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Department of Home Affairs
Canberra ACT 2600

By email: humantraffickingandslavery@abf.gov.au

Dear Sir/Madam:

Re: International Justice Mission's submission on The National Action Plan to Combat Modern Slavery 2020-2024: Public Consultation Paper.

Thank you for the opportunity to provide a submission on the National Action Plan to Combat Modern Slavery 2020-2024: Public Consultation Paper.

International Justice Mission Australia applauds the measures already undertaken by the Australian Government under the previous National Action Plan 2015-2019 to address modern slavery and is heartened by the Government's commitment to take comprehensive, strategic and effective action over the next five years to strengthen and build on this work. We are hopeful that the 2020-2024 Plan will have substantial impact on ending modern slavery, both in Australia, and around the world.

International Justice Mission exists to end slavery and bring justice to the poor by rescuing victims, restoring survivors, restraining perpetrators and repairing justice systems. Over 22 years of working in this space we have found that without transforming broken and ineffective justice systems in our region and around the world, modern slavery will persist. As the largest anti-slavery organisation in the world, IJM brings a unique voice to the modern slavery discussion in Australia.

We agree with the importance of the twelve goals proposed in the Consultation Paper and have made recommendations regarding several goals. We also identify emerging trends and additional areas of focus.

Please find attached our submission on the 2020-2024 National Action Plan. We look forward to answering any questions that arise or providing further information.

Yours faithfully,



Carly Houmes
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INTERNATIONAL JUSTICE MISSION Australia
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International Justice Mission's Submission on The National Action Plan to Combat Modern Slavery 2020-2024: Public Consultation Paper

International Justice Mission welcomes the opportunity to participate in this consultation process for Australia's National Action Plan to Combat Modern Slavery 2020-24 (NAP).

International Justice Mission

International Justice Mission (IJM) exists to end slavery and bring justice to the poor. We work in the developing world to:

1. Protect the poor from violence by rescuing victims – IJM supports local authorities to investigate reports of modern slavery and plan rescue operations.
2. Restore survivors to safety and strength – IJM works with aftercare providers to ensure that survivors have access to trauma-informed care, support through legal processes and job training and education so that they are both protected and empowered.
3. Bring criminals to justice – IJM partners with local authorities to build strong cases against slave owners
4. Help local law enforcement build a safe future that lasts – Having navigated justice systems, case after case, IJM identifies fractures in the system, and collaborates with law enforcement to repair broken justice systems so that they work for the poor.

IJM's collaborative casework model has been implemented in over 20 communities around the world. We also work in developed countries to engage communities, corporates and governments to take action to end modern slavery. As the largest anti-slavery organisation in the world, IJM brings a unique voice to the modern slavery discussion in Australia.

Key recommendations

Recommendation 1:

Address cybersex trafficking of children as a growing form of modern slavery that affects people and businesses in Australia, and ensure that strategies in the NAP directly address cybersex trafficking in:

- Awareness-raising campaigns
- Training of frontline officials
- Inclusion on the agenda for the Bali Process.
- Review of the legislative framework
- Extending support and compensation to overseas victims
- Guidance on the use of Information and Communications Technology in the public sector
- International engagement aimed at improving law enforcement response to detect and apprehend violent offenders and protect children from this form of exploitation and trafficking.

Recommendation 2: Engage with the technology sector and facilitate multi-stakeholder partnerships and promote the application of new technologies and innovations in the fight against modern slavery.

Recommendation 3:

3.1 Monitor the effectiveness of provisions in the *Modern Slavery Act 2018* and ensure adequate resourcing and staffing of the Business Engagement Unit, Department of Home Affairs to enable the Unit to proactively carry out the implementation of the Act.

- Provide for an Independent Anti-Slavery Commissioner
- Provide for civil penalties for non-compliance with the modern slavery reporting requirement
- Lower the threshold of \$100 million annual revenue for the reporting requirement

3.2 Pass the amendments contained in the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 which include a number of measures addressing new forms of online exploitation of children and measures to assist prosecutors in obtaining adequate sentences.

3.3 Ratify the Forced Labour Protocol
(Goal 1 and Goal 4)

Recommendation 4:

Provide clear understanding to the Australian community of the scope and global prevalence of modern slavery, its interconnectedness with sustainable development and how Australia is affected by and implicated in modern slavery.

(Goal 2)

Recommendation 5:

Prioritise law enforcement as a key strategy to address modern slavery, prosecuting modern slavery and human trafficking crimes both domestically and in collaboration with international law enforcement.

(Goal 6)

Recommendation 6:

6.1 Encourage businesses to prioritise investment in civil society organisations working with local law enforcement to strengthen regulatory responses to modern slavery in the jurisdictions at the end of their supply chains as part of their response to eradicating slavery in their supply chains.

6.2 Implement and incorporate into the NAP the measures and recommendations set out in the *Blueprint for Mobilising Finance Against Slavery and Trafficking* (FAST Report), and promote and facilitate financial sector actors' engagement in combatting slavery.

(Goal 9)

Recommendation 7:

7.1 Increase sustained funding for victim identification and support, ensuring that the Support for Trafficked People Program (STPP) has capacity to meet demand, delink support provisions from participation in prosecution, and extend the time period of support for the STPP to all victims of modern slavery.

7.2 Set up a centralised National Compensation Scheme for victims of modern slavery to ensure consistent country-wide access to financial support.

(Goal 10)

Recommendation 8:

8.1 Commit to funding the Bali Process, Australia-ASEAN Counter-Trafficking Program and TRIANGLE I and II safe migration programs, and other overseas programmes under its International Strategy, and in particular, ensure continued funding and resourcing of the Philippines Internet Crimes Against Children Centre and partnerships with international law enforcement partners.

8.2 Establish Australia's foreign aid program as a leading force in the fight against modern slavery in the Asia-Pacific region, by making addressing modern slavery and human trafficking a key priority throughout Australia's foreign aid policies and strategies.

