In particular, the Government provided \$2.7 million (2019-21) in additional funding to the STPP and established a dedicated COVID-19 hotline to respond to businesses and employees impacted by the pandemic.

During the next reporting period, the Government will focus on implementing the new *National Action Plan to Combat Modern Slavery 2020-25* through its five strategic priorities: prevent; disrupt, investigate and prosecute; support and protect; partner; and research. This will include establishing a new grant program to fund projects and research to combat modern slavery; working with businesses to support the implementation of the Modern Slavery Act; developing a model for enhanced civil protection and remedies for individuals in, or at risk of, forced marriage; and funding and delivering overseas capacity building activities and strong international engagement to combat human trafficking and slavery in the region and beyond.

KEY OUTCOMES

Established a dedicated
COVID-19 hotline



Introduced the
Modern Slavery Act
2018 (Cth)



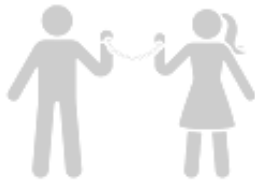
Established Modern
Slavery Expert
Advisory Group



Allocated almost
\$1.4 million in funding
to eight specialist civil
society organisations



Provided \$500,000
for a trial to improve
access to longer term
support for victims of
forced marriage



Explicitly criminalised
all marriages involving
children under the
age of 16



Committed \$750,000 to
establish a home for
those in or at risk of
forced marriage



Held inaugural Forced
Marriage Conference



Continued to bolster international engagement and capacity building
to support regional neighbours in their response to human trafficking
and slavery



1. RESPONSE TO COVID-19

New and heightened risks of human trafficking and slavery

The COVID-19 pandemic created new and heightened risks of human trafficking and modern slavery in Australia. The pandemic's impact and corresponding public health measures increased the isolation of individuals in or at risk of human trafficking and modern slavery, particularly forced marriage. It also increased the vulnerability of workers to labour exploitation due to loss of work and income, reduced access to avenues for reporting human trafficking and slavery crimes in the community, and presented challenges in repatriating victims of human trafficking and modern slavery crimes seeking to return to their home countries.

During the reporting period, the Government responded with a range of measures to address the human trafficking and modern slavery risks arising from COVID-19 in Australia, including:

- Increased funding to provide flexible support to victims of human trafficking and modern slavery in Australia.
 - The STPP received \$2.7 million in additional funding (comprising \$0.875m in 2019-20 and \$1.825m in 2020-21) and Anti-Slavery Australia received \$0.4 million in 2020-21 as part of the Coronavirus Domestic Violence Support Package announced on 29 March 2020.
- More flexible visa arrangements for foreign nationals unable to return home, enabling them to remain in Australia lawfully.
- Adapted procedures and processes to ensure human trafficking and slavery crimes continued to be investigated and prosecuted, and that victims continued to receive appropriate support and protection.
- Training for consular staff in the Department of Foreign Affairs and Trade (DFAT) which included a specific session on forced marriage and detailed discussions on reporting obligations in relation to extraterritorial offences. DFAT's Smartraveller website contains specific information to prevent potential forced marriage victims departing Australia, and how to obtain assistance if already overseas. Smartraveller also includes referral pathways to the AFP.
- Clear guidance documents for community organisations, frontline officials and businesses to help manage and respond to human trafficking and slavery risks arising from COVID-19, such as:
 - guidance on measures to adapt processes for investigating and prosecuting human trafficking and slavery crimes and provide support and protection to victims
 - guidance for businesses on how to mitigate modern slavery risks arising from COVID-19 in their operations and supply chains,
 - guidance for businesses and employees on their working rights and on resolving workplace issues during COVID-19
- A dedicated FWO coronavirus hotline and sub-site to assist businesses and employees impacted by the pandemic.

Australia's international engagement also responded to COVID-19. The Bali Process Senior Officials and working groups met virtually, while the Government and Business Forum convened online consultations with the finance and fisheries sectors. The important practical cooperation delivered by the Bali Process Regional Support Office also continued.

Australia's development cooperation pivoted in response to COVID-19, in line with the *Partnerships for Recovery: Australia's COVID-19 Development Response* strategy. Both ASEAN-ACT and TRIANGLE distributed personal protective equipment to enable continued frontline assistance, and supported analysis to inform regional responses. ASEAN-ACT also helped partners adapt to virtual platforms to allow essential counter trafficking activities to continue. TRIANGLE worked with partners to distribute emergency support – including food and hygiene articles – as well as information to migrant workers adversely affected by the pandemic.

2. COMBATING MODERN SLAVERY IN SUPPLY CHAINS

Introduction of the Modern Slavery Act 2018 (Cth)

Australia's landmark *Modern Slavery Act 2018* (the Act) passed on 29 November 2018 and entered into force on 1 January 2019, establishing a world-leading supply chain transparency framework. The Act drives public accountability of business actions to identify and address modern slavery in global supply chains by requiring an estimated 3,000 entities based or operating in Australia to prepare annual statements that report on the risks of modern slavery in their supply chains and operations.

In January 2019, the Government established a specialist Modern Slavery Business Engagement Unit (the Unit) to oversee the Act and work with business and civil society to support understanding of and compliance with the Act, including by providing detailed and practical guidance to reporting entities. In June 2019, the Unit hosted a two-day international Modern Slavery Conference for over 400 delegates from 18 countries; the first conference of its kind in Australia. The Unit has also participated in over 70 awareness-raising events and industry forums across Australia, delivered workshops in Perth, Hobart and Melbourne for approximately 200 businesses and responded to over 500 direct requests for assistance from individual entities.

Modern Slavery Expert Advisory Group

In May 2020, the Assistant Minister for Customs, Community Safety and Multicultural Affairs established a Modern Slavery Expert Advisory Group (Advisory Group) to provide strategic advice to Government on the implementation of the Act. Advisory Group members include experts from business, academia, and specialist NGOs, as well as peak bodies. The Advisory Group first met in June 2020 and will continue to meet approximately four times each year.

Online Modern Slavery Statements Register

During the reporting period, the Government developed an Online Register for Modern Slavery Statements, launched in July 2020, to maximise transparency and ensure entities are publicly accountable for their actions to identify and address modern slavery.

Commonwealth Modern Slavery Statement

In a world-first, the Act includes a legislative commitment for the Government to publish an annual Commonwealth Modern Slavery Statement covering Australian Commonwealth procurement and investment activities. This initiative highlights the Government's commitment to leading by example in the fight against modern slavery in the supply chains of Australia's goods and services. During the reporting period, the Government commenced preparation of its first Commonwealth Modern Slavery Statement, to be published at the end of 2020.

3. CIVIL SOCIETY PARTNERSHIPS

Civil society organisations play an important role in identifying and supporting victims of human trafficking and slavery, as well as raising awareness of all forms of exploitation in Australia. Since 2008, the Government has committed more than \$6.2 million to support the delivery of this vital community-based work.

Over 2017-20, this included the allocation of almost \$1.4 million in grant funding to eight specialist civil society organisations to increase awareness and build capacity amongst vulnerable groups, service providers, businesses, and the broader Australian community to combat human trafficking and slavery.

Over 2019-20, four grants of \$99,500 each were awarded to:

- Anti-Slavery Australia – to introduce a national anti-slavery network to strengthen collaboration and coordination of anti-slavery activities across Australia;
- Australian Red Cross – to target settlement organisations across New South Wales and the Australian Capital Territory to raise awareness of labour exploitation and build the capacity of these organisations to address exploitation in migrant communities;
- Global Compact Network Australia – to support implementation of the *Modern Slavery Act 2018* by equipping business with the skills to set up grievance mechanisms in their company and report on their remediation processes when addressing modern slavery; and
- Catholic Archdiocese of Sydney – to target instances of modern slavery in the Australian construction sector through a consortium-backed cyber solution, Whispli.

Over 2018-19, four grants of \$125,000 each were awarded to:

- Anti-Slavery Australia – to build the capacity of grassroots community organisations and at-risk sectors that were not engaged in modern slavery prevention or intervention efforts;
- Australian Muslim Women’s Centre for Human Rights – to address the root causes of early and forced marriage through a multifaceted prevention and intervention approach that targeted young Muslim girls, young Muslim boys, Muslim community leaders and community workers;
- Australian Red Cross – to empower and build the resilience of migrants and communities in regional areas to respond to modern slavery; and
- Stop the Traffik – to build greater awareness and understanding of modern slavery practices in Australia, in particular to support the effective implementation of the *Modern Slavery Act 2018*.

Over 2017-18, four grants of \$125,000 each were awarded to:

- Anti-Slavery Australia – to maintain and improve www.mybluesky.org.au, Australia’s first Government-funded website dedicated to preventing and addressing forced marriage;
- Australian Catholic Religious Against Trafficking in Humans – to raise awareness of forced marriage, reduce the prevalence of labour exploitation and prevent re-trafficking of women;
- Australian Muslim Women’s Centre for Human Rights – to address the socio-cultural root causes of early and forced marriage in the Muslim community in Victoria, Australia; and
- The Salvation Army Freedom Partnership to End Modern Slavery – to prevent and deter human trafficking and slavery through community mapping and assessment, building locally-based networks, developing a community capacity-building toolkit, and educating vulnerable migrant workers, first responder and employers.

4. STRENGTHENED RESPONSE TO FORCED MARRIAGE

Forced marriage is a slavery-like practice, a form of gender-based violence and an abuse of human rights. A forced marriage occurs when a person gets married without freely and fully consenting, because they have been coerced, threatened or deceived, or because they are incapable of understanding the nature and effect of a marriage ceremony, for reasons including age or mental capacity.

During the reporting period, the Government implemented a program of initiatives to strengthen its response to forced marriage in Australia. Key outcomes from these initiatives include:

- Expanding the STPP by providing \$500,000 for a 12-month trial to improve forced marriage victims' access to longer-term support. The trial afforded people in, or at risk of, forced marriage automatic eligibility to access up to 200 days of support, without being required to participate in a criminal investigation or prosecution against their alleged perpetrators. In December 2019, the Government announced this additional support would be integrated as an ongoing stream under the STPP.
- Strengthening Australia's forced marriage offences to explicitly criminalise all marriages involving children under the age of 16 years through the passage of the *Combatting Child Sexual Exploitation Legislation Amendment Act 2019*.
- Piloting 'Operation Skywarp', a forced marriage awareness raising and prevention campaign at Sydney International Airport. The trial raised awareness of indicators that a person might be a victim of forced marriage and encouraged victims or individuals at risk of forced marriage to contact the authorities.
- Committing \$750,000 in funding to establish a home for young women and girls who are in, or at risk of, forced marriage. The home provides safe accommodation with wrap-around therapeutic support. The home in Victoria was opened in May 2018 and is run by the Lighthouse Foundation.
- Funding Australia's inaugural Forced Marriage Conference held in June 2018. The two day conference hosted by Anti-Slavery Australia provided an opportunity for service providers, government, academics and community to examine promising practices and developments in preventing forced marriage.
- Publishing research on forced marriage victimisation in Australia and New Zealand. The research report, titled 'When saying no is not an option: Forced marriage in Australia and New Zealand' was published in 2018 by the Australian Institute of Criminology.

5. INTERNATIONAL ENGAGEMENT AND CAPACITY BUILDING

Promoting an effective and coordinated response to human trafficking and slavery remained a priority during the reporting period. Australia continued its role as co-chair of both the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, and its Working Group on Trafficking in Persons, further invested in development cooperation programs, and maintained strong working relationships with regional law and justice agencies to support practical improvements to legal and policy frameworks.

Key outcomes over 2017-20 include:

- Supporting the launch of the Bali Process Government and Business Forum (GABF) in 2017 to bring together business and government to raise awareness and engage on human trafficking and slavery.
 - In 2018, the GABF adopted the AAA recommendations (Acknowledge, Act, Advance) focused on eliminating human trafficking and forced labour from supply chains; promoting ethical recruitment practices; and safeguards and worker redress mechanisms.
- Delivering through the Bali Process Regional Support Office, capacity building training, policy guides and thematic papers, and promoting best practice among Bali Process members to improve aspects of migration management, responses to trafficking in persons and related transnational crime.
- Building on the 15 years of programming in support of ASEAN's Convention on Trafficking in Persons, with the launch of the new ten-year \$A80 million ASEAN-Australia Counter-Trafficking initiative (ASEAN-ACT) in August 2019, which focuses on supporting Association of South East Asian Nations (ASEAN) Member States to have effective justice systems that provide just punishment of traffickers and protect the rights of victims.
- Delivering a range of training, capacity building and technical assistance through the aid-funded Indo-Pacific Justice and Security Program, such as:
 - Working with Vietnamese officials to implement newly passed human trafficking legal instruments, including, hosting nine senior Vietnamese officials for the inaugural Vietnam-Australia Dialogue on Victim Support in Human Trafficking Cases in February 2020 and providing technical advice on draft amendments to the legal instrument.
 - Co-delivering with the Maldives Government a Bali Process Workshop on Following the Money in Human Trafficking Cases for agencies including the Maldives Financial Intelligence Unit, Police, Customs, and the National Anti-Human Trafficking Committee.
 - Converting a series of human trafficking and slavery policy guides into e-learning modules to ensure Bali Process members can continue to receive training and support during global COVID-19 restrictions.
 - Working with Fiji's Ministry of National Security to conduct a review of, and progress amendments to, strengthen Fiji's legislation to combat human trafficking and slavery crimes, and to continue work to strengthen Fiji's National Strategy and National Action Plan to Combat Modern Slavery.
 - Commencing the development of the *Compendium of Good Practice Examples to Combat Exploitation in Supply Chains* in consultation with members of the Bali Process Trafficking in Person Working Group, a practical resource for policy practitioners in the region who are looking to strengthen their country's response to supply chain exploitation.

THE GOVERNMENT RESPONSE TO HUMAN TRAFFICKING AND SLAVERY

CONTEXT

Human trafficking is the physical movement of people across or within borders through coercion, threat or deception for the purpose of exploiting 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. This means that any child who has been physically moved for the purpose of exploitation has been trafficked. This includes moving children for the purposes 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.

Human trafficking is inherently different in nature to people smuggling, which is the organised, irregular movement of people across international borders, usually on a payment-for-service basis with the victim's consent, and does not involve the ongoing exploitation of the victim by the offender. However, despite legal differences, human trafficking and people smuggling may intersect in practice, with irregular migrants vulnerable to trafficking for exploitation on arrival at their destination.

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 involve exploitation so serious that it is considered similar to slavery, and include servitude, forced labour, deceptive recruiting for labour and services, debt bondage and forced marriage.

Together, human trafficking, slavery and slavery-like practices represent grave violations of human rights involving the manipulation of complex relationships between an offender and a victim, which undermine a victim's personal freedom and ability to make choices for themselves.

Displacement and migration due to conflict, poverty or other drivers continue to increase the number of individuals at risk of human trafficking and slavery in our region and exploitation in global supply chains. The 2017 Global Estimates of Modern Slavery³ estimated that there were 40.3 million victims of modern slavery in 2016, of which 24.9 million people were in forced labour and 15.4 million were people living in a forced marriage. Modern slavery disproportionately affect women and girls, who accounted for 71 percent of modern slavery victims according to the 2017 estimates. Unequal access to education and economic autonomy limit the ability of women and girls to make choices in their lives and increases their vulnerability to modern slavery crimes such as forced marriage and certain forms of exploitation, including sexual exploitation.

³ International Labour Organisation, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, http://www.ilo.org/global/publications/books/WCMS_575479/lang-en/index.htm, 2017, accessed March 2021.

Human trafficking and slavery in Australia

While Australia's geographic isolation, strong migration controls, and robust criminal justice system response serve to deter human trafficking and slavery. Australia is not immune from these serious crimes.

In February 2019, the Government released a report⁴ estimating the prevalence of human trafficking and slavery in Australia. The report estimates there were between 1,300 and 1,900 victims of human trafficking and slavery (including forced labour and servitude) between 2015-16 and 2016-17. It also estimates that for every victim detected by authorities, four victims go undetected.

Although historically a significant proportion of trafficked people identified by Australian authorities have been women from Asia who have been exploited within the sex industry, during the reporting period only 15% of the total human trafficking and slavery reports to the AFP related to sexual exploitation. Confirming that Australia is also a source country for human trafficking and slavery, the biggest category of reports received by the AFP during the reporting period were those that related to forced marriage, representing almost 41% of total reports received between 2017-20.

Throughout the reporting period, Australia maintained its Tier 1 rank in the annual US Trafficking in Persons Report, reflecting 17 years of international recognition of Australia's strong response to human trafficking and slavery.

NATIONAL ACTION PLAN

The Government's *National Action Plan to Combat Human Trafficking and Slavery 2015-19* guided Australia's response to human trafficking and slavery during the reporting period. The National Action Plan set the strategic framework and key objectives for Australia's response to these crimes and included key areas of focus and action items for Government. The National Action Plan was based on four central pillars: prevention and deterrence; detection and investigation; prosecution and compliance; and victim support and protection, addressing the full cycle of human trafficking and slavery from recruitment to reintegration, and giving equal weight to prevention, enforcement and victim support.

During the reporting period, the Government undertook an extensive consultation process to inform the development of the *National Action Plan to Combat Modern Slavery 2020-25*, to be launched in December 2020.

In December 2019, the Government released a public consultation paper that received 47 written submissions.⁵ Between March and June 2020, the ABF held 27 targeted consultation workshops with 44 civil society organisations, international organisations, businesses, academics and unions.

International Strategy to Combat Human Trafficking and Slavery

DFAT is developing Australia's next *International Engagement Strategy on Human Trafficking and Modern Slavery*. The strategy will provide a comprehensive framework to inform Australia's international efforts to address human trafficking and slavery. It will build on and complement the *National Action Plan to Combat Modern Slavery 2020-25*.

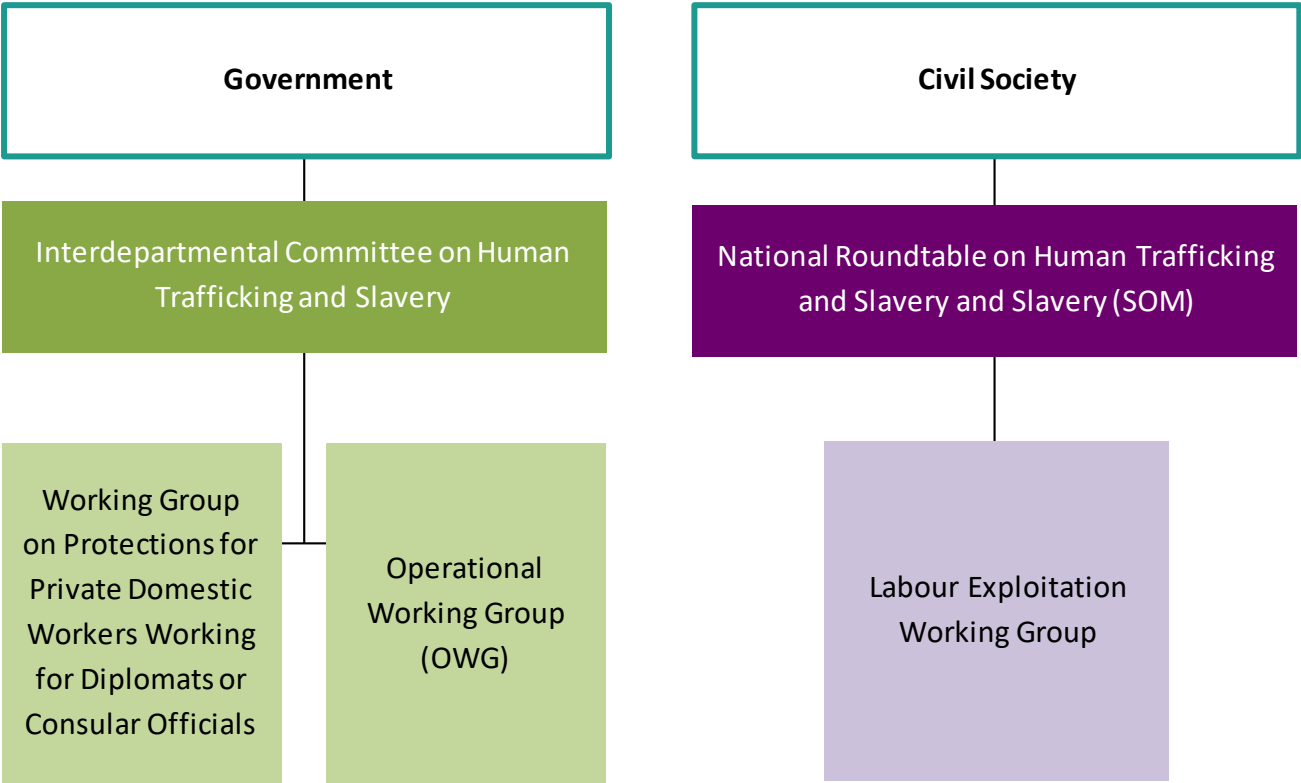
⁴ Lyneham S, Dowling C & Bricknell S 2019. Estimating the dark figure of human trafficking and slavery victimisation in Australia. Statistical Bulletin no. 16. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/sb/sb16>

⁵ These submissions are available at <https://www.homeaffairs.gov.au/reports-and-publications/submissions-and-discussion-papers/combat-modern-slavery-2020-25>

Australian Government's Consultative Forum

National Action Plan to Combat Human Trafficking and Slavery 2015-19

The strategic framework for Australia’s whole-of-government response to human trafficking and slavery. Complemented by the current *International Strategy to Combat Human Trafficking and Slavery*.



INTERDEPARTMENTAL COMMITTEE ON HUMAN TRAFFICKING AND SLAVERY

The IDC is responsible for overseeing Australia's strategy to combat human trafficking and slavery, which includes implementation of the *National Action Plan to Combat Human Trafficking and Slavery 2015-19* during the reporting period and the *National Action Plan to Combat Modern Slavery 2020-25* going forward. The IDC is responsible for monitoring implementation, reporting to the Government on its effectiveness, and ensuring emerging issues are addressed on a whole-of-government basis. The IDC is chaired by the ABF (previously the Attorney-General's Department) and during the reporting period comprised of the following agencies:

- Attorney-General's Department (AGD)
- Australian Border Force (ABF)
- Australian Criminal Intelligence Commission (ACIC)
- Australian Federal Police (AFP)
- Australian Institute of Criminology (AIC)
- Commonwealth Director of Public Prosecutions (CDPP)
- Department of Education, Skills and Employment (previously the Department of Employment, Skills, Small and Family Business) (DESE)
- Department of Foreign Affairs and Trade (DFAT)
- Department of Home Affairs (Home Affairs) (previously DIBP)
- Department of the Prime Minister and Cabinet (PM&C)
- Department of Social Services (DSS)
- Fair Work Ombudsman (FWO)

WORKING GROUPS

1. Operational Working Group

The Operational Working Group (OWG) operates as a subcommittee of the IDC to resolve systemic operational issues that arise in the management of individual cases. The ABF chairs the OWG, with membership from the AFP, CDPP, Home Affairs and DSS. The OWG meets on a six-weekly basis and has an important role in considering and referring emerging policy issues for the IDC's consideration.

Key policy issues under OWG consideration during this reporting period included:

- impacts of COVID-19 on victims of human trafficking and slavery,
- protections for children on the STPP; and
- impediments to successful prosecutions in forced marriage cases.

2. Labour Exploitation Working Group

The Labour Exploitation Working Group (LEWG) was established under the National Roundtable on Human Trafficking and Slavery (National Roundtable) in August 2016 to report to Government on ways to strengthen Australia's response to criminal forms of labour exploitation. The LEWG comprised 11 civil society organisations and seven government agencies and was chaired by Fiona McLeod SC. The LEWG provided its report to Government in August 2018. The report made 27 recommendations to Government, largely focusing on measures to improve employer conduct, raise awareness and deliver training, fund and facilitate research, improve victim support, and initiate legislative policy reform. During the reporting period, the ABF coordinated and led development of the Government's response to the report for consideration by relevant Ministers.

