

Pre-Budget Submission 2024-25 International Justice Mission Australia





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About IJM

International Justice Mission (IJM) is a global organisation that protects people in poverty from violence. We partner with local authorities in 31 program offices in 16 countries to combat slavery, violence against women and children, and police abuse of power against people living in poverty. We do this by rescuing survivors, bringing the criminals to justice, restoring survivors to safety and strength, and helping local law enforcement build a safe future that lasts.

IJM's proven theory of change is that if violent offenders are consistently held accountable for their crimes and rule of law exists at the local level, then the prevalence of violent crimes is dramatically reduced. We have also shown that effective, collaborative and trauma-informed justice systems protect not just the victims rescued, but thousands or even millions of others who will never be abused because of the deterrent impact of our work.

Our global 2030 vision is to rescue millions, protect half a billion and make justice for people who are poor unstoppable.

Australian Anti-Slavery Commissioner

In November, IJM welcomed the introduction of the *Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023* by the Attorney-General, the Hon Mark Dreyfus KC, MP, in line with the Albanese Government's election commitment to establish Australia's first Commonwealth Anti-Slavery Commissioner.

In IJM's submission to the Legal and Constitutional Affairs Legislation Committee inquiry into the bill, we encouraged the government to take note of structural problems identified in analogous commissioners around the world. We called for the Australian Anti-Slavery Commissioner to have increased compliance and investigatory powers than those proposed in the current bill.

Legislative Recommendations

Specifically, the commissioner should be given the compliance powers currently vested in the minister under section 16A of the *Modern Slavery Act 2018*.

Should the Modern Slavery Act be amended to include civil penalties for non-compliance, the Commissioner should be given authority:

- to impose financial penalties for failure to meet obligations of reporting (by the power to apply to the Federal Court for a civil penalty order), due diligence, and addressing harmful impacts; and
- to impose administrative penalties.

In addition to enforcement and compliance powers, the Commissioner's role should hold complementary declaration, investigation and sanction powers, such as the ability:

- to investigate accuracy and completeness and compel reporting entities to correct or supplement their disclosure in modern slavery statements;
- to compel evidence, documents and testimony;
- to refer matters to law enforcement and prosecution authorities;
- to compile and maintain a list of regions, locations, industries, products, suppliers or supply chains that carry a high risk of modern slavery, to assist entities in their assessment of modern slavery risks within their operations and supply chains, procurement decisions and in preparing modern slavery statements; and
- to make written declarations that a region, location, industry, product, supplier or supply chain is regarded as having a high modern slavery risk.

Should the Australian Government expand the role and powers of the Australian Anti-Slavery Commissioner beyond those currently listed in the bill, in line with recommendations from 26 other NGOs, including the Be Slavery Free coalition and Human Rights Law Centre, this will require further budgeted funding.

Budget Recommendation

In the current federal budget, the Albanese Government budgeted an additional \$134.1 million over 4 years (and \$33.7 million per year ongoing, in addition to the existing base funding of \$10.3 million per year ongoing) for the Office of the eSafety Commissioner to continue to support Australians online, including through enhanced educational, outreach and investigatory activities.

The government also provided \$44.3 million over 4 years from 2023-24 (and \$8.4 million per year ongoing) for the Office of the Australian Information Commissioner to support a standalone Privacy Commissioner, progress investigations and enforcement action in response to privacy and data breaches, and enhance its data and analytics capability.

Both of these federal commissioners have responsibility for investigative and enforcement actions, and as such require higher levels of funding than the funding currently budgeted for the Australian Anti-Slavery Commissioner.

We urge the government to increase the budgeted funding commitment for this office to empower the Australian Anti-Slavery Commissioner to be more than a figurehead, and to hit the ground running with adequate authority to meaningfully enforce the *Modern Slavery Act 2018*, to make Australia's anti-slavery commissioner the most effective in the world.

Considering this, IJM Australia recommends the Office of the Australian Anti-Slavery Commissioner be provided with a budget of \$11 million per year over 2024-25 – 2028-29, commensurate with the current 4-year budget for the Office of the Australian Information Commissioner, to progress investigations and enforcement action.



Countering the Online Sexual Exploitation of Children

One of the fastest growing types of technology-facilitated human trafficking in the Asia Pacific region is the online sexual exploitation of children (OSEC). This is a form of sex trafficking where children are sexually abused in-person by traffickers who then sell images or videos of their exploitation online, including through livestreaming, for sex offenders to direct from anywhere in the world, including Australia.

Since 2016, IJM has worked to counter this form of exploitation in the Philippines, a known hot spot for this crime type. So far, we have supported more than 350 rescue operations that have resulted in more than 1,000 victims and children at risk being rescued. Through legal representation for survivors, we have supported prosecutions that have resulted in over 200 convictions of offenders.

IJM's 2020 study of livestreamed child sexual abuse in the Philippines found that Australians accounted for nearly 1 in 5 offenders, whilst the Philippine Anti-Money Laundering Council reported in April that since 2015, Australia has consistently ranked the third-highest remitter of transactions to procure online child sexual abuse materials from the Philippines, behind the US and the UK.

Last year, IJM completed the world's first national prevalence study of this crime type in the Philippines, in partnership with the University of Nottingham Rights Lab, *Scale of Harm*. We formed an expert advisory panel, which comprised of 24 agencies including the former director of AUSTRAC, Lynn Walker, and the Deputy Director of the Australian Institute of Criminology, Dr Rick Brown. This study uncovered that tragically, half a million, or 1 in 100 children, were trafficked in 2022 alone to produce new child sexual exploitation materials.

