



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

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

Submission from The Salvation Army Australia and the Synod of Victoria and Tasmania,
Uniting Church in Australia

February 2020

For more information, please contact:

Major Paul Hateley

Head of Government Relations
The Salvation Army Australia

Address: 2-4 Brisbane Avenue
Barton ACT 2600

Mobile: 0413 830 201

Email: government.relations@salvationarmy.org.au

Dr Mark Zirnsak

Senior Social Justice Advocate

Uniting Church in Australia, Synod of Victoria
and Tasmania

Address: 29 College Crescent
Parkville VIC 3052

Phone (03) 9340 8807

Mobile: 0429 397 238

Email: mark.zirnsak@victas.uca.org.au

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Statement of Recognition

The Salvation Army and the Uniting Church in Australia, Synod of Victoria and Tasmania acknowledge the Traditional Custodians of the lands and waters throughout Australia. We pay our respect to Elders, past, present and emerging, acknowledging their continuing relationship to this land and the ongoing living cultures of Aboriginal and Torres Strait Islander peoples across Australia.

We also acknowledge the forced labour, servitude and enslavement of Aboriginal and Torres Strait Islander peoples and Pacific Islander peoples in Australia's history and we recognise the trauma and impact those injustices have had on individuals, their families and communities.



Organisational Background

The Salvation Army

The Salvation Army is an international Christian movement with a presence in 131 countries. Operating in Australia since 1880, The Salvation Army is one of the largest providers of social services and programs for people experiencing hardship, injustice and social exclusion.

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

Since 2008, The Salvation Army has independently operated the only refuge in Australia dedicated exclusively for 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, we have assisted over 300 individuals impacted by these crimes. In addition to direct services, The Salvation Army 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.

Uniting Church in Australia, Synod of Victoria and Tasmania

The Synod of Victoria and Tasmania is part of the Uniting Church in Australia, the country's third largest Christian denomination. The Uniting Church in Australia was formed in 1977, when three congregations – the Methodist Church of Australasia, the Presbyterian Church of Australia and the Congregational Union of Australia – came together.

We are one of six Synods, comprising 600 congregations and more than 60,000 members. We also have 12 schools. We worship every week in more than 40 languages. Through worship, sharing the story of Jesus, and service in the community, we witness to the belief that life is most fully found in God.

Through UnitingCare, the Uniting Church in Australia is the largest non-government provider of community services in Australia, employing more than 70,000 Australians.

We have formal partnerships with 32 churches in Asia and the Pacific and have also been instrumental in pioneering interfaith relationships, including other Christian denominations

We have a strong sense of social justice and actively campaign on a range of issues, including the environment, modern slavery, asylum seekers, fair work and gambling.

We have campaigned against modern slavery in seafood production and processing from Thailand, garment production in India, cotton production out of Uzbekistan, palm oil production from Malaysia and on Australian farms.



Introduction

The Salvation Army and the Uniting Church in Australia, Synod of Victoria and Tasmania welcome the opportunity to help shape the new five-year *National Action Plan to Combat Modern Slavery 2020-24* (**the NAP 2020**).

This submission will address all four consultation questions and provides additional feedback for the NAP 2020. We begin with some suggestions about the overarching structure of the plan with some examples which may serve as useful resources for the Department of Home Affairs as the NAP 2020 is developed.



Plan Structure

The Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response¹ (the Guidelines) recommend a national response should be comprised of two levels: the strategic level, set out in a strategy document; and the operational level, set out in a National Action Plan. The *National Action Plan to Combat Human Trafficking and Slavery 2015-19 (the 2015-19 Plan)* did this to a certain extent but could be significantly improved through clearer delineation between the high-level strategy—founded on the four P’s: Protection, Prevention, Prosecution and Partnership—and the more operational aspects of the plan.

Strategy

The Guidelines recommend the strategy document should include background analysis of the trafficking/slavery situation in a particular country to provide the context and rationale for both strategic and operational aims.² They further recommend including strategic long-term goals, objectives and indicators for four key components:

1. Supporting framework
 - a. Co-ordination structures (i.e. National Roundtable, Operational Working Group etc)
 - b. Legal and regulatory framework
 - c. Information management and research
 - d. Resource and budget mobilisation
 - e. Review, monitoring and evaluation
2. Prevention
3. Support and protection of victims and victim-witnesses
4. Investigation and prosecution of trafficking.

The strategy is also where the Department can rearticulate standing commitments to human rights, cross-sector collaboration and a survivor-centred, trauma-informed approach. We submit that adopting this or a similar approach would facilitate and support various tasks that have been identified as necessary to improve the national response, such as reviewing membership, structure, aims and outcomes of the National Roundtable.

