

Response to the National Action Plan to Combat Modern Slavery 2020-24: Public Consultation Paper

**Good Shepherd Australia New Zealand
The Salvation Army Australia**

February 2020



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About us

Good Shepherd Australia New Zealand

Good Shepherd Australia New Zealand was established to address the critical, contemporary issues facing women, girls and families. We work to advance equity and social justice, and to support our communities to thrive. We aspire for all women, girls and families to be safe, well, strong and connected.

A central part of our purpose is to challenge the systems that entrench poverty, disadvantage and gender inequality. The Women's Research, Advocacy and Policy (WRAP) Centre does this through a range of research, policy development and advocacy activities.

The Salvation Army Australia

The Salvation Army Australia Anti-Slavery programs work to mobilise community, business and government to recognise and respond to modern slavery, including forced marriage in Australia.

Since 2008, The Salvation Army Australia has independently operated the only Safe House in Australia dedicated exclusively to women who have experienced modern slavery. The Safe House also supports men, women and children in the community who may be at risk of modern slavery and severe labour exploitation. To date, The Salvation Army Australia has assisted over 300 individuals impacted by these crimes.

In addition to direct services, The Salvation Army Australia also raises awareness, provides education and training and works in partnership with the community to ensure that people who have experienced slavery are adequately protected, and, that slavery can be eradicated in Australia. We also support survivors to have their own voice in the public dialogue on modern slavery, through the Freedom Advocates—Australia's only formal slavery survivor advocacy program.

The Salvation Army Australia is a founding member of the Australian Government National Roundtable on Human Trafficking and Slavery and staff are regularly consulted as experts in the sector both in Australia and abroad.

Introduction

Good Shepherd Australia New Zealand (GSANZ) and The Salvation Army Australia (TSA) welcomes the opportunity to provide a response to the Australian Government's consultation into the National Action Plan to Combat Modern Slavery 2020-24 (NAP).

This submission provides input and recommendations regarding all four consultation questions.

Both Good Shepherd and The Salvation Army have consistently outlined a series of recommendations in previous inquiries and government consultation processes that have called for specific strategies to address the prevention, protection and prosecution of all forms of human trafficking and slavery. Good Shepherd in particular has provided specific analysis and recommendations in relation to Australia's response to forced

marriage—noting specifically, submissions to the Inquiry in the *NSW Modern Slavery Act (2018)* (NSW) and associated matters and the Inquiry into establishing a Modern Slavery Act for Australia and consequent examination of Australia’s Modern Slavery Bill (2018). Recommendations have included:

- Specific identification of actors, partners and collaborators critical to strategic implementation of the NAP;
- Dedicated and targeted funding;
- Alternatives to the criminal justice approach, prioritising support for victim-survivors which is de-linked from engagement with and participation in the criminal justice system ;
- Data collection and evaluation methods that monitor and track all forms of modern slavery in Australia—including disaggregated data that provides comprehensive information about the various different forms of exploitation in Australia (Good Shepherd Australia New Zealand, 2019c).

To the same inquiries, The Salvation Army have made similar recommendations, and fully endorse Good Shepherd’s recommendations.

Recommendations

Recommendation: Restructure the NAP to include guiding principles, followed by fewer, targeted goals, with sub strategies and clear implementation plans to underpin the goals.

Recommendation: Disaggregate the NAP to ensure that there is a tailored response for each different form of trafficking and slavery (i.e. recognise that strategies to address forced labour and forced marriage for example, are different); inclusive of specific plans and a theory of change that underpins them.

Recommendation: Draw on the extensive material produced through the Inquiry on Establishing a Modern Slavery Act for Australia and the recommendations of the 'Hidden in Plain Sight Report' that identified the actors, partners, collaborators, priorities and recommended resources for a robust approach to addressing modern slavery in Australia.

Recommendation: Adopt a co-design approach to the development of the NAP; inclusive of a specific mechanism for survivors to engage and be consulted in ongoing strategies and activities concerning the prevention and protection of victim-survivors.

Recommendation: With reference to compliance with international standards and commitments in relation to forced marriage, we recommend:

- Sign and ratify the Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages;
- Articulate commitments to overseas development for regional forced marriage initiatives; acceding to 5.3 of the United Nations Sustainable Development Goals.

