

International Justice Mission Australia's Submission to the Department of Foreign Affairs and Trade Consultation Paper on the *International Strategy on Human Trafficking and Modern Slavery*

International Justice Mission Australia welcomes the opportunity to participate in this consultation process for Australia's International Strategy on Human Trafficking and Modern Slavery.

About 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.

Summary of Recommendations

International Justice Mission makes the following recommendations in response to the proposed objectives and questions in the Consultation Paper:

1. That the 2020 Strategy focus on impunity as the critical driver that must be addressed in combatting human trafficking and modern slavery.
2. That Australia invest in: research and gathering of evidence to identify the precise drivers of modern slavery and human trafficking in given contexts; measuring the impact of programs targeting specific drivers; and measurement of reduction in prevalence.
3. That combatting modern slavery and human trafficking be made a targeted focus in, and be better integrated with, Australia's international development strategy and programs; and that Australia commit to increasing international development assistance to at least 0.5% of gross national income (GNI), and set a timeframe to increase to 0.7% of GNI.
4. That program design prioritise the practical implementation of policies, legislation and agreements, including the development and piloting of redress mechanisms between countries, and Standard Operating Procedures for repatriation, aftercare and legal proceedings requiring collaboration between multiple jurisdictions.

5. That strategies and programs targeting Goal #3 focus on enhancing inter-agency collaboration to ensure adequate on-the-ground enforcement of laws relating to human rights, labour rights and anti-trafficking.
6. That Australia continue to invest in partnerships in the Indo-Pacific that specifically strengthen justice systems and the enforcement of anti-trafficking and forced labour laws, as well as labour and industry regulations.
7. That the Australian government only enter into business partnerships for development with businesses that carry out human rights due diligence of their supply chains; that all bilateral and multilateral trade agreements secured as part of Aid for Trade incorporate regulatory safeguards that secure labour rights of vulnerable groups; and that Australian aid policy support and encourage businesses to fund development work, particularly public justice system reform, in the countries in which they operate.
8. That the 2020 Strategy include the following additional goals:
 - (a) “Addressing Online Sexual Exploitation of Children and other new and emerging forms of modern slavery and human trafficking as a priority objective”
 - (b) “Establish an ‘Exploitation-free Zone’ around a major supply chain location in the Indo-Pacific”
9. That Australia:
 - continue to lead in enhancing international and cross-sector collaboration to share learnings, data and best practices on protecting children from Online Sexual Exploitation of Children (OSEC);
 - increase collaboration between Australia and emerging hotspots for OSEC;
 - facilitate initiatives amongst other governments, NGOs and the global technology companies to create and implement innovative technologies to detect livestreaming OSEC;
 - continue to support the Philippines Internet Crimes Against Children Center (PICACC) through funding, sharing of resources, capacity, intelligence and expertise.
10. That Australia invest in direct case-related interventions and support and apply learnings from casework to implement targeted programming to address specific needs.
11. In collaboration with those with expertise in tackling modern slavery and in monitoring and evaluation, develop and publish the means by which effectiveness and success will be measured, including the number of people who have been taken out of slavery; number of arrests and successful prosecutions; and the prevalence of slavery in the project area before and after any project.
12. That the 2020 Strategy have a built-in process of evaluation whereby the Goals are assessed via a lens of sustainability specific to long-term viability of law enforcement response to modern slavery and human trafficking.
13. That the Australian Government allocate funding and resourcing for a forum such as the Global Survivor Network (GSN) or similar Advisory Council of survivor leaders, to imbed the participation and expertise of survivors into the development, implementation and monitoring of the 2020 Strategy.
14. That measurement of the impact of victim support interventions on survivors’ progress and restoration form part of the evaluation of the effectiveness of the 2020 Strategy.

The Assessment of Survivor Outcomes (ASO) is one tool that provides accurate and reliable data on the effectiveness of aftercare programming.

15. That the 2020 Strategy prioritise evidence and research by focusing its goals on addressing impunity, reducing prevalence of human trafficking and modern slavery and evaluating the effectiveness of programs and interventions.

1. Do the proposed objectives of the 2020 Strategy capture the priorities for Australia’s international engagement on human trafficking and modern slavery in the Indo-Pacific region?

