



## Public Consultation by the Australian Border Force:

### National Action Plan to Combat Modern Slavery 2020-24

Submission: Walk Free, Minderoo Foundation

Date: 31 January 2020

Walk Free, powered by the Minderoo Foundation, is an anti-slavery organisation that aims to end modern slavery globally within our generation. Headquartered in Australia, with representation in the UK and the US, the Foundation focusses on a multi-faceted approach to engage a number of stakeholders, including governments, businesses, academics, civil society, and faiths, in global initiatives to drive change and build awareness around the complex and often hidden nature of modern slavery.

Our key projects include:

#### 1. Turning evidence into advocacy.

**The Global Slavery Index.** First published in 2013, the Index seeks to close the gaps in the evidence base needed to understand the nature, scale, drivers, and solutions to modern slavery for 167 countries. In 2018, the Index also highlighted products at risk of being produced by modern slavery which are [imported into G20 countries](#), as well as deep dives into [exploitation in the fishing industry](#), [the cocoa sector](#), and [North Korea](#). Read more at: [www.globalsslaveryindex.org](http://www.globalsslaveryindex.org)

**Global Slavery Index Regional Reports.** For the first time, we have produced five separate regional reports which provide an in-depth overview of the findings from the 2018 Global Slavery Index for Asia and the Pacific, Africa, Europe and Central Asia, the Arab States, and the Americas. These reports include recommendations for governments in the region. Download the reports here: <https://www.globalsslaveryindex.org/resources/downloads/>

**Measurement, Action, Freedom.** This report is a tool for citizens, non-government organisations (NGOs), businesses, and governments to understand current legislative and policy responses to modern slavery. It provides an independent assessment of 183 governments and their responses to the challenge of Sustainable Development Goal 8.7, which aims to eradicate modern slavery. The report can be accessed here: <https://www.minderoo.com.au/measurement-action-freedom/>

**Multiple Systems Estimation.** Multiple systems estimation is an important tool to help capture part of the reality of modern slavery in developed countries based on administrative data collated by official sources. The Minderoo Foundation's Walk Free Initiative has formally signed MOUs with the International Organisation for Migration (IOM) and United Nations Office on Drugs and Crime (UNODC) to share data to progress MSE national modern slavery estimates in key countries on which they possess critical victim data. Through partnership between Walk Free and United Nations Office on Drugs and Crime (UNODC), MSE has been successfully conducted in Romania, Serbia, and Ireland. A project with the



International Organisation for Migration (IOM) has also produced a MSE estimate in Belarus. Walk Free has recently completed a MSE in Slovakia as well as assisted the Australian Institute of Criminology (AIC) in the application of MSE in Australia.

**Promising Practices.** The Promising Practices Database collates impact and programmatic evaluations of anti-slavery and counter trafficking programming. Each evaluation is categorised by country, region, type of modern slavery, and impact of the evaluation. The Database was developed initially in 2015 so that project developers, researchers, and academics could quickly identify relevant evaluation work that had already been completed, but also seek to better understand what works – and what does not— through a simple search by country, target population, type or sector of slavery, or type of intervention. Read more here: <https://www.minderoo.com.au/promising-practices/>

**Murky waters.** This report brings together existing research and information from in-depth interviews with 30 anti-slavery stakeholders in eight Pacific countries to clarify what modern slavery in the Pacific region looks like, what drives it, how governments in the region are responding, and what change is needed to combat vulnerability to modern slavery in the region. The forthcoming report will be available from the Minderoo Foundation website.