Recommendation: Invest in targeted strategies that address the prevention, protection and prosecution needs of forced marriage victim-survivors, including, but not limited to:

- Formal recognition of the intersection between forced marriage and family violence through the amendment of the federal definition of family violence to include forced marriage; developing strategies in accordance with this recognition;
- Invest in targeted and long term prevention initiatives;
- Equip the front line to identify and engage with victim-survivors of forced marriage: beyond awareness and identification, toward engagement and participation within state and federal frameworks;
- Develop informed and coordinated support options which includes a central point of coordination, not dissimilar to the Forced Marriage Unit in the United Kingdom;
- Include a dedicated outcome regarding tailored accommodation, including the provision of dedicated accommodation resources, and capacity building for existing accommodation providers so they can effectively support this cohort of women and girls;

- De-link support, in full, from engagement and participation in the criminal justice system;
- Strengthen the opportunity for prosecution by investing in specific strategies, including resourcing the development of both law enforcement and public prosecutors; particularly in understanding the socio-cultural factors that influence decision making in forced marriage situations.

Recommendation: Provide longer-term funding for education, training and other initiatives, to a broader cross-section of organisations, to build the capacity of the sector to support victims, ensure better outcomes and support monitoring and evaluation.

Recommendation: Ensure that future goals in the NAP have measurable outcomes and outputs attached to the goals, which can be monitored and tracked over the lifetime of the Plan.

1. The Current Goals

Consultation Question One: Do the 12 goals capture key areas of focus for Australia over the next five years?

Whilst we recognise that there are important commitments being made in the current goals, the authors note, that several of the goals (i.e. Goals 1, 3, 4 and 12) are value-based and aspirational in nature and should form guiding principles that underpin the entire strategy. It is our recommendation that the NAP should include fewer, targeted goals, with sub-strategies and clear implementation plans that underpin the goals.

Importantly, the sub-strategies and implementation plans should consider the recommendations that have been made in previous consultative processes—including but not limited to Australia’s extensive inquiry into the establishment of a Modern Slavery Act.

1.1 Language, Intent and Operability

The language used in the goals is ambiguous and does not effectively articulate the intent implied. By way of example: goal one and four are focused on maintaining comprehensive legislative frameworks and promoting compliance with international standards on modern slavery. The authors assert that there is no universally agreed definition of ‘modern slavery’ or international standards that collectively capture obligations. It is unclear what international standards the government is referring to. While there is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the *United Nations Convention against Transnational Organised Crime (2000)* (The Palermo Protocol), it specifically relates to human trafficking, and under Australian law represents only one manifestation of modern slavery. Therefore, the NAP must be explicit in its articulation of what international standards it seeks to uphold, including those to which we are signatory and therefore have specific legal obligations.

The intent of the goals remains unclear, and we recommend that they be redefined in this next iteration of the NAP. The use of words such as ‘maintain’ and ‘enhance’ present challenges for measurability and do not suggest that the government will drive new or targeted strategies that work toward ending modern slavery.

With respect to the operability of the current goals, the ambiguous nature of these goals means that there is little emphasis on how the goals will be actioned, what outputs and outcomes would be attached to each goal and how they will be measured and tracked over time. We provide further comment regarding this in Section 4 of this submission.

Recommendation: Restructure the NAP to include guiding principles, followed by fewer, targeted goals, with sub strategies and clear implementation plans to underpin the goals.

2. Emerging Issues or Trends

Consultation Question Two: Should there be additional goals to address other areas of focus, emerging issues or trends? If so, what should they be?

2.1 Disaggregation of Modern Slavery Forms

Emergent from global discussions on modern slavery and the recent *Modern Slavery Act (2018)* (Cth) here in Australia is a push toward strengthening corporate responses to modern slavery by improving global supply chains, corporate social responsibility and a focus on forced labour. While significant, it is equally important to recognise that the approach and expertise required to contend with forced marriage or other forms of exploitation and trafficking is very different to forced labour that is typically seen within corporate supply chains (Good Shepherd Australia New Zealand, 2018b; Segrave, M., Milivojevic, S., & Pickering, S., 2017; O'Connell Davidson, 2015).

With a multitude of forms of slavery and exploitation, specific attention should be paid to the different forms of slavery in equanimity and there should be targeted responses. Globally, modern slavery has become a 'catch-all' term (Segrave, M., Milivojevic, S., & Pickering, S., 2017; O'Connell Davidson, 2015; Chuang, 2014). As described by Chuang, 'exploitation creep' appears to have a strategic imperative to gain momentum for the eradication of slavery, but there are trade-offs, particularly at the expense of victims to achieve redress (Chuang, 2014).