¹ International Centre for Migration Policy Development (2006). Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response. Retrieved at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/icmpd_national_response_2006_en_1.pdf.

² Ibid, p 17.



National Action Plan

At the operational level, the Guidelines explain that the NAP should lay out **how** the strategic goals are to be achieved, identifying concrete actions to reach the strategic goals and specific objectives for the four components above. In turn, each of the specific objectives should include:

- Activities and sub-activities;
- Assigned responsibilities and time lines;
- Resource plans and budget; and
- Indicators

To this end, we suggest the Department reconsider including 12 goals in the NAP and separate out those which are likely to transcend multiple NAPs from those which are more time-limited and achievable in the short term.

For instance, of the proposed 12 goals, we submit the following would be more appropriately set out at a strategic level, either representing guiding principles or as longer-term strategic goals:

- Goal 1: Maintain and promote compliance with international standards on modern slavery
- Goal 3: Promote an evidence-based response to modern slavery³
- Goal 4: Maintain a robust and comprehensive legislative framework to combat modern slavery
- Goal 9: Promote transparency and accountability for combating modern slavery risks in global supply chains, including in government procurement
- Goal 10: Provide appropriate support, protections, and remedies to empower victims of modern slavery
- Goal 12: Work collaboratively across government, along with non-government stakeholders, to combat modern slavery

In addition to the above, those goals that begin with the word “enhance” may also be better positioned at the strategic level, but will require further explanation of what is intended to be achieved over time.

³ We note this is an area that could be included at the strategic level (via a supporting framework to realise guiding principles) and the operational level (via specific deliverables to be produced under the NAP, such as a research framework, survivor consultation, and annual publication of a national estimate).

For instance, *Goal 11: Enhance our leadership and partnerships to promote regional and international cooperation on combating modern slavery* would be strengthened by clearer articulation of what enhancement looks like and against what baseline it will be measured; hence the utility in providing some background analysis to give context to the goal.

The Department should discuss: Why does Australia want to be a leader in the region? What is our strategic vision of leadership and partnership? Who are our strategic partners and what do we aspire to achieve through these partnerships?

Additionally, the Department should discuss the rationale for the goal, the supporting framework(s) that is/are in place to carry it out, and what indicators will be used to gauge the extent to which progress is being made under that goal.

In terms of the NAP 2020, we support maintaining the other goals, which we discuss further in the next section.

In addition to the Guidelines, other national and regional action plans provide a useful resource. Noting the Department is likely already reviewing some of these to inform the NAP 2020, we have highlighted particular aspects of a few plans that we think provide useful examples to illustrate our recommendations (refer **Appendix A**).

Recommended Focus Areas for NAP 2020

The submitting bodies acknowledge the Government's longstanding commitment to disrupting and preventing modern slavery through the adoption of a comprehensive, whole-of-government strategy, as laid out in the 2015-19 Plan. The 2015-19 Plan provides a sound basis for action under the NAP 2020, particularly in terms of principles and high-level priorities; however, we submit there are some key areas for development that would greatly strengthen the NAP 2020:

1. Data collection

Australia is currently at the forefront of global anti-slavery efforts after the passage of the *Modern Slavery Act 2018*; however, compared to similar countries, such as the United Kingdom, the United States and Canada, it is lagging in data collection, analysis and reporting.⁴ Without data, the national response is flying blind, which undermines budgeting, policy development, policing efforts and service delivery. It also impairs the development of an evidence-based national plan of action. Operational agencies, such as the Australian Federal Police (**AFP**), Australian Border Force and the Australian Red Cross, all collect and report data in different ways in Interdepartmental Committee (**IDC**) reports, which makes it difficult to make sense of national figures and synthesise them into a coherent strategic response. We further note that the Government does not report national data consistently, having not published an IDC report in three years.

Significant gaps exist in the information and analysis that is provided, such as the attrition between victim identification and prosecutions and between Support for Trafficked People Program (**STPP**) clients and Referred Stay visa grants. There is no information on numbers of individuals accessing the different streams of the STPP and there is very little information provided to explain differences in numbers between referrals to the AFP and those to the STPP. We acknowledge there will be legitimate reasons for differences between these figures but greater analysis of the reasons is required to effectively address gaps through policy and other reforms.

We recommend the Government establish a national data collection plan and framework and conduct stakeholder mapping and engagement to ensure all relevant stakeholders are collecting and reporting useful information consistently and regularly.