3. Supply Chain Working Group

The Supply Chains Working Group was established in 2014 to examine ways to address serious forms of labour exploitation in the supply chains of goods and services. The working group comprised experts from government, business, industry, civil society, unions and academia. The Working Group finalised its work program in December 2015 and reported to the Government in early 2016, after which the Government committed to further strengthening its response to human trafficking and slavery through a number of measures implemented during the reporting period, including developing awareness-raising materials for business and further considering the feasibility of a model for large businesses in Australia to publicly report on their actions to address supply chain exploitation. The Government subsequently passed the *Modern Slavery Act 2018* and established the Modern Slavery Business Engagement Unit. See 'Supply Chains and Transparency Framework' for further information.

4. Working Group on the Protection of Private Domestic Workers working for Diplomats or Consular officials.

The Working Group on the Protection of Private Domestic Workers working for Diplomats or Consular officials was established under the National Roundtable on Human Trafficking and Slavery in March 2014. The Working Group included DFAT, Home Affairs, AGD and the Department of Employment. The Working Group implemented a range of initiatives to increase protections for, and reduce the vulnerability of, foreign domestic workers employed by foreign diplomats in Australia. The last meeting of the group was in 2018 following the introduction of significant reforms to the program.

Migrant Workers Interagency Group

The Migrant Workers Interagency Group (MWIAG) was convened in 2019 to oversee whole of government implementation of recommendations made by the Migrant Workers' Taskforce. AGD chairs the MWIAG, and members include FWO, Home Affairs, Employment, DFAT, ABF and the Australian Tax Office.

The Migrant Workers' Taskforce was established in 2016 to identify options to better address workplace exploitation of migrants on temporary work visas. Taskforce members included the then Department of Jobs and Small Business, FWO, Home Affairs, ABF, AGD, the then Department of Education and Training, the ATO, the Australian Competition and Consumer Commission, the Australian Securities and Investment Commission and the then Department of Agriculture and Water Resources. In April 2018, the Taskforce was extended until 30 September 2018.

The Taskforce consulted widely, including holding two Stakeholder Roundtables in July 2017, to hear directly from stakeholders on suitable policy responses and remedies to address the exploitation of migrant workers.

The *Report of the Migrant Workers' Taskforce* (Report) and Government response were released on 7 March 2019. The Government accepted in-principle all 22 recommendations made by the Taskforce. During the reporting period, the Government made substantial progress to implement the Taskforce's recommendations, including:

- Over \$100 million in new funding for the FWO, including \$10.8 million for protecting vulnerable workers to enhance the FWO's capacity to conduct investigations into underpayment and related issues, and deliver information and education activities.
- Committing to introduce criminal sanctions for the most serious forms of exploitative workplace conduct under the *Fair Work Act 2009* (Cth).
- Examining, and consulting on, the level and scale of penalties and enforcement tools available to the FWO.
- Consulting stakeholders, including state governments, peak industry organisations and unions, on a national labour hire regulation.
- Extending and enhancing education and information initiatives aimed at migrant workers.
- Providing resources on workplace rights for international students and education providers on the Study in Australia website.

NATIONAL ROUNDTABLE

The National Roundtable on Human Trafficking and Slavery (National Roundtable) is the peak consultative mechanism supporting engagement and collaborative efforts between Government and civil society. Convened annually at ministerial-level since 2008, the Roundtable has also been supported by a supplementary Senior Officials' Meeting convened annually since 2010.

Ministerial Meetings of the National Roundtable 2017-20

During the reporting period, the Government convened two ministerial-level meetings of the National Roundtable taking place at Australian Parliament House in Canberra on 16 August 2018 and 4 December 2019. Key issues discussed at these meetings included:

- the passage of the Modern Slavery Bill 2018,
- the Government's work to implement the *Modern Slavery Act 2018*,
- the Labour Exploitation Working Group's final report in 2018,
- support for victims through the STPP,
- refining the Government's response to forced marriage,
- the Government's ongoing commitment to international engagement and capacity building in the region, and
- development of the National Action Plan to Combat Modern Slavery 2020-25.



Former Foreign Minister, the Hon Julie Bishop MP, addressing the National Roundtable in August 2018



Attendees of the 2018 Ministerial National Roundtable at Australian Parliament House in Canberra



Assistant Minister for Customs, Community Safety and Multicultural Affairs, the Hon Jason Wood MP, and Foreign Minister and Minister for Women, Senator the Hon Marise Payne, at the National Roundtable in December 2019



Attendees of the 2019 Ministerial National Roundtable at Australian Parliament House in Canberra

Senior Officials' Meetings of the National Roundtable 2017-20

During the reporting period, the Government convened three Senior Officials' Meetings of the National Roundtable, taking place on 30 August 2017, 21 November 2018, and 26 September 2019. The Senior Officials' Meetings featured updates from Government agencies, opportunities for discussion on key topics amongst members, and sharing of key initiatives and ways forward to collaboratively address human trafficking and slavery.



The Hon Jason Wood MP and ABF Group Manager Customs, Dr Bradley Armstrong PSM, launching the Government's Modern Slavery Act Guidance at the Senior Officials' Meeting of the National Roundtable in September 2019



Attendees at the 2019 Senior Officials' Meeting of the National Roundtable in Melbourne

National Roundtable members as at 30 June 2020 are set out in the lists below.

Government Members:

- Attorney-General's Department
- Australian Border Force
- Australian Criminal Intelligence Commission
- Australian Federal Police
- Australian Human Rights Commission
- Australian Institute of Criminology
- Commonwealth Director of Public Prosecutions
- Department of Foreign Affairs and Trade
- Department of Home Affairs
- Department of the Prime Minister and Cabinet
- Department of Social Services
- Fair Work Ombudsman

Non-Government Members:

- Anti-Slavery Australia
- Australian Catholic Religious Against Trafficking in Humans
- Australian Chamber of Commerce and Industry
- Australian Council of Trade Unions
- Australian Muslim Women's Centre for Human Rights
- Australian Red Cross
- Hagar Australia
- International Organisation for Migration
- Law Council of Australia
- Project Respect
- Salvation Army
- Scarlet Alliance
- Uniting Church in Australia
- Walk Free

Further information on non-Government members can be found at Appendix A.

FRAMEWORKS

CRIMINAL JUSTICE FRAMEWORK

Australia comprehensively criminalises human trafficking, slavery and slavery-like practices. These offences are set out in Divisions 270 and 271 of the *Criminal Code*.⁶

Division 270 of the *Criminal Code* criminalises slavery, which is defined as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. 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.

Division 270 also criminalises slavery-like practices, including 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. Forced marriage is considered a slavery-like practice under Division 270, and applies where one or both parties do not fully and freely consent to the marriage because of coercion, threat or deception, or where one or both parties are incapable of understanding the nature and effect of a marriage ceremony, including for reasons such as age or mental capacity (see below).

The slavery-like offences in Division 270 have extended geographic jurisdiction, and can apply where the conduct occurred in Australia, or where the conduct occurred outside Australia but the offender was an Australian corporation, citizen or resident. None of the offences in Division 270 require the victim to be moved across country or within states.

Division 271 of the Criminal Code contains specific offences for trafficking in persons, fulfilling Australia's obligations under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. These offences cover trafficking in all its forms, including trafficking in children, organ trafficking, harbouring a victim and debt bondage. A list of Criminal Code provisions relating to human trafficking, slavery and slavery-like practices can be found at Appendix B.

Relevant legislative amendments

Debt Bondage

The *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018* (Cth) came into force on 10 May 2018. The Act strengthened Australia's human trafficking and slavery-related offences by amending the Criminal Code to expand the definition of debt bondage to specifically cover the condition of a person whose personal services are pledged by another person, as security for the other person's debt.

⁶ The Criminal Code is available online at <https://www.legislation.gov.au>. The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 entered into force on 8 March 2013. Among other things, the Act amended the Criminal Code to broaden the existing offences of sexual servitude and deceptive recruiting for sexual services to apply irrespective of the industry of exploitation. The Act also introduced new offences of forced marriage and harbouring a victim and standalone offences of forced labour and organ trafficking, changing some of the section numbers of existing provisions. For this reason, where a Criminal Code provision is referenced in relation to a particular matter, the report specifies whether the section numbers referenced are as they appeared before or after the 2013 legislative amendments.

Child Abuse and Exploitation

Under the *Criminal Code Act 1995* (Cth), Australia comprehensively criminalises child sex offences both overseas and online, including sexual activity with a child, grooming a child, procuring a child for sexual activity and other preparatory conduct and dealings with child abuse material. The *Customs Act 1901* and relevant regulations prohibit the importation and exportation of child abuse material, including child-like sex dolls. Australia has also introduced recent reforms to further strengthen our legislative frameworks and address difficulties Government agencies are facing in investigating and prosecuting child sexual abuse-related conduct.

The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* (Cth) came into force in September 2019, introducing a suite of child protection measures including to:

- expand the definition of forced marriage to explicitly include all marriages involving children under the age of 16
- strengthen offences for persistent child sexual abuse overseas, by lowering the minimum number of occasions of abuse the prosecution must prove from three to two
- remove the defence to overseas child sex offences based on the existence of a valid and genuine marriage between the defendant and a child under 16
- explicitly criminalise certain dealings with child-like sex dolls, including possession
- insert a new offence for possessing child abuse material sourced using a carriage service, and
- make terminology changes to remove references to the out-dated term ‘child pornography’ material.

The *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* came into force in June 2020, introducing:

- a new offence for conduct relating to an electronic service – such as creating or moderating a website or chatroom – for the purposes of committing or facilitating the commission of child abuse material offences
- new offences for grooming a third party, such as a parent or carer, in order to make it easier to procure a child for sexual activity
- new aggravated offences for sexual activity with a child overseas or via a carriage service where the child is subjected to cruel, inhuman or degrading treatment, or dies as a result of the abuse.
- Increased maximum penalties for a number of child sexual abuse offences, and the introduction of mandatory minimum sentences for the most serious Commonwealth child sexual abuse offences and repeat offenders.

These reforms ensure Australia’s legislative frameworks for child sexual abuse are adapted to the modern offending environment, equip police and prosecutors with the tools they need to combat these horrific crimes and reflect the enduring harm caused to children.

Vulnerable Witnesses Protections

The *Crimes Act 1914* (Cth) provides a range of protections for vulnerable witnesses giving evidence in Commonwealth criminal proceedings, including victims of human trafficking and slavery. These protections allow victims to give evidence by closed-circuit television, have their contact with the defendant or members of the public limited, and have a support person with them while they give evidence.

The *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* (Cth) amended the *Crimes Act 1914* to further strengthen protections for vulnerable persons giving evidence, including evidence of child and adult victims of human trafficking and slavery and special witnesses. The reforms, which came into effect on 20 July 2020, preserve the rights of the accused while seeking to avoid the re-traumatisation of victims.

Labour Laws

The Fair Work Act and the *Fair Work Regulations 2009*, along with other workplace laws, provide a safety net of minimum entitlements, enable flexible working arrangements and fairness at work and prevent discrimination against employees.

The Fair Work Act applies to all employees engaged in the national workplace relations system⁷, including migrant workers.

In recognition that the exploitation of vulnerable workers is a serious issue in Australia, the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017* came into force on 15 September 2017, increasing penalties for breaches of specific workplace laws and providing the FWO with increased powers and penalties to deal with non-compliance with workplace laws. These include new maximum penalties for 'serious contraventions' and clarifying the prohibition of employers unreasonably requiring employees to make payments.

⁷ The national workplace relations system is a collection of legislation that applies to most employees and employers in Australia. It includes the Fair Work Act 2009, the National Employment Standards, registered agreements and awards.

Related legislation

Migration Act offences

The Migration Act contains criminal offences to deter the unlawful entry and exploitation of non-citizens in Australia, which supplement the offences of human trafficking, slavery and slavery-like practices set out in Divisions 270 and 271 of the Criminal Code. Higher penalties apply if the worker is exploited and the offender knows of, or is reckless to, that exploitation.

A mandatory requirement of Australia's migration system is that a non-citizen must have a lawfully attained visa to enter and stay in Australia. Under the Migration Act, it is an offence to:

- facilitate the unlawful entry and stay of non-citizens
- provide false and misleading information to support migration related applications
- allow to work, or refer for work, an unlawful non-citizen or a lawful non-citizen who is working in breach of a visa condition, and
- ask for, receive, offer or provide a benefit in return for a visa sponsorship or employment that requires a visa sponsorship.

Criminal offences under the Migration Act are supported by a separate regime of civil penalties, a legally binding sponsorship obligations framework and visa cancellation provisions.

Anti-money laundering regime

Criminal organisations that profit from human trafficking and slavery commonly employ global money laundering networks to conceal illicit profits made from these crimes and allow criminal organisations to reinvest these profits in further criminal activities.

Australia has an effective regime to detect and criminalise money laundering and to restrain, seize, and confiscate proceeds of crime.

Division 400 of the Criminal Code criminalises dealing with proceeds of crime (property or money derived from crime) and instruments of crime (property or money used in, or intended to be used in, the commission of a crime). The offences carry high penalties, with the most serious offences being punishable by up to life imprisonment. The offences are adapted to the behaviour of modern money laundering networks, ensuring that these networks cannot avoid criminal liability by committing predicate offending in haven jurisdictions, remaining wilfully blind to predicate offending or dealing with property at an arm's length.

The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act) provides the means to detect and deter money laundering and terrorism financing. The AML/CTF Act regulates entities providing a 'designated service', including specific financial, gambling, remittance, digital currency exchange and bullion services. Entities that provide a designated service must comply with a range of obligations, including enrolling with AUSTRAC, verifying their customer's identity, reporting large cash transactions and suspicious matters, and keeping records. These obligations provide law enforcement with a valuable intelligence stream and harden industry against criminal exploitation.

The Proceeds of Crime Act 2002 (the POC Act) provides a scheme to trace, restrain and confiscate the proceeds and benefits gained from Commonwealth indictable offences, foreign indictable offences and certain offences against state and territory law. The POC Act allows authorities to apply to courts to obtain orders to restrain and confiscate property where it can be sufficiently linked to crime, whether or not a person has been convicted of an offence. Property confiscated under the POC Act is credited to the Confiscated Assets Account, where it is subsequently used to fund crime prevention, law enforcement, drug diversion and drug treatment programs.

State and territory legislation

Australian state and territory governments are responsible for regulating the sex industry in Australia. Most jurisdictions have enacted legislation relating to sexual servitude and deceptive recruiting, which allow for the prosecution of cases involving sexual exploitation. However, in practice, state and territory police services will refer human trafficking and slavery-related matters to the AFP.

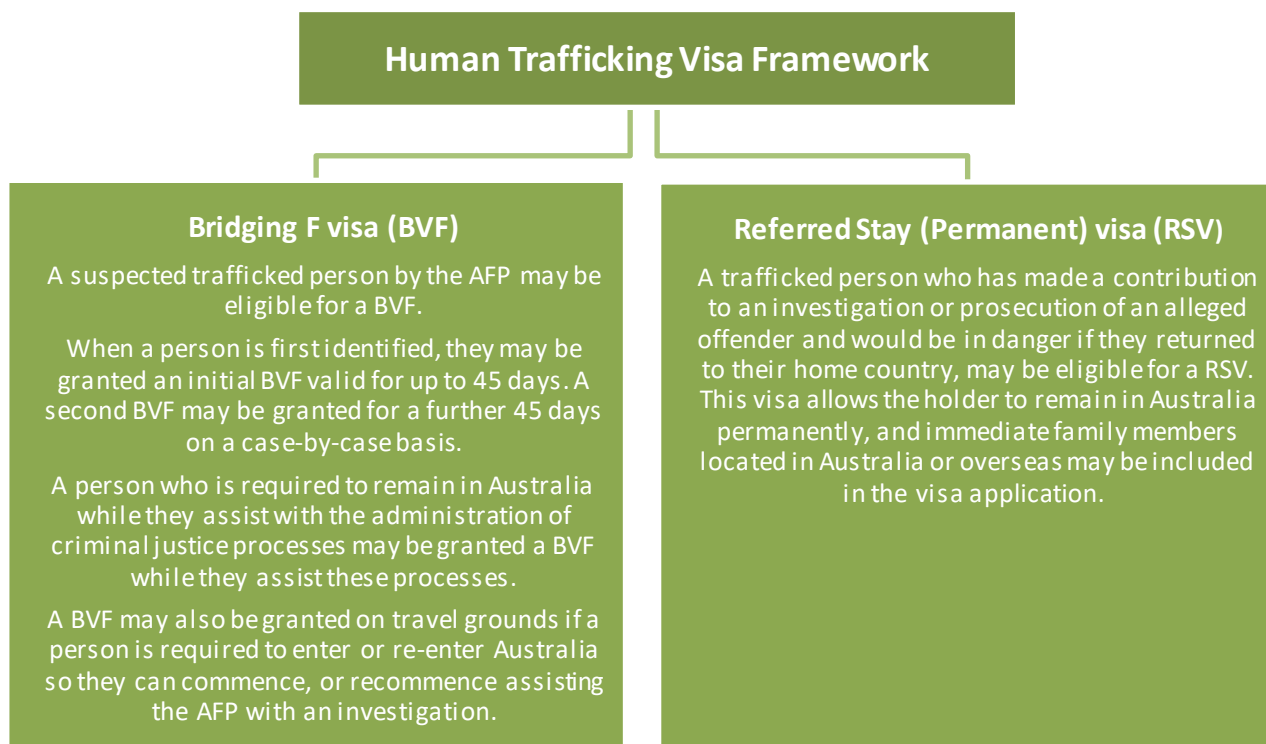
All jurisdictions also have a range of offences to cover crimes that may be related to human trafficking and slavery, such as family violence, assault, sexual assault, forced prostitution, kidnapping and deprivation of liberty. State and territory offences may be used in conjunction with Commonwealth offences.

HUMAN TRAFFICKING VISA FRAMEWORK

The Government's comprehensive HTVF enables foreign nationals, who do not already hold a valid visa and are suspected victims of human trafficking and slavery, to remain lawfully in Australia. Like Australian citizens and valid visa holders who are suspected victims, they are then able to access support through the STPP. The HTVF is administered by Home Affairs.

Visa types

The HTVF comprises two visa categories: Bridging F visa (BVF) and Referred Stay (Permanent) visa (RSV).



Statistics

Between 1 July 2017 and 30 June 2020, Home Affairs granted a total of 119 visas to suspected victims of human trafficking and slavery.

Table 1: Human trafficking visa grants for 2017-20

Year	*Bridging F (WF-060) (BVF) visa grants – Initial & re-entry	**Bridging F (WF-060) (BVF) visa grants – Assistance Notice	Referred Stay (Permanent) (DH 852) visa grants
2017-18	<5	11	<5
2018-19	6	12	<5
2019-20	46	33	<5

* Initial BVF is granted for up to 45 days (with a maximum of two in succession) to people assessed by the AFP as suspected victims of trafficking.

** Further BVF is granted to facilitate longer-term stay for people assisting authorities with a criminal justice process.

SUPPLY CHAINS AND TRANSPARENCY FRAMEWORK

Modern Slavery Act 2018

The *Modern Slavery Act 2018* (the Act) entered into force on 1 January 2019, setting a clear standard for business action on modern slavery. Under the Act, an estimated 3,000 entities operating in the Australian market with an annual consolidated revenue of over AUD\$100 million are required to publish annual modern slavery statements. These statements must outline the reporting entity's actions to assess and address modern slavery risks in their global operations and supply chains, and meet the seven mandatory criteria set out in the Act.

A world-first, government-run Modern Slavery Register houses all statements lodged under the Act. All reporting entities can upload their statements directly to the register, where they are publicly accessible and fully text searchable. The ABF closely monitors the quality of statements and proactively provides advice and guidance to reporting entities to address emerging issues and compliance trends.

In June 2020, the Government tabled its first annual report to Parliament on the implementation of the Act. The report showcases the Government's work to implement the legislation in 2019 and eradicate modern slavery from the supply chains of Australia's goods and services. It highlights the Government's proactive approach to raising awareness of the Act and its efforts to collaboratively engage with reporting entities to support them to meet their reporting obligations.

Commonwealth Modern Slavery Statement

During the development of the Act, the Government also committed to submitting annual Commonwealth modern slavery statements (Commonwealth Statement) across the operations of non-corporate Commonwealth entities (NCCs) on the same criteria as applied to private sector reporting entities. The ABF leads the development of the annual Commonwealth Statement, in close consultation with NCCs. During the reporting period the Government developed the first Commonwealth Statement, which covers the 2019-20 Australian Financial Year.

Developed through an Interdepartmental Committee convened to shape the Government's broader response to modern slavery risks in public procurement, the 2019-20 Commonwealth Statement sets out the Government's actions to assess and address modern slavery risks across whole-of-government procurement and investments. It focuses on four key high-risk areas: textiles procurement; overseas construction; cleaning and security services; and investments. The Government acknowledges it is in the early stages of its response to these issues and recognises that an ongoing commitment to address these risks is needed to tackle the complex and pervasive risks and impacts of modern slavery. Future Commonwealth Statements will build on the Government's current response and focus on additional known areas of modern slavery risk across government procurement and investments.

Modern Slavery Business Engagement Unit

In January 2019, the Government established a dedicated Modern Slavery Business Engagement Unit (the Unit) in the ABF to work closely with businesses and civil society to implement the Act. A key focus of the Unit is raising awareness about modern slavery and the Act, and providing support and advice to reporting entities.

During the reporting period, the Unit:

- presented at over 70 industry forums and workshops across Australia and overseas,
- consulted with expert civil society stakeholders to develop world-leading guidance⁸ material for reporting entities about the Act,
- convened an international modern slavery conference for over 400 delegates from 18 countries on 26-27 June 2019, and
- supported over 500 businesses through a free email helpdesk.

The Unit will continue to drive good-practice and support the business community to meet their reporting obligations under the Act. Through ongoing collaboration with business, civil society and academia, the Unit will continue to develop resources to support compliance with the Act.



Attendees engaging in a Q&A session with a panel of experts at the International Modern Slavery Conference in 2019



Members of the Modern Slavery Business Engagement Unit and ABF officials with the Secretary of the Department of Home Affairs, Michael Pezzullo (right), at the International Modern Slavery Conference in June 2019

⁸ Australian Border Force, [Modern Slavery Act 2018 – Guidance for Reporting Entities](https://www.homeaffairs.gov.au/criminal-justice/files/modern-slavery-reporting-entities.pdf), www.homeaffairs.gov.au/criminal-justice/files/modern-slavery-reporting-entities.pdf, 2019, accessed March 2021.

Modern Slavery Expert Advisory Group

On 22 May 2020, the Government established a multi-stakeholder Modern Slavery Expert Advisory Group (Advisory Group) to provide strategic advice about the implementation of the Act. The Advisory Group will meet to discuss the Government's efforts to combat modern slavery in supply chains and help drive long-term change. Members include experts from business, academia, and specialist NGOs, as well as peak bodies. Appointments to the Advisory Group were made for an 18-month term following an open, public nomination process.

Advisory Group members as at 30 June 2020 are set out below:

Peak bodies:

- Australian Chamber of Commerce and Industry
- Australian Industry Group
- Business Council of Australia
- Global Compact Network Australia
- Law Council of Australia

Individual experts:

- Liana Allan, Migration Alliance
- Kate Baker, Telstra
- Måns Carlsson-Sweeny, Ausbil Investment Management
- Sebastian Conley, Country Road Group and David Jones
- Ro Coroneos, Lendlease Corporation
- Chris Crewther, Former Chair, Modern Slavery Inquiry (*Hidden in Plain Sight*), Foreign Affairs and Aid-Sub Committee, Joint Standing Committee on Foreign Affairs, Defence and Trade, Australian Parliament
- Dr Kate van Doore, Griffith Law School
- Katie Knaggs, Costa Group and representative of the Australian Fresh Produce Alliance
- Sonya Rand, Bunnings
- Sunil Rao, La Trobe University Law School

LABOUR EXPLOITATION

The Government is committed to combating all forms of labour exploitation in Australia, from violations of workplace rights and protections to slavery and slavery-like practices such as forced labour and debt bondage. Exploitation has a significant impact on individual workers, law-abiding employers and the Australian economy as well as Australia's international reputation.