Good Shepherd and The Salvation Army assert that there must be disaggregation by exploitation type articulated within the goals and the subsequent sub-strategies and activities that emerge; we note that the current generic goal types and 'catch-all' approach does not adequately address the needs of victim-survivors, or, lend themselves to the specific strategies that are required for prevention.

2.2 Implementation

There are a number of recommendations highlighted in previous submissions and reports¹, including the 'Hidden in Plain Sight' Report (Commonwealth of Australia, 2017), that have arguably been acknowledged but thus far have not been formally responded to or implemented. Recommendations such as improving inter-agency coordination and support, and on collecting and analysing data have not received the required focus.

While the NAP identifies strengthening connectedness with states and territories as a key area of focus, it does not include a strategy to drive this work; this is despite international evidence calling for greater involvement from local actors (Commonwealth of Australia, 2014). We recommend that this should form a key focus for the

¹ See: Issues Paper: Opportunities to respond to forced marriage within Australia's domestic and family violence framework: https://goodshep.org.au/media/2423/g sanz-issues-paper_opportunities-to-respond-to-forced-marriage-within-australias-domestic-and-family-violence-framework.pdf

Submission on the Modern Slavery Bill 2018: https://goodshep.org.au/media/2423/g sanz-issues-paper_opportunities-to-respond-to-forced-marriage-within-australias-domestic-and-family-violence-framework.pdf

Submission to the Inquiry into the NSW Modern Slavery Act (2018) and associated matters: https://goodshep.org.au/media/2423/g sanz-issues-paper_opportunities-to-respond-to-forced-marriage-within-australias-domestic-and-family-violence-framework.pdf

next Plan in line with the principles outlined in the 'Building Local Responses' paper (Moore, 2018). These principles recommend acting locally and strategically, fostering cooperation between relevant authorities and non-government actors, developing referral protocols and monitoring the availability of victims' compensation, and investing in education and training (Moore, 2018).

Any sub strategies should also consider and implement previously made recommendations. Good Shepherd and The Salvation Army Australia endorses and supports localised, operational frameworks and strategies as the most effective way to respond to cases of modern slavery and that they are effectively connected into national policy frameworks intended to counter modern slavery (Moore, 2018).

Recommendation: Disaggregate the NAP to ensure that there is a tailored response for each different form of trafficking and slavery (i.e. recognise that strategies to address forced labour and forced marriage for example, are different); inclusive of specific plans and a theory of change that underpins them.

Recommendation: Draw on the extensive material produced through the Inquiry on Establishing a Modern Slavery Act for Australia and the recommendations of the 'Hidden in Plain Sight Report' that identified the actors, partners, collaborators, priorities and recommended resources for a robust approach to addressing modern slavery in Australia.

3 Supporting Victims of Modern Slavery

Consultation Question Three: The Government is committed to ensuring victims of modern slavery are supported, protected and empowered. Are there ways in which the Government can better reflect the voices of victims and their lived experiences in the 2020-24 Plan and Australia's response to modern slavery?

3.1 Effective Co-Design

Opportunities to provide input into the design of the NAP should be provided from the outset. We recommend adopting a co-design approach to the development of the NAP. Co-design principles define development of strategies as a process which preferences diverse engagement including by those who seek to benefit from the goals, strategies and resources of the NAP. Co-design requires the adoption of core principles and approaches which are inclusive, participative, iterative and outcomes focused (NCOSS, 2017). This means that time should be allocated for interested stakeholders to participate in each stage of development, including provisions for those with lived-experience to contribute to design, review and evaluation. We assert that a process of co-design will render a NAP that reflects shared goals and strategies between State and Federal Government, civil society and victim-survivors: consultation on existing materials, and pre-defined goals would not reflect a co-design approach, and we therefore recommend that consideration be given to adopting an alternative model to ensure that the NAP can be a tool that achieves its stated objectives.

Moreover, we recommend that the NAP include a specific victim-survivor engagement mechanism, including, but not limited to a survivor advisory group, that is represented on the National Roundtable; and where specific consultations on thematic issues and sub-strategy designs can be undertaken. This mechanism must be embedded within Australia's response and funded to ensure equal participation by survivors. A model of best practice has recently been released in the United Kingdom, and we would encourage review of this as a starting point (University of Nottingham, 2019).