Goal #1 Addressing drivers of human trafficking and modern slavery

We welcome the incorporation of anti-slavery goals within the broader efforts of Australia’s sustainable development strategy and the recognition of the interlinkages between factors such as modern slavery, poverty and gender inequalities. Below are IJM’s comments and recommendations on the goal of addressing the drivers of modern slavery and human trafficking.

Impunity

Impunity is the critical driver that must be reflected in Australia’s strategy to combat modern slavery and human trafficking.¹ Human trafficking and modern slavery can only occur when a criminal takes direct action to exploit another human being. If traffickers and slavers believe they will be able to commit this crime with low risk of being caught and prosecuted, they will continue exploiting vulnerable people for their own financial gain. Thus, an anti-trafficking strategy must address the behavior of traffickers and bring an end to *criminal impunity*.

Much effort has been given to addressing “push” (supply-side) factors, such as poverty, lack of reliable income or other vulnerabilities that might drive people into situations of slavery;² however, of vital importance is addressing demand-side factors that allow traffickers and slavers to operate and make substantial profits at no real risk. Factors such as the lack of enforcement of laws that protect the vulnerable, lack of capacity and resourcing of police and courts, absence of political will to tackle the issue – in essence, the absence of a functioning justice system – enable traffickers to operate with impunity, allowing modern slavery and human trafficking to exist at scale. When justice systems start to enforce the laws, IJM has seen a drop in the prevalence of slavery in the countries where it works.³

Addressing impunity is also vital to sustaining the gains of other development measures aimed at reducing vulnerabilities that can push people into slavery. IJM’s experience in combatting modern slavery and protecting the poor from violence has shown that the benefits of aid interventions will not reach the poor without access to justice. On the contrary, a functioning public justice system that protects the poor from everyday violence can both enable sustainable development where the poor can share in the benefits of growth and bring an end to impunity for the perpetrators of modern slavery and human trafficking.

Recommendation 1:

That the 2020 Strategy focus on impunity as the critical driver that must be addressed in combatting human trafficking and modern slavery.

¹ 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 paras. 40-42 https://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/42/44

² Kiss *et al.*, “The use of Bayesian networks for realist evaluation of complex interventions: evidence for prevention of human trafficking” *Journal of Computational Social Science* (8 February 2020) <https://link.springer.com/content/pdf/10.1007/s42001-020-00067-8.pdf>

³ For example, an external evaluation of IJM’s work in combatting commercial sexual exploitation of children (CSEM) in Cambodia found that in the three areas where IJM worked (Phnom Penh, Sihanoukville, Siem Reap) from 2012 to 2015, the overall prevalence of CSEC in commercial sex establishments declined by 73%. <https://www.ijm.org/documents/studies/2015-Evaluation-of-IJM-CSEC-Program-in-Cambodia-Executive-Summary.pdf>

Research and Evidence

Further evidence and research are needed in the following areas:

- Research must be undertaken to better **identify both the demand-side and supply-side drivers of modern slavery in specific contexts**. Findings from recent studies run counter to common assumptions about the significance of individual-level vulnerabilities, such as poverty and education levels, in determining risks of exploitation or trafficking faced by migrant workers. Instead, the findings “suggest that risks of trafficking are mostly determined by migrants’ destination country, how they are recruited and in which sector they work.”⁴
- **Measurement of impact** should be incorporated to determine the effectiveness of strategies targeting specific drivers of trafficking and slavery. For instance, impact measurements around rates of victimisation and objective government performance improvement measures more truly demonstrate the impact of activities, rather than output measurements such as numbers of people made aware of modern slavery risks through an awareness-raising campaign. In addition to measuring impact against intended outcomes, monitoring and evaluation should be shaped around key sub-outcome measures such as increased capacities (of vulnerable populations, first responders, government officials, local NGOs, etc.), increasing criminal justice outcomes (arrests, charges, convictions), regular use of trauma-informed care principles, and increased trust in justice system institutions.
- Effective strategies to address the drivers of trafficking and slavery should result in a **measurable reduction in prevalence** and should incorporate ways to document reduction in incidences of slavery and trafficking. We would encourage Australia to commit to longer-term engagements with countries in the Indo-Pacific region to partner with them in eradicating modern slavery and human trafficking in the region, thereby ensuring sustainability and systemic transformation.