Migrant workers are particularly vulnerable to workplace exploitation for reasons including age, language and cultural barriers, and in some cases, the remoteness of their working location and concerns about their visa status. Contraventions commonly include violations of workplace rights and protections, failure to meet legal minimum wage entitlements, unsafe work practices, and instances of threatening, unethical, abusive or coercive behaviour. In extreme cases, this exploitation can take the form of human trafficking and slavery, which are criminalised under the Commonwealth *Criminal Code* (see 'Criminal Justice Framework').

Australian industrial relations and workplace safety laws, supported by migration law and relevant state and territory laws, provide a safety net of minimum terms and conditions of employment and a range of other workplace rights and responsibilities (including minimum pay, protections against unfair or unlawful termination of employment, workers' compensation, and occupational health and safety).

Australian employers who employ migrant workers must meet relevant legislative obligations, including complying with any requirements regarding the pay and conditions of workers that are set out under the *Fair Work Act 2009* (Cth) (Fair Work Act), other workplace relations laws and in some instances, the *Migration Act 1958* (Migration Act).

In recognition that there is a spectrum of labour exploitation, ranging from substandard working conditions through to criminal conduct, the below details the Government's broader efforts to combat labour exploitation during the reporting period.

Policy developments

AGD is responsible for industrial relations policy, including workplace exploitation, and chairs the Government's Migrant Workers Interagency Group. Some key developments to combat workplace exploitation during the reporting period include:

- Enacting the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017* in September 2017, delivering on the Government's commitment to increase protections for vulnerable workers, including migrant workers, and more effectively deter unlawful workplace practices.
- Providing more than \$100 million in new funding for the FWO to expand its educational and investigatory capabilities to enforce compliance of workplace laws and raise awareness about employee rights and entitlements since 2017.
- Deciding to progress ratification of the Protocol of 2014 to the Forced Labour Convention, 1930 (the Forced Labour Protocol) and considering the Minimum Age Convention, 1973 (C138) for ratification.
- Establishing five working groups of union and employer organisation representatives, including the Compliance and Enforcement Working Group, to inform a practical reform agenda for industrial relations laws to support Australia's post COVID-19 economic recovery.

Compliance and enforcement

The FWO is an independent statutory office and its jurisdiction is set out in the Commonwealth *Fair Work Act*. The FWO is responsible for enforcing compliance with Australian workplace laws and provides education, assistance and advice about Australia's workplace relations system. The FWO investigates non-compliance with workplace laws, such as non-payment of wages, and refers cases with suspected indicators of human trafficking and slavery to the AFP, such as forced labour.

Between 2017 and 2020, the FWO continued to progress clear and evidence-based strategies for addressing migrant worker exploitation to both resolve individual matters and address the drivers of exploitation involving migrant workers. This included:

- Providing accessible tools and resources to enable migrant workers to understand and act on their rights such as:
 - a suite of resources tailored to migrant workers on key issues in over 35 languages, including videos and storyboards,
 - the FWO's Record My Hours app which launched in 2017 and is available in 17 languages,
 - a translation tool released in 2018 that automatically translates website content, and
 - an in-language Anonymous Report service that enables migrant workers to raise concerns anonymously in their own language.
- Undertaking inquiries and campaigns in the horticulture and hospitality sectors, which commonly feature a disproportionate number of migrant workers.
- Expanding the reach of the FWO's education and advisory services through the ongoing Community Engagement Grants Program. Under the program, the FWO funded six community organisations (\$1.8 million per year from 2017-2020) to deliver services, projects and programs of work that supplement the FWO's functions under the Fair Work Act targeted at assisting vulnerable workers.
- Working extensively with key stakeholders to address issues facing migrant workers. This included participating in the Migrant Workers' Taskforce and establishing the Assurance Protocol in 2017 between the FWO and Home Affairs to give assurance to migrant workers that their visas will not be cancelled for breaches of work-related visa conditions if they are assisting the FWO with its inquiries.
- Using the FWO's enforcement tools to deal with operators who exploit workers. The FWO's enforcement teams have a strong focus on investigating allegations of serious non-compliance with workplace laws involving migrant workers.

The FWO has operational guidance, educational resources and training in place to ensure that its frontline staff identify indicators of potential human trafficking and slavery in the course of their work, and appropriately refer these to the AFP for assessment.

CASE STUDY

In September 2017, a visa holder lodged a Request for Assistance with the FWO in relation to her employment at a Brisbane business. Through interviews with the employee and an assessment of evidence provided by her, potential forced labour indicators were identified by the Fair Work Inspector investigating the matter. The evidence indicated there was a high level of control being exerted by the employer over the employee. The control was so prohibitive, the employee felt she had no option but to work at the business and could not leave. The worker was subjected to excessive work hours (which she was not paid for), bullying and harassment, threats of violence, intimidation and psychological abuse. A key witness - a former employee who had managed to return to her home country after experiencing similar treatment - was also interviewed as part of the investigation.

In March 2018, the FWO subsequently made a referral to the AFP in relation to the forced labour indicators and evidence obtained. Following this referral, and as reported in the media on 23 August 2019, the AFP subsequently charged a man with one count of causing a person to enter into or remain in servitude. The FWO also served the individual with a compliance notice, which was subsequently complied with.

Inquiries and strategies

In November 2018, the FWO published a report containing the findings, outcomes and recommendations of its Harvest Trail Inquiry. In February 2019, the FWO commenced implementing its Horticulture Strategy, drawing on the report's findings and recommendations, and designed to build a culture of compliance in the horticulture sector based upon the principles of engagement, education and enforcement. Under this new Strategy, the FWO launched an online Horticulture Showcase in September 2019 to provide a centralised source of information on rights and obligations for growers and workers in the horticulture industry. The FWO also revisited businesses around Australia that were found to be non-compliant during the Harvest Trail Inquiry.

During the reporting period, the FWO also developed its Fast Food, Restaurants and Cafes Strategy, a targeted and coordinated program of information, education, communication and compliance activities aimed at improving compliance in the sector. In 2019 and 2020, the FWO delivered a number of initiatives under this Strategy and continues to focus on this sector.

COVID-19

From mid-March 2020, the FWO experienced an unprecedented increase in demand for services from workplace participants impacted by the COVID-19 pandemic. In response, the FWO established a dedicated coronavirus hotline and a coronavirus sub-site on its website. The sub-site, which provides a centralised point for the most up-to-date information about rights and responsibilities at work during COVID-19, includes information specific to migrant workers, translation tools, as well as links to relevant information about visa arrangements, workplace health and safety and financial support.

During the pandemic, the FWO also continued to assist migrant workers through its compliance and enforcement activities. Between 1 January and 30 June 2020, the FWO supported the return of over \$515,000 in unpaid money to migrant workers.

Assurance Protocol

In January 2017 the FWO and Home Affairs jointly established an Assurance Protocol to encourage migrant workers to report workplace exploitation. Under the Protocol, Home Affairs will generally not cancel a temporary visa with work rights where the visa holder has reported exploitation to the FWO and is assisting with its inquiries, providing there is no other basis for visa cancellation (such as on national security, character, fraud or health grounds).

INVESTIGATION, PROSECUTION AND CONVICTION

INVESTIGATIONS

The *National Action Plan to Combat Human Trafficking and Slavery 2015-19* included key goals and performance indicators relating to the investigation, prosecution and conviction of people involved in human trafficking and slavery. The strategy emphasised high quality investigations and cooperation between relevant government agencies to disrupt criminal networks, apprehend and prosecute offenders and ensure victims are supported through the criminal justice process.

The AFP leads the investigation of suspected cases of human trafficking and slavery, working collaboratively with state and territory policing partners and foreign law enforcement partners. The AFP has dedicated Human Trafficking Teams in Sydney, Melbourne and Brisbane, with officers also trained in human trafficking investigations in regional commands across Australia, and International Operations with over 100 positions across 29 countries. The AFP Human Trafficking and Modern Slavery Specialist Command Team is located in Brisbane and supports national and international coordination of operational activities relating to human trafficking and slavery, and leads policy, training and awareness raising initiatives.

REPORTS

Australian Federal Police

The AFP receives reports of suspected instances of human trafficking and slavery from a range of sources including other Government agencies, NGOs, state and territory police and members of the public. The AFP also initiates internal reports where suspected instances of human trafficking and slavery are identified in the course of intelligence gathering and other investigations.

Between 1 July 2017 and 30 June 2020, the AFP received or initiated 605 new reports relating to human trafficking and slavery, taking the total to 1,446 since 2004. The majority of reports in 2017-18, 2018-19 and 2019-20 related to forced marriage, sexual exploitation, forced labour and trafficking in persons. Following initial assessment of the information in the reports, the AFP continued to further investigate 74 matters in 2017-18, 114 matters in 2018-19 and 127 matters in 2019-20.

Of the 88 matters that did not proceed past initial assessment in 2017-18, 57 matters did not relate to human trafficking and slavery offences, 17 matters contained insufficient information and in six matters the victim withdrew their complaint. Of the 106 matters that did not progress past initial assessment in 2018-19, 69 matters did not relate to human trafficking and slavery offences, 21 matters contained insufficient information and in seven matters the victim withdrew their complaint. Of the 96 matters that did not proceed past initial assessment in 2019-20, 58 matters did not relate to human trafficking and slavery offences, 25 matters contained insufficient information and in 13 matters the victim withdrew their complaint.

Between 8 March 2013, when the Criminal Code forced marriage offences entered into force, and 30 June 2020, the AFP received 431 reports relating to forced marriage. Of the 431 referrals, 248 were received during 2017-18, 2018-19 and 2019-2020.

The table below provides a breakdown of reports to the AFP of suspected human trafficking, slavery and slavery-like offences during 2017-20.

Table 2: Types of AFP reports by financial year

Offence	FY 2017/18	FY 2018/19	FY 2019/20
Forced Marriage	61	95	92
Sexual Exploitation	21	31	40
Forced Labour	25	29	29
Child Trafficking	12	7	<5
Trafficking	24	33	28
Debt Bondage	<5	9	<5
Domestic Servitude	9	9	20
Slavery	<5	<5	<5
Deceptive Recruiting	<5	<5	6
Organ Trafficking	<5	<5	<5
Harbouring	<5	<5	<5
Other	<5	<5	<5
Total	162	220	223

Australian Border Force Referrals

The Home Affairs, ABF and AFP Human Trafficking Referral Protocol (Human Trafficking Referral Protocol) provides clear, agreed processes and timeframes for the referral of suspected human trafficking and slavery cases identified by Home Affairs and ABF officials to the AFP for assessment and potential investigation.

In April 2019, the AFP, Home Affairs and the ABF revised the fifth version of the Human Trafficking Referral Protocol to include an updated list of indicators of human trafficking and slavery, including specific labour exploitation indicators, to assist officials in identifying suspected victims.

Between 1 July 2017 and 30 June 2020, the ABF referred 154 suspected cases of human trafficking and slavery to the AFP. The tables below provide a breakdown of these by type of exploitation and by state and territory.

Table 3: ABF referrals to AFP between 2017-20 by type of exploitation

Program Year	Child trafficking	Domestic servitude	Exit trafficking	Forced labour/ servitude	Forced marriage	Sexual servitude
2017-18	<5	5	9	11	<5	9
2018-19	<5	<5	17	10	5	12
2019-20	<5	11	6	14	13	17

Table 4: ABF referrals to AFP between 2017-20 by ABF office location

Program Year	NSW	VIC	QLD	ACT	SA	WA	NT	TAS	Offshore Posts
2017-18	7	18	6	<5	<5	8	<5	<5	<5
2018-19	20	13	5	<5	5	<5	<5	<5	<5
2019-20	14	15	9	<5	9	14	<5	<5	<5

OPERATIONS

Australian Border Force

Home Affairs and the ABF work with other agencies, including the AFP, AGD, ATO, the Department of Education, Skills and Employment, and the FWO to support the Government's response to migrant worker exploitation and capability to detect, deter and respond to exploitation (see 'Migrant Worker Interagency Group' and 'Labour Exploitation' above).

ABF Field Operations undertakes regular operations nationally to target non-citizens, businesses employing unlawful non-citizens or non-citizens who do not have work rights, and those engaged in worker exploitation.

Operation BATTENRUN

Operation Battenrun commenced on 3 December 2018 as a national operation to detect, deter and disrupt unscrupulous Labour Hire Intermediaries (LHIs) and complicit entities (persons of interest, businesses and employers) responsible for the exploitation of foreign nationals and Australia's visa migration system.

Operation Battenrun works collaboratively with the broader ABF, Home Affairs and external partners to maximise disruption of exploitative labour hire arrangements through a range of compliance and enforcement measures. Enforcement activities are prioritised according to the risk targets pose to the Australian community, including their suspected involvement in unlawful LHI activity, exploitation of foreign nationals and Australia's visa system.

Operation BATTENRUN Activity/ Outcome since establishment	2018/2019	2019/2020	2020-21 (to 31 March)	Total
Field activities	94	843	311	1248
Warrants executed	7	72	14	93
Non-warrant visits	0	90	21	111
Employer awareness and education activities	<5	102	104	208
Bridging Visa Es Issued	0	43	13	56

Operation NOONDAY

Operation Noonday commenced in October 2019 and concluded in June 2020. This regional field operation in Western Australia focused on reducing the exploitation of foreign nationals, including human trafficking, by LHIs, and filled information gaps relating to the operations of the sex industry.

Taskforce CADENA

Taskforce Cadena is a joint agency initiative that identifies and disrupts labour hire syndicates and employers engaging in worker exploitation. The Taskforce maximises enforcement outcomes by collaboration with the ABF, FWO, Australian Criminal Intelligence Commission, AFP, Australian Securities and Investments Commission, ATO, the Australian Transaction Reports and Analysis Centre and state and territory police.

During the reporting period, the Taskforce continued to target and conduct disruption and investigative activities in high-risk industries such as agriculture, hospitality, entertainment, poultry, security and beauty services. This included three joint ABF and FWO operations in Western Australia, two operations in South Australia, one operation in Victoria and one operation in New South Wales. Of the seven operations, five related to horticultural activities. One of the Western Australian operations (which included AFP participation) concentrated on a residential address where intelligence had linked labour hire activities in horticulture with human trafficking and drug related activities. One potential human trafficking referral was identified on site.

Australian Federal Police

Operation EASTWATER

In May 2017, the AFP commenced Operation EASTWATER to investigate the alleged trafficking exit of an Indian National and her 2 month old daughter from Australia to India. It was alleged the trafficking was facilitated by the husband/father of the victims, an Australian citizen who used threats, coercion and deception to force the victim with her infant child to leave Australia and return to India against her will.

In September 2020, the alleged offender entered a plea of guilty in the Sydney District Court to one count of trafficking in persons (exit) contrary to section 271.2(1A) Criminal Code (Cth) (12 years imprisonment). The offender was sentenced to 21 months imprisonment.

Operation OCTAVIAN

In March 2020, the AFP commenced Operation OCTAVIAN to investigate the alleged trafficking exit of an Indian National from Australia to India. It is alleged the trafficking was facilitated by the husband of the victim, who also subjected the victim to physical abuse, threats and coercion to garnish her wages, access bank accounts and financial gains from the victim's family. The matter is currently before court with the alleged offender charged with one count of trafficking in persons (exit) contrary to section 271.2(1A) Criminal Code (Cth) (12 years imprisonment).

The AFP worked with Home Affairs and NGOs to investigate the matter. In July 2020, the AFP, with the assistance of Home Affairs, assisted the victim to return to Australia. The victim continues to receive support from the AFP and Red Cross's support for trafficked people program. The case highlights the strong partnerships the AFP has across the sector, including with NGOs, and demonstrates that victim welfare remained a priority despite the additional challenges faced during the global pandemic.

Operation CUPOLA

Operation CUPOLA is the investigation of the alleged, systematic, long-term exploitation of a foreign national brought to Melbourne in 2007 to perform domestic labour. At the time of report, it was alleged the exploitation had been happening for nearly eight years.

In June 2016, the two accused were charged with possessing a slave, contrary to s270.3.(1)(a) of the Criminal Code (Cth); and using a slave, contrary to s270.3(1)(b) of the Criminal Code (Cth). The trial commenced in the Supreme Court of Victoria in February 2021, having been delayed a number of times due to the volume of pre-trial arguments (approximately 100 sitting days), the mental health of one of the accused and COVID-19 affecting jury empanelment. In April 2021, the jury retired to consider their verdicts and subsequently delivered guilty verdicts in respect of each charge for each of the two accused. The accused had not made any arrangements for their children's welfare in the event they were both found guilty, they were bailed with strict conditions until their plea hearing in June 2021.

Australian Criminal Intelligence Commission

Project JACTO

The Australian Criminal Intelligence Commission's (ACIC) Project Jacto is dedicated to understanding the nature and extent of visa and migration fraud methodologies. This includes where serious organised criminal groups use visa and migration fraud in support of sexual servitude and labour exploitation. Project Jacto provides a framework to conduct intelligence activities that support national efforts which are coordinated and prioritised by Home Affairs and ABF. Project Jacto provides partner agencies with ACIC specialist capabilities and insight into serious organised crime.

PROSECUTIONS AND CONVICTIONS

Australia's *National Action Plan to Combat Human Trafficking and Slavery 2015-19* includes key objectives relating to the prosecution and conviction of individuals involved in human trafficking and slavery-related criminal activities. This aspect of Australia's response involves the creation and regular review of a strong suite of civil and criminal sanctions for offenders, and the promotion of access to justice for trafficked people. Prosecution of offenders plays an integral role in establishing and maintaining a fair, safe and just society.

Commonwealth Director of Public Prosecutions

The Office of the CDPP is an independent prosecuting service established by the Australian Parliament to prosecute offences against Commonwealth law. The CDPP has no investigative function, and matters are referred to the CDPP from the AFP and other investigative agencies. Decisions about whether to proceed with human trafficking or slavery-related prosecutions are guided by the Prosecution Policy of the Commonwealth.

The CDPP must be satisfied that:

- there are reasonable prospects of a conviction being secured, and
- the prosecution would be in the public interest.

In making this decision, the prosecutor must evaluate how strong the case is likely to be when presented in court. This evaluation continues at each phase of the prosecution process. The decision can only be made based on admissible evidence. Not all the information gathered during the course of an investigation will necessarily be admissible. The evaluation must take into account matters such as the availability, competence and credibility of witnesses and the admissibility of any alleged confession or other evidence. The prosecutor should also have regard to any lines of defence open to the defendant and any other factors that could affect the likelihood of a conviction.

The cooperation of suspected victims is essential to the investigation and prosecution of human trafficking and slavery-related offences. The major impediment to prosecuting these offences is the reluctance of people to give evidence, particularly as they (or their families) may have been the subject of violence or threats of violence, or because the allegation is that family members are involved in the offending. As the prosecution of matters involving human trafficking and slavery relies heavily on the evidence of individual victims, corroboration of that evidence is frequently necessary to meet the high standard of proof in criminal proceedings. It is often challenging to corroborate this evidence.

During the reporting period, the CDPP continued to prosecute crimes of human trafficking and slavery offences contained in Divisions 270 and 271 of the Criminal Code. In appropriate cases, the CDPP also provided advice to agencies during an investigation before a brief of evidence is referred.

In addition to human trafficking and slavery offences, CDPP also prosecuted offenders for engaging in, or encouraging, sexual activity with children overseas contrary to offences in Division 272 of the Criminal Code.

During the reporting period, the CDPP was referred a number of very complex and serious matters for prosecution, many involving very serious child sex offending, mainly overseas, with very large numbers of victims.

Prosecutions

From 2017-20, the CDPP conducted a total of 63 prosecutions for human trafficking and slavery-related offences.

Table 5: Human trafficking and slavery prosecutions before the courts by financial years

Prosecutions	FY17-18
Males prosecuted	10
Females prosecuted	7
TOTAL PROSECUTIONS IN 2017-18	17

Prosecutions	FY18-19
Males prosecuted	14
Females prosecuted	8
TOTAL PROSECUTIONS IN 2018-19	22

Prosecutions	FY19-20
Males prosecuted	14
Females prosecuted	10
TOTAL PROSECUTIONS IN 2019-20	24

Convictions

From the criminalisation of human trafficking and slavery in 2004 until 30 June 2020, 25 people have been convicted for these types of offences.

Table 6: Convictions by Criminal Code provision from 2004 to 30 June 2020

Convictions by Criminal Code provision	270.3(1) Slavery	270.5 (1) Servitude	Previously 270.6(2) Sexual servitude*	270.6A Forced labour	271.2 (1B) Trafficking in persons	271.2 (2B) Trafficking in persons	271.4(1) Trafficking in children
DOBIE, Keith							
DS							
HO, Ho Kam							
HO, Kam Tin							
K							
KOVACS, Melita							
KOVACS, Zoltan							
LEECH, Sarisa							
McIVOR, Trevor							
NANTAHKHUM, Watcharaporn							
NETTHIP, Namthip							
SEIDERS, Johan							
TANG, Wei							
TANUCHIT, Kanokporn							
TRIVEDI, Divye							
WONG, Chee Mei							
YOTCHOMCHIN (KENT), Somsri							
McINTOSH (a pseudonym)							
HUANG, Yu-Hao							
CHEN Bo-Syun							
KHOO, Lay Foon							
PULINI, Malavine							
PULINI, Isikeli Feleatoua							
KANBUT, Rungnapha							
SHAIK, Farok							

Table 7: Convictions from 2004 to 30 June 2020 by operation and state/territory

Convictions by Criminal Code provision	Operation Name	State/Territory
DOBIE, Keith	Op Tancred 2008	Qld
DS	Op Tennessee 2003	Vic
HO, Ho Kam	Op Asperity 2003	Vic
HO, Kam Tin	Op Asperity 2003	Vic
K	Op Blenn 2011	Qld (Qld DPP)
KOVACS, Melita	2003	Qld
KOVACS,Zoltan	2003	Qld
LEECH, Sarisa	Op Asperity 2003	Vic
McIVOR, Trevor	Op Seaboard 2006	NSW
NANTAHKHUM, Watcharaporn	Op Danum 2007	ACT
NETTHIP, Namthip	Op Cornsilk 2007	NSW
SEIDERS, Johan	Op Turquoise 2004	NSW
TANG, Wei	OP Tennessee 2003	Vic
TANUCHIT, Kanokporn	Op Seaboard 2006	NSW
TRIVEDI, Divye	2008	NSW
WONG,Chee Mei	Op Burlywood 2008	NSW
YOTCHOMCHIN(KENT), Somsri	Op Turquoise 2003	NSW
McINTOSH (a pseudonym)	Op Aqueous 2015	Vic
HUANG, Yu-Hao	Op Arc 2017	Qld
CHEN Bo-Syun	Op Arc 2017	Qld
KHOO, Lay Foon	2016	WA
PULINI, Malavine	2016	Qld
PULINI, Isikeli Feleatoua	2016	Qld
KANBUT, Rungnapha	Op Puce 2007	NSW
SHAIK, Farok	Op Larkall 2015	Vic

WITNESSES AND VICTIMS

Witness Assistance Service

The CDPP's Victims of Crime policy recognises the important role of victims in the prosecution process and the need to treat them with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements. Through its Witness Assistance Service, the CDPP ensures that victims are kept informed during the prosecution process and are made aware of protections available to vulnerable witnesses under the Commonwealth Crimes Act (see 'Vulnerable Witnesses Protections' above).

During the reporting period, 10 new human trafficking and slavery-related matters involving 19 victims and witnesses were referred to the Witness Assistance Service.

The CDPP Witness Assistance Service Referral Guidelines identify matters involving victims of slavery, servitude or forced marriage offences, as priority matters that must be referred to the Witness Assistance Service within 21 days of investigators referring the case to the CDPP.

Witness Assistance Service staff provide a range of information and support services including updates on the progress of a prosecution, general information regarding the prosecution process, court tours, referrals to support services, assistance with support during conferences with legal staff and at court, and information concerning victims impact statements and reparation orders.

Witness Assistance Service staff also liaise with the Australian Red Cross (Red Cross) caseworkers during the course of the prosecution in order to ensure that the individual information and support needs of victims/witnesses are met.

Prosecutors also engage with victims and carers during the prosecution process.

