



HOPE FOR JUSTICE

Change lives. End slavery.

Date: 7th February 2020

To: Australian Border Force: Human Trafficking and Slavery

Topic: Feedback on the National Action Plan to Combat Modern Slavery 2020-24

Prepared by: Lynnette Kay, Country Director, Hope for Justice, Australia
(lynn.kay@hopeforjustice.org)

Background Information

Hope for Justice is an international, anti-slavery charity, dedicated to eliminating slavery. Founded in 2008 in the United Kingdom, Hope for Justice has grown and now operates in nine countries from 32 locations. We have an award-winning victim-centred approach to fight modern slavery using a multi-disciplinary model proven to be replicable and scalable. Hope for Justice fights modern slavery by:

- Preventing exploitation: outreach teams, Self Help Groups and community education initiatives to empower vulnerable people to protect themselves and their families from traffickers
- Rescuing victims: specialist investigators work closely with police to identify victims, build trust and remove them from exploitation and into safety
- Restoring lives: working with victims to overcome trauma and rebuild lives, offering restorative care initiatives and support for vital needs, including survivor-centred aftercare
- Reforming society: training professionals to spot the signs of trafficking and campaigning for policy and legislative change

General Comments

Hope for Justice commends the Australian Government and the Australian Border Force for preparing the National Action Plan 2020-24 following review of the National Action Plan 2015-19 and is pleased to make a submission in response.

Hope for Justice is concerned that the National Action Plan does not respond to the gravity of the issue of modern slavery with sufficient urgency, a coherent structure nor sufficient funding to make an impact on this major abuse of human rights.

The National Action Plan needs to address the drivers of modern slavery, clearly articulate national priorities and have measurable and time-bound outcomes for measuring success. Most importantly, the National Action Plan must be person-focused.

Drivers of Modern Slavery

The research is clear that the drivers of modern slavery are complex and inter-connected¹. Modern slavery is a multi-billion dollar criminal business, behind only the arms and drug trade. It is essential that the size and scope of the issue is acknowledged and addressed. But trading in the lives of people is only possible if there are vulnerable people who can be coerced into exploitation. Thus slavery is at the extreme end of the continuum of labour exploitation. Poverty and lack of suitable, adequate employment in many countries (particularly Asia where over 50% of slavery is found) drives people to seek a better life elsewhere, feeding migration, trafficking, exploitation and slavery. This is compounded by the lack of robust governance of the labour market in many countries. All of these factors are underpinned by the globalisation of the economic systems fostering capitalism and consumerism.

Priorities for National Action Plan 2020-25

In our opinion, there are three priorities for the National Action Plan: prevention, survivor support and services, and collaboration.

Prevention

Prevention is critical both within Australia and in the region. We suggest the following interventions be included in the National Action Plan.

- Foreign aid should address issues of poverty in Asia through support to generate meaningful, well-paid employment in countries where traffickers recruit people
- Regional engagement with governments and law enforcement agencies to address weak governance that enables trafficking and modern slavery (building capability and resources)
- Increasing modern slavery training to frontline government officials, law enforcement agencies and service providers including Australian Federal Police, Australian Border Force, Fair Work Ombudsman, State and Territory police, emergency workers, health professionals, youth workers and service providers for domestic and family violence and migration.
- Addressing the culture of human rights abuses in close collaboration with local communities to optimise learning from communities (e.g., forced marriage)
- Addressing the exploitative practices of employers (e.g., labour hire firms) by strengthening the Fair Work Ombudsman, increasing the rights of unions to access workplaces and introducing a national labour hire licensing scheme.
- Community awareness raising to increase the community's understanding of modern slavery (what it looks like) and to strengthen identification (warning signs) and support of potential victims (community engagement). Specifically migrant workers in high-risk sectors require clear information about their rights, in their own language and using images wherever possible (due to low levels of literacy).

¹ Nolan, J., & Boersma, M. (2019) Addressing Modern Slavery, NewSouth Publishing, Sydney.

Survivor Support and Services

It is important that the National Action Plan outlines how support for survivors will be strengthened. Support should be evidence-based, holistic, trauma-informed and long-term. Specifically, the following elements should be included:

- Respect, listen and respond to the diverse lived experience and knowledge of women, men and children who have experienced trafficking, labour exploitation and slavery.
- Strengthen the Child Protection and Safeguarding focus for slavery/exploitation involving children (e.g., online sexual exploitation)
- Improve the provision of holistic services for survivors throughout the lifecycle of exploitation including appropriate training and employment for survivors
- Make access to support and the visa pathways separate from participation in the criminal justice system
- Strengthen the visa framework for survivors
- Conduct an independent evaluation of the Support for Trafficked People Program.