3.2 Responding to Forced Marriage (Goal 7)

The following section offers specific commentary on responses and strategies to address forced marriage, highlighting the necessary disaggregation of this issue from that of other forms of exploitation. We assert that a targeted sub-strategy must be developed alongside the NAP to ensure that the specialised and different approaches to forced marriage are articulated and appropriately resourced. This should be supported by participatory-action research to ensure that the strategies that are developed are consistent, comprehensive and effective for those with whom they are designed to support. A participatory-action research approach would also create an environment where strategies can evolve as evidence comes to bear about effectiveness.

3.2.1 Compliance with international standards

As foreshadowed in Section 1 of this submission, it is necessary for the Australian Government to explicitly outline the international standards in which it seeks to, or has an obligation to comply. Further, consideration within the NAP should be given to what and how domestic and international initiatives will be undertaken and resourced. With respect to forced marriage, we make the following recommendations:

- Sign and ratify the Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages;
(As recommended by RMIT University and The Salvation Army, 2018; and discussed by Good Shepherd Australia New Zealand in their submission to the Inquiry into Combatting Child Sexual Exploitation Legislation Amendment Bill, 2019).
- Articulate commitments to overseas development for regional forced marriage initiatives; acceding to 5.3 of the United Nations Sustainable Development Goals
(As recommended by The Salvation Army and RMIT, 2018).

3.2.2 Holistic and coordinated responses

Intersection between forced marriage and family violence

Good Shepherd has been steadfast in calling for the recognition of forced marriage within nation-wide family violence and child protection frameworks (Good Shepherd Australia New Zealand, 2018a, 2018b, 2019b, and 2019c). This call is also supported by research undertaken by RMIT University and The Salvation Army (2018) who, through the engagement with victim-survivors, identified forced marriage as a manifestation of family violence.

Whilst empirical research on forced marriage in Australia is lacking, anecdotal evidence from engaging directly in the support of victim-survivors, suggests that a more holistic and coordinated response to forced marriage is required—including turning to provisions within family violence response systems which are not currently streamlined or consistent for victim-survivors of forced marriage: noting in particular, that unlike responses to forced marriage which are heavily embedded within the federal criminal justice framework, responses to family violence do not always require victims to engage with or report to law enforcement in order to access support.

Beyond recognition of the intersection between marriage and family violence that we have seen in the Fourth Action Plan to Reduce Violence Against Women and their Children (Australian Government 2019a) (Fourth Action Plan); targeted initiatives with implementation plans are required to enhance Australia’s response to forced marriage. We acknowledge that an efficient and effective family violence system is an ideal not yet realised, and therefore, the specialised services and targeted strategies to address forced marriage under both the NAP and the Fourth Action Plan are critical. Current frameworks that address slavery are falling short of recognising the complex familial relationships at the heart of the practice (Good Shepherd Australia New Zealand, 2018b). It should also be noted that Australia’s definition of forced marriage as slavery is unique to Australia (Vidal, 2017).

Available research suggests that while there are situations where forced marriage and slavery overlap, this framing is contentious and limiting responses within a criminal justice framework can ‘create a barrier to service engagement’ (Good Shepherd Australia New Zealand, 2018a). This has been seen with the Support for Trafficked People program, where individuals are reluctant to engage because they do not want to see their families prosecuted and are also concerned about re-victimisation and/or re-traumatisation (Good Shepherd Australia New Zealand, 2019b).

Targeted and long-term prevention initiatives

Preventative activities within the NAP should not be underestimated and must be extended beyond awareness raising. The “prevention of forced marriage requires an investment in long term behaviour change...understanding the role of marriage in the social fabric of society and with regard to a ‘rite of passage’, [prevention] requires diverse, broad and nuanced community engagement initiatives” (Vidal, 2017, p.11). From The Salvation Army Australia’s experience, most of the women and girls who sought assistance did so before the marriage took place; however, available interventions remained narrowly focused and often rendered victim-survivors in precarious situations, including experiencing homelessness. Where possible it is our view that prevention programs should be targeted, focused on early intervention, and be focused on family preservation. The development of these prevention programs is one example of an opportunity where victim-survivors could provide unparalleled insight and knowledge to the programs design and implementation.

Equipping the front line to identify and engage with victim-survivors of forced marriage

As the current goals of the NAP suggest, coordination between states and territories and the federal government is necessary to address modern slavery; key to this, is awareness amongst front line responders to not only identify, but to engage effectively and efficiently with victim-survivors. Dedicated training for law enforcement, health services, child protection and not-for-profit organisations responding to family violence and homelessness (for example) is essential. Training and awareness raising must provide a wide lens beyond the criminal justice response and be culturally inclusive and responsive to trauma including the power and control dynamics that exist between victim-survivors and authorities.