Online resources

In February 2019, the then Commonwealth Attorney-General, the Hon Christian Porter MP, launched the CDPP's new dedicated website for victims and witnesses, developed in response to recommendations from the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

This new online resource provides essential information to victims, their caregivers and witnesses about the prosecution process in easily understood language and video presentations. The website is available in over 100 languages and includes a 'quick exit' button which returns the user to a blank Google search screen should they feel concerned about their privacy or safety.

COVID-19

The CDPP introduced a number of processes in response to the COVID-19 pandemic, including a file review and increased client and caseworker contact.

In addition to providing prosecution-related updates, Witness Assistance Service staff sought clients' views on the level of contact they would like with the CDPP during the COVID-19 pandemic and their preferred mode of contact, and assured clients that CDPP staff and prosecutors were still working and available to assist them with any queries or concerns they may have.

The CDPP also uploaded a COVID-19 specific message to its website for victims and witnesses, advising clients that CDPP offices would remain open and that both prosecutors and the Witness Assistance Service were available to help. In support of this, the CDPP introduced a Witness Assistance Service Duty Officer service and made two Duty Officers available to victims involved in CDPP matters. The service is available Monday to Friday, 9am-5pm.

The COVID-19 pandemic has seen broader impacts on the criminal justice system, including delays in some court proceedings due to the suspension of jury trials. In response, the CDPP has actively engaged with defence practitioners in order to facilitate early resolution of cases or a narrowing of issues that are in dispute.

CASE STUDIES

Case Study: Forced Marriage

In 2018, a Victorian school identified that a 17 year old female student was at risk of removal from Australia for the purpose of a marriage arranged by family members. The young person was considered to be cognitively impaired and vulnerable to coercion and exploitation. The AFP placed this young person in the STPP and continued to monitor her welfare and safety, including border alerts.

In 2019, arrangements were again made for the young person's travel overseas. Her appearance at the airport triggered a border alert, which resulted in the young person disclosing to the AFP that she was travelling for the purpose of a marriage that she did not want. Her travelling companion denied any knowledge of a wedding being arranged, but a wedding dress and rings were found in his luggage.

Whilst the young person did not wish to participate in an investigation, the AFP in collaboration with its partners, continued to monitor the welfare and safety of the young person, which included seeking external guardianship arrangements.

Case Study: Human Trafficking

In November 2017, following a trial in which the jury returned a guilty verdict, Lay Foon Khoo was convicted in the Perth District Court of trafficking in persons contrary to s 271.2(2) of the *Criminal Code* (Cth). The offender organised or facilitated her friend from Malaysia to travel to Perth, deceiving the victim about the purpose of the trip. The victim presumed she was staying with Ms Khoo. Instead, she was taken directly from the airport to a brothel.

Once inside, the offender told the victim she owed her \$1,900 for flights and immigration fees and that she would have to do sex work in order to pay back this money. The offender then took the victim's passport. Over the coming days the victim engaged in sex work. When the victim protested that she had been tricked into coming to Australia and asked for the return of her passport, the offender demanded a further \$10,000 from the victim and took her phone and \$900.

The victim contacted a friend online who told her that she could go to the police in Australia for help. The next morning the victim walked to a nearby McDonald's, then caught a taxi to the Perth Police Station. She was referred to the AFP who placed her in the STPP. Despite strong mitigating factors, the offender was sentenced to a term of imprisonment of three years and four months, with a non-parole period of 18 months.

Case Study: Slavery

On 15 May 2019, following a trial over more than five weeks, a Sydney District Court jury found Ms Rungnapha Kanbut guilty of two charges of possessing a slave, two charges of using a slave and two charges of dealing in proceeds of crime. Both victims were from Thailand and voluntarily came to Australia to do sex work in 2004-2005. Ms Kanbut confiscated their passports when they arrived in Sydney and told them they would need to pay off a \$45,000 debt. The women's travel to Australia was organised by a man they knew only as "Chang". Chang took naked photographs of them and threatened to post the photos on the internet if the women attempted to run away. The victims often had to work up to 12 hours a day at multiple Sydney brothels, with almost all of their earnings going towards their "debts". The victims came to notice as unlawful non-citizens in 2007 during a compliance raid of a brothel by the former Department of Immigration and Citizenship.

There was considerable complexity in the prosecution, including significant delay following a warrant for the defendant's arrest remaining outstanding for four years; language and cultural differences, and legal argument about elements and indicia of slavery.

On 15 November 2019, Her Honour Judge Williams of the New South Wales District Court sentenced the offender to an overall effective sentence of eight years, two months, and 30 days imprisonment, commencing on 15 May 2019 and expiring on 13 August 2027. The offender will become eligible for parole on 13 August 2024.

Case Study: Forced Labour

In April 2019, Brisbane couple, Mr Isikeli Feleatoua Pulini and Ms Malavine Pulini, were imprisoned as the first people in Australia's history to be convicted of forced labour charges. In sentencing, the judge described the couple's behaviour towards the Fijian woman who had worked as their domestic servant for eight years as calculated and criminal.

The jury also found Ms Pulini guilty of human trafficking after she deceived the victim and confiscated her passport shortly after arriving in Australia.

The victim worked six days a week from 6am to 10pm as a nanny and domestic servant, and was paid on average \$200 per fortnight. She was unable to see a doctor or dentist despite having chronic health conditions. She was allowed only limited contact with her family in Fiji and was unable to visit them. Although she had a key to the house and was allowed to attend church, the couple restricted her social contact.

The victim only came to understand that she had a way out when a friend passed her information from a television program. She secretly packed her things and ran away, and was later assisted by the Salvation Army and the AFP.

The victim did not hold a visa when she first came to the attention of the AFP and was issued an initial 45-day BVF, then an Assistance Notice BVF. This longer term BVF allows a suspected trafficking victim to remain in Australia for the duration of an investigation and possible prosecution.

In sentencing the couple, Her Honour Judge Leanne Clare SC of the District Court of Queensland said "We live in an age of international mobility, where people can bring others from lower socioeconomic communities into the country to exploit them. There ought to be a clear message that this will not be tolerated."

Judge Clare said the conditions and poor manner in which the victim was treated caused the victim to feel voiceless, broken and hopeless. She said that the eight years had taken a terrible toll on the victim.

Ms Pulini was sentenced to six years' imprisonment for forced labour, five years' imprisonment for human trafficking and five years' imprisonment for harbouring an unlawful non-citizen. Mr Pulini was sentenced to five years' imprisonment for forced labour and five years' imprisonment for harbouring an unlawful non-citizen. All sentences were to be served concurrently, with a non-parole period of two years' imprisonment.

Both offenders appealed against their convictions and sentences. The Queensland Court of Appeal heard the appeal on 25 July 2019 and delivered the appeal judgment on 20 November 2019, dismissing the appeals against conviction and affirming the sentences imposed in respect of the forced labour counts.

The Court of Appeal lowered the head sentences in respect of the trafficking/harbouring counts, however the total effective sentences remained unchanged.

Under the HTVF, the victim has since been granted a RSV.

Case Study: Forced Labour

Mr Farok Shaik pleaded guilty to one charge of engaging in conduct between March to October 2013 causing another person to remain in forced labour contrary to s 270.6A(1) of the Criminal Code (Cth). The offender employed the victim in his restaurants in regional Victoria as a food and beverage attendant but did not pay her any wages. The victim's husband also regularly worked in the offender's restaurants to assist the victim. The victim and her husband were provided with free accommodation but it was a storeroom above a restaurant. The victim felt forced to keep working without receiving wages for a period of time because the offender was sponsoring the victim's work visa and threatened to jeopardise this should the victim continue asking for her wages. The offender also threatened the victim with physical violence.

Under the HTVF, the victim and her husband were both issued an initial 45 day BVF, a second 45 day BVF as the victim and her husband were willing but temporarily unable to assist police, then an Assistance Notice BVF to enable the victim and her husband to remain in Australia for the duration of the investigation and prosecution.

On 22 June 2020, His Honour Judge Michael Cahill of the Victorian County Court sentenced the offender to one year and six months imprisonment suspended forthwith by way of a \$5000 recognisance bond of good behaviour for three years. Delay was a significant mitigating factor in this case.

At the time of sentence, it had been seven years since the offender committed the offence. Whilst defence did not contend that the delay was caused by the prosecutorial process or the administration of the courts, it was common ground that it was not attributable to the offender. Therefore, the delay was a significant mitigating factor in two ways; first, the offender had not re-offended since the commission of the subject offence and so there had been a lengthy period of rehabilitation and second, the offender would have been in a state of uncertain suspense as to what might happen to him for a considerable period of time.

Under the HTVF, the victim and her husband have since received RSVs.

TRAINING AND AWARENESS-RAISING

TRAINING FRONTLINE OFFICIALS

Look a Little Deeper

In 2018, funding under the *Proceeds of Crime Act 2002* (Cth) (POCA) was provided to the AFP to develop a Human Trafficking awareness campaign “Look a Little Deeper” (LALD). Commencing in July 2018 as a four year project, the aim of LALD is to update and further develop a 2014 AFP-Victoria Police human trafficking information and awareness package initiative, with a view to it being adopted and delivered across all domestic law enforcement agencies and Commonwealth agencies with a frontline response capability.

LALD is a purpose-built human trafficking and slavery awareness-raising package comprising a suite of materials for officers/staff on the frontline. This includes face-to-face and online training and reference products. The LALD package centres on four questions:

- What is human trafficking and slavery?
- What are the indicators?
- Where may I see it in my day-to-day duties?
- What do I do if I suspect human trafficking or slavery?

The AFP is expanding LALD to include:

- an Evidence Collection Guide, which can be used by both investigators and first responders to identify human trafficking and slavery indicators in the first instance and collect evidence as appropriate to inform initial assessment and potential further investigation, and
- a Reference Guide, which covers everything an investigator needs in one place, including information relating to investigations, prosecution, referrals, and working with NGO partners.

During the reporting period, the FWO, Victoria Police and New South Wales Police committed to adopting LALD and the AFP partnered with these agencies to tailor the program to suit their specific context and operational needs.

The AFP launched the LALD online training component on its iAspire learning platform in November 2017. It has since been completed by 744 AFP officers and is mandatory training for all new sworn recruits.

In 2018-19, the AFP delivered face-to-face LALD and other human trafficking and slavery training to approximately 150 persons, including AFP officers, state and territory police, and representatives from the FWO, ABF and tertiary institutions.

In 2019-20, the AFP delivered face-to-face and other human trafficking and slavery training to approximately 483 persons including domestic and international delegates at the Australasian Council of Women and Policing Conference, state and territory police, and representatives from other government agencies and NGOs.

Specialist investigators

The AFP’s Human Trafficking Investigations Course is a specialist training program aimed at developing the skills and competencies of dedicated human trafficking investigators. Designed to build the expertise of AFP officers in areas critical to the successful investigation of human trafficking and slavery including legislation, investigative methodologies and victim liaison and support.

The program encourages the participation of investigators from partner agencies including the ABF, FWO and state and territory police. The program also draws on the subject matter expertise of presenters from partner agencies, including the ABF, Home Affairs and the CDPP.

From 2017-20, the AFP delivered four Human Trafficking Investigations Courses, training a total of 96 persons.

Immigration and border officials

The ABF College runs introductory and specialised training courses periodically throughout the year. ABF recruits receive introductory training in identifying indicators of human trafficking and slavery. A total of 3200 ABF recruits received this training during 2017-20, while approximately 100 ABF Enforcement Officers /Investigations Officers were provided with more specialised training in identifying human trafficking and slavery indicators and referral processes.

Between 2017-20, a total of 1,016 Home Affairs and ABF officers completed eLearning modules on identifying indicators of human trafficking and slavery practices. A total of 2,225 officers have completed these modules since they were launched in April 2016.

Prosecutors

In September 2017, 78 prosecutors and staff from across CDPP offices nationally received training on their responsibilities under the CDPP Victims of Crime Policy and their interaction with victims. The training provided prosecutors with practical tools and skills for engaging with victims of crime at various stages of the prosecution process and provided an overview of our obligations under the CDPP Victim of Crime Policy and the Prosecution Policy of the Commonwealth.

In 2019, training was delivered to all CDPP legal staff regarding "Plea Negotiations and Victims of Crime". Multiple presentations were delivered in the Perth, Adelaide, Brisbane, Melbourne, Canberra and Sydney offices (with video-links to Darwin, Cairns and Townsville).

Since 2019 a presentation from the Witness Assistance Service has been delivered to all new CDPP legal staff as part of the Federal Prosecutor induction program.

In June 2020, CDPP prosecutors and staff received training on Victim Impact Statements and Reparation Orders. The session included consideration of the victim's role/perspective and a practical focus which takes into account core principles of trauma-informed practice. Case examples were used to demonstrate practices that should be adopted and promoted by CDPP staff when engaging with victims of crime.

Witness Assistance Service staff

The Witness Assistance Service and Red Cross participate in joint training sessions in order to raise awareness and understanding of their respective roles and promote effective working relationships. The Witness Assistance Service also provides training to prosecutors, government agencies and international delegations.

During the reporting period, Witness Assistance Service staff participated in ongoing training and presentations such as *Modern Slavery – the social justice crisis of our time*, presented by War on Slavery on 15 October 2019, and *Supporting Women in the Sex Industry and Women Trafficked for Sexual Exploitation*, presented by Project Respect on 24 October 2019.

Workplace inspectors

The FWO's National Technical Training for Fair Work Inspectors must be completed by all officials commencing in the Inspector role. Since 2015, it has contained information and guidance on the referral of matters which are outside the FWO's jurisdiction, including suspected instances of human trafficking and slavery. The training sets out indicators of human trafficking and slavery and educates new Inspectors about appropriate referral processes.

In 2017, the FWO collaborated with Anti-Slavery Australia to develop a new refresher online training package to further ensure that all frontline staff identify and respond to potential instances of human trafficking and slavery. This refresher training package was launched in late 2017.

In early 2019, the FWO also delivered face-to-face refresher training to support FWO Infoline staff to recognise indicators of human trafficking and slavery and respond appropriately.

Overseas consular and immigration officials

All DFAT officers who are posted overseas are required to report any information relating to the possible or attempted commission of serious extraterritorial offences under Australian law, including human trafficking and slavery. This ensures that, where appropriate, such matters are referred to Australian law enforcement authorities. Prior to being posted, diplomatic and consular officials receive training on the management and referral of consular cases involving extraterritorial offences including forced marriage.

During 2017-20, multiple training sessions were delivered to Home Affairs and ABF officers as part of the Overseas Preparation Program, which is provided to staff prior to commencing their placement at overseas Posts. Human trafficking awareness training was also provided to Home Affairs and ABF officers prior to their commencement as Airport Liaison Officers at overseas airports.

STPP Victim support staff

The Australian Red Cross has a continued focus on building the capacity of staff in each state and territory to ensure the STPP delivers best practice victim support. This includes annual professional development workshops to evaluate and reinforce practice and policy procedures, and ensure practice is aligned with the principles and values of the organisation and the needs of STPP clients.

Internationally, the Australian Red Cross has taken a number of steps to strengthen staff knowledge, share learnings, and guide internal casework practice and program policy through engagement with members of the global network of 190 Red Cross and Red Crescent National Societies. The Australian Red Cross and British Red Cross have engaged in a peer learning exchange since early 2019 and co-facilitate an online forum within the International Red Cross Movement to share information and engage in dialogue on preventing and responding to human trafficking and slavery.

AWARENESS RAISING

Project Skywarp

Project Skywarp is a multi-agency collaboration led by the AFP, and includes the ABF, Anti-Slavery Australia and Sydney Airport Corporation Limited. Commencing at Sydney Airport in October 2019, as a six month trial, the aim of this awareness campaign was to identify, prevent, deter and disrupt instances of forced marriage.

Building on the concept and success of similar projects in the United Kingdom and the United States of America, Project Skywarp placed awareness materials within the Sydney Airport precinct, including airport terminal bathrooms, to encourage victims and witnesses of forced marriage to contact authorities.

In addition to raising awareness of forced marriage in the Australian community, the materials provided victims and witnesses with the option to contact police directly or My Blue Sky website. My Blue Sky is operated by Anti-Slavery Australia and provides confidential advice and support to victims of forced marriage.

A review of raw data reports revealed⁹:

- Comparing the periods 15 October 2018 - 30 April 2019 and 15 October 2019 - 30 April 2020, there was a clear increase in traffic to the website for the period 15 October 2019 – 30 April 2020.
 - 15 October 2018 – 30 April 2019
 - Users: 4,004
 - New Users: 3,032
 - Sessions: 5,208
 - Page views: 14,310
 - 15 October 2019 – 30 April 2020 (Skywarp trial period)
 - Users: 5,704
 - New Users: 5,649
 - Sessions: 7,189
 - Page views: 15,349

For the one year period from 15 April 2019 - 15 April 2020, there was a spike in traffic to the MBS website immediately after the October 2019 launch of Project Skywarp, which gradually stabilised to normal numbers, by 15 December 2019.

It is believed the increase can be substantially attributed to Project Skywarp, given the initial increase immediately followed Project Skywarp's launch.

⁹ Data provided courtesy of Anti-Slavery Australia – 17 February 2021.

SUPPORT AND ASSISTANCE

A key priority for Australia's *National Action Plan to Combat Human Trafficking and Slavery 2015-19* is assisting and empowering individuals who have experienced human trafficking and slavery by providing appropriate, victim-centred support services and options to develop a new life.

SUPPORT FOR TRAFFICKED PEOPLE PROGRAM (STPP)

The STPP was established in 2004 and is a key component of Australia's response to human trafficking and slavery. The STPP aims to assist victims of human trafficking and slavery in meeting their safety, security, health and well-being needs, seeking criminal justice, and developing options for life after they leave the Program. The STPP has been delivered nationally by the Australian Red Cross since 2009 and is administered and funded by DSS.

Suspected victims of human trafficking and slavery may be identified through a number of avenues, including interaction with immigration and law enforcement officials, NGOs, hospitals, medical practitioners, consulates, schools, and government agencies. Once identified, suspected victims are referred to the AFP for assessment, and where appropriate, offered access to the STPP.

In the early years following establishment of the STPP, most victims of human trafficking and slavery identified in Australia were women working in the sex industry, from both legal and illegal brothels. However, more recently, Australian authorities have identified an increasing number of men and women trafficked into, or exploited within, other industries, or exploited within intimate relationships. This was reflected in referrals to the STPP in 2017-20, where the majority of new clients experienced exploitation other than in the sex industry, with a particular increase in the number of referrals for forced marriage¹⁰ in comparison to previous years.

During the reporting period, the STPP supported 435 victims of human trafficking and slavery. In 2018, the STPP began to provide additional support to people at risk of or affected by forced marriage without the requirement for them to participate in a criminal justice process.

The Australian Red Cross continued to provide a 24 hours a day, seven days a week, 365 days a year national response across all states and territories in Australia during the reporting period. Each victim of human trafficking and slavery referred to the STPP is allocated a case manager, who is responsible for ensuring the client receives support services tailored to their individual needs. Case managers help clients to access a range of support services to: improve their mental and physical health and well-being following the trauma of their trafficking experience, provide safe and secure accommodation, and provide opportunities to learn new skills and develop options for life after exiting the STPP.

¹⁰ People identified as being in or at risk of a forced marriage have only been referred to the STPP since forced marriage was criminalised in Australia in 2013.

STPP services may include access to:

- case management support
- suitable accommodation that meets the AFP's security and safety requirements
- medical treatment (through Medicare and the Pharmaceutical Benefits Scheme, or as approved)
- counselling
- referral to legal and migration advice
- appropriate skills development training, including English language and vocational guidance, where appropriate, and
- social support.

Clients who have dependent children living with them may receive assistance with arranging childcare, schooling, counselling and medical support. They can also be assisted to access parenting support or education.

The STPP is currently divided into the following streams :

Assessment and Intensive Support Stream

All victims of human trafficking and slavery referred by the AFP receive intensive support for up to 45 days on the Assessment and Intensive Support Stream, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence.

This stream provides a recovery and reflection period and time for trafficked people to assess their options, consistent with Australia's obligations under the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. If the person is not an Australian citizen and does not have a valid visa, they can be granted a BVF for up to 45 days (see 'Human Trafficking Visa Framework' for further information).

Victims of human trafficking and slavery on the Assessment and Intensive Support Stream have access to case management support; Medicare; Centrelink Benefits (if eligible) or a living allowance; secure accommodation; an amount for the purchase of essentials such as clothing and toiletries; access to health care, including counselling; access to interpreters; and access to legal and migration advice as needed.

Extended Intensive Support Stream

The Extended Intensive Support Stream provides access to a further 45 days' support for victims of human trafficking and slavery who are willing, but not able, to assist with the investigation or prosecution of a human trafficking or slavery-related offence, for reasons including age, ill health, trauma or practical impediment. This extended period of support is provided on a case-by-case basis and is designed to provide flexibility in the support available to trafficked people. If required, a second BVF for up to 45 days may be granted in such cases. Children, and all clients referred for forced marriage (regardless of age) are automatically entitled to access the Extended Intensive Support Stream, if it is in their best interests.

Forced Marriage Support Stream

The STPP was originally developed in 2004 to respond to the needs of human trafficking and slavery victims. At this time, victims were predominantly women being trafficked for sexual exploitation. The STPP began receiving referrals for people affected by or at risk of forced marriage in 2014 following the criminalisation of forced marriage in Australia.

Under the STPP, forced marriage clients could receive an initial 45-90 days of support, with further support contingent on participation in the criminal justice process. In contrast to other clients on the STPP, perpetrators of forced marriage crimes are often family or community members, and victims can be reluctant to participate in a criminal justice process in these circumstances, particularly when they are young and living in the family home.

In 2018, the Government announced a one-year trial to allow victims of forced marriage to access a longer period of assistance without having to participate in a criminal justice process. The Forced Marriage Trial was funded by DSS and delivered by the Australian Red Cross as part of the STPP.

After the completion of the Forced Marriage Trial in June 2019, an independent evaluation assessed the effectiveness of the additional support. The evaluation found:

- More people threatened or affected by forced marriage accessed the STPP because of the removal of the requirement to engage in a criminal justice process; and
- Clients who accessed the extended length of support reported they had increased confidence, improved mental health and well-being, greater knowledge of options around their rights, and improved awareness of how to access support during and beyond the program.

In December 2019, the Forced Marriage Trial was integrated into the STPP on an ongoing basis as the Forced Marriage Support Stream. This change recognised the need to provide comprehensive, effective and tailored support without requiring forced marriage victims to participate in the criminal justice process.

People affected by or at risk of forced marriage have access to:

- The existing 45 day 'Assessment and Intensive Support' stream and the 45 day 'Extended Intensive Support' stream.
- A further 90 days of support if the client is unwilling or unable to participate in a criminal justice process, but wished to remain on the program.
- The existing 20 business day 'Transition Period' which is available to all clients on the STPP.

Forced marriage victims have complex needs that are often compounded by their young age, dependency on the alleged perpetrator, and desire to sustain connections with their family and community. In recognition of this, where the risk of forced marriage re-emerges or escalates, the AFP may re-refer a victim or person at risk of forced marriage to the STPP.

Justice Support Stream

The Justice Support Stream provides victims of human trafficking and slavery with support until the investigation and prosecution of a human trafficking or slavery-related matter is finalised. If the victim is not an Australian citizen and does not have a valid visa, they can be granted a temporary visa for the duration of the criminal justice process.

Clients on the Justice Support Stream have access to the following support as needed and if eligible: Special Benefit, Rent Assistance, and a Health Care Card administered by Centrelink; assistance with securing longer-term accommodation; assistance to purchase essential furniture and household items; access to Medicare and the Pharmaceutical Benefits Scheme; access to legal services and interpreters; assistance to obtain employment and training (including English-language training) if desired; links to social support; and wrap around case management support.

Temporary Trial Support Stream

Clients on this stream receive intensive support, similar to that provided on the Assessment and Intensive Support Stream, while they are in Australia to give evidence pertaining to a human trafficking or slavery-related prosecution. Recipients are entitled to short-term accommodation and a weekly living allowance, if needed.