8.3 Increase foreign aid funding for measures that address the core drivers of modern slavery, especially strategies and programs that help to strengthen local justice systems.
(Goal 11)

The need for decisive action to eradicate modern slavery

As set out in the Consultation Paper, modern slavery is a serious, large-scale, global problem – affecting 48.5 million individuals – and governments have a vital role to play in its end, both domestically and internationally. The gravity and impact of the human rights violations involved in modern slavery crimes necessitate a strong, urgent and comprehensive response.

IJM commends the Australian Government (the Government) for its clear and robust stance against modern slavery and commitment to working proactively towards its eradication. We welcome the *Modern Slavery Act 2018* coming into effect, including its obligation on the Australian Government to report on potential modern slavery risks in government procurement and investments. The launch of the '*Principles to Guide Government Action to Combat Human Trafficking in Global Supply Chains*' in 2018 is a welcome example of world-leading governments, including Australia, uniting to recognise the 'significant financial leverage and policy options at our disposal that can help to prevent human trafficking in global supply chains'.¹ We also acknowledge the Australian Government's leading role in the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process) and Australia-ASEAN Counter-Trafficking Program (AACTP). Given that the Indo-Pacific region is home to two-thirds of the world's slaves, Australia has a significant opportunity to strengthen its role in the fight against modern slavery in the region through further provision of support to neighbouring governments.

Despite promising action taken by many governments, 'global progress in tackling modern slavery has been hugely disappointing' and the world is not currently on track to deliver on Sustainable Development Goal 8.7 (Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking...) by the 2030 target date.² Forty-seven countries have not yet recognised human trafficking as a crime, nearly 100 countries have failed to criminalise forced labour or impose suitable penalties for this form of exploitation and less than one-third of countries protect women and girls from forced marriage.

National migration policies also contribute to human trafficking and forced labour. Despite laws and policies intended to protect migrants from abuse, in reality, significant gaps in laws and their implementation leave large groups of people vulnerable to exploitation by unscrupulous criminals and migrants continue to be trafficked. IJM's work in combatting cross-border labour trafficking in Thailand, Cambodia and Myanmar indicates the widespread mistreatment of migrants through the worker recruitment corridors and in destination countries, including lack of legal protections for migrants, widespread human rights abuses, isolation from support structures in their host countries, little tracking of migrants and lack of prioritisation of services for identified victims of forced labour. This situation requires a concerted regional action by all nations, in setting standards for the treatment of migrant workers, implementing law enforcement and social service protections for migrant workers and forced labour victims, in identifying and responding to forced labour, and ending impunity for businesses and individuals who violate worker treatment and forced labour laws.

Decisive action is urgently needed, and we urge the Government to become an even more vocal international advocate for ending modern slavery.

The critical role of public justice systems

International Justice Mission (IJM) is leading the fight in the developing world to protect individuals from modern slavery, and has rescued more than 49,000 children, women and men from violent oppression and secured the arrest and convictions of over 1300 slave owners and traffickers. Since 1997, IJM has become the foremost expert in assessing how justice systems within the developing world address human trafficking at local and national levels. Having navigated justice systems, case after case, IJM identifies fractures in the system, and collaborates with law enforcement to repair broken justice systems so that they work for the poor.

Although modern slavery is prohibited by law in many countries, those laws do not actually have meaning for adults and children suffering in slavery as they are not enforced. Under-resourced, undertrained and corrupt law enforcement officials do not or cannot arrest and charge criminals who traffic and exploit people or gather evidence that could hold them accountable in courts of law.

In each of IJM's anti-slavery programs, collaboration with local authorities on hundreds of real-time cases not only provides tangible, hands-on support to local law enforcement officials and brings relief to victims, but also identifies gaps and weaknesses in the justice system. Once those gaps and blockages have come to light, IJM implements system reform programs to develop the capacity of local law enforcement officials to address them. System reform projects build the practical, technical and resource capacities of police, prosecution services, courts and supporting social services to address specific types of crime. By improving justice system performance and (as a result) deterring the crime, these improvements benefit all people vulnerable to the crime in the community, not only IJM clients.

Without functioning public justice systems, efforts to address modern slavery in supply chains and through foreign aid will be limited in their effectiveness due to the hidden nature of modern slavery

I. Response to consultation questions 1 and 2 – emerging issues and additional areas of focus

We applaud the measures already undertaken in combatting modern slavery under the National Action Plan 2015-19 and the Government's continuing commitment to eradicating this crime and protecting and supporting victims of modern slavery. We are in agreement of the importance of the twelve proposed goals identified in the consultation draft, but also recommend the inclusion of these additional areas of focus:

- a. enhance Australia's response to combat cybersex trafficking;
- b. engage in and promote multi-sector partnerships to harness technology in combatting slavery

a. Cybersex trafficking

IJM welcomes the proposed goals in the Consultation Paper that reflect recognition of a diverse range of exploitative practices, including forced labour, debt bondage, forced marriage and deceptive recruiting for labour or services. We urge the Government to address in the NAP another rapidly growing form of modern slavery - cybersex trafficking - which is fuelled in part by an expanding market in Australia.

IJM works in the Philippines to combat cybersex trafficking of children, also known as the online sexual exploitation of children (OSEC). IJM defines cybersex trafficking of children as the production, for the purpose of online publication, of visual or audio depictions, including photos, videos, and live

streaming, of the sexual abuse or exploitation of a minor for a third party who is not in the physical presence of the victim. This crime is distinct from the mere viewing of child exploitation material, as it involves the commissioning of child abuse by offenders which is watched live on a pay-per-view basis.