Recommendation 2

That Australia invest in: research and gathering of evidence to identify the precise drivers of modern slavery and human trafficking in given contexts; measuring the impact of programs targeting specific drivers; and measurement of reduction in prevalence.

Australia’s International Development Strategy and Modern Slavery

Combatting modern slavery and human trafficking should be a key pillar and **priority in Australia’s international development strategy and programs** and referenced as such on DFAT’s website and in any documents setting out Australia’s aid strategy. As DFAT formulates its new international development strategy, IJM recommends the inclusion of a specific goal referencing Australia’s responsibility to address modern slavery through its foreign aid program - “Ending modern slavery – focusing on transparency in supply chains, law and justice responses and restitution for victims.”

Australia should 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

⁴ Kiss *et al.* Also: “...personal demographic and socioeconomic characteristics had very limited influence on their probability of experiencing exploitation or...forced labour. This is a finding that screams for attention from the anti-trafficking donors and policy-makers, who remain heavily invested in interventions to address generic individual vulnerabilities such as poverty and education levels. What affects exploitative outcomes is: where migrants go, how they are recruited and in what sector they work.”

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.⁵ 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.⁶

Recommendation 3

That combatting modern slavery and human trafficking be made a targeted focus in, and be better integrated with, Australia’s international development strategy and programs; and that Australia commit to increasing international development assistance to at least 0.5% of gross national income and set a timeframe to increase to 0.7% of GNI.

Goal #2 Securing justice by strengthening governance, legal systems and redress mechanisms

We commend the Government for prioritising “Securing justice by strengthening governance, legal systems and redress mechanisms.” In IJM’s experience in combatting modern slavery through partnership with public justice officials in developing countries, we have seen first-hand the importance of strengthened legal systems and functioning public justice systems that protect communities and vulnerable populations. Therefore, we would recommend clarifying that securing justice includes the objective of protecting whole communities, and that Australia’s engagement under this goal prioritise:

- **Implementation of policies, legislation and agreements that have on-the-ground impact**, resulting in increased prosecution of cases, victim identification, rescues and arrests. While strong regional bodies, instruments and MOUs provide important frameworks for regional cooperation, Australia should partner with national governments in the Indo-Pacific region to ensure that these instruments result in effective mechanisms which create standard operating procedures for collaboration on actual cases, including intelligence sharing, prosecutions, repatriation, and victim care. Moreover, the Government should ensure that improvements made at policy level are then made operational at implementation level by the agencies and officials that will be using them day to day. In order for policy-level improvements to have the greatest impact, the Government should work with local justice system agencies and development sector partners to seek and incorporate feedback into the process to operationalise those improvements at ground level. For example, strengthened frameworks such as Mutual Legal Assistance Treaties should be accompanied by operating

⁵ See “Current and emerging forms of slavery – Report of the Special Rapporteur” at para. 44.

⁶ In comparison, the United Kingdom has enshrined into law a commitment to spend 0.7% of GNI in aid every year. See UK Department for International Development, *Statistics on International Development: Provisional UK Aid Spend 2018* (April 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792687/Statistics-on-International-Development-Provisional-UK-Aid-Spend-2018.pdf ; see also :

<https://www.worldvision.com.au/get-involved/advocacy/australian-aid>

procedures and trainings for law enforcement and prosecution agencies to enable them to utilise the mechanism for the prosecution of actual cases.

- Australia can lead in **developing and piloting the practical application of redress mechanisms between nations**. There is a great need for casework collaboration between multiple countries, as intended by various multilateral treaties and agreements. These agreements can be given practical effect when for instance, law enforcement officials are linked with counterparts in other countries on specific cases. For example, IJM has assisted law enforcement officials in Thailand and Cambodia in cross-border cases of forced labour trafficking into the Thai fishing industry, where the victims were identified in Malaysia and Indonesia, repatriated to their home country of Cambodia, and participated in the court processes that resulted in convictions for their traffickers in both Cambodia and Thailand. These cases demonstrate the real impact of cross-border collaboration between law enforcement and the justice systems of multiple countries in complex trafficking cases.
- Likewise, MOUs around survivor repatriation and care in trafficking cases can improve survivor care outcomes if destination and source country officials can agree and **implement highly focused standard operating procedures**, so officials know step by step how to repatriate and reintegrate a trafficking survivor.