Transition period

Clients leaving the STPP receive a 20 business day transition period. This allows case managers to make the necessary arrangements and referrals to ensure the client is adequately supported in their transition back to the community. This transition period may be extended on a case-by-case basis, if needed.

Statistics

Total number of clients on the STPP during 2017-18, 2018-19 and 2019-20

As at 30 June 2020, a total of 546 clients had been supported on the STPP since its inception in 2004. There has been a consistent increase in referrals and people supported by the STPP in recent years. A total of 98 clients were supported in 2017-18, 149 clients in 2018-19, and 188 clients in 2019-20. The majority of referrals to the STPP during 2017-2020 related to forced marriage and labour exploitation (commercial and domestic settings).

Table 8: Total number of clients on the STPP between 2008-09 and 2019-20

Financial year	New clients referred to the STPP	Re-referral of clients to the STPP ¹¹	Total clients supported on STPP
2008-09	27		59
2009-10	24		67
2010-11	29	<5	82
2011-12	9		77
2012-13	21		83
2013-14	21	<5	76
2014-15	38		89
2015-16	38		80
2016-17	39		91
2017-18	44	<5	98
2018-19	68	<5	149
2019-20	84	<5	188

¹¹ Note: For privacy reasons, the Government does not provide data on individual descriptors where there are less than five trafficked people per category. All numbers less than 5 (including zero) have been presented in the above table as < 5.

Table 9: Total number of clients supported on the STPP during 2017-18, 2018-19, and 2019-20 by type of exploitation

Type of exploitation	Clients ¹²		
	2017-18	2018-19	2019-20
Forced Marriage	32	59	60
Labour Exploitation – Commercial	28	42	64
Labour Exploitation – Domestic	13	14	22
Sexual Exploitation – Commercial and domestic settings	14	17	18
Trafficking out of Australia	10	17	24
Unknown	<5		
TOTAL	98	149	188

Table 10: Number of clients on the STPP during 2017-18, 2018-19, and 2019-20 by the state and territory in which they were residing at time of referral

State or territory	Clients ¹³		
	2017-18	2018-19	2019-20
Victoria	46	67	80
New South Wales	26	40	66
South Australia	11	14	10
Australian Capital Territory	<5	6	<5
Queensland	<5	6	7
Western Australia	<5	<5	8
Northern Territory	<5	8	11
Tasmania	<5	<5	<5
TOTAL	98	149	188

12 Note: For privacy reasons, the Government does not provide data on individual descriptors where there are less than five trafficked people per category. All numbers less than 5 (including zero) have been presented in the above table as < 5.

13 Note: For privacy reasons, the Government does not provide data on individual descriptors where there are less than five trafficked people per category. All numbers less than 5 (including zero) have been presented in the above table as < 5.

Clients referred to the STPP in 2017-18, 2018-19, and 2019-20

44 new clients were referred to the STPP during 2017-18, 68 in 2018-19, and 84 in 2019-20. There was one re-referral in 2017-18, two re-referrals in 2018-19, and three re-referrals in 2019-20. The majority of the clients (75%) referred to the STPP between 2017-18 and 2019-20 were female. Clients referred to the STPP were of various nationalities over 2017-2020. 29 (14%) clients referred to the STPP between 2017-2020 were children under 18 years of age.

Table 11: Number of clients referred to the STPP during 2017-18, 2018-19, and 2019-20 by gender

Gender	Clients		
	2017-18	2018-19	2019-20
Female	32	59	60
Male	13	11	27
TOTAL*	45	70	87

*Note total includes one re-referral for 2017-18, two re-referrals for 2018-19, and three re-referrals for 2019-20.

Table 12: Number of clients referred to the STPP during 2017-18, 2018-19, and 2019-20 by age at referral

Age	Clients		
	2017-18	2018-19	2019-20
18 years or older	37	55	81
Under 18 years	8	15	6
TOTAL*	45	70	87

*Note total includes one re-referral for 2017-18, two re-referrals for 2018-19, and 3 re-referrals for 2019-20.

Table 13: Number of clients referred to the STPP during 2017-18 by nationality

Country of nationality	Clients
Australia	7
Iran	8
Other	30
TOTAL	45

Table 14: Number of clients referred to the STPP during 2018-19 by nationality

Country of nationality	Clients
Australia	9
Sri Lanka	8
Afghanistan	7
Other	43
Unknown	<5
TOTAL	70

Table 15: Number of clients referred to the STPP during 2019-20 by nationality

Country of nationality	Clients
Fiji	28
Pakistan	7
Other	52
TOTAL	87

Table 16: Number of clients referred to the STPP during 2017-18 by visa status at referral

Visa status	Clients
Australian citizen	10
050 – Bridging visa E	7
309 – Spouse/Partner (Provisional - Temporary)	6
Other	22
TOTAL	45

Table 17: Number of clients referred to the STPP during 2018-19 by visa status at referral

Visa status	Clients
Australian citizen	20
309 – Spouse/Partner (Provisional - Temporary)	5
Other	45
TOTAL	70

Table 18: Number of clients referred to the STPP during 2019-20 by visa status at referral

Visa status	Clients
Australian citizen	13
050 – Bridging visa E	12
010 – Bridging visa A	8
309 – Spouse/Partner (Provisional - Temporary)	6
Other	48
TOTAL	87

COVID-19

The COVID-19 pandemic highlighted the need for improved protections for our community's most vulnerable and the Government has responded with a number of measures to strengthen the support and assistance available for victims of human trafficking and slavery.

Increased funding for the STPP

DSS provided additional funding of \$2.7 million across 2019-20 and 2020-21 to the STPP as part of the Government's Domestic Violence Support Package to ensure clients who were potentially facing increased vulnerabilities were not placed at further risk, and support could be maintained while investigations and court prosecution processes were delayed. The impacts of COVID-19 on STPP clients included:

- Delays in investigations and court proceedings
- Limited access to usual services and social support mechanisms.
- An extended reliance on short-term accommodation arrangements.
- Delays in processing Centrelink or visa applications.
- Challenges in finding alternative accommodation arrangements for any client requiring self-isolation, quarantine, or removal from their current situation.
- Loss of employment.

Through this funding, STPP clients were supported to access suitable accommodation, additional mental health supports, financial support to meet basic living needs if the client became unemployed and/or did not have access to other financial support, and continue education remotely.

Coordinated STPP planning and response

DSS worked with the partner agencies and the Australian Red Cross to coordinate a flexible program response to COVID-19 with a client-centred approach. Changes to the STPP's delivery model included:

- Flexible casework support so clients were supported via phone and online contact during periods of isolation.
- Revised protocols for AFP referrals that prioritised victims in high risk situations.
- Extensions to transition periods so clients were not exited from the STPP without access to other support services.
- Reviewing visas of clients to ensure they would remain lawful through the COVID-19 period.
- Keeping clients updated about the status of their prosecutions and anticipated delays.

Challenges

Expanding the referral pathway

Stakeholders have raised the importance of expanding the pathway through which victims of human trafficking and modern slavery can access the STPP. Civil society, support services and individuals can refer suspected cases of human trafficking and slavery to the AFP, which assesses the circumstances of the case and if appropriate, refers the victim to the STPP. The AFP's assessment includes close consideration of risks to the victim's safety and preliminary evidence collection to support possible investigation and the criminal justice response. However, challenges including victims' fear of authority, and the impact of trauma causing victims to be unwilling or unable to engage with authorities, represent significant barriers to victims seeking support through the STPP. In recognition of the value that collaboration between Government and civil society brings to better supporting victims of human trafficking and slavery, relevant agencies continue to engage closely with civil society partners on this issue.

Coordinating support on intersectional issues

The safety, dignity and rights of clients on the STPP will benefit from continued coordination with specialist services and inclusive and intersectional approaches across disability, acute and chronic mental health, torture and trauma, gender and age. For example, clients with a disability may be identified at the time of referral, or the disability may emerge through subsequent casework. It is important to address the increased risks and barriers that clients with a disability may face, such as additional levels of social isolation and marginalisation, financial vulnerability, barriers to accessing health care, education and employment, or increased dependency on family or carers, so that appropriate support is provided.

Working with state and territory child protection authorities

Providing support to an increasing number of clients under the age of 18, particularly those referred to the STPP for forced marriage, has highlighted the complexities of working across the Commonwealth, states and territories. STPP clients, when under the age of 18, are considered children in most states and territories. In such cases, it is important to coordinate responsibilities between the service provider for the STPP, the AFP, and the relevant statutory child protection agencies.

Accommodation

Supporting STPP clients to obtain secure, stable and affordable accommodation continues to be an issue. Due to the nature of human trafficking and slavery, especially forced marriage, obtaining appropriate accommodation is an issue compounded by factors such as the client's visa status, young or old age, lack of rental history, and lack of or unstable employment.

CASE STUDIES

Case Study: Forced Marriage

L¹⁴ is a young adult and Australian citizen who was referred to the STPP in relation to forced marriage. Upon referral to the STPP, L left her family home and her Australian Red Cross caseworker supported her with safe accommodation, food, money and a SIMcard. L wished to obtain a cultural divorce that would be recognised by her religion and community and was supported to organise this within her first week on the program.

L shared with her caseworker that she was experiencing particular mental health issues. After receiving emotional support and encouragement from her caseworker, L sought a Mental Health Care Plan from her GP, and was supported to attend a number of therapy sessions. She expressed that these sessions were helpful and after some time she stated that she was no longer experiencing those particular mental health issues.

L independently sourced suitable longer-term accommodation and subsequently created a strong network of friends which she leans on for emotional support. The STPP provided L with the first month's rent and some furniture. The caseworker assisted L to apply for an increased Centrelink payment and to gain casual employment.

L was initially concerned about safety in relation to her parents, so her caseworker supported her with safety planning. After this, L expressed an interest in reconnecting and reconciling with her family, and her caseworker provided practical and emotional support in relation to this.

During her time on the STPP, L learned and displayed great independence, became financially stable, is now residing in safe housing outside of the family home, and had placed an importance on improving her well being and achieving the many goals she had set for herself.

At the time of her exit from the STPP, L also planned to return to study.

Case Study: Forced Labour

D¹⁵ was referred to the STPP as a suspected victim of labour exploitation in a commercial setting. She came to Australia with her arranged husband, who allegedly forced her to work long hours without pay both at his business, and as a domestic servant. D was on the STPP for three and a half years, and assisted the AFP with their investigation during this time.

At the time of referral, D was homeless, lacked support and had no networks in Australia, and was unemployed. She required a significant amount of support from her Australian Red Cross caseworker to access services. She was housed in a refuge, and also supported by refuge staff, for the duration of her time on the STPP.

The caseworker assisted D to apply for Centrelink, enrol in English classes, reconnect with family, begin to make friends, learn how to navigate living in Australia, and independently access local supports. She also received legal and migration assistance.

After eight months on the STPP, the AFP recommended D be invited to apply for a permanent visa through the HTVF because of her contribution to the investigation. D's caseworker supported her during this process, and arranged for her to see a counsellor regularly throughout this period. D received a RSV three years after being referred to the STPP. D's caseworker noticed that having visa security resulted in a marked improvement in D's

14 Given the small number of clients on the STPP and the need to preserve the privacy of individual clients, personal details (such as the client's name) have been changed, and information that may make the client identifiable has been removed.

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mental health and she appeared motivated to look for permanent accommodation, and to once again seek further educational and employment opportunities.

At the time of her exit from the STPP, D was enrolled full-time at TAFE and had started to make plans to move into private rental accommodation. D spoke positively about the support she received and stated that she always felt safe and protected while on the STPP.

Case Study: Trafficking in Persons (Exit Trafficking)

R¹⁶ was referred to the STPP after having been allegedly trafficked from Australia by her abusive husband, who deceived her into travelling overseas on the pretext of a holiday. He then abandoned her overseas and destroyed her passport. It took R a year to obtain a new passport and return to Australia. R was referred to the STPP a few months after her return and she was assisted in getting Permanent Intervention Orders issued against her husband and other relatives of his.

During her 18 months on the STPP, the Australian Red Cross helped R to access a range of support services. R's Australian Red Cross caseworker assisted her to access medium-term transitional housing and referred her to a women's accommodation service to explore alternative housing options, including permanent government housing.

After referring her for legal assistance, R's caseworker also supported her to successfully apply for a permanent visa through the family violence provision, and to apply for a divorce. The caseworker also helped R to access medical support, including a Mental Health Care Plan, and provided financial assistance and support to pursue education and training goals through completion of an English course and commencement of a program for newly arrived young adults of refugee or migrant backgrounds.

R decided not to continue with the criminal justice process and exited the STPP while residing in stable and secure housing, enrolled in full time study and having achieved her goal of obtaining her licence and getting a car. During her time on the STPP, R demonstrated resilience, capacity and motivation to make inquiries and seek assistance independently.

16 Given the small number of clients on the STPP and the need to preserve the privacy of individual clients, personal details (such as the client's name) have been changed, and information that may make the client identifiable has been removed.

REGIONAL AND INTERNATIONAL PARTNERSHIPS

A key focus area under Australia's *National Action Plan to Combat Human Trafficking and Slavery 2015-19* is to continue to strengthen our international leadership and regional cooperation to combat human trafficking and slavery. International cooperation is a crucial part of Australia's response and the Government values the strong global partnerships that underpin its efforts to eradicate human trafficking and slavery in Australia and globally. As part of this, the Government delivers demand-driven law and justice capacity building activities with partner countries in the Indo-Pacific region to strengthen responses to human trafficking, slavery and related transnational crime.

REGIONAL ENGAGEMENT

Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

Australia co-chairs the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) with Indonesia. The 49 member Bali Process (45 governments and four international organisations) is a key platform for policy dialogue, information sharing and practical cooperation to address people smuggling and human trafficking in the Indo-Pacific. In 2017-20, the Bali Process and its sub-groups facilitated regional cooperation and capacity-building, helping to improve national legislation to better support victims, develop best-practice policy guides and strengthen cooperation between law and justice officials.

In 2017, Australia supported the launch of the Government and Business Forum (GABF), with Ministerial and business co-chairs. A permanent track of the Bali Process since 2018, the GABF brings together business and government to combat human trafficking and related exploitation, including by promoting and implementing humane non-abusive labour practices. In 2018, the GABF adopted the AAA recommendations (Acknowledge, Act, Advance) focused on eliminating human trafficking and forced labour from supply chains; and promoting ethical recruitment practices; safeguards and worker redress mechanisms.

Australia also co-chairs the Bali Process *Working Group on Trafficking in Persons* (TIPWG) with Indonesia. The TIPWG aims to promote more effective and coordinated law and justice responses to combat trafficking in persons. During the reporting period, the ABF and the Indonesian Ministry of Foreign Affairs co-chaired annual meetings of the TIPWG to discuss regional trends and challenges and agree future priorities. Australia and Indonesia also co-chaired two TIPWG regional events – a *Roundtable on Government and Civil Society Collaboration* in May 2018, and the *Symposium on Supply Chain Transparency* in June 2019. These events facilitated Bali Process members' engagement with civil society and private sector stakeholders to share information and good-practices on priority issues for the region.

The AFP continued its participation in the Bali Process *Working Group on The Disruption of People Smuggling and Trafficking in Persons Networks* (Disruption Working Group). Between 2017-20, the AFP contributed to two Joint Periods of Action, contributing to international cooperation on operations to combat human trafficking in the region.

Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) and ASEAN-Australia Counter-Trafficking initiative

During the reporting period, DFAT continued Australia's longstanding partnership with ASEAN member states to counter human trafficking in the region. This included the Government's A\$50 million *Australia-Asia Program to Combat Trafficking in Persons* (AAPTIP, 2013-18), and its successor program *ASEAN-Australia Counter-Trafficking* (ASEAN-ACT, 2018-28).

ASEAN-ACT is a 10-year A\$80 million commitment which builds on Australia's 15 years of partnership with ASEAN Member States to eliminate human trafficking. The program works with ASEAN Member States to support implementation of their commitments under the landmark ASEAN Convention against Trafficking in Persons, Especially Women and Children, and supports the development of effective justice systems that will ensure just punishment of human traffickers while protecting the rights of victims.

TRIANGLE in ASEAN

Through the Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN program (TRIANGLE in ASEAN) (A\$24m, 2015-27), DFAT supports safe and fair migration within ASEAN to protect the rights of migrant workers and reduce their vulnerability to trafficking.

TRIANGLE in ASEAN has helped reform labour migration policies and legislation in the region, given more than 178,000 migrant workers, prospective migrant workers and their families access to services, and trained almost 40,000 people from ASEAN Member States on labour migration issues.

Regional supply chains

Australia supports other programs to prevent serious forms of labour exploitation in supply chains in the Indo-Pacific. The International Labour Organization's Better Work Program [A\$8.53 million over 7 years] helps improve labour standards and reduce gender discrimination in garment factories in developing countries, in partnership with the private sector. Funding under this investment will be used to improve and expand the program including increasing the support for existing factories and bringing additional factories into the program in countries within Australia's region of strategic interest, namely: Bangladesh, Cambodia, Indonesia and Vietnam. Some factories that supply Australian companies and brands will be included. The programme works directly to improve the lives of a large number of women. It targets the garment industry, of which 75 per cent of workers in developing countries are female.

DFAT also funded research into supply chain due diligence to address modern slavery risks in the Pacific's canned tuna sector and improve regional organisations' prevention and response mechanisms.

Peer-to-peer technical assistance and capacity building

From 2017-20 the ABF, with support of the AFP and CDPP, delivered peer-to-peer technical assistance and capacity-building with partner governments in the Indo-Pacific region under the *Indo-Pacific Justice and Security Program* (IP-JuSP). Through IP-JuSP, the ABF works with partner governments to develop and implement effective legal and policy frameworks to combat modern slavery and to identify and protect victims. Key outcomes in 2017-20 include:

- Partnering with Indonesia's Attorney-General's Office and the International Organization for Migration (IOM) to design and implement a prosecutor mentor program and an online knowledge hub to strengthen Indonesian prosecutors' understanding, and application, of their human trafficking offences. In 2020, the ABF also commenced a new partnership with Indonesia's victim support and protection agency, Lembaga Perlindungan Saksi dan Korban (LPSK), sharing experiences providing support and protection to victims of human trafficking during the COVID-19 pandemic.

- Partnering with the Government of Vietnam and the United Nations Office on Drugs and Crime (UNODC) to strengthen Vietnam's understanding, and application, of human trafficking offences and to strengthen frameworks for providing support and protection to victims. This includes working with Vietnam to develop and endorse a legal instrument to support implementation of Vietnam's Penal Code offences, and to develop a Government Decree that strengthens support and protection for victims.
- Partnering with Sri Lanka's National Authority for the Protection of Victims of Crime and Witnesses (the National Authority) to support their development and implementation of policies and processes to support and protect victims of human trafficking. This includes hosting the National Authority in Australia to share experiences and lessons-learned providing support and protection to victims. From 2017-20, the ABF also partnered with Sri Lanka's Attorney-General's Office and Police for annual Police and Prosecutor Pairing Programs (Pairing Program). The Pairing Program brings together Sri Lankan and Australian police and prosecutors to share expertise on investigating and prosecuting human trafficking offences.
- Hosting senior officials for the inaugural *Thailand-Australia Dialogue on Human Trafficking*. The Dialogue focused on sharing insight and expertise on combating human trafficking and slavery, and on identifying and protecting victims. It also provided a valuable opportunity to bring different Thai agencies together to enhance information sharing and inter-agency cooperation in Thailand.
- Contributing to the **Government of Fiji's** review of their *National Action Plan to Combat Trafficking in Persons* and participating in a workshop to develop initiatives for inclusion in the National Action Plan.

In addition to supporting delivery of technical assistance and capacity-building under IP-JuSP, the CDPP also:

- Supported delivery of a workshop to a visiting delegation of Philippine investigators from the areas of child protection, anti-human trafficking and anti-money laundering in June 2019.
- Delivered presentations on victim and witness protection in the criminal justice process to a visiting delegation from the Kingdom of Thailand in September 2019.
- Participated in an online survey for an evaluation of the multi-year Swiss Policy Initiative on Human Trafficking implemented in cooperation with UNODC in October 2019. The Initiative examines key concepts of the Trafficking in Persons Protocol to provide guidance for countries on how to apply the trafficking in persons definition effectively.



Thai delegates with Australian Government officials at the inaugural Thailand-Australia Dialogue on Human Trafficking in Canberra.

Responsible volunteering

DFAT's [Smartraveller](#) website contains information for Australian travellers on responsible volunteering, including volunteering with children. This link is also available on the DFAT website (related to the Australian Volunteers for International Development pages).

Regional response to COVID-19

Australia's development cooperation pivoted in response to COVID-19, in line with the *Partnerships for Recovery: Australia's COVID-19 Development Response* strategy. Both ASEAN-ACT and TRIANGLE distributed personal protective equipment to enable continued frontline assistance, and supported analysis to inform regional responses. ASEAN-ACT also helped partners adapt to virtual platforms to allow essential counter-trafficking activities to continue. TRIANGLE has worked with partners to distribute food and information to migrant workers adversely affected by the pandemic.

INTERNATIONAL ENGAGEMENT

International reporting

During 2017-20, the Government contributed to numerous international forums and reporting on human trafficking and slavery:

- Australia made statements on human trafficking and slavery at the 36th to 44th sessions of the UN Human Rights Council and the 72nd to 74th sessions of the UN General Assembly (UNGA).
- During the 44th Human Rights Council session, Australia co-sponsored the Resolution on Trafficking in persons, especially women and children: Strengthening human rights through enhanced protection, support and empowerment of victims of trafficking, especially women and children.
- Australia also co-sponsored an UNGA resolution declaring 2021 the International Year for the Elimination of Child Labour.
- Australia led a Human Rights Council statement during the 40th Human Rights Council session on behalf of 15 Pacific nations, which encouraged all states to end slavery-like practices in the fishing industry.
- At the UN General Assembly in 2018, Australia, Canada, New Zealand, United Kingdom (UK) and the United States launched common principles to guide government action to combat human trafficking in global supply chains, developed as part of the UK's 'Call to Action'.
- In 2018, the Minister for Foreign Affairs, Sen the Hon Marise Payne, co-convened (with Liechtenstein and the Netherlands, and supported by the UN University) the Financial Sector Commission on Modern Slavery and Human Trafficking (the Commission) to recognise the role the global financial sector can play in fighting modern slavery and human trafficking.
- In September 2019, the Commission released the Blueprint for Mobilizing Finance against Slavery and Trafficking at the UN General Assembly in New York. The Blueprint sets out goals and actions the financial sector can take to combat trafficking and slavery through its operations. Australia supports the Finance Against Slavery and Trafficking initiative established by the Commission to help implement the Blueprint.

Home Affairs and the ABF also led Australia's whole-of-government input to the 2018, 2019, and 2020 US Trafficking in Persons Reports. The report ranks countries against the US Trafficking Victims Protection Act's minimum standards. Australia maintained its Tier 1 rank in each report during the reporting period, highlighting its robust response to human trafficking and slavery.

Alliance 8.7

From 2017 to 2019, DFAT was the inaugural chair of Alliance 8.7, a global partnership of governments, UN agencies, businesses and civil society formed to reach Goal 8.7 of the 2030 Sustainable Development Goals (eradication of forced labour, modern slavery, human trafficking and child labour). Among other activities, Alliance 8.7 supports pathfinder countries that have committed to going further and faster to achieve SDG 8.7. The chair transitioned to France in April 2019. Australia continues to play a leadership role through the Global Coordinating Group, and various working groups.

Ambassador People Smuggling and Human Trafficking

During the reporting period, the position of Ambassador People Smuggling and Human Trafficking was held by Andrew Goledzinowski (2014-2017); Geoffrey Shaw (2017-2019); Bryce Hutchesson (2019-2020); and Lucienne Manton (2020-present). The Ambassador People Smuggling and Human Trafficking plays a lead role in progressing Australia's regional and international efforts to combat human trafficking and modern slavery. During the reporting period, all Ambassadors led regional and international engagement, advocating for effective global actions and showcasing domestic examples of best practice during the reporting period, and worked closely with UN agencies to strengthen efforts to tackle human trafficking and modern slavery. DFAT's role as co-chair (with Indonesia) of the Bali Process and specific trafficking and migration development assistance programs helped improve regional cooperation, and strengthen capacity.