**Migrants and their vulnerability.** This report examines where and when migrants are particularly vulnerable to human trafficking, forced labour, and modern slavery, which groups of migrants are most at risk, and what the international community needs to do to address these risks. Read more here: [https://cdn.minderoo.com.au/content/uploads/2019/08/28110623/2533\\_walk.free\\_V8\\_190723\\_Digital\\_P.pdf](https://cdn.minderoo.com.au/content/uploads/2019/08/28110623/2533_walk.free_V8_190723_Digital_P.pdf)

**Modern Slavery Act Statements.** This series of reports document the impact of Section 54 of the UK Modern Slavery Act. Under Sec. 54, companies with an annual turnover of over 36 million GBP have to release a statement on the steps they are taking to respond to modern slavery in their operations and supply chains. Walk Free, in partnership with Business and Human Rights Resource Centre and WikiRate produced the first of these reports on the hotels sector in November 2019. Read more here: [https://cdn.minderoo.com.au/content/uploads/2019/11/20161202/2632\\_MSA-statements.V8\\_FNL.pdf](https://cdn.minderoo.com.au/content/uploads/2019/11/20161202/2632_MSA-statements.V8_FNL.pdf)

## **2. The Bali Process Government and Business Forum (BPGABF).**

Walk Free is the Secretariat for the BPGABF. The BPGABF is a collaborative business and government initiative to combat human trafficking, forced labour, modern slavery and worst forms of child labour in the Indo-Pacific region. At the last Forum in August 2018, a significant milestone was reached when the Acknowledge, Act, Advance Recommendations were endorsed, the first major regional policy document agreed between the private and public sectors on these issues. Read more at: [www.baliprocessbusiness.org](http://www.baliprocessbusiness.org)



### 3. The Global Freedom Network.

The Global Freedom Network is an initiative to engage and unite faith leaders around the globe to put an end to modern slavery through spiritual and practical action, and collaboration with private, public, and civil sectors. Read more at: <https://www.globalfreedomnetwork.org/>

### 4. Engaging with governments to effect change.

The Walk Free Foundation has also been heavily involved in advocacy and support for an Australian Modern Slavery Act, and similar legislation across the Asia Pacific and other countries. Read more at: <https://www.minderoo.com.au/the-modern-slavery-act-2/>

This written submission provides our perspective on the 2020-24 Plan as well as our responses to the questions raised in the consultation paper published by the Australian Border Force (ABF). Our submission is based on Walk Free's extensive experience of research, advocacy and business engagement to combat modern slavery.

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

Firstly, we would like to acknowledge the work the Government has undertaken, in consultation with the National Roundtable on Human Trafficking and Slavery, to identify areas of focus for the new Australian National Action Plan (NAP). In this section, we would like to provide some broader comments in regard to the focus areas, and particularly regarding the structure and language of the plan.

According to guidelines produced by the International Centre for Migration Policy Development (ICMPD)<sup>1</sup> an effective national anti-slavery response should be structured as two levels: firstly, the strategic level which is a more long-term view of "what" shall be achieved; it includes strategic goals and objectives. Secondly, it should include the operational level, which is embodied in a National Action Plan (NAP) and focusses on "how" the strategic goals can be achieved. The operational level defines concrete actions to achieve the strategic goals and objectives as identified through the long-term anti-slavery strategy. While the content of each plan is obviously dependent on national circumstances, in general, an action plan should define for each strategic goal the following components: a) activities, b) assigned responsibilities and timelines, c) resource plans and budget, d) indicators. Having resources, allocated responsibilities, and timelines is vital to ensure that activities can be implemented, and indicators are critical for monitoring and evaluation of the activities. The 2012-2016 Canadian NAP

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<sup>1</sup>International Centre for Migration Policy Development 2006, *Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response*, Available from: [https://www.icmpd.org/fileadmin/ICMPD-Website/ICMPD-Website\\_2011/Capacity\\_building/THB/Publications/Guidelines\\_for\\_the\\_Development\\_and\\_Implementation\\_of\\_a\\_Comprehensive\\_National\\_Anti-Trafficking\\_Response\\_500\\_kb.pdf](https://www.icmpd.org/fileadmin/ICMPD-Website/ICMPD-Website_2011/Capacity_building/THB/Publications/Guidelines_for_the_Development_and_Implementation_of_a_Comprehensive_National_Anti-Trafficking_Response_500_kb.pdf) [13 January 2020].



contains a helpful breakdown of objectives into activities, deliverables, and responsible organisations.<sup>2</sup> Another useful resource is the UNODC Toolkit to Combat Trafficking in Persons (2008) which contains a section on structuring and implementing a broader anti-trafficking strategy and action plan.<sup>3</sup>