Recommendation 4

That program design prioritise the practical implementation of policies, legislation and agreements, including the development and piloting of redress mechanisms between countries, and Standard Operating Procedures for repatriation, aftercare and legal proceedings requiring collaboration between multiple jurisdictions.

Goal #3 Promoting integration of human rights and labour standards in response to human trafficking and modern slavery

Australia can lead in promoting a human rights approach to addressing human trafficking and modern slavery, not only by supporting countries incorporate international human rights and labour standards into domestic legislation and policies, but more importantly, in **facilitating measures and practices that ensure adequate, on-the-ground enforcement of these standards**.

The actual implementation of human rights and labour laws is often hindered by the lack of coordination between different government departments and agencies responsible for the enforcement of specific legal regimes. A labour inspector in Thailand with enforcement authority over working conditions on a fishing boat has no ability to enforce criminal laws relating to human trafficking, even if the inspection reveals a situation of forced labour trafficking, but would need to rely on a further police investigation in order apprehend the traffickers. Laws are enforced more effectively where there is greater coordination and collaboration between enforcement agencies. In cases involving children in the commercial sexual exploitation industry in the Philippines, IJM was able to facilitate a practice of having labour inspectors accompany the police on investigations of bars where underage children were being exploited, allowing the bars to be shut down pursuant to provisions in child labour laws.

Recommendation 5

That strategies and programs targeting Goal #3 focus on enhancing inter-agency collaboration to ensure adequate on-the-ground enforcement of laws relating to human rights, labour rights and anti-trafficking.

Goal #4 Strengthening government, business and civil society partnerships to address exploitation in supply chains and responsible recruitment practices

IJM welcomes the Government's commitment to multi-sector partnerships to address exploitation in supply chains and promote increased corporate reporting and transparency of supply chains. While recognising the significant role that businesses play in addressing the modern slavery links to their operations, products or services, it should be emphasised that the **primary responsibility for protecting individuals from modern slavery and trafficking rest with governments.**

As set out in the *UN Guiding Principles on Business and Human Rights*, States must “respect, protect and fulfil the human rights of individuals within their territory and/or jurisdiction,” including taking “appropriate steps to prevent, investigate, punish and redress such abuse.”⁷ IJM has seen, through its casework experience, that where States fulfil their duty to protect through a functioning public justice system that actually enforces the law and holds traffickers to account, the prevalence of slavery and human trafficking falls dramatically. For example, in Cambodia, from 2012 to 2015, the overall prevalence of commercial sexual exploitation of children declined by 73% across the three areas in which we worked (Phnom Penh, Siem Reap, and Sihanoukville).⁸

In addressing exploitation in supply chains and supporting responsible recruitment practices, strategies need to be based on a clear understanding of the factors driving exploitation and the key levers that drive down exploitation rates. In the context of cross-border migrant workers, much effort has been made to provide workers with awareness and information about the risks of human trafficking and their labour rights. Studies have shown, however, that education and awareness raising efforts do not lead to safer migration and lower risk of exploitation.⁹ Many migrants are already aware of the dangers of migrant exploitation but feel compelled to make risky choices.¹⁰ **Systemic changes that provide viable alternatives to trafficking pathways are needed** to address the circumstances that compel workers to make these choices. Policy can be directed, for instance, at including worker protection clauses in bilateral migrant-worker MOUs between source and destination countries. Furthermore, systems strengthening at destinations is likely to have a more powerful impact on lowering rates of migrant trafficking.¹¹

⁷ Principle 1, *Guiding Principles on Business and Human Rights*

https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf ; see also “Current and emerging forms of slavery – Report of the Special Rapporteur” at paras. 41-42.