⁴ See for example, Quarter 1 2019 statistics provided by the UK's National Referral Mechanism at <https://nationalcrimeagency.gov.uk/who-we-are/publications/291-modern-slavery-and-human-trafficking-national-referral-mechanism-statistics-january-to-march-2019/file>; See also the range of data collection goals and methods by the U.S. Department of Justice, particularly the Trafficking Information Management System (TIMS) at <https://www.ovcttac.gov/taskforceguide/eguide/3-operating-a-task-force/32-information-sharing/data-collection-analysis/>; See finally the U.S. Attorney-General's Annual Report to Congress on Human Trafficking. Whilst reporting has lapsed under the Trump Administration, the nature of previous reporting provides useful guidance for a more robust data collection and reporting framework: <https://www.justice.gov/humantrafficking/file/797606/download>



2. Monitoring and evaluation

We commend the Department's acknowledgement of the need to build evaluation into the NAP 2020 and we strongly support this. A National Action Plan should not just articulate what we are going to do, but also why we need to it and what we expect to accomplish as a result.

In response to consultation question 4, we recommend adopting a combination of evaluation methods to track both outputs (i.e. number of trainings delivered, participants reached, resources distributed, etc.) and outcomes (i.e. what changed as a result of activities and outputs). The evaluation framework should be based on a sound theory of change embedded at the strategic level, structured through a logic model that articulates what the Department expects to happen as a result of particular actions. A useful example of a relevant logic model is the Our Watch 'Emerging Theory of Change'⁵ which may be used as a model for setting out the high-level strategy for this and potentially the next National Action Plan.

It is difficult to set out metrics or indicators (**KPIs**) without first delineating the priorities and goals of the NAP. A useful resource to inform benchmarks and standards for best practice is the aforementioned *Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response*⁶. As discussed in the previous section, the Guidelines recommend that a NAP should "define for each activity assigned responsibilities and timelines, contain resource plans and a budget and include monitoring and evaluation criteria." For convenience, we have provided an excerpt from the Guidelines setting out the core requirements of a monitoring and evaluation (**M&E**) framework in Appendix B.

The Guidelines also provide a model framework that delineates goals, objectives and indicators for key components of the national response, including providing support to victims, reducing vulnerability, and delivering services in a culturally appropriate, gender sensitive manner. An excerpt is provided in Appendix C.

3. Strategic collaboration

As expressed in our paper provided to the National Roundtable, *Building Local Responses to Trafficking and Slavery*⁷, we strongly recommend the Department prioritise the development of a nationally-consistent strategy for locally-based collaboration across a broader range of stakeholders. For instance, there are very effective groups operating in Perth and Darwin that are not formally connected to the national framework. Many of these

⁵ Our Watch (2014). Policy Brief 2. Retrieved from https://www.ourwatch.org.au/getmedia/019ea712-d856-468f-b98d-0cc10e2c1558/Accessible_Policy_Brief_2_Theory_of_Change.pdf.aspx?ext=.pdf

⁶ International Centre for Migration Policy Development (2006).

⁷ Moore, H. (2018) Building local responses to trafficking and slavery. The Salvation Army, Freedom Partnership to End Modern Slavery. Retrieved from https://www.researchgate.net/publication/335833773_Building_Local_Responses_to_Trafficking_and_Slavery



groups are identifying and responding to modern slavery cases, but their work is not being captured, their data is not being recorded and they have no access to government funding for their work.

This approach to collaboration would provide a sound framework through which to drive other key actions under the NAP 2020, including awareness-raising, community and business engagement, training of first responders, and increasing identification of and access to support for victim-survivors. It also establishes a mechanism for consultation, data sharing and possibly co-funding with state and territory governments.

We do not observe this in the proposed goals set out in the consultation paper and this is of great concern. As stated in our paper, there is abundant international evidence to support de-centralising the operational response to modern slavery and proven models that may be adapted to the Australian context to strengthen connections between the national response and local stakeholders.

4. Improving screening and engagement with victim-survivors

The proposed goals rightly identify the need to improve identification of victim-survivors, however the NAP 2020 would be strengthened by some discussion about why this is important and how it connects to other goals and objectives. Identifying victim-survivors is not just about enabling people to leave modern slavery; it is actually one part of a key goal on which many other goals rely.

For instance, the AFP and immigration compliance officers have publicly acknowledged that victims are sometimes unwilling to engage with them, which has been provided as the justification for repatriating individuals exhibiting trafficking indicators and for not pursuing some investigations (a key focus in proposed Goal 5). The Commonwealth Department of Public Prosecutions (**CDPP**) has also identified victim-survivors' unwillingness to return to testify in court as a key barrier to prosecution (proposed Goal 6).⁸ It follows that detection alone cannot achieve these aims. Survivor-centred, trauma-informed engagement is equally, if not more important to facilitate survivor involvement with both helping and criminal justice systems (as represented in proposed goals 5, 6, and 10).