A typical example of this crime is where an offender in Australia pays a trafficker in the Philippines to view, via webcam footage transmitted over the internet, a child engaging in sex acts with other children, adults, animals, themselves or posing in sexually explicit photos or videos.³ Generally paedophiles will pay US\$20–\$150 for a ‘sex show’ broadcast online.⁴ The cost of such a show will increase with the level of abusiveness requested. These live shows are being broadcast through Skype or other video chat applications on a pay-per-view basis.⁵

More than half the victims of cybersex trafficking that IJM has rescued have been aged 12 years old or younger, which is significantly lower than the average age of victims of bar- and street-based commercial sex trafficking.⁶ In over half of IJM’s casework, the traffickers have been a family member or close family friend of the victim;⁷ however, other cases involve larger scale criminal networks.⁸

Prevalence of cybersex trafficking:

Cybersex trafficking of children is a global crime. Its prevalence has increased exponentially, driven in part by the increasing connectivity in developing countries like the Philippines, and the increasing demand for child exploitation material (‘CEM’) abroad. The Internet Watch Foundation, the UK charity responsible for finding and removing images of child sexual abuse from the internet, received more than a quarter of a million reports of suspected images and videos of child sexual abuse in 2019. “Of these, more than 132,000 contained child sexual abuse material, a rise of 26% on 2018 and double the number identified in 2016.”⁹ The US-based National Center for Missing and Exploited Children, which receives cybertips from all US based platform providers, received 1.1 million reports about online child sexual abuse in 2013. By 2018, this had increased to over 18.4 million reports.¹⁰ It is estimated that at any given time, there are 750,000 individuals looking to connect with children for sexual purposes.¹¹ The 2019 NetClean Report, which surveyed 450 police officers working on cases involving child abuse material from 41 different countries, found that 56% of police officers surveyed for the report said they had seen an increase in live-streaming real-time abuse.¹² In Australia in 2018 the Australian Federal Police (AFP) reported receiving 14,638 referrals of online child sexual exploitation in the 12 months prior.¹³ The AFP received 17,905 reports of online child exploitation in 2018-19.¹⁴

Recent events have also highlighted that the Australian business and financial sector, not just individual Australian perpetrators, are implicated in cybersex trafficking of children. AUSTRAC has filed for civil penalties against one of the big four banks, Westpac, for violation of anti-money laundering legislation and alleges that Westpac may have facilitated the livestreaming of sexual abuse of children in southeast Asia through lack of oversight of frequent low-value payments through an international payment service.¹⁵

Technology trends:

The rapid expansion of internet connectivity, along with the growing ownership of mobile devices by young people, anonymous access and encryption have enabled offenders unprecedented access, new capabilities and increasing confidence to abuse children on a mass scale. The next 3-5 years will see a continued increase in internet users from developing regions, such as Central Africa, South East Asia and Latin America.¹⁶ There are “over 5 billion unique mobile users and over 4 billion internet users in the world today, representing a 2% and 9% increase respectively since 2018. There has also been a 9% increase in the number of social media users, to 3.5 billion.”¹⁷ Live video streaming is expected to grow 15 times between 2016 and 2021 and account for 13% of Internet video traffic by 2021.¹⁸ An estimated

1.8 million new male internet users over the last year have expressed a sexual interest in children.¹⁹ Increased use of the darknet²⁰, cryptocurrencies, encryption and anonymisation services pose particular challenges for law enforcement. Technology also allows offenders to join with like-minded people to develop complex criminal networks. The development of “alternative payment systems such as pay-as-you-go also facilitate and embolden the growth of child sexual abuse live streaming.”²¹ The WeProtect Global Alliance’s *Global Threat Assessment 2019* puts into stark terms the urgency of a concerted, collective response to online sexual exploitation of children:

The scale, severity and complexity of online [child sexual exploitation and abuse] is increasing at a faster pace than those aiming to tackle the activity can respond, with referrals from industry and law enforcement partners reaching records highs. This creates an urgent need for governments, law enforcement organisations, the technology industry and third sector organisations to work together to step up their collective response.²²

We acknowledge Australia’s investment in combatting online sexual exploitation through participation in the Virtual Global Taskforce, WeProtect Global Alliance, through the work of the AFP and state police forces and through the work of the Australian Institute of Criminology and the Australian Centre to Counter Child Exploitation (ACCE). IJM believes that addressing cybersex trafficking directly in the NAP will enable an enhanced collaborative response against this crime.

We urge the Government to recognise the seriousness and urgency of the need to address cybersex trafficking as a growing form of modern slavery that affects people and businesses in Australia, and to ensure that the strategies in the NAP directly address cybersex trafficking, including:

- Address cybersex trafficking in awareness-raising and information campaigns to make the public aware of the problem and its extent.
- Training of frontline officials, including specialist training to Australian officials posted overseas, should include identification of cybersex trafficking
- Cybersex trafficking should be placed on the agenda and be a priority for the Bali Process.
- Review of the legislative framework to address modern slavery should include review of the relevant offence provisions and prosecution strategies with respect to cybersex trafficking.
- Given that the activities of Australians are fuelling demand for cybersex trafficking, victim support through compensation, remedial, protective, intervention and ongoing care, especially for minors, should be expanded to the overseas victims of cybersex trafficking that were exploited by Australians. This is especially relevant to cybersex trafficking victims as they are often much younger than those of more traditional forms of sex trafficking and often have complex trauma experiences. To IJM’s knowledge, no Philippine victims of Australian perpetrators have received victims of crime compensation following the successful prosecution of the offender.
- Best practice guidelines and training for the use of Information and Communications Technology (ICT) in the public sector should address cybersex trafficking and child abuse material (CAM).
- International engagement, especially in recipient countries of Australian foreign aid should prioritise investments and interventions aimed at improving law enforcement response to detect and apprehend violent offenders and protect children from this form of exploitation and trafficking. IJM’s experience of working alongside law enforcement to combat cybersex trafficking in the Philippines has shown that the most critical component to addressing online exploitation of children is developing an effective public justice system response that will serve as a criminal deterrent against abusing children online.

b. Engaging the technology sector

As discussed above, new technologies are giving rise to new forms of exploitation and technology also facilitates modern slavery via money laundering, aiding the purchase of forced labour and covering a trafficker's proceeds of crime. In the context of ever-evolving technologies and their application by criminals, priority needs to be given to ensure that law enforcement has the tools to investigate modern slavery offences. This should encompass both legislative measures and technological tools that help disrupt the criminals and their networks.

IJM has experienced successes in human trafficking and forced labour cases through the use of cutting-edge investigative technology. IJM's Criminal Analytics Center, established in 2017 through a grant from the Walmart Foundation, along with a grant from the U.S. Government, and in partnership with leading technology companies, uses advanced investigative techniques, including satellite technology, to provide intelligence to the Thai police to identify cross-border trafficking and forced labour patterns related to the Thai fishing industry, to track and identify multiple suspects, and develop comprehensive maps of known trafficking networks. IJM's criminal analytics capability has also supported Philippine law enforcement in identifying, then determining the physical location of a cybersex trafficking suspect. This led to a rescue operation in February 2018 that saw the rescue of 13 victims and arrest of two suspects.