⁸ The full report on IJM's work tackling commercial sexual exploitation of children in Cambodia between 2004-2014 can be found here: <https://www.ijmuk.org/documents/studies/2015-Evaluation-of-IJM-CSEC-Program-in-Cambodia-Final-Report.pdf>

⁹ ILO & IOM, *Risk and Rewards: Outcomes of labour migration in South-East Asia* (2017) at p.89: The research examined the “commonly accepted practice to encourage “safe and regular migration” as a protection strategy against exploitation and abuse”. The findings “did not demonstrate that regular migration was essential to better outcomes” and that “It should be carefully considered whether interventions to support behaviour change of migrant workers are justified until **policies are enacted and enforced that make regular migration a more clearly beneficial choice.**”

<https://thailand.iom.int/sites/default/files/document/publications/Risks%20and%20Rewards%20-%20Outcomes%20of%20Labour%20Migration%20in%20South-East%20Asia.pdf>; Kiss *et. al.*: “Migrant women's empowerment is unlikely to prevent human trafficking or exploitation at a population level.” “raising an individual's awareness of general migration-related risks is not an effective strategy for reducing their likelihood of forced labour.”

¹⁰ Kara, *Modern Slavery: A Global Perspective*, (2017); Kiss *et al.*

¹¹ See *Risks and Rewards* at p. 89: “Labour rights protection in destination countries was the most constantly important factor in facilitating more positive outcomes for migrant workers, particularly in the form of receiving the minimum wage.” Kiss *et al.*: “A migrant's destination location is a primary risk factor for forced labour.”

Recommendation 6

That Australia continue to invest in partnerships in the Indo-Pacific that specifically strengthen justice systems and the enforcement of anti-trafficking and forced labour laws, as well as labour and industry regulations.

Goal #5 Mitigating modern slavery risks in Australia's international engagement

In order to mitigate modern slavery risks in Australia's development assistance, IJM recommends the following:

- 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.'¹² 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.

Recommendation 7

That the Australian Government only enter into business partnerships for development with businesses that carry out human rights due diligence of their supply chains; that all bilateral and multilateral trade agreements secured as part of Aid for Trade incorporate regulatory safeguards that secure labour rights of vulnerable groups; and that Australian aid policy support and encourage businesses to fund development work, particularly public justice system reform, in the countries in which they operate.

2. Should there be additional objectives included in the scope of the 2020 Strategy? What are they?

IJM recommends that two additional objectives be included in the 2020 Strategy:

¹² Richard M. Locke, 'We live in a World of Global Supply Chains' in Dorothee Baumann-Pauly and Justine Nolan (eds), *Business and Human Rights: From Principles to Practice* (Routledge, 2016), 299, 302-3.

a) Addressing Online Sexual Exploitation of Children (OSEC) and other new and emerging forms of modern slavery and human trafficking as a priority objective

Online Sexual Exploitation of Children (OSEC), generally dealt with in the context of child exploitation and cybercrime, should be recognised as a form of human trafficking and be **addressed within a comprehensive and coordinated framework that informs Australia’s international efforts to combat human trafficking and modern slavery**. IJM defines OSEC as:

“the production, for the purpose of online publication or transmission, of visual depictions (e.g. photos, videos, live streaming) of sexual abuse or exploitation of a minor for a third party who is not in the physical presence of the victim, in exchange for compensation.”

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. OSEC is a serious threat to children and is a devastating form of human trafficking and modern slavery, typically involving **traffickers live-streaming the sexual abuse or exploitation of children to an abuser residing in another location, who pays to direct and view the abuse**.

OSEC is a major criminal and social problem with unlimited growth potential affecting a significant number of vulnerable children in nations that have particularly weak victim identification and protection capabilities. The Philippines is widely considered the global epicentre of this crime: high poverty rates, increasing internet access, widespread English proficiency, and limited capacity for child protection and public justice system responses are all contributing factors.

However, OSEC is also increasingly being identified in other countries in Southeast Asia, and its prevalence is growing exponentially. The Philippines Office of Cybercrime of the Department of Justice received 600,000 cyber tips in 2018 from the U.S.-based National Center for Missing and Exploited Children, which is a stark rise from 2016 with 37,715 cyber tips and 45,645 in 2017.¹³ In 2018, the Australian Centre to Counter Child Exploitation, Child Protection Triage Unit “received almost 18,000 reports of child sexual exploitation, each of which can contain hundreds or thousands of images and videos.”¹⁴ It is readily acknowledged by the Australian Federal Police (AFP) that Australians are amongst the highest per capita buyers of OSEC.