Drawing on the intersection between forced marriage and family violence, state and territory law enforcement officers specifically responding to forced marriage should be targeted in any strategy addressing Australia’s response to forced marriage; additionally, state and territory child protection authorities must be considered key stakeholders, with specific strategies to address the current gaps in legislation and policy that support young people at risk of forced marriage (See: legislative analysis in: Good Shepherd Australia New Zealand, 2019b)

Informed and coordinated support

A multi-country, cross-comparative study undertaken in 2017 (Vidal, 2017) identified a number of strengths in the United Kingdom’s response to forced marriage—in particular the emphasis on a central point of coordination. Vidal (2017) found that: “A central point of coordination ensures accountability across a range of agencies and individuals involved in intervention and leads to an approach that ensures consistency” (p.9) The report further details an operational support model (p.12-13) which if implemented would provide informed and coordinated support across Australia to victim-survivors of forced marriage. This is further reiterated by earlier work undertaken by The Australian Institute of Criminology (David, 2007) which found that the establishment of specialist units in trafficking cases led to a consolidated pool of resources, including expertise and experience; a focal point that can build strong working relationships with other key agencies; and, the capacity to develop, test and refine appropriate and effective standard operation procedures and training.

Additionally, an issue which has consistently arisen amongst those providing services to victim-survivors of forced marriage is the lack of appropriate and available accommodation. Safe accommodation has been identified as critical to establishing safety, trust and the ability to begin re-building after experiencing trauma. The impacts of a precarious living situations are illustrated by Rana's case study below. We therefore recommend, that the NAP include a dedicated outcome regarding tailored accommodation, including the provision of resources, alongside support for capacity building of existing accommodation providers to they can effectively support this cohort of women and girls.

Rana

At 15 years of age, Rana was forced into an engagement by her father. Rana ran away from home at age 16 to avoid going ahead with the marriage—she stayed with a sympathetic relative.

Due to leaving her family home, Rana experienced increasing community shaming and her relative no longer felt able to support her. Rana moved into a crowded share house she could barely afford on her limited government benefit, she was the only young person living with other adult women.

Rana was socially isolated and experienced declining mental health, including suicidal ideation. Rana was supported to move into a youth accommodation service in the local area. Despite increased staff support, Rana felt unsafe at the youth service due to sharing the living space and bathrooms with males, and, witnessing other people smoking and drinking alcohol, something she had not experienced before. Support staff referred Rana to all-female refuges however the options were limited and the wait times were long.

Rana's mental health continued to decline, resulting in hospitalisation after a suicide attempt. Following this mental health crisis, support staff experienced difficulty in referring Rana to youth accommodation services due to their limited capacity to take on a young person with higher support needs at that time. Rana has since moved back to the share house and continues to receive outreach support through The Salvation Army Safe House.

3.3 Criminal justice responses to forced marriage

De-linking support from the criminal justice system

Good Shepherd and The Salvation Army have maintained a position that support for victim-survivors of forced marriage must be de-linked from engagement with and participation in the criminal justice system. There is growing acknowledgement that the criminal justice approach is only one among many responses in supporting individuals and families who experience modern slavery, such as forced marriage (Good Shepherd Australia New Zealand, 2019b).

Victim-survivors continue to disclose that their fear of authority means that they are choosing not to seek support. In situations where victim-survivors do choose to report, it is our experience that whilst they may engage in an initial period of support, the requirement for further engagement in a criminal justice process after this, leads to their disengagement.

To support victims, the government should re-evaluate the efficacy of sole criminal justice approaches; considering the implementation of multiple pathways of prevention and intervention; as has been illustrated by initiatives in the family violence sector, domestically and internationally. Explicit references to forced marriage within broader definitions of family violence and child abuse would increase opportunities for individuals to gain access to protective mechanisms (Good Shepherd Australia New Zealand, 2019b).

States and territories should be working toward harmonising frameworks and improving upon and addressing limitations of current responses (The Salvation Army, 2017). In our view, attention should also be focused on how to make the current legislative frameworks work for victim-survivors; and to provide resourced, viable alternatives in situations where a victim-survivor cannot or does not want to engage with the criminal justice system.