IJM's experience in the field shows the potency of technology to amplify anti-slavery efforts, and the importance of partnering with the global technology sector. Australia's NAP needs to promote multi-stakeholder partnerships, comprising both the public and private sectors, that harness computational science and digital technologies to collect and analyse data in order to develop scientifically rigorous anti-slavery policies and to develop tools to detect and fight emerging forms of slavery and their organisation. Strategies are needed to encourage technological innovations to assist in the detection and investigation of cybersex trafficking, victim identification, and improving mobile phone forensics. More work needs to be done on harnessing the power of big data and smart technologies, from artificial intelligence and machine learning to drones, satellites and remote sensors, and new approaches to financing. A promising initiative is Code 8.7, which brought together anti-slavery and technology leaders to explore the use of computational science and artificial intelligence to combat slavery.²³

We strongly urge the Australian Government to prioritise engagement with the technology sector and to facilitate multi-stakeholder partnerships and to promote the application of new technologies and innovations in the fight against modern slavery.

2. Comments on specific goals

Below are comments related to the twelve goals set out in the Consultation document:

Goal 1. maintain and promote compliance with international standards on modern slavery;

Goal 4. maintain a robust and comprehensive legislative framework to combat modern slavery

Modern Slavery Act 2018

We commend the Australian Government's leading role in setting, maintaining and promoting compliance with the international standards on modern slavery, in particular its leadership in holding corporations and other entities accountable for addressing modern slavery in global supply chains

through enactment of the *Modern Slavery Act 2018*. We urge the Australian Government to monitor the effectiveness of these provisions and to ensure adequate resourcing and staffing of the Business Engagement Unit, Department of Home Affairs to enable the Unit to proactively carry out the implementation of the Act. In conducting the three-year review of the effectiveness of the legislation (as required under the MSA), we strongly urge the Government to incorporate the following amendments:

- Provide for an Independent Anti-Slavery Commissioner
- Provide for civil penalties for non-compliance with the modern slavery reporting requirement: There are extremely low compliance rates for jurisdictions that have implemented disclosure requirements without a penalty provision, while there are much higher rates of compliance in jurisdictions where effective penalties are introduced.²⁴
- Lower the threshold of \$100 million annual revenue for the reporting requirement: In the UK experience, it was thought that requiring compliance from large companies that form a significant part of the economy, would have flow-on effects to the rest of the economy resulting in reduced modern slavery throughout; however, this goal was not realised. In addition to this general threshold, it may also be appropriate to have another lower threshold for certain high-risk industries, such as agriculture, forestry and fishing; manufacturing; cleaning services and domestic work; food, beverages and hospitality.²⁵

Updates to criminal law

Australia should continue to regularly review and update its criminal law, in consultation with civil society, to ensure that the legislative framework criminalising modern slavery offences adequately captures emerging trends and modalities. As discussed above, cybersex trafficking of children – live-streaming abuse of children for payment – is growing exponentially. This form of human trafficking involves two crimes: the commission of abuse of children by perpetrators in Australia and other developed countries, and the facilitation of that abuse, typically in developing countries such as the Philippines. An emerging feature of cybersex trafficking cases is the complex criminal networks that facilitate the sharing and production of child abuse material, including dedicated sections on online forums explaining how to access children and online. This highlights the need for legislative measures criminalising the various aspects of this form of trafficking, and measures providing law enforcement with the tools to assist them in investigating these crimes.

We urge the Government to expeditiously pass the amendments contained in the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019* which include a number of measures addressing new forms of online exploitation of children and measures to assist prosecutors in obtaining adequate sentences.

We also urge the Government to pass provisions that would criminalise the administration of computer networks for the that distribute child abuse material, similar to that found in state legislation.²⁶

Ratification of Forced Labour Protocol

The Government should enhance Australia's efforts in preventing forced labour, prosecuting perpetrators of forced labour and providing victims with access to remedy, in line with the 2014 Protocol to the International Labour Organization (ILO) Forced Labour Convention, 1930. The ILO is leading a campaign to persuade at least 50 countries to ratify the Forced Labour Protocol, which Australia has not yet done. To date only 44 countries have ratified. We urge the Government to expeditiously ratify the Protocol, as set out in its pledge made at the Global Conference on the

Sustained Eradication of Child Labour in Buenos Aires in November 2017, then work to continue to enhance our response to combatting serious forms of labour exploitation, such as forced labour and deceptive recruiting.

Goal 2. engage the Australian community to understand and combat modern slavery

Prioritising population-wide education about the nature and gravity of modern slavery is an important step in mobilising whole-of-community momentum to address the problem. As pointed out by IJM CEO Gary Haugen, ‘Nothing happens just because we are aware of modern-day slavery, but nothing will ever happen until we are.’ Increased awareness can also decrease the risk of victimisation and improve rates of detection. Australia’s NAP should incorporate strategies that raise awareness and the profile of modern slavery within the population-at-large, and also strategies that target specific vulnerable populations and influential groups.

Engaging the general public

In raising awareness within the general Australian community about modern slavery, it is important to provide a clear understanding of the scope and the global prevalence of modern slavery, its interconnectedness with sustainable development and how Australia is affected by and implicated in modern slavery.

In order to provide Australians with a clear understanding of modern slavery, it is important to highlight the sheer numbers of people trapped in slavery today, and the range of practices encompassed by the term modern slavery (as helpfully set out in the Consultation Paper). In particular, it is important to dispel the misconception held by some that modern slavery is akin to bad working conditions and make clear that people trapped in slavery face physical, verbal and sexual abuse daily, and cannot leave to find other work or protect their families. In IJM’s cases, we have met slaves who report being beaten, gang-raped, locked in tiny rooms, starved and even forced to witness murder. Prevailing stereotypical images of slavery involving victims shackled in chains can preclude understanding of modern conditions of slavery and hinder timely identification of victims. Although contemporary victims may not be held by physical restraints, opportunities for self-determination or escape are drastically curtailed. It is important to highlight that slavery involves – as pointed out in the Consultation Paper – the ‘use of physical threats or psychological coercion’, in addition to physical violence and deception, to keep people entrapped.