The twelve goals for the NAP proposed by the Government are very broadly defined and more akin to an aspirational strategy than a plan of actionable targets. We have found with our own assessment of governments' progress to eradicate modern slavery that without specific, measurable, achievable, realistic, and timely targets, measuring impact is impossible. The Australian Institute of Criminology (AIC) raised their concern at the Senior Officials' Meeting of the National Roundtable on Human Trafficking and Slavery in September 2019, that the 2015-19 NAP goals were too aspirational and not specific enough, which made it impossible to evaluate its impact. Instead, the AIC was merely able to review activities undertaken by the Government and civil society. In particular, the issue lies with the language used to describe the focus areas for the new NAP. Walk Free is concerned that the language is very broad and not specific, as demonstrated by the use of words such as 'enhance', 'promote' or 'progress'. These expressions could be useful for an aspirational strategy or 'guiding principles' for a national anti-slavery response. Goals should be defined using more specific terms to ensure that they are actionable and measurable.

As an example, in relation to Goal 4, we would like to note that focussing on 'maintaining a legislative framework' seems to be a redundant goal. This goal basically states that measures are already in place and no change is required, so this not an actionable goal as such. As an alternative, we suggest that the Government consider conducting a periodic review of all relevant legislation supporting the NAP.

Given the Australian Government's commitment to achieving the UN Sustainable Development Goals (SDGs), including SDG 8.7, which aims to eradicate all forms of modern slavery by 2030, we recommend that the goals and objectives of Australia's anti-slavery response are strongly linked to the SDG conceptual framework to support the vision of achieving the SDG agenda by 2030. We recommend the Government consider a longer-term, more aspirational strategy (10 years) in addition to shorter-term action plans covering a period of two to three years. In creating more specific objectives within the NAPs, we recommend that the Government prioritise selected areas where most action is needed to ensure significant progress can be made. A good example of this approach is the national response to eliminate violence against women and children. The Government has produced a National Plan to Reduce Violence against Women and their Children 2010-2022 which is a 12-year long-term

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<sup>2</sup> Government of Canada 2012, *National Action Plan to Combat Human Trafficking*. Available from: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf> [16 January 2020].

<sup>3</sup> UNODC 2008, *Toolkit to Combat Trafficking in Persons*, United Nations. Available from: [https://www.unodc.org/res/cld/bibliography/toolkit-to-combat-trafficking-in-persons\\_html/07-89375\\_Ebook1.pdf](https://www.unodc.org/res/cld/bibliography/toolkit-to-combat-trafficking-in-persons_html/07-89375_Ebook1.pdf) [16 January 2020].



strategy to be delivered through a series of four three-year action plans that set a practical agenda to achieve the longer-term strategic goals.<sup>4</sup>

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

There are six priority areas which we believe need to be addressed within the NAP. These are based on our assessment of the Australian Government's progress published in our Measurement, Action, Freedom (MAF) report in July 2019.

**Suggested key priorities for the new Australian NAP:**

1. **Data collection, research and reporting:** It is vital for the whole-of-government response, including the NAP, to be anchored by an evidence-based approach. For that purpose, the Government should be actively involved in shaping and funding targeted data collection and research on modern slavery. Appropriate data sources are also required to be able to measure the impact of NAP activities and annually report against the action plan. In this regard, we want to note that the government has not reported against the NAP since the 2015/16 report of the Interdepartmental Committee on Human Trafficking and Slavery, but we expect that regular annual reporting by the Government will resume with the new NAP. Better administrative data would assist in producing updated estimates of the prevalence of modern slavery in Australia through Multiple Systems Estimation (MSE).
2. **Survivor voice:** The role of survivors in Australia's response to modern slavery is critical for developing informed policy. We have included suggestions for the Government to incorporate survivor voice in their response under Question 3 below.
3. **Strategic collaboration and coordination:** Given the vital role that a range of State Government agencies play in the fight to eliminate modern slavery it is imperative that they are closely integrated into the Australian response and the NAP. A focus on formal and operational engagement with State agencies should be a key priority.
4. **MSA Guidance to business - victim response:** Building on the success of the passing of the Australian Modern Slavery Act, the Government must work to ensure the implementation of the Act will be effective in meeting its objectives. We want to draw the Government's attention to a major weakness which is an absence of meaningful guidance to business as to how they should respond to instances of modern slavery found in their operations or supply chains. The Government needs to give guidance to business on how they can support victims of modern