Now that we have a baseline measurement of OSEC in the Philippines, IJM has been able to quantify the gap between our current capacity to address this problem and where we need to be to end this human rights violation in the Philippines.

Australian Government Funding and Support

To fuel IJM's mission of protecting people in poverty from violence, IJM Australia receives funding through donations from private citizens, grants from corporations, and recent initial public funding from the Australian Government, to help the government execute its objectives under the National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030.

IJM is grateful to have recently received \$110,000 in grant funding from the Attorney-General's Department to develop training materials and deliver a series of training workshops for local Filipino judges, trainers and legislators over two years, commencing in 2023-24. Training workshops provide local and national solutions to judges in the Philippines legal system, who need to understand how to use or support child protective strategies, and utilise plea bargaining, digital evidence and financial evidence.



IJM also works closely with the Australian Federal Police in co-hosting Advanced Investigative Workshops (AIWs) in the Philippines, along with other foreign law enforcement agencies. AIWs create a team-based, casework-focused, practical application experience in which participants, who have ideally completed internet crimes against children basic training and undercover online engagement training, work with others from their operational units to investigate real cases of online sexual exploitation of children.

AIWs build and refine skills necessary to conduct OSEC investigations and operations. In this workshop, participants assess investigative referrals, perform various investigative activities, including undercover online engagement and physical surveillance in the field, and conduct OSEC-related enforcement operations under the guidance of mentors with relevant specialized law enforcement experience. AIWs often result in real rescues and arrests in the cases participants collaborated on during the workshop.

Current AFP grant funding is a welcome investment, but to combat this transnational crime and ensure that Australian perpetrators of OSEC are accountable for their actions, we must continue to build collaboration between local and international law enforcement on such cases internationally.

Budget Recommendation

Building on the success of IJM's program to counter OSEC in the Philippines to-date, IJM proposes the Australian Government make an additional investment in these initiatives by providing \$864,000 over 2024-25 – 2028-29.

This funding would provide:

- 8 x AIWs workshops - \$100,000 AUD each - 2 per year over 4 years, and
- 4 x judicial workshops – at \$16,000 AUD each - 1 per year over 4 years.

Countering Forced Scamming

In 2021, International Justice Mission was one of the first organisations to observe and respond to a rapid increase in victims of trafficking in persons being forced to work for criminal scam operations.

While online scams have existed for decades, the COVID-19 pandemic shifted the paradigm in organized crime in South East Asia and human trafficking. According to a 2023 report by the Office of the United Nations High Commissioner for Human Rights, over 220,000 people are now engaged in online scamming in Cambodia and Myanmar, an industry with widespread reports of labour trafficking and abuse.

Trafficking into online scam centres, or 'forced scamming', is an emerging form of trafficking in persons in which job seekers are deceived into accepting jobs under false pretences and are forced to conduct online scams.

Victims are trafficked into heavily guarded scam centre compounds that resemble prisons. In the compounds, they are forced to defraud innocent victims through a range of online scams including romance scams, illegal online gambling, investment scams, and fraudulent inheritance claims. Victims are forced to work 12 to 20-hour shifts, six days per week, with little to no salary and no access to health care. If they do not meet their targets or try to escape the compound, they are often starved, beaten, electrocuted, sexually assaulted, or sold to other centres.

At-risk populations vary but they diverge from traditional trafficking in persons vulnerability profiles. Many victims are economically vulnerable due to unemployment, but not all – they are men and women from teens through their 40’s, they are generally urban and multilingual, all have at least moderate skills with computers and/or social media, and many have university degrees. Victims are recruited from around the world, largely into countries within Southeast Asia. The compounds exist where scams can thrive, such as in the special economic zones in Laos, in Cambodia with its profound public corruption, and in Myanmar, with its fragmented sovereignty and instability.

Thailand is a major transit country for trafficking into online scam centres in Cambodia, Myanmar and Laos, and one where IJM has a presence through our national Thai office and Forced Labour Slavery Hub in Bangkok.

Following the commencement of a new bilateral partnership in November 2022 between Minister for Foreign Affairs, Senator the Hon Penny Wong, and Thailand’s Justice Minister, Somsak Thepsuthin, to establish the ASEAN Counter Trafficking in Persons Centre of Excellence in Thailand, IJM has been contributing to the centre’s development of training materials for local law enforcement and justice officials.

IJM welcomes this joint initiative by the Australian and Thai governments, and recommends the Australian Government continue to support this program by providing further funding to ensure the centre’s developed training materials are rolled out across law enforcement and justice agencies in Thailand over the coming four years.

IJM recommends the Australian Government fund ASEAN-ACT \$400,000 per year over 4 years, based on similar funding provided last calendar year for enhanced national capacity activities.

Conclusion

Based on IJM’s casework in countering forced labour slavery, the online sexual exploitation of children, and trafficking into forced criminality in scam centres in the Asia Pacific region, we have outlined our priority budget recommendations to the Australian Government to address some of the fastest growing forms of modern slavery and human trafficking in our region.

IJM Australia submits our recommendations to the Australian Government for consideration in the 2024-25 Federal Budget. Should you wish to discuss any element of this submission, please contact IJM Australia’s Chief Advocacy Officer, Grace Wong, at gwong@ijm.org.au or 0411 732 229.

Additional Resources

¹IJM 2020 OSEC in the Philippines report: https://ijm.org.au/wp-content/uploads/2020/05/Final_OSEC-Public-Summary_05_20_2020.pdf

² IJM 2023 Scale of Harm report: https://ijm.org.au/wp-content/uploads/2023/09/IJM_Scale_of_Harm_2023_Full_Report.pdf