Modern slavery and sustainable development

The UN Sustainable Development Goals highlight the need to eradicate forced labour, modern slavery and human trafficking under Goal 8 (decent work); however, ending modern slavery plays a fundamental role in achieving other SDGs, including those related to health, education, gender equality, industry innovation and infrastructure, sustainable consumption, and peaceful, just and inclusive societies.²⁷ It is vital for people to understand that addressing modern slavery is a prerequisite for ending poverty. The poor of our world are trapped in whole systems of everyday violence, and lack recourse to justice. Violence and, in particular, modern slavery, is one of the greatest impediments to people escaping poverty and undermines sustainability of development work. Poor people often name violence as their ‘greatest fear’ or ‘main problem.’²⁸

Modern slavery and Australia

In all awareness raising strategies, it is vital for Australians to understand how modern slavery touches our lives. Australians play a role, both unwittingly and deliberately, in the demand side of modern slavery. As former Human Rights Commissioner Edward Santow commented, 'modern slavery is fuelled by a growing consumer demand for cheaper goods and services' and is hidden inside multi-national supply chains.²⁹ Establishing a personal connection with modern slavery can increase assumption of responsibility for its end and drive action. Australians need to be empowered to ask questions and obtain information about how the products they purchase were made and use their buying power to send a clear message that consumers want slavery-free products.

Some Australians are more directly involved in modern slavery, including business owners who profit from forced labour and people who pay to sexually exploit enslaved women and children. Detective Superintendent Richard Stanford is an AFP liaison officer posted in Manila working with local law enforcement to tackle transnational crime. 70% of his time is spent on child protection operations.³⁰ When asked about the prevalence of Australian perpetrators paying to commission the online sexual exploitation of children, he estimated that 'we are in the top three, and possibly higher'. He further stated: 'I personally feel a great deal of shame that these offenders are Australian...one of the most shameful things to come out of Australia are our paedophiles.'³¹

Comprehension within the Australian community of our interconnectedness with modern slavery is necessary to grow support for legislation and foreign aid, hold businesses accountable and change consumer behaviour.

Goal 6. progress effective prosecutions to secure convictions against offenders

Slavery thrives in cultures of impunity. In order to end slavery, the business model that fostered the slavery in the first place must be disrupted by prosecuting slave owners and dramatically increasing the legal, financial and opportunity costs slave owners must pay to sustain a slave-labour model. Ensuring that both traffickers and those who purchase forced labour from traffickers are brought to justice and pay for their crimes creates a clear deterrent to potential offenders - both the supply and demand side of modern slavery must be addressed.

The Trafficking in Persons (TIP) Report 2019 found that the Australian Government had decreased law enforcement efforts, did not convict any traffickers and had initiated fewer prosecutions during the reporting period.³² Instead, the Report found that 'authorities often opted to pursue labor or employment violations in lieu of trafficking charges, resulting in potential labor traffickers receiving only fines and other civil penalties that were inadequate to deter trafficking crimes.'³³ An evaluation of Canada's National Action Plan to Combat Human trafficking found that victims' reluctance to cooperate with law enforcement agencies was in part due to the perception that the likelihood of successful prosecution is low, while the personal cost to victims by taking part in the process is high.³⁴ A lack of successful prosecutions in Australia is likely to have a similar effect. It is vital that victims can access justice and have confidence in the system.

In IJM's work partnering with local law enforcement in developing countries, we have seen firsthand how targeted, sustained investment in law enforcement has a dramatic effect on the prevalence of specific crime types. In Cebu, the Philippines, after four years of collaborative casework with local authorities against the trafficking of minors in the commercial sex trade, external researchers found a 79% drop in the prevalence of minors available for exploitation.³⁵ A foundational strategy in deterring

crime through increased arrests and convictions for trafficking of minors was the investment in training, expert support, and facilities for a specialist police unit established to address the crime.

IJM recommends that the Government prioritise law enforcement as a key strategy to address modern slavery, prosecuting modern slavery and human trafficking crimes both domestically and in collaboration with international law enforcement.

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

We are encouraged to see the Government's commitment to addressing the presence of modern slavery in the global supply chains of companies and other entities doing business in Australia. Our comments with respect to the modern slavery report requirement are outlined under Goal 4. Further, we would caution that focussing solely on reducing the risk of modern slavery in supply chains of Australian businesses will fail to address inherent problems in the public justice systems of developing countries where Australian companies source their goods. IJM works with local authorities in developing countries to investigate and prosecute cases of modern slavery, and our experience in the field shows that strengthened legal systems in those countries will deter primary producers from offering goods tainted by slave labour to Australian companies and their suppliers in the first place.

IJM therefore urges the Government to encourage businesses to prioritise investment in civil society organisations working with local law enforcement to strengthen regulatory responses to modern slavery in the jurisdictions at the end of their supply chains as part of their response to eradicating slavery in their supply chains.

One example of such a corporate partnership is IJM's program in Thailand to combat forced labour in the Thai fishing industry. A multi-stakeholder partnership, established through grant funding from the Walmart Foundation and the U.S. Government, laid the foundation for a long-term regional anti-trafficking program addressing trafficking for forced labour into the Thai fishing industry.

IJM also recommends that this focus on modern slavery risks in the global supply chain include specific action items targeting the finance sector. As highlighted by the final report³⁶ from the Liechtenstein Initiative's Financial Sector Commission on Modern Slavery and Human Trafficking, the estimated USD \$150 billion generated by forced labour annually implies that significant proceeds from modern slavery and human trafficking are passing through the global financial system, and thus slavery will not end without the active engagement of the financial sector. Recent events have highlighted the vulnerability that banks and money transfer institutions are exposed to in having their financial services used to facilitate cybersex trafficking. PayPal was ordered by AUSTRAC to undergo an external audit to probe suspicions that the international funds transfer platform could be used to facilitate OSEC.³⁷ AUSTRAC applied for a civil penalty order against Westpac for breaches of anti-money-laundering legislation that are claimed to have enabled cybersex trafficking.³⁸

Following on Australia's leading role in the Liechtenstein Initiative, we urge the Government to implement and incorporate into the NAP the measures and recommendations set out in the *Blueprint for Mobilising Finance Against Slavery and Trafficking* (FAST Report), and to promote and facilitate financial sector actors' engagement in combatting slavery.