Enhancing approaches to prosecution

Good Shepherd and The Salvation Army agree that a criminal justice framework is an important pillar, provided as an option to victim-survivors who wish to seek justice or criminal recourse for what happened to them.

To date there have been no prosecutions of forced marriage in Australia, and prosecutorial challenges have continued to arise as more cases are identified by the Australian Federal Police and referred to the Commonwealth Department of Public Prosecutions. Thus, we can seek learning from abroad to assist in informing Australia's approach to forced marriage prosecutions, including the recent prosecution of *Regina v RB* in the United Kingdom (Gill and Gould, 2019).

This case highlighted that there are a range of factors that should be considered with regard to achieving successful prosecutions in relation to forced marriage, including:

- Best-practice guidelines to improve statutory agencies' recognition of the risk factors and warning signs. This will increase prevention or early intervention.
- Building a greater understanding of the role of socio-cultural factors and transnational elements. In doing so, victim-survivors may be empowered to come forward and support services may also be better equipped to respond and support victims of forced marriage.
- The need for multi-agency collaboration, including working with other sectors who may have additional expertise.

Victim-survivors can often face collateral damage, with much of it 'hidden in plain sight' (Segrave, M., Milivojevic, S., Pickering, S., & Pickering, S., 2017). These harms could be in the form of misplaced efforts (financial or otherwise), and a focus on prosecutions that could take away focus from victim-survivors or looking for victims of modern slavery.

Good Shepherd and The Salvation Army recommend that in situations where prosecution is in the best interests of the victim-survivor specific strategies and capacity building amongst key actors (such as the Australian Federal Police and the Commonwealth Department of Public Prosecutions) be explicitly indicated in the NAP as an activity in which to undertake.

3.4 Capacity Building for the Sector

Good Shepherd and The Salvation Army acknowledge recent grant announcements for community sector organisations (Australian Government, 2019b). Unfortunately, the short time-frame to deliver community-based projects, as well as spend and acquit the grant means that there is little time for long-term outcomes, impact measurement, evaluation and the ability to see the results required to support victim-survivors. What is required is longer term funding, linked to measurable goals and objectives within the NAP, that is coordinated across the various projects and that will build sector capacity. This will allow for more comprehensive opportunities to track and evidence change.

It would also be beneficial to build the capacity of a diverse cross-section of organisations by including a broader category of organisations that may encounter victims of modern slavery (i.e. to include the family violence sector, Centrelink, emergency service personnel and other frontline services), rather than those solely focused on anti-slavery. This would assist with building the capacity of organisations to support victims, many of whom may already be encountering victims of modern slavery, including forced marriage, but may not have the knowledge to identify, support or refer victims.

Recommendation: Adopt a co-design approach to the development of the NAP; inclusive of a specific mechanism for survivors to engage and be consulted in ongoing strategies and activities concerning the prevention and protection of victim-survivors

Recommendation: With reference to compliance with international standards and commitments in relation to forced marriage, we recommend:

- Sign and ratify the Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages
- Articulate commitments to overseas development for regional forced marriage initiatives; acceding to 5.3 of the United Nations Sustainable Development Goals

Recommendation: Invest in targeted strategies that address the prevention, protection and prosecution needs of forced marriage victim survivors, including, but not limited to:

- Formal recognition of the intersection between forced marriage and family violence through the amendment of the federal definition of family violence to include forced marriage; developing strategies in accordance with this recognition
- Invest in targeted and long term prevention initiatives
- Equip the front line to identify and engage with victim-survivors of forced marriage: beyond awareness and identification, toward engagement and participation within state and federal frameworks
- Develop informed and coordinated support options which includes a central point of coordination, not dissimilar to the Forced Marriage Unit in the United Kingdom

- Include a dedicated outcome regarding tailored accommodation, including the provision of dedicated accommodation resources, and capacity building for existing accommodation providers so they can effectively support this cohort of women and girls
- De-link support, in full, from engagement and participation in the criminal justice system
- Strengthen the opportunity for prosecution by investing in specific strategies including resourcing the development of both law enforcement and public prosecutors; particularly in understanding the socio-cultural factors that influence decision making in forced marriage situations.

Recommendation: Provide longer-term funding for education, training and other initiatives, to a broader cross-section of organisations, to build the capacity of the sector to support victims, ensure better outcomes and support monitoring and evaluation.