Ambassador for Gender Equality

The UN Strategic Development Goal Target 5.2 explicitly recognises trafficking as a form of violence against women and girls. Ms Julie-Ann Guivarra was appointed Australia's Ambassador for Gender Equality in March 2020. The Ambassador for Gender Equality has a mandate to ensure that gender equality, and empowerment of women and girls, is a central focus of Australia's diplomatic, development, trade and regional security efforts. The Ambassador's advocacy complements that of Ambassador People Smuggling and Human Trafficking, Ambassador to ASEAN, and Australia's diplomatic posts and key regional and multilateral missions.

Gender Equality and Women's Empowerment Strategy

DFAT's *Gender Equality and Women's Empowerment Strategy* (2016) reinforces the importance of integrating gender equality effectively across all the Department's work. DFAT recognises the gendered nature of trafficking and slavery, with women and girls accounting for over 70 percent of trafficking victims and survivors globally, and ensures our responses are gender sensitive.

Protocol of 2014 to the Forced Labour Convention 1930

Australia is committed to tackling modern slavery through the implementation of international labour standards, in particular forced and child labour, and has already ratified the most significant ILO Conventions concerning modern slavery: the *Forced Labour Convention, 1930* (No. 29), the *Abolition of Forced Labour Convention, 1957* (No. 105) and the *Worst Forms of Child Labour Convention 1999* (No. 182).

The Government announced its intention to progress ratification of the Forced Labour Protocol in November 2017. In relation to ILO Conventions, the Commonwealth will not normally proceed with ratification unless compliance has been established in all jurisdictions, and each state and territory government has provided its support for ratification.

With the passage of the *Modern Slavery Act 2018*, once Western Australia's gap in coverage for certain workers under its industrial relations framework is addressed, the Government can proceed with ratification processes for the Protocol.

The Western Australian Government has advised that it intends to amend its industrial relations legislation to ensure state laws are compliant with the Protocol.

Minimum Age Convention

The Australian Government started considering the Minimum Age Convention 1973 (No. 138) for ratification in March 2018.

During the reporting period, the Attorney-General's Department completed a comprehensive law and practice assessment of Commonwealth, state and territory compliance with the Convention. As of 30 June 2020, the Government was considering whether to progress ratification in light of the law and practice assessment.

International networks and liaison

The Government ensures ongoing and close collaboration between government officials overseas. Home Affairs maintains a network of Integrity officers located offshore for the purpose of identifying, responding to and countering immigration fraud, including human trafficking, who work closely with AFP deployed officers. Integrity officers vet the visa and citizenship caseload for evidence of fraud or other irregularities that may in turn indicate potential trafficking, as well as analysing information for trends relating to visa processing.

The AFP International Liaison Officer network continued to provide investigative assistance and support to both Australian-based and foreign law enforcement activities focussed on countering human trafficking and slavery. The transnational nature of human trafficking and slavery requires a collaborative effort to effectively tackle these criminal activities and syndicates. The AFP has also provided capacity building and training in support of regional law enforcement efforts against human trafficking.

RESEARCH

Roya

Since 2007, the AIC has undertaken a range of research as part of their Human Trafficking and Modern Slavery Research Program. During 2017-20, the AIC has finalised and/or published research reports examining:

- Forced marriage victimisation in Australia and New Zealand.
- Facilitators of the sexual exploitation of children in the context of 'voluntourism'.
- An estimate of human trafficking and slavery victimisation in Australia.
- The characteristics of Australian offenders suspected of paying for child sexual abuse live streaming in the Philippines.
- Activities undertaken as part of the National Action Plan to Combat Human Trafficking and Slavery 2015-19.
- The attrition of human trafficking and slavery cases through criminal justice processes.

The AIC also commenced work on developing a monitoring and evaluation framework for the *National Action Plan to Combat Modern Slavery 2020-25*; a crime script for labour exploitation; a number of interrelated projects examining the trafficking of children for live-streaming of child sexual abuse; and research focused on exploring the support needs and experiences of children and women who have experienced sexual exploitation.

Estimating the dark figure of human trafficking and slavery victimisation in Australia

In 2019, the AIC completed research that involved using multiple systems estimation techniques to estimate the true prevalence of human trafficking and slavery victimisation in Australia. Using this technique, the AIC estimated that the number of human trafficking and slavery victims in Australia in 2015-16 and 2016-17 was between 1,300 and 1,900. This means there are approximately four undetected victims for every victim detected.

Australians who view live streaming of child sexual abuse: An analysis of financial transactions

In 2020, the AIC published findings of its study that examined a sample of financial transactions made by a cohort of Australians who provided funds to known facilitators of child sexual abuse (CSA) live streaming in the Philippines. The results showed that:

- The majority (55%) of offenders had no criminal record.
- 10% had a sexual offence recorded in their criminal history.
- Most CSA live streaming transactions involved a small proportion of individuals; just 3% accounted for half of all transactions.
- As live-streaming purchases increased, individuals paid a higher median price per transaction and their transactions became more frequent.

Publications

Brown R, Napier S & Smith R 2020. Australians who view live streaming of child sexual abuse: An analysis of financial transactions. *Trends & issues in crime and criminal justice* no. 589. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/tandi/tandi589>

Lyneham S & Bricknell S 2018. *When saying no is not an option: Forced marriage in Australia and New Zealand*. Research Report no. 11. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/rr/rr11>

Lyneham S, Dowling C & Bricknell S 2019. *Estimating the dark figure of human trafficking and slavery victimisation in Australia*. Statistical Bulletin no. 16. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/sb/sb16>

Lyneham S & Facchini L 2019. Benevolent harm: Orphanages, voluntourism and child sexual exploitation in South-East Asia. *Trends & issues in crime and criminal justice* no. 574. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/tandi/tandi574>

Research collaboration

To facilitate research undertaken as part of the Human Trafficking and Modern Slavery Research Program, the AIC partnered with a number of government and non-government agencies such as the ABF, AFP, CDPP, Australian Red Cross, Salvation Army and the Walk Free Foundation. Collaboration included developing research agendas and ideas, facilitating the provision of data to inform research as well as seeking feedback on key research outputs.

Challenges

Research exploring various facets of human trafficking and slavery continues to be inhibited by a lack of consistent data collection processes and barriers to information sharing between agencies. The AIC will continue to assist agencies in developing their data collection systems to support ongoing research projects, and support the monitoring and evaluation of the *National Action Plan to Combat Modern slavery 2020-25*.

FUTURE FOCUS

National Action Plan to Combat Modern Slavery 2020-25

The next reporting period marks the commencement of the *National Action Plan to Combat Modern Slavery 2020-25*. The National Action Plan provides the strategic framework for Australia's response to modern slavery from 2020 to 2025 and articulates the Government's vision for a future where no one is subjected to modern slavery and the human rights of all people are valued equally. Informed by an extensive consultation process, the National Action Plan will build on the efforts and initiatives detailed in this report.

Partnerships

Over 2020-21, the Government will continue ongoing dialogue, collaboration and cooperation with valued partners to address modern slavery in a holistic, whole-of-community response through the National Roundtable, Modern Slavery Expert Advisory Group and provision of grant funding.

Modern Slavery Act 2018

The Government will also continue to progress initiatives to combat exploitation within the supply chains of goods and services of Australian businesses and the Government, including by publishing its first Commonwealth Modern Slavery Statement in December 2020 and shaping Australia's broader response to addressing modern slavery in public procurement.

The ABF will continue to drive business best practice through the implementation of the Modern Slavery Act (the Act), including through assessing compliance trends under the Act and delivering targeted support to reporting entities based on this analysis.

Support for victims

The Government has committed to develop a 'forced marriage protection order' model for enhanced civil protections and remedies for individuals in, or at risk of, forced marriage. The ABF will conduct consultations with civil society, state and territory governments and other key stakeholders to develop this model, which is expected to complement Commonwealth criminal offences and provide new tools to prevent forced marriages and support victims.

More broadly, the Government will continue to work closely with the Australian Red Cross in delivering the STPP to ensure the needs of human trafficking victims and survivors are met. This will include participating as an observer in a civil-society led working group under the National Roundtable that will consider, and recommend options to overcome, the practical challenges experienced by victims and survivors of human trafficking and slavery in accessing support.

International Engagement

The Government recognises that international cooperation is more important than ever, with COVID-19 exacerbating modern slavery risks in our region. In the next reporting period, the Government will continue its strong commitment to strengthening regional and global responses to modern slavery under the updated International Engagement Strategy on Human Trafficking and Modern Slavery.

This significant program of work signals the Government's steadfast commitment to combating modern slavery in 2020-21 and beyond.

APPENDICES

APPENDIX A: CIVIL SOCIETY PARTNERSHIPS

The below updates provided by National Roundtable members outline key projects during the reporting period and responses to the COVID-19 pandemic.

ANTI-SLAVERY AUSTRALIA

About Us

Since 2003, Anti-Slavery Australia (ASA) has provided legal representation to some of the most vulnerable groups in the Australian community, as well as having contributed valuable research and policy development. ASA is the only specialist legal, research and policy centre in Australia that is dedicated to the abolition of modern slavery. As part of our work, ASA provides education and training on trafficking and modern slavery, including launching a new free online course Modern Slavery available on the UTS Open platform. ASA developed an online course, “A Practical Guide to the Modern Slavery Act”, designed to educate and assist organisations to address modern slavery in their operations and supply chains. ASA uses funds obtained through enrolments in this course to contribute to the funding of our legal service, which provides pro bono assistance to victims and survivors, and My Blue Sky, Australia’s national forced marriage assistance program and the first website dedicated to forced marriage prevention, information, referrals and legal advice.



Legal services

- ASA provides access to comprehensive legal advice, representation, referrals and assistance, including advice about immigration, citizenship, employment law, family law, criminal law, and victims’ compensation.
- Currently assisting over 300 clients from 36 different countries who have been trafficked, enslaved or forced to marry in Australia. Clients are being assisted in every state and territory, as well as overseas. The most common form of exploitation faced by clients in the past three years have been forced marriage, and three quarters of all those assisted identify as female.
- Prior to changes to the Statutory victims compensation scheme, ASA clients were granted over \$170,000 in compensation in the period 2017/18, and \$55,000 in 2019.

Research and Advocacy

- Over 33 research-informed submissions were made to Commonwealth, State and foreign governments, as well as to the United Nations, advocating for reforms to improve support and access to justice for survivors of modern slavery. ASA conducted extensive research, policy development and advocacy in respect to both the Commonwealth Modern Slavery Act and the NSW Modern Slavery Act, including providing multiple submissions and oral evidence to the inquiries. ASA Director, Professor Jennifer Burn, was appointed Interim NSW Anti-Slavery Commissioner from 2019-2020.
- The impact of our efforts is evident in many of the resulting reports of these parliamentary inquiries – for example, ‘Hidden in Plain Sight’, the final report of the Joint Standing Committee on Foreign Affairs, Defence and Trade’s Inquiry into establishing a Modern Slavery Act in Australia. Additionally, over 90% of our recommendations were substantially or partially adopted by the Committee.
- The biennial Freedom Awards, first launched in 2011, were convened in 2017 and 2019. They recognise outstanding work and contributions of individuals and organisations for initiatives combating modern slavery, including human trafficking, slavery, forced labour and forced marriage.

- Consultative processes and events hosted by ASA have been numerous, including contributing to the Bali process (2018), Australia's National Action Plan 2020-2025, hosting a seminar to mark the 10th anniversary of the Australian Government National Roundtable on Human Trafficking and Slavery, as well as Australia's inaugural Forced Marriage Prevention and Protection Conference in 2018.

Training and Advisory

- In the 2018 – 2019 period, the free e-learning course saw 6,082 course modules and 28,834 pages (pages within each module) completed by course users.
- The free e-learning course (Modern Slavery) is being updated with plans to re-launch the course in December 2020.



- In 2020, ASA reached over 80,000 learners through our modern slavery education and training activities including through our online courses (A Practical Guide to the Modern Slavery Act and Modern Slavery highlighted below) webinars, speaking engagements and bespoke training activities.
- Positive feedback has been received and published on social networks such as LinkedIn, and has led to adaptations produced for businesses and other organisations.

Key projects and initiatives

Anti-Slavery Partnerships

- In 2020, ASA received a National Community Crime Prevention Modern Slavery Grant from the Australian Border Force, to develop a national anti-slavery community of practice in the "Anti-Slavery Partnerships to Prevent Modern Slavery in Australia" project.

Speak Now project

- As part of the National Initiatives program to achieve positive outcomes for families, women and their children, the Federal DSS' Community Services Hub has awarded ASA a sexual violence and forced marriage prevention grant to combat forced marriage through community engagement and education, capacity building of youth and service providers, and awareness raising.

My Blue Sky

- ASA's **My Blue Sky** service is Australia's national forced marriage assistance program. My Blue Sky allows people experiencing forced marriage, or at risk of forced marriage, access to specialised legal and migration advice and support. The **My Blue Sky** website, launched in November 2015 with funding from the Australian Government, has seen a steady increase in the number of users, including a 15% increase in new users alone between 2017/18 and 2018/2019. In 2020, 11,492 new users accessed the My Blue Sky website, and there were 30,215 page views.
- People from 140 countries have accessed the website, approximately 70% are female and the highest user group demographic is 25-34 years of age (33%).

Connecting Communities

- The **Connecting Communities** project engaged with a diverse range of service sectors across NSW through the support of a grant from the Department of Home Affairs in 2018/2019 financial year.
- Training and awareness raising workshops on modern slavery were delivered by ASA to over 320 community workers from youth, refugee and asylum seeker, settlement, health, migrant and domestic/family violence sectors. Learning and intended use of learning rates were very high amongst participants (over 90%).

Forced Marriage and Trafficking Response networks

- ASA has co-chaired regular meetings of the Forced Marriage and Trafficking Response networks with the Australian Red Cross.
- The networks favour collaboration between anti-slavery organisations all over Australia, and foster discussion of key topical issues, such as labour exploitation in the context of the COVID-19 pandemic, extra-territorial forced marriage cases, and alternative referral pathways for survivors.

ASA Research Grants

- ASA provided three research grants to expand modern slavery enquiry around vulnerability of temporary migrants to modern slavery, disability segregated employment, and the right to housing for better protection of survivors in 2020. Results of this research should be available in 2021.

Modern Slavery Toolkit

- An online Modern Slavery Toolkit aimed at students began in 2020. It is aimed at empowering students to become advocates against modern slavery and will be launched in 2021.



ASA Website

- ASA launched a new website in June 2020. This has attracted almost 15,000 users in 2020 alone, and over 50,000 page views.

Responses to challenges posed by Covid-19

During 2020, ASA has seen an increase in the number of new referrals and clients, both through referrals from other organisations and our internal hotline.

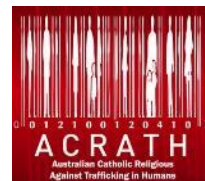
ASA Response

- Since March 2020, when Covid-19 first hit, ASA received approximately 70 direct contacts. These came to ASA via our hotline, from individuals experiencing modern slavery situations, and also from other members of the community. For example, we received 17 referrals from community members, including social workers from community organisations and hospitals, and teachers. ASA also observed a 27% increase in existing client queries over the first six months, when compared with the same time in 2019.
- A large portion of these contacts (approximately 65%) concern individuals who have experienced, or are at risk of forced marriage. Most of these individuals have reached us through ASA's forced marriage platform, My Blue Sky. This also includes contact from individuals overseas, who reached us directly through My Blue Sky and our social media platforms seeking assistance with their repatriation to Australia. ASA was contacted by two individuals who were overseas and facing serious risk of forced marriage between May and June 2020. ASA assists with repatriation where possible, which can be a complex and challenging task at the best of times. However, the pandemic has exacerbated this; its consequences for international travel has resulted in an unprecedented level of difficulty in aiding repatriation.

AUSTRALIAN CATHOLIC RELIGIOUS AGAINST TRAFFICKING IN HUMANS (ACRATH)

About Us

ACRATH is committed to working in partnership towards the elimination of human trafficking in Australia, the Asia Pacific region, and globally. During 2017-20, ACRATH built on existing relationships and networks utilising technology to enhance and broaden their reach. Developing a strong online presence, a focus on their strategic goals was maintained. ACRATH's goals are to:



www.acrath.org.au

People are NOT for sale

- Eliminate human trafficking in sexual exploitation and in forced labour
- Eliminate forced marriage
- Ensure people who have been trafficked access their rights
- Promote slavery free supply chains
- Develop our sustainability to address human trafficking

Key projects

Education:

- Updated Secondary Teaching Kit and rolled out a series of webinars attracting over 70 school-based people across most states in Australia
- Ongoing links offered sharing resources and support
- Targeted schools for staff development, awareness raising and education for students on slavery and forced marriage, slavery free supply chains
- Ten face to face visits pre COVID

Advocacy with politicians and government departments:

2020 saw the annual 'Canberra advocacy week' online. Flexibility afforded us time to meet with politicians, departments and agencies. During this time each advocacy point was researched, the advocacy team was trained up by ACRATH's 'expert', meetings were planned and follow up work ensured the necessary actions happened. Ongoing and tireless support for justice for 22 Vanuatu men egregiously exploited.

Health sector:

- Supply chains in health services
- Forced marriage awareness training for staff in hospitals
- Planning and scoping forced and exploitation work

Networking across ACRATH:

Our band of volunteers, with the support of staff, collaborated to create and facilitate ACRATH's Australia wide online presence. ACRATH instigated over 150 zoom meetings, to plan locally or nationally focused action. This number surprised all of us, as at the start there was intense learning and commitment to ensure that our networking and relational approach to this work across ACRATH was heightened during this COVID era. We are really proud of this number and showcases, each ACRATH member's commitment to step up and keep working to eliminate slavery.

Forced marriage

- Maintenance of local networks
- Progress on local network in Western Suburbs of Melbourne
- Online presentation launched, follow up support offered
- Companionship maintained 'in isolation' – critical support provided

Survivor voice

- Ongoing support for 22 Vanuatu men egregiously exploited whilst on a Government program
- Ongoing support and supervision for companionship program
- Companions network ensuring the voice of the women and men ACRATH supports is heard, this leads many of our actions (financial help, awareness raising stories for our supporter base) and informs our advocacy
- Support to local communities who host people on the Seasonal Worker Program

Responding to the impact of COVID-19

Increased poverty and homelessness for overseas workers and students on temporary visas were a focus for ACRATH and increased the vulnerability to exploitative opportunity. Locally ACRATH maintained its advocacy and support by:

- Advocating for extensions to visas for people trapped in Australia
- Maintaining connections through COVID times to people on our companionship program
- Supporting workers on the Seasonal Workers Program and Pacific Labour Scheme, financially and with information about the severity of COVID and safe work expectations
- Providing financial assistance to our partners Project Respect
- Providing advice and good counsel to community agencies supporting victims of domestic violence in forced marriage situations
- Providing relational and financial support to people we have existing contact with, brokering safe housing and welfare check ups
- Using survivor voice at times of advocacy to influence our actions and concerns.

Internationally ACRATH has maintained contact with our international partners. Unfortunately, in one instance we were made aware of a rubber gloves manufacturer in Malaysia with increased vulnerability to COVID due to unsafe accommodation and workplaces, linked to our partnership with St Vincent's Health Australia. Together action seeking better support for safer practices has begun, a great example of advocacy for slavery free and fair treatment in our supply chains.

AUSTRALIAN HUMAN RIGHTS COMMISSION

About us

The Australian Human Rights Commission (the Commission) is Australia's legislatively-mandated national human rights institution (NHRI).¹⁷ The Commission provides independent and impartial services to promote and protect human rights and fundamental freedoms, and address discrimination.¹⁸ The Commission is committed to fostering strategic policy and delivering projects aimed at promoting business respect for human rights across a broad range of sectors, including combatting modern slavery.



Key projects

Support for business

- The Commission is working to support Australian businesses to implement the new modern slavery legislation and promote measures that situate efforts within a broader human rights framework. The Commission has been collaborating with KPMG to create a range of sector-based guidance on responding to the *Modern Slavery Act 2018* (Cth). The guidance packs seek to provide practical sector-based advice which complements the *Commonwealth Modern Slavery Act 2018: Guidance for Reporting Entities*. The first sector pack focusing on the property and construction sector is planned to be released in August 2020. The next sector pack will be released in early 2021 and will focus on the financial services sector.
- Throughout October and November 2019 the Commission, the Australian Institute of Company Directors (AICD) and KPMG co-hosted a range of events around Australia for company directors. The event series, *Directors Briefing: Modern Slavery Reporting – Is your board ready?*, sought to assist board directors to understand their responsibilities under modern slavery legislation and highlight ways directors can assist their business to identify and address their modern slavery risks. The events received a high level of engagement from AICD members.
- The Commission hosted an event in April 2019 with KPMG and the UN-backed Liechtenstein Initiative for a Financial Sector Commission on Modern Slavery and Human Trafficking with a multi-stakeholder audience drawn from the Australian investor, business and civil society community
- Representatives from the Commission, including the President and Chief Executive, regularly participate in education and outreach activities to increase awareness about modern slavery risks and how to respond.

Internal response to modern slavery

- As a Commonwealth Corporate Entity the Commission is not required to report under the *Modern Slavery Act*. However, the Commission has been taking steps to identify and address key risk areas for modern slavery in our supply chains, as well introducing a new Responsible Sourcing Policy, establishing a Modern Slavery Steering Committee, and developing modern slavery training for Commission staff.

¹⁷ Australian Human Rights Commission Act 1986 (Cth), s 10A.

¹⁸ Australian Human Rights Commission, 'About the Commission,' Australian Human Rights Commission website, 2020, <https://www.humanrights.gov.au/about>

Facilitating multi-stakeholder engagement

- From 2014 to 2019 the Commission (in partnership with the Global Compact Network Australia) convened the annual Australian Dialogue on Business and Human Rights (Dialogue). The annual Dialogue was designed to enhance knowledge, exploring continuing challenges and encouraging collaboration to support business respect for human rights, including through implementation of the UN Guiding Principles on Business and Human Rights. The Dialogues also provided a unique opportunity to bring together leaders from business, academia, civil society and the public sector. These annual Dialogues helped lay the groundwork for multi-stakeholder engagement and advocacy in relation to the introduction of the Modern Slavery Act. Each year the Dialogue included distinct discussions on modern slavery, and the theme of the 2018 Dialogue was *Embedding Human Rights in Global Supply Chains: Modern Slavery and Beyond*.
- In October 2017, the Human Rights Commissioner, brought together a diverse group of community leaders – spanning the business sector, academia, sector-specific peak bodies, civil society and faith-based organisations, to contribute constructively to the development of Australia's response to modern slavery. The outcome was a joint statement, which expressed support for the development of an Australian Modern Slavery Act, and articulated a number of key principles that should guide this reform.¹⁹ This joint statement was also provided to the JSCFADT *Inquiry into Establishing a Modern Slavery Act in Australia*.

Strategic advocacy and engagement

- The Commission has recently been engaging with the Australian Institute of Criminology on developing the monitoring and evaluation framework for the new *National Action Plan to Combat Modern Slavery 2020-25*.
- The Commission was a member of the Advisory Group providing input into the preparation of the draft *Guidance for Reporting Entities*, recently released by the Australian Border Force to support businesses reporting under the Modern Slavery Act 2018.
- The Commission has made submissions to consultations on:
 - the National Action Plan to Combat Modern Slavery 2020-2025 (2020)
 - Senate Select Committee on Temporary Migration Inquiry into the impact temporary migration has on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions (2020)
 - the Legal and Constitutional Affairs Legislation Committee Inquiry into the Modern Slavery Bill 2018
 - AGD in response to its Modern Slavery in Supply Chains – Report Requirement: Public Consultation Paper (2017)

International Engagement

- The Commission prepared its independent assessment of Australia's human rights situation in anticipation of Australia's third appearance before the UN's Universal Periodic Review Working Group in 2021. This assessment included recommendations aimed at strengthening Australia's response to modern slavery and wider business and human rights issues.²⁰
- In May 2018, the Commission facilitated a roundtable dialogue for NHRIs within the ASEAN as a side event to the interregional dialogue on Business and Human Rights. The roundtable dialogue focused on the role of NHRIs in addressing business and human rights issues including modern slavery and human trafficking.
- In April 2018, the Commission facilitated a capacity building workshop with NHRIs, government agencies, embassies and civil society groups from the Pacific region to discuss ways to strengthen the protection of human rights for seasonal workers participating in the Seasonal Worker Programme.

