



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

Abstract

Project Respect Feedback on the National Action Plan to Combat Modern Slavery
2020-2024

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Consultation Questions

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

Overall, the goals do provide key areas of focus for the National Action Plan for the next 5 years. Some of the goals seem to be very broad, while others are very specific, and could potentially be considered activities rather than goals. While the introduction text indicates there is “*equal weight to the critical areas of prevention, enforcement and victim support*”, the 12 goals are primarily focused on enforcement and prevention with only one goal that is attributed to providing support to victim/survivors. This therefore does not demonstrate that equal weight has been provided to victim/survivor support.

Comments on the specific Goals:

- Goal 1 and Goal 4 are closely related. Presumably, if Australia is compliant with international standards, then this would result in a robust legislative framework.
- Goal 2 needs to go a step further. The Australian community plays a critical role in being able to identify modern slavery, and the community’s awareness is growing exponentially. However, the community will not be able to combat modern slavery if they are unable to identify it, and an awareness simply isn’t enough. Therefore, Goal 2 should read “*engage the Australian community to understand, identify and combat modern slavery*”.
- Goal 5 is very specific. While frontline government officials may come in to contact with victim/survivors, so to do the frontline workers of many other sectors and across different jurisdictions. Training of local and regional state police, emergency department staff, community legal centres and immigration lawyers, local council enforcement officers, family violence services, housing workers and a broad range of other services need to be trained to be able to recognise indicators. There needs to be an increase in collaboration across sectors as well as local, state and federal jurisdictions. While this goal may need to stand alone given it relates directly to government, it would be useful to include training of the broader service system, and to ensure collaboration across services. Lastly, this also seems to be more of an activity than a goal.
- Goal 6 seems somewhat unnecessary as progressing prosecutions is an activity that is already happening within the Australian context and will not be discontinued if there isn’t a specific Goal referred to in the NAP.
- Goal 7 and Goal 8 are targeting specific types of modern slavery. To do so is problematic, as it increases the focus on these types of modern slavery, which can have unintended consequences such as a decreased focus or awareness on other types of modern slavery. This can also impact on data, skewing the prevalence of this form of slavery. This impacts our ability to really understand modern slavery in Australia and subsequently to develop an evidence-based response to the issues. This therefore impacts on the ability to achieve Goal 3. Further, the act of deceptive recruitment can occur in other forms of modern slavery, not just labour exploitation.
- To adequately address modern slavery, collaboration needs to happen across sectors. While Goal 12 refers to this, it would seem the non-government stakeholders are considered a secondary resource in the collaboration. Equal value and ability to input should be provided to non-government agencies.

The following comments relate to Goal 10:

- Providing support to victim/survivors is complex due to a range of reasons. The current Australian framework is limited in being able to adequately ensure survivors can access support and protection. Remedies are not currently adequate. These deficiencies were recognised in the Inquiry in to Establishing a Modern Slavery Act.

- The Goal should not aim to *provide appropriate support* but should aim to **enhance and increase support** provided to **ALL** survivors.
- Victim/survivors require support, protection and access to remedies as a consequence of their experience of exploitation, however, the NAP should extend well beyond meeting the basic needs of victim/survivors and provide the necessary environment for victim/survivors to **recover** from their situation of exploitation and to be able to live a life free from exploitation and harm.

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

Modern slavery, forced marriage and intimate partner relationships

As noted above, focusing on specific areas of a broader problem can have unintended consequences, including incorrectly inflating an issue which can lead to the skewing of data. This has the potential impact on the development of solutions that don't necessarily address the broader problem adequately. Evidence of this is reflected in the NAP consultation paper with the statement "*Many victims in Australia have also been exploited within intimate and family relationships **through** forced marriage*"¹. This statement misleads and belies exploitation that can occur in intimate partner and familial relationships that is often complex and multifaced. There is a growing body of evidence² globally as well as in Australia which indicates that people, primarily women, are exploited through intimate partner relationships and subjected to situations of slavery, domestic servitude, sexual exploitation and/or forced labour in a private and/or commercial settings. While the trafficker has likely engaged in deceptive recruitment of the person for marriage, the person has freely made the decision to enter the intimate relationship or marriage, and it cannot be considered forced marriage. Due to the increased focus on forced marriage in Australia over the past 5 or more years, this form of exploitation, deceptive recruitment, harbouring and potential receipt of persons within intimate relationships or marriage is largely being overlooked in Australia, and is often triaged as family violence.

Further, there has been anecdotal information provided by some organisations, that the increased focus on forced marriage has primarily targeted particular ethnicities, religions and cultures. This is deeply concerning.

To adequately represent the scope of this issue, the statement should read "*Many victims in Australia have also been exploited within intimate and family relationships.*". This should subsequently be reflected in the goals by broadening Goal 7, or creating an additional goal.

Domestic trafficking

Further, and closely aligned with the above, is the issue of domestic trafficking. The Commonwealth Criminal Code has a much narrower definition of domestic trafficking than the international definition, and stipulates an offence has only occurred if the act of trafficking has only been facilitated through the means of **recruitment** and does not include the act of transport, transfer, harbouring or receipt of person.

(1) A person (the **first person**) commits an aggravated offence of domestic trafficking in persons if the first person commits the offence of domestic trafficking in persons in relation to another person (the **victim**) and any of the following applies:

¹ page 2 of the National Action Plan to Combat Modern Slavery 2019-2024: Public Consultation Paper

² See: Segraves, Marie, *Temporary Migration and Family Violence: An analysis of victimisation, vulnerability and support*, Melbourne, School of Social Sciences, Monash University, 2017. p. 60 and S Lyneham & K Richards, *Human trafficking involving marriage and partner migration to Australia*, in, AIC Reports Research And Public Policy Series 124, Canberra, Australian Institute of Criminology, 2014.p. ix

(a) the first person commits the offence intending that the victim will be exploited, either by the first person or by another, after arrival at the place to which the person has been transported;

As a result, the narrative and understanding of trafficking within Australia primarily sits within a migration framework, rather than a broader human rights framework. Little, if any focus is placed on trafficking within the domestic setting. Sometimes domestic trafficking is triaged as other crimes, such as family violence crimes.