Collaboration

Modern Slavery will only be eliminated if there is strong collaboration between key stakeholders including:

- Commonwealth, State and Territory governments
- Government departments and agencies
- Law enforcement
- Civil Society
- Business and Industry
- Community

Specifically, it is important that the National Action Plan articulates:

- The roles of civil society, business and industry in addressing modern slavery and their engagement with governments. The role of business in addressing modern slavery needs more emphasis as many victims are being trafficked into businesses and therefore businesses have close contact with victims (unknowingly). Developing policy and processes for businesses of all sizes, and particularly training for lower level staff would be a strong start.
- Mechanisms to improve collaboration between federal, state and territory governments to ensure a comprehensive approach where no one falls through the cracks.
- Appointment of an independent Anti-Slavery Commissioner.
- Ways of strengthening the justice system to increase the willingness of victims to participate in court action against perpetrators (e.g., allowing alternatives to direct witness, use of video recording). Support police to think broadly about related issues to help identify potential trafficking and slavery that may be presenting as other crimes.
- Linkages between the National Action Plan and regional and international efforts such as the United Nations Sustainable Development Goals (8.7).

Funding

There is no stated budget for the National Action Plan. To ensure the success of the National Action Plan, there needs to be a substantial increase in funding for both government and civil society initiatives. The funding of civil society through a competitive process for a small amount of money works against the principle of collaboration that is essential for the success of a National Action Plan.

Response to Questions

1. Do the 12 goals capture key areas of focus for Australia over the next five years?

Although we agree with the 12 goals in principle, we are concerned that the goals lack urgency, people-focus and an appropriate framework to ensure success. The National Action Plan must have the protection of human rights of survivors as its foundation.

2. Should there be additional goals to address other areas of focus, emerging issues or trends? If so, what should they be?

We have outlined above the areas of focus for the National Action Plan that we recommend.

3. 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?

The protection of the human rights of victims needs to be the focus of National Action Plan. Victims should be involved in the process of setting the Action Plan 2020-24. Although many of the recommendations above are based on information from organisations working directly with survivors, it would be valuable to invite victims/survivors to participate in the process of formulating the National Action Plan.

Additionally, a regular mechanism that allows survivors to provide feedback on an ongoing basis without fear of consequences (e.g., exit interview) and record survivor narratives (de-identified to protect confidentiality) would ensure that survivors' perspectives are documented and heard.

Funding for ongoing research and evaluation of existing services is necessary and together with survivors' perspectives will help to build evidence-based and survivor-focused interventions that reflect international best practice.

4. 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?

Outcomes for the National Action Plan need to have a staged timeframe, ideally with indicators for one, three and five year periods. The following outcomes could be considered:

Prevention

1. Prevention strategies are embedded in government policies and procedures (e.g., Department of Foreign Affairs and Trade policies have a modern slavery focus)
2. Communities within Australia are aware of modern slavery and active in preventing slavery
3. There is no exploitation in the workplace
 - a. Employers pay fair wages and have legal contracts with all employees

- b. Unions have access to workplaces to support vulnerable workers
 - c. Number of trained Fair Work Inspectors is increased
- 4. Frontline workers consider modern slavery and are able to identify warning signs

Survivor Support and Services

1. Services that are culturally and gender sensitive meet the needs of survivors of slavery and labour exploitation.
 - a. Exit interviews capture feedback about services
 - b. Stories are recorded to capture survivors' experiences
 - c. Quantitative and qualitative data are compared
2. Survivors are supported regardless of their migration status or participation in the criminal justice process.
3. Children and young people at risk of forced marriages are protected and supported.
4. Women who are exploited in domestic work (often by family members) are supported.

Collaboration

1. All levels of government work together effectively to address slavery
 - a. Services are co-ordinated
 - b. Data is collected and verified across sectors
 - c. Annual reporting on progress builds accountability
2. Civil society and business play an active role in prevention of slavery and support of survivors.
3. Independent evaluation demonstrates the effectiveness and efficiency of the National Action Plan.