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<sup>4</sup> Department of Social Services 2010, *The National Plan to Reduce Violence against Women and their Children 2010 – 2022*, Commonwealth of Australia, Available from: <https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022> [14 January 2020].



slavery in Australia, beyond reporting the crime to the AFP. Business might require some guidance on:

- The types of services (health, psychological, housing, legal/immigration) that victims may need and whether they are entitled to receive such services;
- The organisations (whether civil society or government) that can provide these victim support services in Australia and overseas;
- Specific contacts for businesses to report/seek help when victims are identified (e.g. hotline or dedicated police or government contact).

5. **Identification, screening and referral of (potential) victims:** There have been and still are major issues with identification and screening of potential victims by authorities. Too often, in cases where there might be suspicions of human trafficking, forced labour or other forms of modern slavery, authorities prioritise deportation of potential victims for immigration violations rather than screening them for indicators of modern slavery. This results in lack of identification of victims and means victims cannot be referred to much needed support services but are instead sent back to their home country without proper assessment. We also note that Australia is lacking a formalised National Referral Mechanism (NRM). An NRM is a process that can help streamline identification and referral of victims to the correct services. Operating within such an official framework can also be useful for centralising data collection via one key agency. As an example, the UK Government introduced an NRM in 2009.<sup>5</sup>
6. **Ratification of ILO Forced Labour Protocol:** There remains a critical gap in the Government's commitment to aligning their national legislation with international convention standards. To date, the Government has yet to ratify the ILO Protocol of 2014 to the Forced Labour Convention, P029, 1930. We understand that the ratification of this Protocol hinges on the closing of a loophole in the WA state legislation which specifically excludes domestic workers employed by individuals from industrial relations protection. It is expected that this issue will be addressed in a bill introduced into the WA Parliament this year and we would urge the Australian Government to then prioritise ratification.

In addition to the above key priorities, we would like to draw attention to the following emerging issues which the Government should consider in the development of the NAP:

- **Vulnerability of temporary labour migrants:** Victims of forced labour in Australia are often foreign migrants, often from Asia, unable to speak English, having little or no education or ability to read in any language, resulting in a lack of understanding of their rights as workers and their visa conditions. Our recent research on modern slavery in the Pacific also shows

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<sup>5</sup> UK Home Office 2018, *Guidance: national referral mechanism reform*, UK Government. Available from: <https://www.gov.uk/government/publications/national-referral-mechanism-reform/national-referral-mechanism-reform> [20 January 2020].





that workers from the Pacific Island countries participating in labour mobility schemes, which seek to fill labour gaps in low and semi-skilled sectors in Australia, are vulnerable to labour exploitation. In addition, there is also increased vulnerability to modern slavery among spouses (mostly women) and children of seasonal workers. They may be pushed into poverty where remittances are ceased by workers, or they may experience an increase in domestic violence once workers return and have to readjust to life at home. Further, vulnerability of children may also result from lack of or reduced parental supervision while workers are in Australia.<sup>6</sup> The UN Special Rapporteur on contemporary forms of slavery, including its cause and consequences, Urmila Bhoola, has emphasised that migration will likely only continue to grow globally due to a range of push factors, including conflict, climate change, or lack of economic opportunities, especially in developing countries.<sup>7</sup> It is expected that exploitation of temporary migrants will continue to be a key issue for Australia.