19 Australian Human Rights Commission, '[Statement of Support for an Australian Modern Slavery Act](https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/statement-support-australian-modern-slavery-act-2017)', Australian Human Rights Commission website, (Leadership statement, November 2017), <https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/statement-support-australian-modern-slavery-act-2017>

20 Australian Human Rights Commission, 'Australia's Third Universal Periodic Review', Australian Human Rights Commission website, <https://humanrights.gov.au/our-work/rights-and-freedoms/projects/australias-third-universal-periodic-review-upr>

AUSTRALIAN RED CROSS

About us

Australian Red Cross is part of the world's largest humanitarian network, the International Red Cross and Red Crescent Movement (the Movement), which has a network of millions of volunteers operating in 192 countries. A key



priority of Australian Red Cross (Red Cross) is to ensure dignity, protection and assistance for people made vulnerable through the process of migration, including people who have been trafficked, or who are, or may be, forced into marriage.

In Australia, Red Cross has directly assisted more than 495 people subjected to human trafficking, slavery and slavery like practices. Since 2009, Red Cross has provided individualised case management support tailored to individuals referred to the government funded STPP. Through our connection to a global movement, presence in each state and territory in Australia, and direct learning from working with the people and communities we assist, Red Cross is able to identify critical humanitarian issues related to human trafficking and slavery and work to strengthen the overall response to these issues in Australia.

Key projects

Community and Sector Engagement

Red Cross works collaboratively to enhance engagement with communities and relevant sectors through the following means:

- **Trafficking & Forced Marriage Networks** – Red Cross works to enhance sector coordination, awareness and capacity through either co-chairing or actively participating in forced marriage and anti-trafficking networks in each state and territory of Australia.
- **Regional engagement on labour exploitation** – Red Cross continues work in regional areas of Australia engaging with communities and stakeholders primarily on labour exploitation. Recent work has included engagement in Alice Springs, Katherine and Tennant Creek in the Northern Territory. Training and information sharing – Red Cross regularly delivers training, information and advice to stakeholders including community legal and health workers (ACT, NT, QLD, SA, VIC), homelessness support services (NSW, QLD, SA, VIC), youth support services (QLD, VIC), child protection agencies (NSW, NT, QLD, VIC), migration support services (NSW, NT, QLD, VIC), family violence and women's support services (NSW, NT, QLD, SA, VIC), sex industry support services (NT, SA, VIC), victims of human trafficking and forced labour support services (NSW), the education sector (QLD), students (SA), state and federal police (NSW, NT), and a range of government agencies including the AFP, Services Australia, Home Affairs, CDPP and the AIC.

Regional and International Collaboration

- **Asia Pacific** – In the Asia-Pacific region, Red Cross co-chairs the Movement's Asia Pacific Migration Network (APMN) and provides technical support to the APMN labour migration and trafficking working group. Red Cross also supports APMN activities such as international exchanges, annual regional meetings, and engagement in intergovernmental conferences such as the Global Compact for Migration meetings in Morocco in 2018. In our role as auxiliary to government, Red Cross also supports Commonwealth Government initiatives in the region including Bali Process events such as a symposium on Supply Chain Transparency held in Jakarta in June 2019 where we presented on "keeping the victim at the centre" and supporting Home Affairs through sharing learning from delivering the STPP to visiting delegations from Malaysia, Indonesia and Sri Lanka in 2018, Thailand in 2019 and Vietnam in 2020.
- **Europe** – Red Cross is an observer to the Movement's European Action for Trafficked Persons Network, in order to share expertise and experiences and identify areas for increased collaboration. In 2019, Red Cross was invited to share learning from delivering the STPP with a visiting delegation from the UK Government.

- Global – Red Cross’s work at a global level includes co-facilitating an online community of practice that provides an international forum for Movement staff and volunteers to share information, learning and engage in global discussions on preventing and responding to trafficking in persons; co-developing the first training on trafficking in persons for the Movement and contributing to the development of Movement global guidance on localised strategies to prevent and respond to child marriage, including forced marriage.

Consultations, submissions, working and advisory groups

Red Cross uses insights gathered from our work to contribute to furthering understanding of the humanitarian impact of human trafficking and slavery.

- Red Cross made submissions to; (i) the NSW Government Legislative Council Select Committee on *Human Trafficking Inquiry into Human Trafficking*; (ii) the Commonwealth Government's *Hidden in Plain Sight: An inquiry into establishing a Modern Slavery Act in Australia*; (iii) DFAT discussion paper on *Preventing Sexual Exploitation, Abuse and Harassment Policy*; (iv) the NSW Parliament Standing Committee On Social Issues *Inquiry into the Modern Slavery Act 2018* and associated matters; (vi) the DFAT International Strategy on Human Trafficking and Modern Slavery.
- During 2019 and 2020, Red Cross actively participated in opportunities to help shape the Commonwealth Government’s *National Action Plan to Combat Modern Slavery 2020-2025*.
- Red Cross is a member of the Commonwealth Government’s National Roundtable on Human Trafficking and Slavery and actively participated in all Ministerial and Senior Officials meetings of this body during the period, including participating in the Roundtable’s 2017 working group on serious forms of labour exploitation.
- Red Cross also regularly engages with state and territory initiatives to share learning from our work in response to human trafficking and slavery, including contributing to the Victorian Department of Justice and Community Safety (DJCS) review into decriminalisation of sex work and Victorian Law Reform Commission inquiry into sexual offences.

Research and Projects

- *Forced Marriage Community Voices, Stories and Strategies*. This publicly available report details key findings from Red Cross’s consultations with communities and highlights a number of community-identified methods of addressing forced marriage.
- Exploring challenges and opportunities to improve identification of and support for people subject to trafficking in regional Australia: Red Cross undertook scoping studies in Tasmania, Northern Territory, Queensland and Western Australia and presented this report to the National Roundtable in July 2018.
- *Evaluation of the Forced Marriage Support Stream Trial*: During 2018 and 2019, Red Cross worked with external consultants and an evaluation reference group (consisting of representatives from government and civil society) to undertake a 12 month developmental evaluation of the Forced Marriage Support Stream. The findings and recommendations of this evaluation were shared with the National Roundtable and made publicly available on the DSS website in late 2019.
- *Red Cross Strategic Initiative & Modern Slavery Grant*: Committed to increasing capacity to respond to modern slavery in regional and rural Australia, during 2018 and 2019 Red Cross led a number of activities through an internally funded strategic initiative and a Modern Slavery Grant from Home Affairs. These included facilitating awareness raising sessions with migrant workers and their communities, and delivering capacity building sessions for frontline workers and training for Red Cross staff, volunteers and members in 13 locations across Australia.
- *Free to Choose, Empowered to Respond - Victorian Forced Marriage Capacity Building Project* - Red Cross began delivering this project in 2017, working alongside communities to identify and develop ways to more effectively prevent and respond to forced marriage.

Responding to the impact of COVID-19

- Assessing and responding to the impacts of the COVID-19 pandemic on people affected by or at risk of human trafficking and slavery in Australia has been a key focus of the Red Cross since March 2020. Swiftly after the emergence of the virus in the Australian community, Red Cross worked with Government to develop a contingency plan aligned with federal health authority advice which ensured ongoing support to victims/survivors on the STPP.
- Red Cross welcomed the announcement by the Federal Government on 29 March 2020 regarding additional COVID19 funding to the Support Program in the 2019-20 and 2020-21 financial years. This funding has allowed Red Cross to support individuals facing increased vulnerabilities due to the pandemic, such as loss of employment or reduced access to other support services, meet their needs and reduce risks to further harm. Needs met through this additional funding include accommodation, additional mental health supports and basic living needs through income support.
- Red Cross has also been involved in various research projects and the development of different reports and guidance documents related to the impact of COVID-19 on migrants and trafficking. These include:
 - **Australian Red Cross report:** COVID-19 impacts us all - ensuring the safety and wellbeing of people on temporary visas which documents lessons learned through the delivery of Emergency Relief regarding the impact of COVID-19 on people on temporary visas in Australia.
 - **IFRC report:** Least Protected, Most Affected: Migrants and refugees facing extraordinary risks during the COVID-19 pandemic which outlines the impacts of COVID-19 on migrants and refugees globally, highlighting examples of how Red Cross and Red Crescent National Societies have been responding and a number of recommendations for governments. It includes examples from the Australian context.
 - **IFRC Fact Sheet & Technical Guidance:** COVID-19 Impact on Trafficking in Persons these tools have been designed to support Red Cross and Red Crescent National Societies to consider how the COVID-19 pandemic has placed communities at increased risk of trafficking, and provide advice on practical actions that can be taken to respond and mitigate risks.

HAGAR Australia

About us

Hagar's vision is to free and heal communities from the trauma of human trafficking, slavery and abuse. We restore the lives of survivors through healing trauma at an individual level, while also operating at a systemic level to bring an end to human trafficking and slavery.



Our five Strategic Goals

This Global Strategy has five goals, all of which are underpinned by Hagar's experience in Trauma-informed Care, which includes services in casework, counselling, economic empowerment, family support, legal support, reintegration and staff care. The five goals are:

1. **Heal:** support survivors, particularly women and children, to heal through access to consistent quality social services.
2. **Prevent:** strengthen mechanisms to prevent human trafficking, slavery and abuse of vulnerable populations in target areas.
3. **Partner:** build the capacity of our partners to deliver Trauma-informed Care to survivors.
4. **Empower:** empower and equip survivors at community, national and international levels to actively contribute to society and the economy.
5. **Influence:** contribute to changing policy at the community, national and international levels.

Key projects

- **The Whole Journey:** supported survivors with the necessary support to help them recover and rebuild their lives: e.g. a dedicated caseworker, trauma-informed care counselling, food, medical and dental services provision, legal support, education/ training/ job placement and a safe place to live.
- **Reintegration & Transitional Living Project:** helped 139 survivors safely reintegrate into their community. This involved helping them to settle back in their family home or receiving support from the Transitional Living Project, which provides community-based support for survivors who are not able or ready to return to their families and required either foster families or semi-independent living arrangements.
- **Supporting Children in Legal Processes (SCILP):** finalised an agreement with the Ministry of Justice in Cambodia to work on the second phase of the Supporting Children in Legal Processes (SCILP) project, aimed at building the capacity of judges and prosecutors in Cambodia, focused on safeguarding the rights of children.
- **Human Trafficking, Domestic Violence and Sexual Abuse Campaigns - Vietnam:** 7,500 individuals learnt about human trafficking, domestic violence and sexual abuse through 10 provincial awareness campaigns. There was a total of 30 partner trainings and 9,085 community trainings delivered globally.
- **Education & Economic Empowerment:** in 2017, 502 survivors accessed education, 17 attended university and 363 received job training globally.
- **Reintegration & Transitional Living Project:** 26 foster families provided care and safe homes for 43 clients. 52 clients were helped through the Transitional Living Project in Cambodia.
- **Legal and Protection Project:** Hagar Cambodia's Legal and Protection Project provided direct assistance to communities by educating 35 foster families about child rights and child protection and provided information about victim support skills to authorities in 20 communes.
- **Community Training:** training community members in positive parenting skills and domestic violence prevention. Upskilling local authorities with training in child protection, trafficking prevention, online safety and safe migration. Providing awareness raising sessions about COVID-19 prevention, safe migration, and human trafficking.

- **Combatting Human Trafficking Project (Afghanistan):** provided training sessions on identifying and preventing human trafficking for government officials, border police, educators, religious and community leaders.
- **Trauma-Informed Care Awareness Workshops:** facilitated 10 workshops to support at the policy and program levels to strengthen core psychosocial services within six of the Protection Centres. The sessions included Trauma-Informed Care awareness and education, and quality improvement assessments.
- **Empowering Women for a Better Future (EWBF) Project – Afghanistan:** continued operating this vital initiative that tackles gender inequality and aims to overcome disadvantage by increasing women's access to education, training and employment.
- **Community Learning Centre (CLC) – Cambodia:** worked with child survivors of abuse, and families from impoverished local communities to provide high-quality primary education. Children undertook a specialised curriculum that enabled them to catch up on missed education, and school social workers and teachers worked closely with families and counsellors to guide the children's recovery and development. 114 students received catch-up education at CLC in 2019 and 100 students were subsequently referred to public primary and secondary schools.
- **Juvenile Justice Law Working Group – Cambodia:** provided support to the Ministry of Justice by coordinating the second and third National Meetings of the Juvenile Justice Law Working Group to review the draft Judicial Guidelines Related to Children in Judicial Proceedings in Cambodia (Children in Conflict with the Law, Child Victims and Child Witnesses). The meetings were conducted in Phnom Penh and chaired by Her Excellency the Secretary of State with the participation of judges, lawyers, prosecutors, Legal Aid of Cambodia, UNICEF and Hagar Cambodia's leadership team. The guidelines, which are due to be launched by the Ministry of Justice in 2020, will support children who go through the court system.
- **Strengthening National Systems – Vietnam:** used field-based evidence to influence national legislation, policies and procedures across a range of areas including Trauma-Informed Care, gender-based violence, human rights, child protection, and positive parenting. We worked with organisations including the Government of Vietnam and the United Nations and presented Hagar's Trauma-Informed Care model at provincial, national and international forums. Hagar Vietnam participated in national Child Rights, Counter-Trafficking Network, Ethnic Working Group, and Gender-Based Violence working groups. In 2019, Hagar Vietnam was elected to the NGO Resource Centre Steering Committee, and we also took part in international NGO discussions with the Government of Vietnam.

Responding to the impact of COVID-19

Hagar continued supporting survivors during periods of lockdown due to COVID-19, transitioning to remote delivery of services wherever possible in our Program countries (Cambodia, Vietnam, Afghanistan, Singapore and Myanmar). In addition, we have provided hygiene and sanitation education and equipment to support communities in improving hygiene standards to prevent spread of the virus.

LAW COUNCIL OF AUSTRALIA

About us

The Law Council of Australia (Law Council) is the national peak body for the legal profession. Working with its specialist Business and Human Rights Committee (BHRC), as well as its other expert sections and committees, such as its International Law Section and the Migration Law Committee of its Federal Litigation and Dispute Resolution Section (FLDRS), the Law Council is committed to promoting respect for human rights, including by addressing modern slavery.



Key projects:

National Action Plan

- The Law Council made a submission²¹ to the Australian Border Force regarding the Australian Government's public consultation paper on the *National Action Plan to Combat Modern Slavery 2020-25* (the new National Action Plan) (21 February 2020).

Modern Slavery Act

- The Law Council supported the passage of the *Modern Slavery Bill 2018* through a submission²² and evidence to the Senate Legal and Constitutional Affairs Committee (July 2018) and a submission²³ responding to the Attorney-General's Department's *Modern Slavery in Supply Chains Reporting Requirement: Public Consultation Paper* (November 2017).
- The Law Council, in conjunction with the Association of Corporate Counsel, will publish a factsheet on reporting requirements under the *Modern Slavery Act 2018* (Cth) (the Act) in July 2020. The factsheet is intended to be a resource for in-house counsel.
- In line with its commitment to continue engaging with the Department of Home Affairs (Home Affairs) on implementation of the Act and promoting both the legislation and the guidance to the legal profession, the Law Council co-convened a legal roundtable on the implementation of the Act in partnership with the Government's Modern Slavery Business Engagement Unit (Unit) (25 February 2020). It is also utilising other avenues to provide guidance to legal practitioners who might be assisting reporting entities, including through memorandums to its members.
- The Law Council made several submissions to Home Affairs regarding the *Modern Slavery Act 2018: Draft Guidance for Reporting Entities* (20 May, 26 August, and 9 September 2019) and was closely involved, through the leadership of its BHRC, in developing the *Commonwealth Modern Slavery Act 2018: Guidance for Reporting Entities* (26 September 2019).
- At a state level, the Law Council wrote to the Law Society of NSW and the NSW Bar Association regarding the review of the *Modern Slavery Act 2018* (NSW) (27 September 2019).
- The Law Council was pleased to accept a position on the Australian Government's Modern Slavery Expert Advisory Group. It is being represented by Mr Greg Vickery AO, Chair of the Law Council's BHRC and is actively providing ongoing advice to this forum's program of work. Mr Vickery also attended the 8th Annual United Nations Global Forum on Business and Human Rights in Geneva with the support of the Law Council (25 to 27 November 2019).

21 Law Council of Australia, '[National Action Plan to Combat Modern Slavery 2020 – 24: Public Consultation Paper](https://www.lawcouncil.asn.au/resources/submissions/national-action-plan-to-combat-modern-slavery-2020-24-public-consultation-paper)', Law Council of Australia website, 2020, <https://www.lawcouncil.asn.au/resources/submissions/national-action-plan-to-combat-modern-slavery-2020-24-public-consultation-paper>

22 Law Council of Australia, [Modern Slavery Bill 2018 \[PDF 354KB\]](#), Law Council of Australia.

23 Law Council of Australia, [Modern Slavery in Supply Chains Reporting Requirement \[PDF 873KB\]](#), Law Council of Australia.

International Advocacy

- The Law Council made a submission²⁴ to the Department of Foreign Affairs and Trade (DFAT) regarding its consultation paper on a new International Strategy on Human Trafficking and Modern Slavery (the 2020 Strategy) (11 May 2020). The Law Council will also make a submission²⁵ to the Joint Standing Committee on Foreign Affairs, Defence and Trade – Human Rights Sub-Committee regarding its inquiry into the human rights of women and girls in the Pacific which recommended placing greater emphasis on the prevention of modern slavery in the region in 14 August 2020.
- The Law Council continues to be a signatory to the UN Global Compact and a member of the Global Compact Network Australia, and continues to engage internationally with the legal profession on modern slavery issues. The Law Council's International Law Section will host an online lecture *Tackling Modern Slavery: A Review of the Effectiveness of the National Action Plan to Combat Human Trafficking and Slavery in Australia* featuring Emeritus Professor Rosalind Croucher AM, President of the Australian Human Rights Commission, in late 2020.

Other

- The Law Council has been a longstanding and active member of the National Roundtable on Human Trafficking and Slavery for several years, and has led or co-authored a range of significant work taken under its auspices, including on labour exploitation during 2017.
- The BHRC continues to closely monitor global and national business and human rights developments and assess how they may support further progress on modern slavery risk management. To this end, in early December 2020 the BHRC engaged with the Australian Law Reform Commission on its recent report on Australia's corporate criminal responsibility regime with a focus on the report's recommendations around mandatory human rights due diligence for business.
- The Law Council's FLDRS Migration Law Committee held its Immigration Law Conference in March 2020 which included a showcase session on modern slavery.
- The Law Council made a submission²⁶ to Treasury regarding its consultation on the Australian National Contact Point (AusNCP) procedures (August 2019). More recently, the Law Council met with the AusNCP to discuss opportunities to promote the AusNCP's processes.
- The Law Council provided a submission²⁷ to the Parliamentary Joint Committee on Law Enforcement regarding its inquiry into human trafficking (January 2017) and a submission²⁸ to the Joint Standing Committee on Foreign Affairs and Trade regarding organ trafficking (August 2017).

Responses to challenges posed by Covid-19

- On 20 April 2020, members of the BHRC attended a videoconference with representatives from the Unit regarding COVID-19 related modern slavery concerns. It then circulated the Government's advice and extended deadlines for preparing modern slavery statements during the pandemic to its members.
- The Law Council's submission²⁹ to the Select Committee on COVID-19 to the Inquiry into the Australian Government's response to the COVID-19 pandemic highlights the increased risks of modern slavery occurring both domestically and internationally due to the COVID-19 (June 2020).

24 Law Council of Australia, [‘International Strategy on Human Trafficking and Modern Slavery: Consultation Paper’](https://www.lawcouncil.asn.au/resources/submissions/international-strategy-on-human-trafficking-and-modern-slavery-consultation-paper), Law Council of Australia website, 2020, <https://www.lawcouncil.asn.au/resources/submissions/international-strategy-on-human-trafficking-and-modern-slavery-consultation-paper>

25 Law Council of Australia, [Inquiry into the human rights of women and girls in the Pacific \[PDF 552KB\]](#), Law Council of Australia.

26 Law Council of Australia, [Australian National Contact Point: Procedures Consultation \[PDF 43KB\]](#), Law Council of Australia.

27 Law Council of Australia, [Inquiry into Human Trafficking \[PDF 67.2KB\]](#), Law Council of Australia.

28 Law Council of Australia, [Organ Trafficking and Organ Transplant Tourism \[PDF 159KB\]](#), Law Council of Australia.

29 Law Council of Australia, [Inquiry into the Australian Government's response to the COVID-19 pandemic \[PDF 678KB\]](#), Law Council of Australia.

PROJECT RESPECT

About us

Project Respect is a specialised support service for women who have been trafficked for sexual exploitation and women in the sex industry. Founded on intersectional feminist values, our services are available to all women in the industry.



Project Respect's primary mission is to support women in the sex industry and women trafficked and advocate for the structural change needed to end all forms of sexual exploitation. We provide a platform to elevate and amplify the voices of, while also being informed and guided by, women with past and present lived experience.

Key projects

Direct Practice Work

- From 2017-2020, Project Respect provided case work support to 84 individual women, of which, 22 had experienced exploitation defined under the modern slavery umbrella. Only 3 women had access to the Support for Trafficked People Program. We conducted 1042 brothel outreach visits to licensed brothels across Melbourne, and met with 2,727 women to deliver information and resources to build their knowledge and capacity about their rights and where to access support, should they require.
- In 2018, we launched the Breaking Barriers: Enhancing Employment Pathways program, to support women who are wishing to transition in to other forms of employment. To date, we have supported 26 individual women in this program.
- In 2017, we launched the Project Respect Women's Advisory Group. The group consists of women with current or previous lived experience of the sex industry to ensure the lived experience of the women we support is incorporated in to all the work we do, including strategy, programs and advocacy.

Capacity-Building Training for the community and social welfare sector

- In 2017, Project Respect launched a training arm of the organisation, to deliver capacity building training to the social and community sector to build their skills, knowledge and responsiveness in "Supporting women in the sex industry and women trafficked for sexual exploitation". Since the launch of the program, we have delivered 48 full day capacity-building workshops and 13 shorter information sessions and trained more than 700+ frontline workers. A virtual version of the training is currently in development, with the aim to be launched in 2021, providing the opportunity to take our training initiatives national.

Advocacy and Research

- Project Respect continues to be involved in advocacy, research and awareness raising around the issues of modern slavery and violence against women. During this time, we have provided 22 written submissions to consultations, 30 print or online media interviews, 14 guest speaker interviews and 16 research interviews or consultations.
- In 2017, Project Respect joined the Labour Exploitation Working Group, to assist government in better understanding serious forms of labour exploitation in the Australian community. The final report was tabled to government and a response has been indicated for 2021. Project Respect also participated in the Inquiry into Establishing a Modern Slavery Act in Australia, and appeared as a public witness at the inquiry in Melbourne.
- In 2018, Project Respect submitted to the US State Department Trafficking in Persons (TIP) Report and to the Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) about the Australian Government's response to supporting survivors of trafficking and their ability to access

justice. In the same year, we hosted a panel discussion at our Annual General Meeting on the Modern Slavery Act.

- In 2018, Project Respect joined the Women on Temporary Visas Experiencing Violence National Advocacy Group, which delivered the Path to Nowhere Report³⁰ outlining the scope of the issue, and then developed the Blueprint for Reform³¹ to advocate for change to ensure all women can live safe and free from violence in Australia.
- In 2019, Project Respect appeared as a panellist at the United Nations Consultation on 'Applying the Gender Lens to the UN Guiding Principles on Business and Human Rights' in Australia.
- In 2020, Project Respect commenced a collaborative research project with the Australian Red Cross and the AIC to explore the support needs of women who have been trafficked for sexual exploitation. We hosted a virtual discussion on the support needs of survivors in Australia and a presentation on human trafficking in Australia.