Whilst detection does need to be improved, we submit that poor understanding of the victimology of this crime, confusion about how to respond to victim-survivors who are at first unwilling to engage with authorities, and limited or no collaboration with non-governmental organisations (**NGOs**) and legal service providers at the screening stage, together represent one of the most significant gaps in the Australian response.

⁸ Commonwealth of Australia. (2013). Hansard: Commonwealth Department of Public Prosecutions Evidence to Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into slavery, slavery-like conditions and people trafficking. Retrieved from https://parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/fc342003-774a-4aad-820c-ae40ea89dd/toc_pdf/Parliamentary%20Joint%20Committee%20on%20Foreign%20Affairs.%20Defence%20and%20Trade_2012_11_21_1557_Official.pdf;fileType=application%2Fpdf#search=%22committees/commjnt/fc342003-774a-4aad-820c-ae40ea89dd/0000%22



Victimology

Engaging the community to support anti-slavery/trafficking work (Goal 2) and training for frontline officials (Goal 5) are appropriate methods to improve detection; however, training people to detect and report modern slavery will have limited effect if responding authorities (usually AFP or Border Force officers) do not engage victims in a manner that establishes the trust and rapport necessary for ongoing cooperation with the system.

Effective engagement is founded on understanding the impact of the slavery/trafficking experience and how that shapes victim-survivors' perception of themselves and their behaviour towards law enforcement and others in positions of authority and power. It is also founded on setting appropriate conditions for disclosure, such as interviewing suspected victim-survivors in a neutral and safe location, providing immediate access to crisis care—even before the first interview—and allowing time for individuals to re-establish a sense of personal safety and agency before proceeding with interviews. As former UK Anti-Slavery Commissioner Kevin Hyland testified before the modern slavery inquiry, successful police work in this field relies on treating the crime for what it is—organised crime—and working first from a presumption of innocence rather than guilt.

Understanding Consent

Increasing detection will also have limited effect if the AFP feel powerless to investigate trafficking and slavery cases. We are aware of anecdotal evidence that, where there are reports of modern slavery, police officers feel unable to take action if the victim-survivors have not consented to speak with the police. In such cases, the police only feel able to act where the evidence of modern slavery is obvious and incontrovertible. Thus, much of the intelligence about modern slavery reported by community members is currently not actioned or passed to an agency like the Fair Work Ombudsman to prosecute breaches of the *Fair Work Act 2009*. In other situations, police have expressed confusion over what they can do when another law enforcement body has identified trafficking but the victim-survivor retracts their story.

We are not suggesting that the police should not attempt to obtain consent; rather, that a more nuanced approach is required, which (a) accounts for how the act of trafficking and slavery erodes personal agency and (b) employs a variety of strategies to demonstrate to the suspected victim that they will be protected. These strategies must include presumption of innocence at first point of contact and sensitive interviewing techniques (as discussed above), access to independent legal advice so victim-survivors can make informed decisions, and access to crisis care and support.

Collaboration with NGOs and Legal Service Providers

There is extensive international evidence to support collaboration between law enforcement bodies and NGOs in victim detection and engagement. The literature⁹ and our own experience demonstrates that providing victim-survivors immediate access to support and legal advice enables them to make more informed decisions, which, in turn, raises their confidence in the State and enables them to be more effective witnesses. The literature also recommends that this support should not be contingent on a victim's willingness or ability to give evidence as a witness.¹⁰

As such, the NAP 2020 should operationalise commitments to a victim-centred and evidence-based approach by developing a strategy that sets out how the AFP should work with designated NGOs and community legal centres in screening and engaging potential victim-survivors of modern slavery. The NAP 2020 should also develop a strategy to enable NGOs with demonstrated success in supporting crime victims to become a first point of contact to support victim-survivors and assist them to report human trafficking and slavery. These groups should be allowed to provide unconditional short-term care and counselling to enable victim-survivors to make an informed and self-determined decision about referring to law enforcement.

We recommend the Department identify victim engagement as a high-level priority in the national Strategy and build out a multi-pronged approach to victim-survivor screening and engagement in the NAP 2020. This approach should include:

- community engagement and awareness-raising on indicators and referral pathways with key messages about 'doing no harm';
 - first responder training on indicators, victimology and recommended engagement procedures, including working effectively with victim service providers;
 - adapt NGO Guidelines for a broader audience or build out sections for law enforcement;
 - provision of independent legal advice through nominated community legal centres; and
 - enabling nominated NGOs to provide crisis intervention, information and support without compulsory engagement with law enforcement (where it is safe to do so).
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⁹ United Nations Office on Drugs and Crime (2008). Toolkit to Combat Trafficking in Persons. p 306. Retrieved at https://www.unodc.org/res/cld/bibliography/toolkit-to-combat-trafficking-in-persons_html/07-89375_Ebook1.pdf.

¹⁰ Ibid.