Recent events have also highlighted that Australian business and financial sectors, not just individual Australian perpetrators, are implicated in cybersex trafficking of children. In late 2019, AUSTRAC 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

Clearly, Australians are responsible for the proliferation of this form of human trafficking. However, Australia is also well-placed to lead in fighting this crime. IJM commends Australia’s investment in combatting OSEC through participation in the

¹³ UNICEF, “New Campaign SaferKidsPH to raise awareness on online sexual exploitation of children” (22 October 2019) <https://www.unicef.org/philippines/press-releases/new-campaign-saferkidsph-raise-awareness-online-sexual-exploitation-children>

¹⁴ Australian Centre to Counter Child Exploitation, “Understanding online child sexual exploitation awareness, perceptions, attitudes and preventative behaviours” <https://acce.gov.au/research>

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>

Virtual Global Taskforce and WeProtect Global Alliance, and through the work of the Australian Federal Police, AUSTRAC, Australian Centre to Counter Child Exploitation, and the Australian Institute of Criminology. In particular we applaud Australia’s partnership with IJM Philippines, Philippine police forces and the UK National Crime Agency in establishing the Philippines Internet Crimes Against Children Center (PICACC). In its first year, the PICACC has had 41 operations which led to the rescue of 136 victims and children-at-risk of OSEC and the arrest of 41 suspected OSEC local traffickers. Three traffickers have been convicted and 36 have ongoing adjudication.¹⁶

IJM recommends that the Government continue to support PICACC through funding, sharing of resources, capacity, intelligence and expertise, and explore other opportunities for international law enforcement collaboration to tackle OSEC.

b) Establish an “Exploitation-free Zone” around a major supply chain location in the Indo-Pacific

The world is yet to find a proven, effective and sustainable response to exploitation within modern supply chains. The “audit and inspection” approach has been improved and strengthened but is limited to specific supply chains and becomes impracticable beyond tier 1 or 2 of the supply line. The use of data and technology to track infringement and map “hotspots” can help companies limit risk in the short term, but on their own such initiatives cannot bring about change within desirable source locations.

Instead what is needed is for government systems and processes in those desirable source locations (e.g. countries with low labour costs and otherwise conducive environments) to function properly to uphold the rule of law, protect workers and victims of exploitation, hold ‘bad actors’ accountable, and effectively regulate the industry. The “zone” created by this effort – for instance a source and destination country and the recruiting corridor between them – with its improved system-wide response, becomes an “Exploitation-free Zone.” An example of a potential “Exploitation-free Zone” around a major supply chain location would be Thailand-Cambodia-Myanmar for the Thai fishing supply chain.

In creating an Exploitation-free Zone, agreed metrics would measure progress and a certification system implemented, allowing corporations to select the zone for sourcing with confidence that exploitation no longer occurs with impunity inside the zone. This initiative would require resourcing both for the national governments involved and for the partnerships that would enable rapid improvements to occur (within 3-5 years) – namely with corporations, international NGOs, inter-governmental organisations, survivor communities and grass-roots civil society organisations.

Although this concept of an Exploitation-free Zone around a major supply chain location has not yet been put into practice, the strategy of coming alongside local governments with targeted interventions and improvements in a country’s justice system response to labour and human trafficking has seen demonstrated success. Violent crimes like forced labour and slavery can only exist at scale in the absence of a functioning justice system. IJM has consistently seen the prevalence of slavery drop precipitously when justice systems move from virtually no enforcement of the law, to even just some enforcement of the law.

The introduction of such a project resulted in a dramatic drop in the prevalence of sex trafficking of children in the Philippines: In the city of Cebu, we saw the number of children available for commercial sexual exploitation fall by 72% in 4 years. In Manila and Pampanga, we again saw the number of children available for commercial sexual exploitation fall by 75%

¹⁶ Australian Federal Police, “PICACC celebrates its first year; firm in its resolve to end OSEC” (11 March 2020) <https://www.afp.gov.au/news-media/media-releases/picacc-celebrates-first-year-firm-its-resolve-end-osec>

and 86% respectively.¹⁷ Likewise, in India, the prevalence of labour trafficking has significantly diminished in districts where IJM operates.