- **Migration as a result of climate change:** The UN Special Rapporteur has emphasised the impact of climate change on modern slavery. Intensified natural disasters will lead to an increase in vulnerability to modern slavery for affected populations. In the Asia-Pacific region, which is already the region with the highest estimated absolute prevalence of modern forms of slavery, the connection between vulnerability to exploitation and climate change has become more apparent.<sup>8</sup> In addition to Australia being affected by climate change itself, it is anticipated that we will feel the impacts of climate change-driven migration in the region. Walk Free's research on modern slavery in the Pacific region shows that displacement resulting from natural disasters and climate change spur vulnerability to modern slavery in the Pacific Island countries. Increases in the frequency and intensity of climate-induced weather events – particularly in a region already prone to natural disasters – is likely to result in further displacement. As a result, people may make desperate decisions in their search for safety and a way out of poverty, thereby falling prey to deceptive smugglers, recruiters, and employers. Communities that will host those displaced by climate change also face vulnerability where competition for land increases and conflict between existing and relocated communities arises.<sup>9</sup>
- **Integration of Australia's domestic and international strategy:** The Government has announced that it is currently developing its second international strategy in People Smuggling and Trafficking due to be released mid-2020. It is essential that the Government closely aligns Australia's domestic and international response and ensures they build on and complement one another.

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<sup>6</sup> Walk Free 2020, *Murky waters: A qualitative assessment of modern slavery in the Pacific region*. [Forthcoming].

<sup>7</sup> United Nations Human Rights Council, 2019, *Current and emerging forms of slavery Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, United Nations General Assembly. Available from: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/HRC/42/44](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/42/44) [14 January 2020].

<sup>8</sup> As above.

<sup>9</sup> Walk Free 2020, *Murky waters: A qualitative assessment of modern slavery in the Pacific region*. [Forthcoming].



- **National Labour Hire Registration Scheme:** In relation to one of the recommendations resulting from the Migrant Worker’s Taskforce, the Government announced as part of the 2019/20 Budget that it would introduce a National Labour Hire Registration Scheme to protect vulnerable workers in high-risk sectors (horticulture, cleaning etc.). As part of the NAP, we recommend that the Government carefully considers the implementation of this federal scheme and ensures it is adequately resourced. With regard to implementation, it will also be important to consider how the federal system will be compatible with the existing licensing schemes at state-level in Queensland, Victoria, and South Australia.
- **Forced marriage response:** In relation to enhancing Australia’s response to forced marriage, the Australian Government announced in June 2018 that it would introduce a Forced Marriage Protection Order Scheme (FMPO). In addition to introducing the scheme, it is important to focus attention on effective implementation of the FMPOs. For example, it will be important to make the judiciary familiar with the issue of forced marriage so that the orders can be utilised where appropriate. Consideration will also need to be given to how and when an FMPO would be issued over another form of intervention order as forced marriage is, for example, now recognised in state-level family violence legislation, such as in the Victorian Family Violence Act.
- **The role of the financial sector:** The Australian Government was one of the founding partners of the Liechtenstein Initiative which aims to mobilise the financial sector against modern slavery. We welcome the Government’s ongoing support of this initiative and recommend that the Government considers how it will support the implementation of the “Blueprint” recommendations in Australia as part of the NAP (in addition to promoting the work in Asia).
- **The role of emerging technology as a tool in combatting modern slavery:** There is an increasing recognition that big data and smart technologies can be used as tools in the fight against modern slavery. There are examples of blockchain being used to improve traceability in supply chains and drive responsible sourcing practices. Researchers have used satellite imagery to identify sites at high risk of modern slavery.<sup>10</sup> In light of these recent technological developments, the Government should investigate how it can harness digital technologies, such as artificial intelligence or machine learning, for its anti-slavery efforts.

We will include an assessment of Australia’s response in early 2020 for our updated report on government progress to achieve SDG 8.7, which will be published in time for the Commonwealth Heads of Government Meeting (CHOGM) in Rwanda in June 2020. More information on the methods used to

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<sup>10</sup> Bales, K et al. 2018, Slavery from space: demonstrating the role for satellite remote sensing to inform evidence-based action related to UN SDG number 8, *ISPRS Journal of Photogrammetry and Remote Sensing*, vol 142, pp. 380-388.





collect and analyse this data can be found here:

<https://www.globalslaveryindex.org/2018/methodology/government-response/>

For further information we have also included a list of current key gaps in Australia's national response to modern slavery based on our MAF assessment in Appendix 1.