5. Systems approach

Not all forms of modern slavery are the same. They have different root causes, different causes of vulnerability, and victim-survivor needs vary greatly across the range of offences. As such, the national response should be crafted to respond to the diversity of the problem. While Australia's overall response has made important progress over time, the domestic operational response to victims and people at risk has not evolved at pace and remains largely homogenous across multiple forms of slavery—from forced marriage to organ trafficking to forced labour.

The NAP 2020 should account for this by disaggregating the response to forced marriage from the victims of human trafficking and other forms of slavery, and emphasising prevention through a family violence paradigm. We refer to The Salvation Army's submission with Good Shepherd Australia New Zealand for further discussion.

Similarly, the *Modern Slavery Act 2018* is intended to address slavery that occurs in supply chains, yet its reach also touches on slavery occurring in private settings, outside the remit of business supply chains. The NAP 2020 should include a strategy for reviewing whether this is an effective approach in reducing prevalence of slavery and whether there are any unintended negative consequences of this policy approach.

Reports produced from the Labour Exploitation Working Group, recent slavery-related inquiries, and academic research provide a strong problem analysis to inform tailored responses to different forms of slavery—not just in terms of victim-survivor response but also in prevention. For instance, given the challenges in achieving criminal convictions, Australia's response should be strengthened with greater emphasis on disruptive reforms that deter slavery and human trafficking without the need for investigation and prosecution.

Disruptive measures should aim to reduce the prevalence of trafficking and slavery in Australia by reducing the profits from human trafficking and slavery, to make it a less attractive, higher risk criminal activity. The NAP 2020 should be informed by what current structures, laws and processes assist human traffickers and seek to address these problems. For example, the ease with which it is possible to set up a company in Australia with a straw director and a false address has made it easier for people to engage in slavery and related activities with a greater sense of impunity.

We recommend the NAP 2020 should:

- Disaggregate the response to people at risk of or experiencing forced marriage from those impacted by other forms of slavery;
 - Provide a process to review the effectiveness of including slavery in private/personal settings within the remit of the *Modern Slavery Act 2018*; and
 - Include a strategy and operational plan for diversifying its approach to prevention and disruption by expanded use of alternatives to investigation and prosecution.
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Victim-Survivor Consultation

The Salvation Army has long supported survivors of modern slavery to have a voice of their own through the *Freedom Advocates* program. We have supported people who have received assistance from our own services as well as those of other anti-slavery NGOs to transform their experiences of abuse and exploitation into empowerment.

Freedom advocates have appeared before parliamentary inquiries, joined staff in private meetings with policy makers, informed media articles and television series, met with public servants through the international working group on trafficking and slavery, and attended the National Roundtable.

Whilst NGO representatives have a unique understanding of the impact of trafficking and slavery on those they support at the frontline every day, slavery remains an abstraction for those who have never seen it first-hand. We therefore strongly support the Department's focus on building avenues for direct consultation with people with lived experience and believe we can offer the Department unique insights and support to do this. We would welcome an opportunity to share our learnings from the Freedom Advocates program to assist the Department to develop a robust, supported model for direct consultation between victim-survivors and government.

For the purposes of this submission, we recommend the Department consider the following when setting out a strategy and operational plan for victim-survivor consultation:

- Direct consultation is necessary but must be supported and informed by the relevant literature. Otherwise, victim-survivors will not be able to positively translate their experiences into objective policy recommendations. Without appropriate support, they also face risk of re-traumatization.
 - We recommend three models for direct consultation, including:
 - Partnership with academic institutions subject to ethics clearance;
 - Partnership with NGOs, like The Salvation Army, with experience in supporting direct consultation to develop a model similar to that of the U.S. Advisory Council on Human Trafficking;
 - Appointing and supporting survivors to actively participate in the National Roundtable and working groups. Appointed survivors may also be called upon to consult with the OWG and in relevant parliamentary inquiries.
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Feedback on Proposed Goals

In this section, we provide brief feedback on proposed goals in the consultation paper which we have not already commented on in previous section.

Goal 1: Maintain and promote compliance with international standards on modern slavery

This goal should be included in a high-level Strategy, supported by an implementation plan targeting specific instruments which the Australian Government plans to prioritise over the life of the NAP 2020.

We recommend the priorities should be:

- Ratification of the Protocol of 2014 to the Forced Labour Convention, 1930;
- Ratification of the 2011 Convention Concerning Decent Work for Domestic Workers using ratification as the framework through which to progress other reforms, including improving protections for domestic workers employed by diplomats and diplomatic officials; and
- To demonstrate commitment to the UN Guiding Principles on Business and Human Rights, the Government should follow through with its previous commitment to establish a national action plan, which should be meaningfully linked with aims and actions under the NAP 2020.