As with other business sectors, we urge the Government to encourage financial sector actors to engage in combatting modern slavery beyond simply risk management for their business and reputation, but to invest in multi-stakeholder partnerships that strengthen the justice systems in the countries where

modern slavery is occurring. An encouraging development in the Westpac situation has been the bank's investment of \$18 million to partner with IJM in combatting cybersex trafficking on the ground in the Philippines.³⁹

Goal 10. Provide appropriate support, protection and remedies to empower victims of modern slavery

Identifying victims

IJM commends the holistic, end-to-end approach taken by the Government in addressing modern slavery and the priority placed upon providing support, protection and remedies to victims of modern slavery. Based on conservative estimates of modern slavery, for every victim detected there are at least four further victims who have not been found.⁴⁰ According to estimates by the Global Slavery Index, 15,000 victims are still waiting for rescue.⁴¹

We urge the Government to also invest in increased detection of modern slavery victims.

Targeted efforts should be made to identify victims of modern slavery among vulnerable groups:

- IJM urges the Government to ensure that its migration policies regarding unauthorised maritime arrivals and offshore detention centres do not preclude the identification and protection of victims of human trafficking.⁴²
- IJM encourages the Government to remove barriers to reporting cases of modern slavery and accessing the Support for Trafficked People Program (the STPP) by:
 - expanding referral pathways into the STPP beyond the AFP. This single referral pathway can deter reporting due to reluctance to pursue legal action or mistrust of police due to previous poor experience. In particular, migrants affected by modern slavery may be reluctant to communicate with law enforcement officers due to fear of detainment and deportation. The STPP website does clearly state that 'if you are not comfortable contacting the AFP, you can contact Red Cross for advice' and this provision could be expanded to other more accessible entry points.
 - proactively embedding cultural sensitivity into the STPP to ensure that it is accessible to diverse individuals. A study of the Forced Marriage Stream of the STPP found that a lack of trust in the cultural awareness of mainstream services could deter people from approaching them for support.⁴³
 - ensuring that reporting mechanisms are operational 24/7 in multiple languages.

Supporting victims

IJM commends the victim-centred approach of the STPP and its comprehensive provision of both immediate crisis care and development of options for life after participants leave the program,⁴⁴ and the collaborative approach taken by the Government in working with the Red Cross and civil society to ensure that the STPP meets the needs of victims and remains relevant in the evolving Australian context.⁴⁵

IJM recognises the complex and nuanced impact of trauma and affirms the importance of trauma-informed care for victims of modern slavery. It is vital that social services and public justice systems are adequately equipped to interact with survivors of trauma. Otherwise, they can unintentionally

harm survivors and undermine their restoration, making it less likely that others will report crimes or trust the public justice system to protect them. IJM supports the continued and increased application of these principles to facilitate participation of survivors in prosecution.

A new trial under the Forced Marriage Stream of the STPP (FM Trial) allowed survivors of forced marriage to access a longer period of assistance without having to contribute to the criminal justice process.⁴⁶ Early reports from this trial show important indicators of success for participants, including improved confidence, mental health and wellbeing, knowledge of their rights and awareness of how to access support.⁴⁷

The same level of support should be extended to all victims of modern slavery. IJM recommends that the Government delink support provision for all victims of modern slavery from participation in prosecution of slavery-related offences, in line with international standards.⁴⁸ Victims who are unwilling or unable to assist with criminal justice proceedings should still be provided with appropriate care beyond the current provision of 45 days. Access to visa options to remain in the country if returning home would be unsafe should also be provided, again as consistent with international standards.⁴⁹

For survivors of modern slavery, the journey to restoration can be long. Well after the rescue, the violence survivors have experienced can threaten their mental and physical health. IJM recommends the extension of the STPP for all victims of modern slavery and the redesign of the program so it reflects a flexible case-by-case needs-based rather than a time-based approach. This is in line with the findings of the FM Trial which found that extending to 200 days was a positive step, but was still insufficient to respond to the full range of complex client needs and support their transition to a safer situation compared to when they were referred.⁵⁰ Longer support periods were identified as providing the following important benefits:

- Stronger rapport and foundation of trust established between clients and caseworkers leading to opportunity to identify and address client needs and access relevant supports and services
- Provision of greater security and emotional support, and opportunity to set a stable base for their future
- Time to consider options
- Opportunity to explore what the criminal justice process involves and their willingness to engage with it.
- Access to financial assistance, accommodation and education.⁵¹

These are all vital to ensuring comprehensive and lasting restoration for victims.

IJM urges the Government to increase sustained funding for victim identification and support, ensuring that the STPP has capacity to meet demand, delink support provisions from participation in prosecution, and extend the time period of support for the STPP to all victims of modern slavery.

A full evaluation of the STPP should be undertaken to ensure that it is appropriately implemented, meets the needs of victims and aligns with best practice.

National Compensation Scheme

In our submission to the *Inquiry into establishing a Modern Slavery Act in Australia*, IJM supported the implementation of a centralised national compensation scheme for victims of modern slavery.⁵² We continue to believe that such a scheme is important in ensuring that victims have consistent countrywide access to timely and appropriate financial redress and are thus empowered to shape their future. The Committee heard that existing state and territory victims' compensation schemes are both inconsistent and inadequate, and not designed specifically to address Commonwealth offences like human trafficking and slavery. A national compensation scheme is even described as 'the missing component to Australia's response to combatting modern slavery.'⁵³ The Committee agreed that, as part of Australia's victim-centred response to combatting modern slavery, the Australian Government should provide compensation to victims; that a national compensation scheme would be consistent with Australia's obligations under the Palermo Protocol; and that victims should be permitted to remain in Australia while their application for compensation is considered and finalised. The Committee also recommended that eligibility for compensation should not be contingent on participation in criminal investigations or prosecutions.⁵⁴ We concur with these recommendations.