**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?**

Walk Free believes that integrating a survivor voice into anti-slavery policy, programming, and research is critical in developing an effective response to the issue. Over the past 12 months, we have conducted workshops with survivors of modern slavery in multiple countries, including in the United Kingdom, India, and Ghana, to gather survivors' views on what constitutes an effective government response. This information has been used to review our conceptual framework of what constitutes a strong government response. Based on this invaluable experience, we believe that the Government should explore ways to better reflect survivors' voices in its current anti-slavery responses and the NAP. The Government of Canada recently revised its national anti-slavery strategy and has included a focus on empowering survivors for the first time.<sup>11</sup>

We suggest the Government consider some of the following measures to integrate a survivor voice into its response to modern slavery:

- **Survivor Advisory Council:** The Government should consider formally convening a group of survivors to provide input on Australia's anti-slavery programs and policies. For instance, the United States has an Advisory Council on Human Trafficking which is comprised of eight survivor leaders who bring their experience and expertise to advise and provide recommendations to the Government to improve the country's anti-slavery response. The survivor leaders provide input on a range of areas relating to the US' anti-slavery response, ranging from reviewing federal US government policy and programs to publishing an annual report that contains the findings derived from reviewing federal government policy and programs. The US Advisory Council's most recent annual report can be found at: <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2019/>
- **Research:** While there is a drive to better understand survivors' lived experience, survivors' knowledge and expertise remain a largely untapped resource. To gain a better understanding of

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<sup>11</sup> Government of Canada 2019, *National Strategy to Combat Human Trafficking 2019-2024*. Available from: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtg-hmnn-trffc/2019-ntnl-strtg-hmnn-trffc-en.pdf> [20 January 2020].



the lived experiences of modern slavery survivors and use those insights to inform and improve policies and programs, the Government should invest into research, such as through qualitative interviews with survivors and those at-risk.

- Representation of survivors at the National Roundtable: The Government should consider having survivors represented at the National Roundtable on Human Trafficking and Slavery. Survivors can add a unique perspective that would complement those of the organisations that are already participate in the Roundtable.

When engaging with survivors, it is critical that the Government consider certain rules of engagement to ensure survivors' personal circumstances and needs are being respected. There are a variety of organisations which have published guidelines on how to appropriately engage with survivors and many Australian NGOs, such as the Salvation Army, will be able to provide advice based on their direct experience of working with survivors.

**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?**

Evaluation of modern slavery policies and programs is critical to understand if progress is being made in reducing the incidence of modern slavery and can also directly impact perceptions of the value of anti-slavery work. Reviews of existing modern slavery programming have found that globally very few impact assessments of modern slavery have been conducted. Where evaluation has occurred, most is focussed on process, that is, the achievement of outputs, rather than of outcomes. By creating a holistic evaluation framework, and reporting regularly against it, the Australian Government has a real opportunity to prove the impact of its policies.

As mentioned by the AIC at the Senior Officials' Meeting of the National Roundtable on Human Trafficking and Slavery in September 2019, the AIC was unable to conduct a full evaluation of the 2015-19 NAP as there were no clear outcomes tied to the activities of the NAP. It is vital that the new NAP contains a comprehensive measurement framework for the new plan. We recommend that the Government carefully consider some key questions upfront, such as the context the NAP operates in, the underlying theory of change, and a clear understanding of the NAP aims and objectives (see also our comments in response to Question 1 above). When designing the measurement framework, activities need to be clearly linked with outcomes, so that it is possible to measure progress.

An evaluation framework should consist of the following key elements:

- Inputs: e.g. funding, guidelines
- Activities: Measures that need to be implemented to achieve objectives, e.g. referral processes, delivery of a specific service



- Indicators: quantifiable outputs as a result of activities (e.g. publication of reports, number of events held etc.)
- Outcomes: Impact of outputs; this should measure change of behaviours or attitudes or, ideally, reduction of prevalence.