Goal 2: Engage the Australian community to understand and combat modern slavery

We strongly support the NAP 2020 including a strategy to expand engagement, not just with a broader section of civil society, but also with the general public. Our research into trafficking for domestic servitude found that in 37 per cent of cases reviewed (N=35), victim-survivors sought help first from a family member/friend (20 per cent) or a Good Samaritan (17 per cent).¹¹

This demonstrates the powerful role community members can play in identifying and referring cases. It also shows how reliant victim-survivors are on random strangers recognising something is not right, taking initiative to help, and making appropriate referrals.

¹¹ The Salvation Army (2019). Service or Servitude: A Study of Trafficking for Domestic Work in Australia. Retrieved from <https://www.salvationarmy.org.au/subscribe/sites/auosalvos/files/pdfs-news-and-media/2019/Service-or-Servitude-Domestic-Servitude-in-Australia-Report.pdf>



We recommend an engagement strategy include the following components:

- Community awareness raising campaign and resources to build general awareness of human trafficking/slavery and what to do when it is suspected. This can also include information to raise awareness of the MSA and the role of consumers in fighting modern slavery; and
 - Development of sector-specific resources for key sectors, such as health, labour and occupational health and safety inspectors, and local government on indicators, engagement strategies and referral pathways.
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The Government should also consider how to engage states and territories in awareness-raising and community engagement to leverage resources and have greater impact at the local level.

Goal 3: Promote an evidence-based response to modern slavery

This goal is better positioned as a guiding principle. That said, it can and should be operationalised at the strategic and operational levels to address current gaps in the national response, including the absence of a monitoring and evaluation framework and a national research and data collection framework.

Goal 4: Maintain a robust and comprehensive legislative framework to combat modern slavery

This should be a strategic goal contextualised within and aimed to address the understood challenges and barriers to both maintaining and implementing the slavery and trafficking legislative framework. This should include not just challenges within the modern slavery space, but also challenges that arise from policy incoherence with other legislative frameworks, including border control.

In line with the commitment to include monitoring and evaluation and ensure an evidence-based approach, the measure of success in maintaining a 'robust and comprehensive' legislative framework should not be defined strictly by what is on paper, but also by how it is implemented to achieve other aims under the NAP 2020. This goal should then be operationalised in an implementation plan with measurable objectives to inform progress.

Goal 5: Train frontline officials to support the identification of victims and effective investigations of modern slavery

Please refer to our sections 'Recommended Focus Areas: Screening and Engagement' and 'Recommended Focus Areas: Strategic Collaboration'.

Goal 6: Progress effective prosecutions to secure convictions against offenders

This goal should be captured at the strategic level as one of the four P's. Here, the Department should clarify what is meant by 'progress' and 'effective'. It should then be clarified what change is expected over the life of the Plan. This should then be operationalised through an implementation plan that delineates how the Government will achieve that change (i.e. improved victim engagement and hence cooperation with the system; improved briefs of evidence by the AFP; improved support for victims as witnesses at trial, etc).

The submitting bodies recognise that where the burden of proof cannot be met in criminal cases, offenders may be prosecuted for other crimes, such as money laundering and tax evasion. We support this strategy but note these numbers appear to be small and they are not captured as anti-slavery outcomes in annual reporting. We recommend the NAP 2020 explore the barriers to increasing the number of prosecutions and take measures to address them. We also recommend that responsible agencies should include these cases in their annual reporting on slavery and related cases.

Goal 7: Enhance our response to combat forced marriage

Please refer to our submission with Good Shepherd Australia New Zealand.

Goal 8: Enhance our response to combating serious forms of labour exploitation, including forced labour and deceptive recruiting

We refer the Department to the submission made by Monash University which recommends framing "enhancement" as a commitment to continuous improvement which pertains to all aspects of the national response. This is best positioned within guiding principles underpinning the Strategy.

We strongly agree addressing gaps in the response to labour exploitation is an appropriate focus for the next five years and recommend the Department pull analysis and recommendations from the final report of the Labour Exploitation Working Group to inform sub-goals and objectives at the operational level.

We also recommend the Department consider recommendations made in our research on domestic servitude¹².

Goal 9: Promote transparency and accountability for combating modern slavery risks in global supply chains, including in Government procurement

This is an appropriate area of focus at the strategic level. At the operational level, the NAP 2020 should include sub-goals and objectives that delineate how the *Modern Slavery Act 2018* will be implemented and supported to realise its purpose.

¹² Ibid.

Goal 10: Provide appropriate support, protections, and remedies to empower victims of modern slavery

Ensuring that victims of modern slavery are afforded tailored support and protection to rebuild their lives should be the main goal of any legislation that aims to tackle modern slavery. Not only does it assist individuals impacted by the crime; but it also has the potential to demonstrate to others who remain in situations of exploitation that the State will protect them if they defy their perpetrators. This is crucial to encouraging more victim-survivors to come forward and support investigations.