Global learning Collaborative

Delivered by Safe Horizon in New York City, Project Respect was involved in the Global Learning Collaborative over a two year period, which brought 10 grassroots NGOs from across the globe in a world first to develop and agree on principles of practices for working with and supporting survivors of modern slavery. In 2017, the Global Collaboration Against Human Trafficking Report: Fourteen Essential Principles for Working with Human Trafficking Victims³² was launched.

Responding to the impact of COVID-19

COVID-19 had an overwhelming impact for women involved in the sex industry including women trafficked, with mass shut down of sex industry business operations. With approximately 80% of the industry comprising of women on temporary visas, many women were excluded from the government incentives delivered to reduce the impact of the pandemic. For some women, this increased risk taking behaviour in an attempt to access an income. There were increased reports of violence, housing distress and homelessness, and an increase in women being referred in to the organisation who had been in situations of exploitation.

We suspended our brothel outreach program during the early stages of the pandemic, and attempted to connect with more women virtually, using online resources. We continued to provide support to individual women, particularly with safety planning and risk assessments, but also to the broader service sector on how best to support women with experience of the sex industry.

30 Australian Women Against Violence Alliance, '[Path to Nowhere Report: Women on Temporary Visa Experiencing Violence and their Children](https://awava.org.au/2018/12/11/research-and-reports/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children?doing_wp_cron=1586832277.0417599678039550781250)', Australian Women Against Violence Alliance website, 2018, https://awava.org.au/2018/12/11/research-and-reports/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children?doing_wp_cron=1586832277.0417599678039550781250

31 Australian Women Against Violence Alliance, '[Blueprint for Reform](https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform?doing_wp_cron=1586832267.3699860572814941406250)', Australian Women Against Violence Alliance website, 2019, https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform?doing_wp_cron=1586832267.3699860572814941406250

32 Safe Horizon, '[Global Collaboration Against Human Trafficking Report: Fourteen Essential Principles for Working with Human Trafficking Victims](#)' [PDF 5MB], Safe Horizon.

THE SALVATION ARMY

Key Projects

Trafficking and Slavery Safe House

The Salvation Army operates Australia's only dedicated safe house for victims of human trafficking, slavery and slavery-like practices. The service assists an average of 30 individuals each year, with approximately 30 new referrals of potential cases annually. The service supports up to ten single women over the age of 18 through residential support and outreach case management support and prevention assistance to men, women, young people and families. The safe house accepts referrals nationally and is able to assist in assessing and referring potential trafficking/slavery matters to the appropriate authorities. The Safe House caseload is comprised of approximately 40% domestic servitude, 20% forced marriage, and 40% other (sex trafficking, servile marriage, forced labour, exit trafficking).



The Safe House, along with the other Salvation Army social programs, is preparing for accreditation by the Australian Service Excellence Standards (ASES). As part of the accreditation process, The Salvation Army has developed a Social Mission Department-wide client participation framework to formalise and expand opportunities for individuals accessing support to have a direct voice in service design/delivery and in policy advocacy. This work is informed by the highly successful **Freedom Advocates Program**—Australia's first survivor voice and peer mentoring program for those who have experienced modern slavery.

Transitional Housing Pilot

In February 2020, The Salvation Army launched the Modern Slavery Transitional Housing Project with funding from the Sisters of Charity Foundation. The project model involves Salvos Housing leasing a property on behalf of a survivor of modern slavery who has been receiving support from the Safe House and is ready for independent living. Residents receive support and brokerage to transition into their new home, followed by tenancy support. Once the resident feels established and confident, Salvos Housing will transfer the lease to them, effectively transitioning them to independence. The model is scalable and flexible, allowing at least six months for full transition to independence.



The Governor-General of Australia, David Hurley AD DSC (Retd) was special guest at the launch of a new anti-slavery service partnership between the Sisters of Charity and The Salvation Army. Photo: Tim Thatcher.

Policy & Advocacy

The Salvation Army employs a Policy Lead on Modern Slavery and Migration, whose primary role is to strengthen Australia's modern slavery response through engagement with business, civil society, government and international partners. The role also serves as the National Contact Point for The Salvation Army Australia within the Army's international response to trafficking and slavery.

The Salvation Army has participated in a range of parliamentary inquiries and government consultations, including, but not limited to:

- Select Committee on Temporary Migration, Inquiry into the impacts of temporary migration on the Australian economy, wages and jobs;
- Queensland Education, Employment and Small Business Committee, inquiry into Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020 (Bill);
- Senate Select Committee on COVID-19, Inquiry into the impacts of COVID-19 and the government's response to the pandemic;
- National Action Plan to Combat Modern Slavery 2020-25: Public Consultation
- International Strategy to Combat Modern Slavery: Public Consultation

Further information on The Salvation Army's policy work is available at: <https://www.salvationarmy.org.au/get-involved/advocacy/recent-advocacy-from-the-salvation-army/>.

Annual day of Prayer for Victims of Human Trafficking

Each year The Salvation Army holds an international day of prayer for victims and survivors of human trafficking. In collaboration with the International Headquarters (IHQ) of the Salvation Army, we develop a range of resources to raise awareness amongst people of faith and mobilise our collective voice to pray and call for human dignity and freedom around the world. Recent annual themes have included: Stand up for Justice, Restore Broken Relationships, and Speak Out, Give Hope.

Forced Marriage in Australia

The Salvation Army, in collaboration with RMIT University, carried out a research project in 2018 titled *Without Choice: Examining Forced Marriage in Australia*.³³ This report marks a significant turning point in research on forced marriage in Australia. Though its sample size is small, the report – for the first time – publicly and formally gives voice to those most directly affected by the practice: victims, and frontline practitioners working to ensure their safety and well-being.

Domestic Work in Australia

With support from the Mercy Foundation, The Salvation Army published research to advance understanding of migrant domestic servitude in Australia. The final report, *Service or Servitude: A Study of Trafficking for Domestic Work in Australia*,³⁴ compiles existing information from a range of national and international sources and introduces new data drawn from The Salvation Army Australia's Trafficking and Slavery Safe House. Domestic servitude is recognised as a key sector for forced labour, however, insufficient data and pathways out of servitude are leading to a culture of impunity for perpetrators.

33 ResearchGate, '[Without Choice: Examining Forced Marriage in Australia](https://www.researchgate.net/publication/335014284_Without_Choice_Examining_Forced_Marriage_in_Australia)', ResearchGate website, 2018, https://www.researchgate.net/publication/335014284_Without_Choice_Examining_Forced_Marriage_in_Australia

34 The Salvation Army, '[Latest research into domestic servitude in Australia](https://www.salvationarmy.org.au/about-us/news-and-stories/stories/latest-research-into-domestic-servitude-in-australia/)', The Salvation Army website, 2019, <https://www.salvationarmy.org.au/about-us/news-and-stories/stories/latest-research-into-domestic-servitude-in-australia/>

We hope that our analysis will help government agencies to improve the identification and assistance to victims of domestic servitude.

In addition, we continue to work in coalition with several organisations in Western Australia to support the passage of the Industrial Relations Legislation Amendment Bill 2020, which will remove the domestic worker and piece rates worker exclusions from the current definition of employee and enable the Australian Government to ratify the Forced Labour Protocol 2014.

Modern Slavery legislation

The Salvation Army was actively involved in supporting the passage of Australia's Modern Slavery Act in 2018 and will publish its first statement in 2021.

Building Local Responses to Slavery and Trafficking

A leader in building community-based responses to slavery and trafficking, The Salvation Army has continued to work with state-based initiatives to strengthen capacity to identify and respond to potential victims at the local level.

During the 2017 Senior Officials Meeting of the National Roundtable on Trafficking and Slavery, the Department of Home Affairs (formerly Attorney-General's Department) requested that The Salvation Army provide a paper³⁵ to inform two areas of work under the *National Action Plan to Combat Trafficking and Slavery 2015-19*:

1. Developing appropriate and effective models for strengthening connectedness with states and territories, a key areas of focus under the NAP; and
2. Improving methods to improve the identification of and response to criminal forms of labour exploitation.

The paper presents international evidence supporting localised, operational frameworks as the most effective way to ensure effective responses to cases of modern slavery are in place and are effectively connected into national policy frameworks intended to counter modern slavery. The paper presents research conducted by The Salvation Army Research Department, which mapped and made preliminary analysis of local anti-slavery partnerships across Australia. Finally, the paper presents a potential model that may be adapted for the Australian context as the Government begins planning for the next National Action Plan.

Improving Protections for Vulnerable Workers

The Salvation Army believes that access to basic labour protections is a key strategy in the fight against modern slavery. As such, we advocate to improve basic labour protections and access to justice for workers vulnerable to labour exploitation. Amongst advocacy priorities are: (1) establishing a robust and nationally labour hire licensing scheme; (2) criminalising systemic and deliberate wage theft; (3) prohibiting advertising illegal rates of pay; and (4) establishing a social inclusion framework for temporary migrant workers. Our evidence to government consultations and inquiries has contributed to the passage of several key reforms, including the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017* (Cth), and wage theft legislation, as well as labour hire regulatory schemes, in Queensland and Victoria.

Further information can be obtained by contacting Heather Moore, Policy Lead Modern Slavery and Migration, at heather.moore@salvationarmy.org.au.

35 ResearchGate, 'Building Local Responses to Trafficking and Slavery', ResearchGate website, 2018, https://www.researchgate.net/publication/335833773_Building_Local_Responses_to_Trafficking_and_Slavery

UNITING CHURCH IN AUSTRALIA, SYNOD OF VICTORIA AND TASMANIA

About us

The Uniting Church is the third largest Christian denomination in Australia and the first church to be created in and of Australia. On any Sunday more than 2,000 congregations worship at a Uniting Church including many congregations that worship in languages other than English.



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

Our social justice advocacy work and community welfare services express our belief that God is committed to life now. It is our response to the Bible's call to care for and protect the marginalised and vulnerable. Issues addressed include the environment, the rights and dignity of people seeking asylum, the treatment and care of prisoners, religious intolerance, and fair employment practices.

The Uniting Church in Australia is also the largest non-government provider of community services in Australia. We achieve this through our community services arm, UnitingCare and Uniting. This is an umbrella of more than 400 agencies, institutions, and parish missions throughout Australia.

Key projects

Modern Slavery Act

The Uniting Church in Australia actively supported the establishment and passage of the *Modern Slavery Act 2018* (the Act). The Uniting Church made submissions, appeared before Parliamentary Committees, engaged in Departmental working groups and mobilised its supporters in support of the Act being adopted by the Parliament. The Uniting Church in Australia was part of the working group established by the ABF to develop the guidance material for reporting entities to comply with the Act.

Parts of the Uniting Church are now reporting entities. The structure of the Uniting Church means these entities will make separate Modern Slavery Statements under the Act.

Parts of the Uniting Church in Australia have conducted on-the-ground investigations into the risks of modern slavery being present in supply chains connected to its operations. These investigations have included rubber gloves sourced from Malaysia, electronic hardware and fruit and vegetables.

Addressing modern slavery on Australian farms

The Uniting Church in Australia, Synod of Victoria and Tasmania, worked on trying to eliminate the presence of modern slavery on Australian farms. It has worked with the Department of Education Skills and Employment to improve the Seasonal Worker Program as the preferred source of employees for seasonal work. Local congregations have provided support for workers on the Program and Working Holiday Makers. We have advocated for the proper regulation of labour hire businesses and holding the host employer accountable for modern slavery perpetrated by labour hire businesses. We gathered evidence of exploitation of people on temporary visas and undocumented workers on farms. We made numerous submissions to government and Parliamentary inquiries urging effective reforms. We have mobilised our church members to support the reforms through letter-writing and postcard campaigns.

Curbing modern slavery facilitated in the online world

The Uniting Church in Australia, Synod of Victoria and Tasmania, has campaigned for measures to ensure that law enforcement agencies have adequate powers to effectively address cases of modern slavery and child sexual exploitation facilitated through the online world. The Synod is a member of the Asia-Pacific Financial Coalition Against Child Sexual Exploitation.

The Synod has made submissions, lobbied and encouraged its members to support reforms put forward by the current government to effectively address modern slavery facilitated through the online world. These include measures to require technology and social media corporations to have to assist law enforcement agencies that are investigating online modern slavery and child sexual exploitation.

We have also campaigned for the maintenance of the current metadata retention regime, and supported data retention being extended to three years. We have supported the Government's attempts to reform the current Mutual Legal Assistance regime so that law enforcement agencies can gather vital evidence held by technology corporations before either the perpetrator or the corporation destroy the evidence and to ensure the evidence is provided to the law enforcement agency in a timely manner. We supported the ongoing ability for the Australian Communications and Media Authority to require ISPs to disrupt access to child sexual exploitation material present on the INTERPOL 'worst of' list.³⁶

Our efforts have included making submissions to Departmental and Parliamentary inquiries, appearing at hearings of Parliamentary Committees, lobbying MPs and Senators and encouraging church members to write letters and e-mails in support of the reforms.

Shadow economy and business administration reforms

The Uniting Church in Australia, Synod of Victoria and Tasmania actively campaigned and advocated for reforms to curb the shadow economy and improve business administration. Activities included making submissions to Departmental and Parliamentary inquiries, attending face-to-face consultations run by Government, appearing at hearings of Parliamentary Committees and mobilising church members to write letters in support of the reforms.

The ability to set up companies with front directors and false owners registered at fictitious addresses has assisted in facilitating cases of wage theft and modern slavery.

Reforms have included modernising Australia's business registers, the introduction of a Director Identification Number and measures to curb phoenixing by companies.

Calls for the introduction of a public register of ultimate beneficial owners of companies and trusts has not been adopted.

Responding to the impact of COVID-19

With the increase in online child sexual exploitation facilitated online (some of which is likely to constitute human trafficking) during the period of the COVID-19 pandemic, the Uniting Church in Australia, Synod of Victoria and Tasmania increased its campaigning efforts to support Commonwealth Government reforms to address modern slavery facilitated through the online world.

36 Interpol, [Blocking and categorizing content](https://www.interpol.int/en/Crimes/Crimes-against-children/Blocking-and-categorizing-content), Interpol website, <https://www.interpol.int/en/Crimes/Crimes-against-children/Blocking-and-categorizing-content>

THE WALK FREE FOUNDATION

About us

Walk Free is an international human rights organisation working to end all forms of modern slavery within our generation. Walk Free is the producer of the world's leading dataset on measuring and understanding slavery and works on systems change through government, business, and faith, to ensure slavery is tackled through both a legal and cultural framework.



Key projects

Global Slavery Index

Walk Free's Global Slavery Index³⁷ (GSI) provides the world's most comprehensive dataset on the size and scale of modern slavery and assesses country-level vulnerability and government responses to the problem.

- Walk Free launched the fourth edition of the GSI at the United Nations headquarters in New York in 2018.
- Supplementing the GSI, Walk Free published five regional reports on the Americas, Arab States, Asia and the Pacific, Africa, and Europe, to provide comprehensive assessment of the prevalence, drivers, and responses to modern slavery in each region.

Global Estimates of Modern Slavery

Walk Free collaborated with the ILO and the IOM to develop the joint Global Estimates of Modern Slavery,³⁸ launched in September 2017 at the UN General Assembly in New York. The 2017 GEMS provides breakdowns of modern slavery at the global and regional level by form, sector of exploitation, and the age and gender of victims.

Measurement, Action, Freedom

Launched in 2019, the Measurement, Action, Freedom (MAF) report³⁹ provides an independent assessment of 183 government responses to modern slavery and a roadmap for action to achieve SDG Target 8.7 by 2030. MAF found that at the current rate of progress, some 10,000 people per day will need to be liberated from slavery if governments are to deliver SDG 8.7 in time.

Promising Practices

The Promising Practices Database⁴⁰ collates evaluations of anti-slavery and counter-trafficking programs in a searchable format to determine what works – and what doesn't – to eradicate modern slavery. The database is currently being updated, due for release in the first half of 2021. Walk Free has published two policy papers and a journal article based on the database:

- What Works: A review of interventions to combat modern slavery
- What Works: Lessons in the use of cash transfers
- Combatting human trafficking since Palermo: What do we know about what works?

³⁷ Walkfree, [The Global Slavery Index](https://www.walkfree.org/projects/the-global-slavery-index/), Walkfree website, 2018, <https://www.walkfree.org/projects/the-global-slavery-index/>

³⁸ Walkfree, [Global Estimates of Modern Slavery](https://www.walkfree.org/projects/global-estimates-of-modern-slavery/), Walkfree website, <https://www.walkfree.org/projects/global-estimates-of-modern-slavery/>

³⁹ Walkfree, [Measurement Action Freedom \[PDF 20.8MB\]](#), Walkfree.

⁴⁰ Walkfree, [Promising Practices](https://www.walkfree.org/projects/promising-practices/), Walkfree website, <https://www.walkfree.org/projects/promising-practices/>

Bali Process Government and Business Forum

Walk Free supported the launch of the Bali Process Government and Business Forum⁴¹ in Perth in August 2017, which gathered together government and business leaders from across the region to demonstrate their joint commitment towards ending modern slavery and human trafficking. At the 2018 Bali Process Government and Business Forum, ministers and senior business leaders representing 43 countries endorsed *the Acknowledge, Act, Advance* (AAA) Recommendations. The Recommendations set out a pathway for business and government to combat human trafficking, forced labour, modern slavery and the worst forms of child labour by promoting supply chain transparency, ethical recruitment and worker protection. The AAA Recommendations is the first major policy document that addresses modern slavery in the region to be agreed upon by both the private and public sectors.

Strengthening Supply Chain Transparency

- The Australian Modern Slavery Act was passed in November 2018. It was the culmination of a major campaign by Walk Free, in partnership with government leaders, civil society, and business partners.
- Walk Free supported the Western Australian Government's passage of the *Procurement Act 2020* and new debarment regime that will exclude businesses which fail to meet their obligations under the Commonwealth Modern Slavery Act from accessing any WA government contracts.
- Walk Free developed a Toolkit for Business & Investors to be released in the second half of 2020. This library of resources will help organisations to understand and address modern slavery within their operations and supply chain.
- In partnership with WikiRate, Walk Free published two assessments of company statements produced under the UK Modern Slavery Act: *Beyond Compliance: The Modern Slavery Act Research Project* (2018) and *Beyond Compliance in the Hotel Sector: A review of UK Modern Slavery Act Statements* (2019).

Global Freedom Network

Our Global Freedom Network⁴² is committed to delivering systemic change by engaging and uniting faith leaders around the world to take spiritual and practical action to end modern slavery. Signings of the *Joint Declaration of Religious Leaders Against Modern Slavery* in the reporting period have taken place in Buenos Aires, Medellin, Colombia, and Auckland.

The Freedom Fund

In collaboration with The Freedom Fund,⁴³ Walk Free continued to scale effective frontline anti-slavery responses and campaigning for change through global activist movements from across the areas of human rights, labour rights, minority rights, anti-slavery, and women's empowerment.

Responding to the impact of COVID-19

Walk Free launched a report and hosted a webinar to provide an overview of the key risks to vulnerable workers presented by COVID-19 (including specific industry risks). *Protecting People in a Pandemic*⁴⁴ highlights some good practice examples and outlines guidance for business and government action.

41 Walkfree, *Bali Process Government and Business Forum*, Walkfree website, <https://www.walkfree.org/projects/bali-process-government-and-business-forum/>

42 Walkfree, *Global Freedom Network*, Walkfree website, <https://www.walkfree.org/projects/global-freedom-network/>

43 Walkfree, *The Freedom Fund*, Walkfree website, <https://www.walkfree.org/projects/the-freedom-fund/>

44 Walkfree, *Protecting People in a Pandemic*, Walkfree website, 2020, <https://www.walkfree.org/reports/protecting-people-in-a-pandemic/>

APPENDIX B: CRIMINAL CODE PROVISIONS

DIVISION 270: SLAVERY AND SLAVERY-LIKE PRACTICES

Table: Criminal Code provisions as at 30 June 2020

Offence	Section	Elements	Maximum penalty
Slavery	270.3(1)	Intentionally reduce a person to slavery, ⁴⁵ possess or exercise rights of ownership over a slave, engage in slave trading, ⁴⁶ 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 ⁴⁷	15 years, or 20 years for an aggravated offence ⁴⁸
	270.5(2)	Conduct a business ⁴⁹ 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 ⁵⁰	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

45 '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.

46 '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.

47 '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.

48 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 recklessly engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

49 '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.

50 '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.

Deceptive recruitment for labour services	270.7	Intentionally induce another person to enter into an engagement to provide labour or services, where the other person is deceived ⁵¹ about: the extent to which the person will be free to leave the place of area where they provide the labour or services or place of residence, 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, ⁵² that fact, or the nature of sexual services to be provided	7 years, or 9 years for an aggravated offence
Forced Marriage	270.7B(1)	Engages in conduct and the conduct causes another person to enter into a forced marriage ⁵³	7 years, or 9 years for an aggravated offence
	270.7B(2)	Is 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 ⁵⁴	4 years, or 7 years for an aggravated offence ⁵⁵

51 '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.

52 '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.

53 'Forced marriage' is defined in subsection 270.7A(1) of the Criminal Code as a marriage where one party to the marriage (the victim) entered into the marriage without freely and fully consenting because of the use of coercion, threat or deception or because a person is incapable of understanding the nature and effect of the marriage ceremony, or the victim was under the age of 16 when the marriage was entered into.

54 'Debt bondage' is defined in the Dictionary to the Criminal Code as condition that arises from a pledge by a person of their personal services, or of the personal services of another person under t 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.

55 Under subsection 270.8(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 and is reckless as to that danger.

DIVISION 271: TRAFFICKING IN PERSONS

Offence	Section	Elements	Maximum penalty
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 ⁵⁶ to obtain that person's compliance	12 years, or 20 years for an aggravated offence ⁵⁷
	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 ⁵⁸	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 ⁵⁹
	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

⁵⁶ '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.

⁵⁷ 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 and is reckless as to that danger.

⁵⁸ '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.

⁵⁹ 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 and is reckless as to that danger.

	271.5(2A), (2B)	Organise or facilitate the transportation of a person from one place in Australia to another, and deceives the 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 arrangement will involve exploitation or the confiscation of travel or identity documents	12 years, or 20 years for an aggravated offence
Domestic Trafficking in children	271.7	Organise or facilitate the transportation of a person who is under 18 from one place in Australia to another, intending or reckless as to whether the person will be used to provide sexual services or will be otherwise exploited.	25 years.
Organ trafficking	271.7B(1), (2)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, reckless as to whether the other person's organ will be removed. ⁶⁰	12 years, or 20 years for an aggravated offence, or 25 years for an aggravated offence where the victim is under 18. ⁶¹
	271.7D	Organise or facilitate the transportation of a person from one place in Australia to another, reckless as to whether the other person's organ will be removed.	12 years, or 20 years for an aggravated offence, or 25 years for an aggravated offence where the victim is under 18. ⁶²
Harbouring a victim	271.7F(1)	Harbour, receive or conceal a victim, assisting or furthering the purpose of another person's human trafficking, slavery or slavery-like offence.	4 years, or 7 years for an aggravated offence. ⁶³

60 Under section 271.7A of the Criminal Code, the removal of a person's organ is captured by the organ trafficking offence if: the removal, or entering into an agreement for the removal, would be contrary to the law of the state or territory where it is to be carried out; or neither the victim, nor the victim's guardian, consented to the removal, and it would not meet a medical or therapeutic need of the victim.

61 Under subsection 271.7C(1) of the Criminal Code, an organ trafficking offence is aggravated where: the victim is under 18; the offender intended for the victim's organ to be removed; 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 and is reckless as to that danger.

62 Under subsection 271.7E(1) of the Criminal Code, a domestic organ trafficking offence is aggravated where: the victim is under 18; the offender intended for the victim's organ to be removed; 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 and is reckless as to that danger.

63 Under subsection 271.7G(1) of the Criminal Code, a harbouring a victim offence is aggravated where the victim is under 18.