It is important that responsibility and budget for implementation is assigned to each activity. When designing this measurement framework, it will be critical to consider from the beginning which is the best available data to measure each outcome. The Fourth Action Plan to implement the National Plan to Reduce Violence against Women and their Children 2010-2022 is a very useful example of a plan that defines outcomes to work towards and how each outcome is measured over time, based on the best available data.<sup>12</sup>

We would also recommend that the Government involve the AIC in the development of NAP measurement framework from the beginning. The AIC will be able to provide invaluable insights and lessons learnt from their attempt to evaluate the previous NAP and advise the government on key considerations for a measurement framework.

Based on a review of existing programme evaluations, and the theoretical (situational crime prevention theory) and conceptual framework underpinning Walk Free's assessment of government responses, measures of success would include those that reduce the opportunity for offenders, increase the risks of offending, decrease the vulnerability of potential victims, and increase the capacity of law enforcement and other guardians. Indicators will depend on the outcomes defined for the new NAP but should be ambitious and achievable. For example, they could include measures, such as:

- Percentage increase (e.g. 20 % increase) in the number of victims identified by frontline responders
- Percentage increase in the number of prosecutions
- Percentage increase in the number of convictions
- Percentage increase in positive survivor feedback on support services

Walk Free already collects a range of data on policies and programs implemented by governments around the world, including Australia. This information can be found in our Measurement, Action, Freedom report and all country-by-country data can be accessed at:

<https://www.globalslaveryindex.org>

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<sup>12</sup> Australian Government 2019, *Fourth Action Plan – National Plan to Reduce Violence against Women and their Children*. Available from: <https://www.dss.gov.au/women-publications-articles-reducing-violence/fourth-action-plan> [20 January 2020].



## Appendix 1

### Key gaps in Australia's current national response based on Walk Free's framework to assess government responses

#### M1: Victim support

- Direct victim assistance services have not been evaluated (M1, 3.3.2)
- Australia does not have a national referral mechanism (M1, 4.2.1)

#### M2: Criminal justice mechanisms

- Australia has not ratified the ILO Domestic Workers Convention 2011 (No. 189) (M2, 1.1.5)
- Australia has not ratified the 2014 Protocol to the Forced Labour Convention, 1930 (M2, 1.1.10)
- National laws do not have provision that say victims should not be treated as criminals for conduct that occurred while under control of criminals (M2, 1.4.2)
- There are no visas to stay in the country that are not dependent on victim participation in the court process (M2, 1.4.3)
- The legal framework does not support compensation or restitution for victims (M2, 2.1.5)

#### M3: Coordination and accountability

- Activities in the National Action Plan are not fully funded (M3, 1.3.5)
- Though the government has committed to reporting on its anti-slavery activities, no plans against the NAP have been published since 2015/16 (see also M3, 1.3.2)
- There is no independent entity to monitor the implementation and effectiveness of the NAP – the Interdepartmental Committee on Human Trafficking and Slavery is not an independent monitoring body (M3, 2.1.1)
- Foreign victims are detained and/or deported for immigration violations. (M3, 3.2.4)

#### M4: Risk factors

- There are no systems in place to allow asylum seekers to seek protection, rather there is evidence of systematic discrimination, arrest, detention and deportation of unauthorised sea arrivals (M4, 1.5.2)
- There is no legislation that prescribes the 'employer pays principle' (M4, 1.6.3)
- Labour laws do not cover everyone, including migrant workers, domestic workers, and those in the fishing and construction sectors (M4, 1.6.5) – For example, there is currently a loophole in the WA state legislation (Fair Work Act) which specifically excludes domestic workers employed by individuals from industrial relations protection.

#### M5: Government and business supply chains

- There is no training for public procurement officials on modern slavery (M5, 1.1.4)
- Australia does not have laws or policies that prevent the import of goods and services made with forced labour (M5, 2.1.5)