We strongly support this as a key strategic goal and recommend the NAP 2020 should retain this goal and operationalise it through an implementation plan that targets specific areas for improvement. We refer the Department to the Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response for further ideas.

Below are our high-level recommendations and we would welcome the opportunity to provide further feedback at an appropriate stage in the NAP 2020 consultation.

We recommend:

- Support must be extended to all survivors of trafficking and slavery, irrespective of their visa status, and should not be contingent on a criminal justice outcome. Whilst these are already commitments under the current national framework, there is ambiguity and, consequently variability in implementation, leaving some victim—survivors unprotected;
 - The reflection period be further separated from reporting to or engaging with the police to enable victim-survivors to stabilise and make more informed decisions;
 - Improved screening and engagement through training of key first responders and collaboration with NGOs;
 - Separation of the Human Trafficking Visa Framework (HTVF) from the criminal justice process to enable victim-survivors to self-petition for protection;
 - Establishment of a national, independent, NGO-operated helpline to ensure victims—many of whom are fearful or mistrustful of law enforcement—are able to seek safe, confidential advice and support. The hotline could also provide confidential advice and referrals to workers, people at risk and other stakeholders to support implementation of the *Modern Slavery Act 2018*.
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Goal 11: Enhance our leadership and partnerships to promote regional and international cooperation on combating modern slavery

As human trafficking and slavery often involve cross-border connections, it is important that the NAP 2020 maintains a focus on regional and international co-operation and partnerships. This is also important because of Australia's position in the region as a key destination country for trafficking and as a leader member of the Bali Process.

Another reason for greater international coordination is the emergence of cybercrime as a global challenge. According to a report released in April 2019 by the Parliamentary Joint Committee on Law Enforcement titled *Impact of new and emerging information and communication technology*, any effective response to this new form of crime requires close coordination between law enforcement agencies across multiple international jurisdictions. The evolving digital environment provides criminals with new avenues to commit a range of serious and complex crimes, including human trafficking and child sexual abuse.¹³

We recommend this goal be maintained at the strategic level, where it is explained what the Government's vision is for "enhancement" and partnerships, and how success will be defined and measured. This should then be operationalised through specific plans to be reported against within the NAP.

We also recommend the international strategy be brought into one document. Operational aspects of the strategy can be captured in a separate section from domestic activities within the NAP but should still sit under one Australian strategy.

Goal 12: Work collaboratively across government, along with non-government stakeholders, to combat modern slavery

Please refer to our section titled 'Recommended Focus Areas: Strategic Collaboration'.

¹³ Parliamentary Joint Committee on Law Enforcement (2019). Impact of new and emerging information

and communication technology. Retrieved from <https://apo.org.au/sites/default/files/resource-files/2019/04/apo-nid229006-1349951.pdf>



Appendix A – Guidance for and Examples from National Action Plans

Country/Source	Recommended Areas for Adaptation	Location
Guidelines for the Development and Implementation of National Anti-trafficking Response	<ul style="list-style-type: none"> Standards/metrics and essential components across multiple areas of NAPs built on 4 P's. Goals/objectives for victim id Cooperation/Collaboration 	https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/icmpd_national_response_2006_en_1.pdf
British Columbia	<ul style="list-style-type: none"> Concise- clear targets Measurable outcomes Iterative plan based on time-limited, solution-oriented actions to address specific problems identified through analysis and consultation 	https://bcaafc.com/wp-content/uploads/2019/05/5_BCActionPlanHT.pdf
Canadian Action Plan	<ul style="list-style-type: none"> Actions and activities M&E framework Evaluation report produced from M&E framework 	https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/nln-ctn-pln-cmbt/index-en.aspx#toc-02 https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/vltn-nap-ht/index-en.aspx
Denmark	<ul style="list-style-type: none"> Purpose descriptions Budgeting Integration of a social work response in police operations to build trust and offer social assistance Coordination through regional reference groups and with broader social services across country (page 36) 	https://www.legislationline.org/download/id/7357/file/Denmark_ActionPlan_CombatTrafficking_2015_2018_en.pdf
Switzerland	<ul style="list-style-type: none"> High level objectives (goals) Table of Actions. See page 10 M&E framework Plan rationale 	https://www.fedpol.admin.ch/dam/data/fedpol/aktuell/news/2017/2017-04-13/nap-2017-2020-e.pdf
USA - Enhanced Collaborative Response Model	<ul style="list-style-type: none"> Sample strategy to sit under or as an extension of the NAP (In this example, the strategy is operationalised through a national funding opportunity). See page 7-8. 	https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BJA-2019-15230.PDF
UNODC	<ul style="list-style-type: none"> Problem assessment and strategy development (Chapter 2) Guidelines on human rights and human trafficking in the context of law enforcement (Tool 5.15) Tool 5.20 Training tools for law enforcement offices and the judiciary Victim Identification (Chapter 6) – particularly Considerations before identification (Tool 6.2); Guidelines on victim identification (Tool 6.3); and Interviewing tips for law enforcers (Tool 6.11). 	https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_2-7.pdf