IJM encourages the Government to set up a centralised National Compensation Scheme for victims of modern slavery to ensure consistent country-wide access to financial support.

Goal 11. enhance our leadership and partnerships to promote regional and international cooperation on combatting modern slavery

We commend the Australian Government for its role in combatting modern slavery internationally in cooperation with regional partners, through its leadership in the Bali Process, the AACTP, and the TRIANGLE I and TRIANGLE II safe migration programs.

A notable example of regional cooperation is the ongoing partnership of the AFP with its counterparts in the Philippines. The AFP regularly conducts joint anti-trafficking in persons operations with Philippine law enforcement officers. For example, "in 2015, over 75 such operations were conducted in the Philippines, resulting in the dismantling of numerous human trafficking syndicates, and the arrest and prosecution of numerous trafficking suspects in the Philippines, Australia and other parts of the world."⁵⁵ The recent launch of the Philippines Internet Crimes Against Children Centre (PICACC), funded jointly by the Australian and UK Governments, is another promising example of international collaboration. The PICACC is an interagency law enforcement centre, bringing together law enforcement units in the Philippines and the AFP, UK National Crime Agency and IJM to coordinate on law enforcement efforts on cases of OSEC. The new centre has already resulted in multiple successful rescue operations of child victims of cybersex trafficking.

We urge the Australian Government to commit to funding these and other overseas programmes under its International Strategy, and in particular, ensure continued funding and resourcing of the PICACC and partnerships with international law enforcement partners.

One emerging program that Australia has yet to participate in is the Gloal Fund to End Modern Slavery (GFEMS). GFEMS is a 'public-private partnership that seeks to catalyse and coordinate a coherent global strategy to end modern slavery by making it economically unprofitable'. IJM recommends that the Government contribute funding to the GFEMS and to take a leading role in supporting this innovative approach that engages governments and the private sector to fund transformative programs and technologies, and robust assessments of impact in a coordinated global effort to eradicate modern slavery.

As well as investment in these specific programmes and forums to combat modern slavery and human trafficking, we recommend that the NAP establish Australia's foreign aid program as a leading force in the fight against modern slavery in our region, by making addressing modern slavery and human trafficking a key priority throughout Australia's foreign aid policies and strategies.

We note that Australia's current foreign aid policy focuses on two development outcomes: private sector development and human development. We submit that the goal of combatting modern slavery should be a top priority in strategies aimed at both of these outcomes. As articulated by the Special Rapporteur on contemporary forms of slavery, antislavery efforts, "must be better integrated into broader efforts to achieve sustainable development."⁵⁶

Human development objective

Under the objective of human development, Australia's aid program should increase funding for measures that address the core drivers of modern slavery – strategies that assist developing countries in providing critical social services to their citizens, including in health, education, access to justice, and promoting gender equality and empowering women and girls. Of vital importance to the success of such measures aimed at reducing vulnerabilities that can push people into slavery, is investing in strengthening the public justice systems in developing countries.

IJM's experience in combatting modern slavery and protecting the poor from violence has shown that benefits of aid interventions will not reach the poor without a strong public justice system that protects them from everyday violence.⁵⁷ On the other hand, a functioning public justice system can both enables sustainable development where the poor can share in the benefits of growth, and bring an end to impunity for perpetrators of crimes of modern slavery criminals.

For over 20 years, IJM has been working in developing countries, partnering with local authorities in to investigate, prosecute and empower victims of sex trafficking, forced labour and other forms violence. Through working on actual cases, IJM identifies and eliminates weaknesses in the justice system that prevent laws from being enforced and victims from being assisted, thereby bringing about a reduction in the prevalence of the crimes in the communities in which we work. The effectiveness of this model is demonstrated by IJM's project to combat sex trafficking in Cebu in the Philippines. In a 5-year period from 2005-2010, IJM with local authorities trained 730 law enforcement personnel, rescued 259 victims, and charged 107 perpetrators. Independent evaluators found the prevalence of minors in the sex industry in the project area fell by 79%. We have seen similar results in two other cities in the Philippines and three in Cambodia.

We strongly urge the Government to increase foreign aid funding to strategies and programs that help to strengthen local justice systems.

Private sector development

In pursuing the objective of enhancing the role of the private sector in development, Australia's aid policy must adequately address the risk of forced labour, modern slavery and other human rights abuses in supply chains. Some specific measures include:

- The Australian Government should only enter into business partnerships for development with businesses that are carrying out due diligence to ensure their supply chains are free from modern slavery and other human rights abuses.
- Australia should work to secure the protection of workers in the countries whose trade policy it influences. We note that the Government's Aid for Trade policy involves negotiating trade agreements and assisting developing countries with policy reforms aimed at reducing red tape to

facilitate trade, with one objective being to increase their involvement in global value chains. However, global value chains carry an inherent risk that human rights abuses will occur and go undetected, due to 'fragmented and globally dispersed production, multiple tiers and actors within each supply chain, suppliers producing multiple brands, short lead times and tight margins, and the key role lead buyers play in orchestrating this entire process and even investing in their supply chains.'⁵⁸ We therefore recommend that all bilateral and multilateral trade agreements secured as part of Aid for Trade incorporate appropriate regulatory safeguards that secure the labour rights of vulnerable groups in global value chains.

- The Government should view a strong public justice system as part of a healthy enabling environment for business. Australian aid policy should support and encourage businesses to fund development work in the countries in which they operate, particularly in the area of public justice system reform.