Recommendation 8

That the 2020 Strategy include the following additional goals:

- (a) “Addressing Online Sexual Exploitation of Children and other new and emerging forms of modern slavery and human trafficking as a priority objective”
- (b) “Establish an “Exploitation-free Zone” around a major supply chain location in the Indo-Pacific”

Recommendation 9

That Australia:

- continue to lead in enhancing international and cross-sector collaboration to share learnings, data and best practices on protecting children from OSEC;
- increase collaboration between Australia and emerging hotspots for OSEC;
- facilitate initiatives amongst other governments, NGOs and the global technology companies to create and implement innovative technologies to detect livestreaming OSEC;
- continue to support PICACC through funding, sharing of resources, capacity, intelligence and expertise.

3. Do the proposed objectives adequately support action on human trafficking and modern slavery prevention, enforcement/prosecution, victim support and partnerships?

To ensure that the 2020 Strategy’s proposed objectives adequately support action on prevention, enforcement, victim support and partnerships, we urge the Government to prioritise projects and initiatives that bolster the local government’s capacity to practically implement its anti-slavery response, has measurable impact and is sustainable beyond the period of intervention.

Learning from Casework

In all of the countries where IJM works, we work in partnership with local authorities on individual cases of human trafficking or slavery, to identify where there are gaps in resourcing or capacity in police investigations, in the judicial process, or in support for victims to ensure their restoration. We recommend that the Australian Government invest in projects that similarly follow individual cases of human trafficking and slavery through the public justice system in order to identify constraints in the system, then design focused interventions that address those needs.

Recommendation 10

That Australia invest in direct case-related interventions and support and apply learnings from casework to implement targeted programming to address specific needs.

Reducing Prevalence: Measuring Impact

¹⁷ For a thorough evaluation of the impact of IJM’s work in the Philippines, see <https://www.ijmuk.org/documents/studies/philippines-csec-program-evaluation.pdf>

The tangible impact of a project can be demonstrated by recording the number of people who have been helped out of slavery, the number of arrests, prosecutions and convictions supported internationally. The effectiveness of a project in reducing the prevalence of exploitation can be measured by conducting baseline and endline studies. In an external evaluation of IJM's program to combat child sex trafficking in the Philippines, researchers measured various factors including the number of children available for commercial sexual exploitation, the length of time it took to find a child being sold, and the number of establishments with confirmed presence of minors available for commercial sexual exploitation. The study found that between 2009 and 2016, 75% fewer minors were being sold for commercial sex in Metro Manila. Similar results were found in other cities where IJM had worked.¹⁸

Recommendation 11

In collaboration with those with expertise in tackling modern slavery and in monitoring and evaluation, develop and publish the means by which effectiveness and success will be measured, including the number of people who have been taken out of slavery; number of arrests and successful prosecutions; and the prevalence of slavery in the project area before and after any project.

Sustainability

While policy efforts and the enactment of laws and instruments seem inherently more sustainable than on-the-ground direct interventions and support, the latter investments are essential to build a foundation for the enforcement of law and policy. Direct, enforcement-related approaches can be applied in highly sustainable ways. Investments in improving capacity at national and sub-national level should not, for instance, be dependent on tools or technology that will not last beyond the funding period of the intervention.

In IJM's experience, sustainability requires an assessment of what a police unit, court or social service will realistically be able to continue doing once the period of assistance is over. Casework interventions using resources ordinarily available can be optimised. Provided they are effective, such improvements are likely to be maintained. Training, for example, can be embedded within and owned by national training institutes and academies. Community-based models of victim support can be made more sustainable by the training and equipping of local leaders and local grassroots organisations to carry on providing proven practices indefinitely.

Recommendation 12

That the 2020 Strategy have a built-in process of evaluation whereby the Goals are assessed via a lens of sustainability specific to long-term viability of law enforcement response to modern slavery and human trafficking.