Appendix B – Excerpt on Monitoring and Evaluation from the Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response

To be able to conduct review, monitoring and evaluation in a systematic way, a Review, Monitoring and Evaluation Framework should be developed. This document should define the time lines and roles and responsibilities of the different actors involved. This plan should be developed and agreed upon by the stakeholders responsible for the implementation (e.g. the NWG).

Based on the Framework, detailed modalities for review, monitoring and evaluation should be elaborated and regulated in the `Terms of Reference for Review, Monitoring and Evaluation`.

Monitoring

Monitoring should be based on the Terms of Reference (ToR) for monitoring. The ToR should include information on the time lines and on the data that should be collected at the strategic and operational level. Furthermore it should define the roles and responsibilities of all actors responsible for providing and collecting data.

Once the ToR for monitoring are defined, directives have to be given to all agencies that should collect information.

At the strategic or policy level the following data should be collected:

- Statistical data on the country context, e.g. data on the economical (sic), political, sociological developments at national, regional and local levels;
- Anonymous and non-personal data in the areas of prevention, protection and prosecution; and
- General data on ongoing projects including areas of implementation, resources, and number of beneficiaries.

Monitoring at this level should take place continuously; its results should be presented in regularly published reports.

At the operational level, monitoring data should be collected and analysed for each implemented project or measure, including information on:

- Implementing body;
- Inputs (personnel and financial resources invested);
- Activities;
- Planned and achieved results;
- Time frame; and
- Indicators.

Monitoring at the operational level should take place periodically.

Evaluation

Evaluation should be based on the ToR for Evaluation. At a minimum, the ToR for evaluation should contain an analysis of:

- Expected outputs; determines whether the expected outputs have been delivered;
- Outcome status; determines whether the specific objective has been achieved and if not, if there has been progress towards its achievement; and
- Factors influencing the achievement of the specific objectives.

The ToR for evaluation should specify at what time evaluation should take place and by whom.

Review of the national anti-trafficking response should be based on the ToR for review. In order to conduct a review, the following preconditions are necessary:

- Definition of indicators to measure the strategic goals and specific objectives and
- Data to determine a baseline on "what was the status quo".

The basic questions to be answered by the review are:

- Are the strategic goals set out still relevant and valid?
- Which goals have been achieved and to what extent?
- Which specific objectives have been achieved and to what extent?
- Which factors have contributed to or impeded the achievement of the strategic goals and specific objectives? and
- Which recommendations can be based on these findings?

The review must take place at regular intervals. To be able to react adequately to new developments in trafficking in human beings, a review of the NAP should take place at least every two years.

Appendix C – Excerpt from Model Strategy from the Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response

	Goals and Specific Objectives	Indicators
Strategic Goal 3.3. Social support and protection of victims	<i>To ensure the social support, assistance and protection of all victims of trafficking, irrespective of their willingness to co-operate with the authorities in criminal proceedings.</i>	<ul style="list-style-type: none"> • <i>Number of victims of trafficking not willing to testify who are receiving social support and assistance.</i> • <i>Number of victims of trafficking willing to testify who are receiving social support and assistance.</i>
Objective (a)	To ensure the implementation of the respective legal entitlements for the provision of all presumed victims of trafficking with the social, medical, psychological and legal assistance needed.	<ul style="list-style-type: none"> • Number of presumed victims of trafficking being assisted. • Content of case records.
Objective (b)	To ensure the physical safety of all victims of trafficking.	<ul style="list-style-type: none"> • Number of reported incidents against victims of trafficking.
Objective (c)	To ensure that all victims of trafficking are informed about their rights.	<ul style="list-style-type: none"> • Existence of an individual safety plan for each identified victims of trafficking. • Number of victims of trafficking who receive legal counselling. • Existence of information material for victims of trafficking.

To strengthen this model, and in response to consultation question 3, direct surveying and consultation with victim-survivors would provide useful information as to whether information provided was understood and applied by the victim-survivor; whether the safety plan worked effectively to increase the victim-survivor's sense of personal safety; and whether/how legal counselling influenced the victim-survivor's decision-making and sense of agency and autonomy—both key elements in recovering from trafficking and slavery experiences.