We also recommend that Australia increase its overall level of official development assistance. In 2019-2020, Australia's foreign aid budget is \$4.044 billion – amounting to 0.21% of Gross National Income – which is the lowest level in Australian history. Data from the United Nations University indicate that the amount of resources being dedicated to combat modern slavery through Official Development Aid commitments are about \$400 million annually. Even factoring in domestic spending and private charitable giving, it is unlikely that overall spending to combat modern slavery is anywhere near the \$150 billion USD in criminal profits that is generated annually by forced labour. Although there is no metric for determining what level of resourcing would suffice, it is clear that spending on the likely current level is inadequate to eradicate slavery.⁵⁹ Thus we recommend that Australia commit to increasing Australia's funding for foreign aid to at least 0.5 per cent of gross national income, and set a timeframe for achieving the goal of 0.7 per cent of GNI.⁶⁰

We note that on the DFAT's website, and in key documents outlining Australia's aid policies (eg. *Australian Aid: Promoting Prosperity, Reducing Poverty, Enhancing Stability*, 2014), no reference is made to modern slavery. IJM recommends that DFAT's website and any documents setting out Australia's aid strategy include specific reference to modern slavery as well as an acknowledgement of Australia's responsibility to address the issue through our foreign aid program. Along with the five strategic goals that currently guide Australia's aid program is (saving lives; promoting opportunities for all; investing in sustainable economic growth, food security and private sector development; supporting security, improving governing and strengthening civil society; preparing for and responding to humanitarian crises), we recommend the addition of a sixth goal, to make specific reference to ending modern slavery: "Ending modern slavery – focusing on transparency in supply chains, law and justice responses and restitution for victims."

Conclusion

IJM commends the Government's commitment to addressing modern slavery and encourages it to make full use of its global leadership position to drive urgent and much needed action to address this pervasive crime. We encourage the Government to incorporate our recommendations regarding the goals set out in the Consultation Paper and emerging trends and additional areas of focus identified:

- Address cybersex trafficking of children as a growing form of modern slavery
- Engage with the technology sector to apply new technologies in the fight against modern slavery
- Continue to develop and strengthen work to address modern slavery in global supply chains and ensure that related legislative frameworks are reviewed regularly (Goal 1 and Goal 4)
- Raise awareness across the Australian community about nature and gravity of modern slavery and our connection to these crimes (Goal 2)

- End a culture of impunity at home and abroad by strengthening law enforcement and prosecuting perpetrators of modern slavery (Goal 6)
- Engage with the finance sector to address modern slavery beyond risk management through partnerships that strengthen justice systems (Goal 9)
- Improve access to comprehensive, unrestricted support for victims of modern slavery to support their holistic restoration and empowerment (Goal 10)
- Embed ending modern slavery as a key part of Australia foreign aid program and increase funding to address core drivers of modern slavery and strengthen local justice systems (Goal 11)

We urge the Government to commit specific multi-year funding to ensure the sustainable implementation of initiatives set out in the NAP. We also encourage the Government embed clear plans to independently monitor and evaluate the implementation of the NAP.

The Government has a significant opportunity to build on existing work and implement new initiatives through the new National Action Plan to create meaningful and sustainable change that contributes to ending modern slavery.

Endnotes

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- ² Global Slavery Index, *Measurement, Action Freedom* (2019), Foreword
<https://www.globallslaveryindex.org/2019/findings/foreword/>
- ³ In *DPP (Cth) v Watson* [2016] VSCA 73, ‘the respondent was also charged ... for a number of live webcam transmissions of Skype, which involved the victim touching herself and masturbating, at the request of the respondent’ and Beach JA noted that ‘[t]his example is representative of much of the offending involving individual victims’: at [26].
- ⁴ IJM, ‘*Cybersex Trafficking*’ (IJM Casework Series, 2019). AUSTRAC has used frequent transfers of A\$10–\$100 to South East Asian countries to identify Australian predators commissioning online exploitation on a pay-per-view basis: AUSTRAC, <https://www.austrac.gov.au/business/how-comply-guidance-and-resources/guidance-resources/online-transactions-lead-convictions-child-sex-offences>, accessed 20 January 2020.
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- ¹² NetClean Report 2019, p. 17.
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- ¹⁴ <https://www.accce.gov.au>
- ¹⁵ “AUSTRAC applies for civil penalty orders against Westpac” (20 Nov 2019)
<https://www.austrac.gov.au/about-us/media-release/civil-penalty-orders-against-westpac>
- ¹⁶ WeProtect Global Alliance, *Global Threat Assessment 2018*, p. 8.
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<https://static1.squarespace.com/static/5630f48de4b00a75476ecf0a/t/5deecb0fc4c5ef23016423cf/1575930642519/FINAL+-+Global+Threat+Assessment.pdf>
- ¹⁸ Global Threat Assessment 2018, p. 8.
- ¹⁹ Global Threat Assessment 2019, p. 10.
- ²⁰ Global Threat Assessment 2018, at p. 9 states: “In recent operations, LEAs have noted an increased interest in pre-verbal children, who offenders prefer specifically because they are unable to self-report their abuse. The NCA assesses there are 2.88 million global registered users across the ten worst child sexual abuse and exploitation dark web sites.
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- ²² Global Threat Assessment 2019, p. 7.
- ²³ United Nations University, Code 8.7 Symposium: Using Computational Science and AI to End Modern Slavery (New York, 19–20 February 2019). See UN Human Rights Council, “Current and emerging forms of slavery - Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences” (25 July 2019) A/HRC/42/44, at para. 38

- https://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/42/44, for other technology initiatives, such as use of blockchain to improve traceability in supply chains, satellite imagery to identify high-risk sites, and new digital finance technologies opening up new microloan, microinsurance and micropayment options that may help mitigate risks of slavery.
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- ⁴¹ Global Slavery Index (GSI) 2018 Country Data: Australia 2018 <https://www.globalslaveryindex.org/2018/data/country-data/australia/>
- ⁴² TIP Report, p. 76
GSI 2018 Country Data: Australia Milestone 3, Indicator 1.5.2
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- ⁴⁴ Australian Red Cross, *Support for Trafficked People Program – Data Snapshot: 2009-2019*, p. 3 <https://www.redcross.org.au/getmedia/7a957782-a7a1-4b25-97c0-86930dbf0f53/ARC-Support-For-Trafficked-People-Program-Data-Snapshot-2009-to-2019-small.pdf.aspx>
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- ⁴⁸ Office of the High Commissioner for Human Rights, ‘*Recommended Principles and Guidelines on Human Rights and Human Trafficking*’ <https://www.ohchr.org/Documents/Publications/Traffickingeng.pdf> p.1 Paragraph 8 “States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.”
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