

ACRATH proposals for the NAP 2020-24 in response to this 3 page document

<https://www.homeaffairs.gov.au/reports-and-pubs/files/combating-modern-slavery-2020-24-consultation-paper.pdf>

Draft 1 24 Jan 2020

Feedback to Christine by end of the day of Wed 29 Jan Christine & Kathy

These are some initial thoughts:

1. In the section 'What is modern slavery?' include:
 1. organ trafficking/organ transplant tourism; ACRATH is aware of numbers of Australians traveling to India and the Middle East to buy new body parts; in ACRATH work with healthcare providers a staff member shared some thoughts concerning a suspected case in the Urology department re recent return from Asia with evidence of renal surgery. (Maybe a focus with healthcare providers re this issue is worth exploring as it is an underground practice with very little Australian data at present)
 2. online sexual exploitation, as ACRATH has been made aware by colleagues in the Philippines of small scale filming of sexual exploitation of children for online sale within Australia. Is there more info about the dark web that is relevant here?
 3. Trafficking of children into orphanages in Asia, which Australians either visit (especially school age and gap year young Australians) or from which Australians seek intercountry adoptions.

2. The 12 goals are too many. It is not at all easy to remember so many goals and a NAP should be a framework that can be pictured by anyone involved. We'd like to suggest four overarching goals using the Palermo Protocol framework that is well known in the sector:
 1. Prevention (NAP proposed goals 1,2,3,9)
 2. Prosecution (NAP proposed goals 4,5,6)
 3. Protection (NAP proposed goals 7,8,10)
 4. Partnerships (NAP proposed goals 11,12) would assist Australia with its international reporting requirements

ACRATH considers the way the goals are expressed does not reflect a victim centred approach. Yes combatting forced marriage and forced labour protects people from these crimes but the language doesn't highlight the needs of victims and a response to those needs.

3. Under NAP proposed goal 10, include the following
 1. Ensure interpreters are available at no cost to support agencies for all NGOs for their work with survivors to achieve the goals of the NAP and also for survivors' children, which can sometimes be needed; ACRATH has found survivors and their children may need this assistance especially in the early days.
 2. Ensure training for public hospitals so emergency and midwifery service (and children's hospitals/ children's units of General Hospitals particularly the Refugee Clinics personnel on FM) are aware of human trafficking and exploitation in slavery-like conditions and know how to respond to the needs of a trafficked person. ACRATH considers it is also a particularly urgent need to train Child Protection intake workers on the indicators of FM and the referral pathways. Also to uncover organ trafficking, surgical staff in hospitals will need to have training.
 3. Build on the success of the Forced Marriage Trial in the STPP and roll out the benefits of the Trial project for all survivors of human trafficking in Australia. This would include longer support offerings, support made available on the basis of the survivor's human rights rather than on the basis of the survivors willingness to participate in criminal justice proceedings against their trafficker. ACRATH also sees the need for safe accommodation and ongoing supports for those when they are taken off the support program.
 4. Roll out an alternative referral pathway for admission to the STPP so one NGO at least (the Australian Red Cross?) can place people on the Program; currently many people do
 5. Ensure reparations are available via a National Scheme so that all victims have access to the same level of reparations rather than it being State dependent; ensure the reparations are actively accessed by all people who have survived human trafficking in Australia. In the Bali Process Australia promotes the right to reparation but within Australia only a tiny percentage of people who have been trafficked actually access this right to reparation, and this is only because of the energetic chasing of reparation by unfunded NGOs.

4. Under NAP proposed goal 11, include the following:
 1. A commitment to make the regional partnerships include the countries of the Pacific where more and more people are vulnerable to human trafficking, due to climate change factors and also due to the increasing mobility of unskilled workers. ACRATH in our work with Pacific Island overseas workers sees the urgent need to license labour hire companies.
 2. A commitment to make the engagement of Australia with its neighbours a two-way conversation where Australian participants ask 'What can we learn from other countries? And are ready to genuinely engage in a dialogue.

3. A commitment to work with countries in the region, particularly the Philippines, to address online sexual exploitation of children, including a community education component and collaboration with agencies like AFP and DFAT cyber security agencies

5. Under NAP proposed goal 12, include the following
 1. A minimum of 5 year funding for NGOs working with government to achieve the goals of the new NAP; the funding should promote collaboration and a sharing of strategies to address modern slavery challenges. This is the only way to ensure successful prevention and protection strategies as a one-year funding program results in ad-hoc responses. We all need to be able to work strategically and proactively. ACRATH raises as an example the fact that several NGOs have developed materials for engaging on forced marriage within schools, but there is little encouragement to share these resources and to build improvements in engagements with schools. Some schools have been approached by more than one NGO!

Reference material to support various points:

Human Rights Council Forty-first session

24 June–12 July 2019

Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Trafficking in persons, especially women and children - Report of the Special Rapporteur on trafficking in persons, especially women and children

Conclusions

60. Promoting social inclusion of trafficked persons is an integral part of States' obligations, as it is rooted in the due diligence principle, and is linked with the right of victims of trafficking to effective remedy.

63. The Special Rapporteur is convinced that long-term measures aimed at empowering survivors and enabling them to live independently in a safe environment can be effective in preventing their further victimization and serve to prevent trafficking and re-trafficking.

65. States should also ensure trafficked persons' family reunification if the trafficked person concerned so wishes, facilitate access to long-term medical services, safe and affordable accommodation, formal education, professional and vocational training and job opportunities, as well as recreational activities, and promote their economic empowerment in innovative and transformative ways. In most parts of the world, social inclusion of survivors of trafficking is – to use a phrase of civil society organizations – “still a dream”. However, innovative and transformative solutions highlighted in the present report show that it can – and should – become a reality everywhere.

IV. Recommendations

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66 (e) Ensure that, in line with a human rights-based approach, trafficked persons are granted non-conditional residence permits, also taking into account humanitarian considerations;

68 (c) Ensure that the social inclusion of trafficked persons is non-conditional upon the initiation or the outcome of criminal proceedings, and takes place irrespective of the possession of legal residence status;

(e) Ensure trafficked persons' access to long-term medical services, including psychological and psychiatric services;