

Elimination of slavery and servitude

NGO Coalition Fact Sheet 8 (LOIPR 16)

Australia has demonstrated a strong commitment to eliminating human trafficking and slavery, but much more needs to be done.

Exploitation in Australia

(page 41)

Labour exploitation is one of the fastest growing areas of human trafficking and slavery identified in Australia. Temporary workers with restrictive visa conditions are particularly vulnerable to exploitation.

In 2015-16 there were 38 new referrals to a government-funded support program for trafficked people. 12 of these people were likely to have experienced labour exploitation in a commercial setting, the second largest group of new referrals (after forced marriage).

In 2016 it was exposed that the 7-Eleven franchise network had systemically underpaid workers, and that the head office was complicit in this exploitation. As at June 2017, 7-Eleven has paid out over \$110 million in repaid wages, an average of \$39,089 for each of the 2832 claims by workers who were underpaid.

Australia should:

- **implement preventative monitoring of temporary visa programs, continuous training of frontline officers, and the development of a system to streamline referrals to the Support for Trafficked People Program to prevent the exploitation of migrant workers.**
- **ensure the Fair Work Ombudsman and support services are properly resourced.**
- **amend visa conditions to ensure that victims of exploitation have the opportunity to find other work, free from the threat of deportation for breach of visa conditions, which acts as a disincentive to reporting exploitative employers and labour hire companies.**

Visas and participation in criminal justice system (page 41)

The Support for Trafficked People Program (STPP) provides government-funded support to people who have been subjected to trafficking, slavery and slavery-like practices.

However, this support is limited to only 45 days unless the victim agrees to assist the police with their investigation. And the AFP is the only source of referrals to the program.

Also, a person may only be eligible for a particular type of visa, if they participate in the police investigation.

Australia should ensure that visa eligibility and access to the STPP are assessed on a case-by-case basis, taking into consideration compelling and compassionate circumstances and Australia's *non-refoulement* obligations.

Reparations (page 42)

Victims of human trafficking and slavery are not adequately provided for under victims of crime compensation schemes. This is because very few cases relating to human trafficking and slavery proceed to persecution.

We are not aware of any instance of reparation orders being made for the benefit of a victim.

Australia should establish a national victims of crime compensation scheme to fulfil Australia's obligations under article 2(3), as recommended by UN Special Rapporteur on trafficking in persons, especially women and children.

Forced marriage (page 42)

In 2015-16, the Australian Federal Police received 69 referrals to investigate force marriage matters. This represents approx. 41% of all referrals for human trafficking, slavery and like practices.

Despite these high incident rates, there have been only a few prosecutions of forced marriage in Australia.

Australia should:

- collect reliable statistics on forced marriage to clarify the extent of the problem, so that adequate resources can be allocated.
- implement a civil law statutory framework creating protective orders for adults and young people at risk of forced marriage.
- develop coordinated child protection legislation across all Australian jurisdictions, to provide clear grounds for protection agencies at the state and territory level to intervene on behalf of children at risk of forced marriage.

Modern Slavery Act (page 41)

Australian businesses directly or indirectly facilitate human trafficking and slavery through their operations and in the supply chains of their goods and services.

Australia should:

- enact legislation in the form of a Modern Slavery Act, including robust sanctions and penalties, to ensure that Australian entities, including public bodies, are not engaging in behaviour which violates Australia's obligations under article 8 or its obligations under the United Nations Guiding Principles on Business and Human Rights.
- lead by example and implement procurement policies and training to eliminate forced labour and other serious human rights abuses from the supply chains of procured goods and services.
- establish an Independent Anti-Slavery Commissioner to ensure the highest level of compliance with Australia's obligations under the ICCPR in relation to human trafficking and slavery, through the provision of high-level oversight, monitoring and the review of individual complaints.
- ratify the Protocol to the Forced Labour Convention.
- implement a National Action Plan on Business and Human Rights.