4 Impact Measurement

Consultation Question Four: The Government is committed to ensuring that we can measure the impacts of the 2020-24 Plan. Are there evaluation methods, data sources or metrics the Government should consider in developing an evaluation framework?

5.1 Data Collection

It is difficult to promote an evidence-based response to modern slavery in the NAP, and additional initiatives, without first having a robust evidence-base to support the practice. Australia has no independent assessment or evaluation of the success or impact of anti-trafficking policies. Reliable data remains unavailable, there is no disaggregation in available data, and data is limited to only reported cases (Segrave, M., Milivojevic, S., & Pickering, S., 2017; Good Shepherd Australia New Zealand and Monash University, 2018).

There have still been no steps taken to develop a coordinated or central data collection point about known cases of trafficking and forced marriage in Australia. Most knowledge on forced marriage in Australia has been identified by civil society organisations working in the field, and the Australian Federal Police, who have raised the primary group at risk of early and forced marriage to be females between the ages of 15-21 (Good Shepherd Australia New Zealand, 2018a). We reaffirm that the NAP must include a goal on data collection and building an evidence-base to ensure effective responses to forced marriage, as well as other forms of modern slavery.

For the NAP to be most effective it needs to be measurable and outcomes focused across individual agencies, civil society and broader states and territories (AIC, 2019). The NAP should include a theory of change to underpin it, similar to the one proposed by the Australian Institute of Criminology that includes:

- **Inputs:** such as legislation, funding, practice guidelines, service providers
- **Activities:** such as governance, referral processes, case planning, service delivery
- **Outputs:** the products of activities, i.e. the number of people supported, the number of prosecutions or investigations, the cost of training
- **Outcomes:** short, medium and long-term impacts. They must be specific, targeted, achievable, measurable and time-bound to be successful in the next NAP (AIC, 2019).

5.2 Harmonisation with Other Plans

It is not clear how forced marriage and trafficking in the NAP will align with the Fourth Action Plan to Reduce Violence Against Women and Their Children (2019-2022) (Australian Government, 2019a). While both Plans recognise forced marriage and trafficking, they differ and have unresolved challenges in terms of how this inclusion will be resourced and translated by governments into practical initiatives that both prevent the practice from occurring as well as deliver meaningful service responses (Good Shepherd Australia New Zealand, 2018a). This is vitally important for impact measurement and data collection.

Recommendation: Ensure that future goals in the NAP have measurable outcomes and outputs attached to the goals, which can be monitored and tracked over the lifetime of the Plan.

3 Conclusion

Good Shepherd and The Salvation Army Australia thank the Australian Government for the opportunity to provide a response to the consultative process on the National Action Plan to Combat Modern Slavery 2020-24. While the current National Action Plan provides some broad goals, the next Plan would benefit from a targeted restructure. We welcome the opportunity to participate in further discussions regarding the design and implementation of the plan.

We highlight that several of the goals in the NAP are value-based and aspirational and should be reframed as guiding principles to sit over this and future National Actions Plans. The twelve goals do not effectively capture the key areas of focus and should be re-worked into fewer, more targeted goals, providing additional detail on the intent, operability, and strategic approach.

There is strong evidence that calls into question the focus on criminal-based approaches to support victim-survivors, and the disaggregation of strategies by exploitation type, particularly in relation to forced marriage. These have been raised in the past and there is merit in considering these recommendations via the NAP and working with subject-matter experts, and victim-survivors to consider workable solutions.

We strongly recommend the government consider the recommendations outlined in this submission, and previous submissions and implement them to ensure a robust response toward tackling modern slavery in Australia.