4. How can the 2020 Strategy, including its design, implementation and monitoring, best be informed by the voices of survivors of human trafficking and modern slavery?

We commend the Government for acknowledging survivors as important stakeholders in the 2020 Strategy. Survivor input must be incorporated into the strategy at all stages of

¹⁸ Read more detail of methodology here: <https://www.ijmuk.org/documents/studies/philippines-csec-program-evaluation.pdf>. See also IJM's study on prevalence of bonded labour: "Bonded Labor in Karnataka State, India" in *Justice Review* (2018) at p. 37 <https://www.ijm.org/documents/studies/IJM-Justice-Review.pdf>

development and implementation – during pre-program design, throughout implementation, as well as in monitoring and evaluation to ensure that solutions match survivor needs as programs develop over time. The following models suggest approaches that Australia can adopt to incorporate survivor perspectives and expertise into its strategy:

- **U.S. Advisory Council on Human Trafficking** is comprised of eight survivor leaders who advise and provide recommendations to the U.S. President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) to improve federal anti-trafficking policies. The Advisory Council reviews federal U.S. government policy and programs to combat human trafficking, including programs relating to the provision of services for victims, serves as a point of contact for federal agencies reaching out to human trafficking survivors for input on anti-trafficking programming and policies, and publishes annually a report reviewing federal government programs and policies.¹⁹
- **Global Survivor Network (GSN)** is an international group of survivor leaders brought together by IJM, who equip local groups of survivors to advocate for change in their communities. The GSN is led by an Advisory Council, comprised of survivors representing geographic regions where IJM does its work. IJM solicits and implements feedback from the Advisory Council on its program design, monitoring and evaluation, case management and provision of services, product development, advocacy and awareness-raising.
- **Assessment of Survivor Outcomes (ASO)** is a tool developed by IJM to measure a survivor’s progress towards restoration. The ASO serves 2 key functions: (1) a case management tool to identify areas of survivor strengths and vulnerabilities, enabling a tailored plan of service provision; and (2) an impact measurement tool to provide data on the effectiveness of aftercare programming, allowing the lived experience of survivors to inform future programming of aftercare services. In 2017, IJM completed both internal and external validation of the ASO, which determined that the ASO tool is an accurate, reliable, and usable for measuring progress of survivors rehabilitating from various forms of violence and exploitation.

Recommendation 13

That the Australian Government allocate funding and resourcing for a forum such as the GSN or similar Advisory Council of survivor leaders, to imbed the participation and expertise of survivors into the development, implementation and monitoring of the 2020 Strategy.

Recommendation 14

That measurement of the impact of victim support interventions on survivors’ progress and restoration form part of the evaluation of the effectiveness of the 2020 Strategy. The ASO is one tool that provides accurate and reliable data on the effectiveness of aftercare programming.

5. How can the 2020 Strategy support a stronger emphasis on evidence and research to tackle human trafficking and modern slavery in the Indo-Pacific region?

¹⁹ U.S. Advisory Council on Human Trafficking Annual Report 2019 <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2019/#about>

In order to develop effective means of tackling modern slavery and human trafficking in the Indo-Pacific region, the 2020 Strategy must incorporate into its goals a focus on (1) addressing impunity, (2) reducing prevalence within a given context, and (3) evaluating the effectiveness of programs and interventions. As a result of incorporating and measuring these focus areas, the Strategy will develop a stronger emphasis on evidence and research that drives the desired outcomes.

Addressing impunity requires identifying and measuring key metrics of performance of the criminal justice system, such as increase in effective prosecutions, cross-border interventions, arrests and charging of trafficking suspects. This type of research and evidence can establish best practices and key levers in combatting and driving down the prevalence of human trafficking and modern slavery.

Measurement of prevalence in hidden, dynamic and numerically large populations is very challenging, and there is a lack of research into effective methodologies for the developing world. Thus, identifying key metrics of criminal justice system performance and tracking change over time would also highlight the most effective training and coordination approaches in measuring prevalence and evaluating effectiveness of programs and interventions.

Recommendation 15

That the 2020 Strategy prioritise evidence and research by focusing its goals on addressing impunity, reducing prevalence of human trafficking and modern slavery and evaluating the effectiveness of programs and interventions.