More recently, Project Respect has been provided anecdotal information from a variety of credible sources about the prevalence of trafficking of minors living in out of home care facilities. The minors are being groomed and recruited through online dating apps by exploiting their vulnerabilities (although the means is irrelevant given they are minors), then, after rapport or a bond has been built, the trafficker(s) sexually exploit the minors in motels, hotels, apartments and Air BnB's. While the information being provided by sources indicates this is a burgeoning issue, and Victorian state government agencies are responding, it is not being acknowledged or framed as a form of trafficking. Further, the offence of trafficking in children outlined in the Commonwealth Criminal Code also indicates it is only a domestic trafficking offence if the trafficking occurs through means of transport.

For Goal 1 and 4 of the proposed NAP to be achieved, the definition of the offence of trafficking to require movement across international borders and into Australia needs to be repealed or amended. This will provide the ability for domestic trafficking to be incorporated into prevention, response and protection activities.

Research and Evaluation

Given the relative newness of the anti-trafficking sector, the NAP should be specifically embedding research and evaluation into the plan to not only enhance our prevention, protection and response to modern slavery, but to ensure it is evidence-informed, leading to evidence-based practice.

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?

To be able to address modern slavery, we need to understand the environment and situations that allow it to happen. The best way to do this, is to understand the experience of the survivor. The current framework to support survivors, for the most part, only captures the experiences of survivors who are deemed credible witnesses by enforcement, rather than all survivors. In doing so, the work being undertaken to address modern slavery is incomplete.

Further to this, there has been, to date, little if any opportunities for survivors to be able to provide their direct voice and experience into the development of strategies in Australia. Survivors voices should be embedded in the whole strategy – from consultation to implementation to monitoring and review. There is a deficiency in a platform being provided to survivor's voices in Australia.

Approximately once per year, Project Respect is approached by different government agencies/arms with a request to provide covert intelligence sharing about what we hear, see and are told by survivors. Without fail, we decline these requests, because it would mean we are using information provided to us by survivors without their consent. Further, the women Project Respect supports are generally excluded from support provided by the Australian government, providing little reason why they would want to assist when they haven't been afforded protection, or the ability to adequately recover from their own experience of modern slavery, to be healthy enough to assist.

Global research indicates that recovery is not achieved through practical assistance, but rather healing and recovery is facilitated through positive interactions between people. Recovery can be achieved by developing Principles of Practice for working with survivors including implementing four core standards of care across services supporting survivors:

1. utilise client centred practice

that ensures survivors have the best chance at healing by empowering them to make their own decisions, continually eliciting feedback about their needs, and treating each survivor as an individual with a unique set of experiences, reactions, and recovery needs;

2. implement trauma informed care

that prevents re-traumatisation of survivors and mitigates the impact of vicarious trauma on staff by fully integrating knowledge about trauma into policies, procedures, and practices;

3. utilise inclusive practice

Reduce barriers to care by utilising inclusive practices and non-stigmatising language so that any trafficking survivor who seeks assistance feels confident they will receive or be directed to the services they need;

4. ensuring services are informed by survivors

by listening and incorporating each survivor's unique knowledge and feedback and, when appropriate, seeking feedback from survivor advisory boards.³

By implementing these core standards of care across services who are providing support to survivors including government or non-government agencies and organisation, a healing space will be fostered, which in turn will provide the safe space for survivors to feel supported to speak out about their experiences to be able to inform not only prosecution, but also prevention, response and enforcement initiatives to address modern slavery.

In addition, structural changes are required for survivor support to foster an environment that will allow for this. Acknowledgement and recognition of the longstanding advocacy anti-trafficking organisation have undertaken, and incorporating these recommendations into the NAP strategic direction, including:

- de-linking of the funded support program from the criminal justice system;
- increasing the scope of agencies that can refer to the government funded program;
- implementing a National Compensation Scheme for survivors; and,
- adequately funding organisation that are supporting survivors of trafficking.

Moreover, internationally, as well as in Australia, human trafficking largely impacts women and girls. A gendered lens should be applied to the NAP, and ensure integration of other Government NAP's, particularly those relating to women and girls and prevention and response to violence.

Undertaking this comprehensive work to better support survivors will result in survivors being able to speak out safely about their experiences, providing the critical lived experience element to the NAP direction and activities.

³ Global Learning Collaborative, *Global Collaboration Against Human Trafficking Report: Fourteen Essential Principles for Working with Human Trafficking Victims*, in, New York, Safe Horizon, 2017, p. 5.

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?

It is imperative that an evaluation framework is implemented with the NAP. This will provide the framework to not only monitor and evaluate the initiatives over the next 5 years, but it should also increase the evidence-base of the scope of modern slavery in Australia, as well as what initiatives have been effective.

Some considerations for the data and evaluation:

- Ensure the survivor voice is included in the evaluation;
- Development of language that is understood by all stakeholders regardless of culture, ideology, legal position or other differences. This will assist in ensuring all stakeholders are operating within the same framework and share the same expectations and desired outcomes⁴;
- Implementing standardised data collection methods across government agencies and survivor support services will ensure there is more integrity with the data collected;
- Implementing standardised screening or identification tools across different sectors, particularly those supporting survivors; and,
- Creating the platform to be able to access data and share information across agencies.

⁴ As above p. 13