6. References

- Australian Government. (2019a). Fourth Action Plan: National Plan to Reduce Violence against Women and their Children 2010-2022. Canberra: Commonwealth of Australia. Retrieved from <https://plan4womenssafety.dss.gov.au/the-national-plan/the-fourthaction-plan-2019-2022/>
- Australian Government. (2019b). Government funding for organisations combatting modern slavery. Home Affairs. Retrieved from <https://minister.homeaffairs.gov.au/jasonwood/Pages/combating-modern-slavery.aspx>
- Australian Institute of Criminology (AIC). (2019). Review of the National Action Plan 2015-19: Summary of activities and lessons learned. Australian Institute of Criminology. Retrieved from AIC presentation to the SOM September 2019
- Chuang, J. A. (2014). Exploitation Creep and the Unmaking of Human Trafficking Law. Retrieved from <http://www.iilj.org/wp-content/uploads/2016/07/ChuangIILJColloq2014.pdf>
- Commonwealth of Australia, (2017). Hidden in Plain Sight: An inquiry into establishing a Modern Slavery Act in Australia. Joint Standing Committee on Foreign Affairs, Defence and Trade. Canberra, Australia. Retrieved from: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Final_report
- Commonwealth of Australia, (2014). National Action Plan to Combat Human Trafficking and Slavery 2015-19. Department of Home Affairs. Canberra, Australia. Retrieved from: <https://www.homeaffairs.gov.au/criminal-justice/files/trafficking-national-action-plan-combat-human-trafficking-slavery-2015-19.pdf>
- David, F. (2007). Law enforcement responses to trafficking in persons: challenges and emerging good practice. Retrieved from: <https://aic.gov.au/publications/tandi/tandi347>
- Davidson, O. J. (2015). Modern Slavery: The Margins of Freedom. Retrieved from https://books.google.com.au/books?id=HWekCgAAQBAJ&pg=PT13&source=kp_read_button&redir_esc=y#v=onepage&q=expertise&f=false
- Gill, A. K., & Gould, D. (2020). Culture, Coercion and Consent: Best practice to secure forced marriage convictions. Retrieved from Journal of Gender Based Violence, 4 (1)
- Good Shepherd Australia New Zealand. (2018a). Submission to the US Department of State: Trafficking in Persons Report – Australia. Retrieved from <https://www.goodshep.org.au/media/2106/trafficking-submission-tip-report-final-20180131.pdf>
- Good Shepherd Australia New Zealand. (2018b). Submission on a Modern Slavery Bill 2018. Retrieved from https://goodshep.org.au/media/2423/g sanz-issues-paper_opportunities-to-respond-to-forced-marriage-within-australias-domestic-and-family-violence-framework.pdf

- Good Shepherd Australia New Zealand. (2019a). Submission to the Inquiry into Combatting Child Sexual Exploitation Legislation Amendment Bill, 2019. Retrieved from <https://goodshep.org.au/media/2299/force-marriage-child-exploitation-bill-submission-final-20190307.pdf>
- Good Shepherd Australia New Zealand. (2019b). Issues Paper: Opportunities to respond to forced marriage within Australia's domestic and family violence framework. Retrieved from https://goodshep.org.au/media/2423/gsanz-issues-paper_opportunities-to-respond-to-forced-marriage-within-australias-domestic-and-family-violence-framework.pdf
- Good Shepherd Australia New Zealand. (2019c). Forced marriage in Australia. Retrieved from <https://goodshep.org.au/policy-research/forced-marriage-in-australia/>
- Good Shepherd Australia New Zealand and Monash University. (2018). Submission to the Inquiry into the Modern Slavery Act (2018) (NSW) and associated matters. Retrieved from https://goodshep.org.au/media/2423/gsanz-issues-paper_opportunities-to-respond-to-forced-marriage-within-australias-domestic-and-family-violence-framework.pdf
- Moore, H. (2018). Building Local Responses to Trafficking and Slavery. The Salvation Army. Retrieved from https://www.researchgate.net/publication/335833773_Building_Local_Responses_to_Trafficking_and_Slavery
- National Council of Social Service. (2017). Principles of Co-Design. Retrieved from <https://www.ncoss.org.au/sites/default/files/public/resources/codesign%20principles.pdf>
- RMIT University and The Salvation Army Freedom Partnership. (2018). Without Choice: Examining Forced Marriage in Australia
- Segrave, M., Milivojevic, S., & Pickering, S.(2017). Sex trafficking and modern slavery: The absence of evidence. Retrieved from <http://ebookcentral.proquest.com>
- The Salvation Army. (2017). Submission to the NSW Legislative Council Select Committee on Human Trafficking: Inquiry into Human Trafficking. Retrieved from <https://www.parliament.nsw.gov.au/ldocus/submissions/57221/0016%20The%20Salvation%20Army.pdf>
- University of Nottingham. (2019). Voices: Ideas for using survivor testimony in antislavery work. University of Nottingham Rights Lab. October 2019. Retrieved from <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/mseu/mseu-resources/2019/september/voices.pdf>
- Vidal, L. (2017). Developing Innovative, Best Practice Solutions to Address Forced Marriage in Australia. Winston Churchill Memorial Trust of Australia. Retrieved from <https://www.churchilltrust.com.au/fellows/detail/4179/Laura+Vidal>