**Questions by the Special Rapporteur on contemporary forms of slavery**

**Responses on behalf of Australian Catholic Religious Against Trafficking in Humans (ACRATH)**

The thematic report of the Special Rapporteur on contemporary forms of slavery, Mr. Tomoya Obokata, to the Human Rights Council at its 45th session in September 2020 will analyse how increasing poverty and rising unemployment caused by the COVID 19 health crisis push people into exploitative employment in informal or illegal economies, increasing their vulnerability to forced labour, worst forms of child labour and other slavery-like practices such as bonded labour, as well as forced marriage. The impact on those who are already in a situation of enslavement will also be highlighted, given that resources for anti-slavery initiatives may be further limited in the context of the economic crisis, likely disrupting services for the prevention and response to contemporary forms of slavery. Finally, the report will offer recommendations with regards to interventions that are required to address these problems and to protect most vulnerable groups.

1. **What is the impact of the COVID-19 crisis on contemporary forms of slavery, including descent-based slavery; forced labour; debt bondage; serfdom; sexual slavery; commercial sexual exploitation of children; child labour; domestic servitude; and servile forms of marriage?**

Over the past 15 years, ASEAN’s capacity to work together to end trafficking in persons has grown. This is evidenced by the adoption of [conventions](https://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf) and subsequent work plans, regular ministerial meetings, and regional collaboration among member states to address this crime.

During this period, the Australian Government has worked collaboratively with ASEAN member states and their justice sector organisations, most recently through the program, ASEAN–Australia Counter Trafficking (ASEAN-ACT), facilitating regional, transnational and local partnerships to counter trafficking in persons, supporting locally led solutions and protecting victims’ rights.

Closing borders or restricting travel to suppress COVID-19 infections may seem to [discourage trafficking](https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf). In fact, we should be worried about the opposite. It could just drive traffickers to new business models. We have learned that traffickers are very adaptable and see new opportunities in a crisis. In the seven ASEAN member states where we are active, new vulnerability factors are emerging through lost livelihoods, breakdown in social structures and increased demand around the world for exploitative labour or services.

The potential increase in the exploitation of children, and especially girls, is of particular concern. No longer at school and with families that are indebted and may be experiencing higher levels of family violence, child begging, child labour, forced marriage, and online sexual abuse will all likely increase. [UNICEF](https://www.unicef.org/protection/philippines_91214.html) has already dubbed the Philippines the ‘global epicentre of live-stream sexual abuse trade’, and many victims are children. The Office of Cybercrime in the Philippine Department of Justice received at least 600,000 online tip-offs about sexual images of Filipino children in 2018, a 1,000% increase on 2017 [figures](https://www.rappler.com/move-ph/243150-saferkidsph-campaign-against-online-child-sexual-abuse). For the Filipino poor, who already [struggle to eat three meals a day](https://www.lowyinstitute.org/the-interpreter/philippines-covid-19-will-devastate-poor), quarantine and strict curfews mean the opportunity to earn an income is denied to them.

<https://devpolicy.org/closing-borders-will-not-stop-human-trafficking-in-asean-20200512-1/>

Further, Victoria Police have reported a flood of child abuse images and videos being traded online in this Covid-19 period. <http://www.theage.com.au/victoria/more-than-7-4-million-images-of-child-abuse-circulating-in-victoria-20200619-p554dy.html?btis>

ACRATH’s experience during COVID-19 in relation to forced marriage and the Australian Government has been as follows:

* The role of the AFP (Australian Federal Police) in enforcing Commonwealth criminal law related to the slavery-like practice of forced marriage has continued to be of high priority
* AFP Agents have continued to investigate cases of forced marriage and to provide support for victims through referrals to the STPP (Support for Trafficked People Program)
* The AFP has continued to work in collaboration with Australian state and territory police services to ensure the safety and well-being of victims, within a victim-centric environment
* AFP Agents have continued to liaise with support agencies to provide services that are needed for survivors eg accommodation services

1. **What steps have been taken by the Government to reduce increased risks of contemporary forms of slavery in the context of the outbreak? Please, share any good practices and identify persistent challenges, including with regards to prevention; identification of victims; provision of access to recovery and rehabilitation services; and investigation and prosecution of slavery-related crimes.**

(Preamble: Both the Seasonal Workers Program (SWP) and Pacific Labour Scheme (FLS) were introduced in Australia in 2012 as a result of cuts in Australia’s foreign aid to South Sea Island nations, and promoted that workers under the Australian programs they would experience work conditions similar to Australian workers)

* The Department of Education, Skills and Employment (DESE) claims 3,068 SWP workers have been redeployed to new employers since 20 March 2020.
  + During COVID-19 employers must continue to abide by the Offer of Employment and provide on average 30 hours of work each week.
* **If workers are not receiving 30 hours of work each week, they are encouraged to inform DESE so they can be transferred to a new employer.**
* Department of Home Affairs (DHA) said medical check-ups are valid for 18 months.
  + Workers do not need to go for another medical in Australia when applying for the 408 visa.
* The government has scrapped the regulation of obtaining overseas police checks when applying for the 408 visa. DHA has received over 8,000 applications for the 408 visa – 2,000 from SWP workers and 1,500 from back packers. They have already granted 1,100 visas and are quickly processing the other applications.

1. **Are there indications of an increase in the number of people employed in informal or illegal economies since the outbreak of the pandemic? Are there reports of forced labour and exploitative labour practices in such business sectors, such as long working hours, low pay, no adequate time to rest, and no holiday pays, etc.?**

The Australian government has taken steps to provide information to seasonal workers on the SWP & PLS programs. However there is a lack of data regarding workers accessing government supports and relevant information to ascertain the effectiveness of government support. How many workers have received support? Was the support helpful? Is there feedback from workers unable to access supports? There are reports of seasonal farm workers facing additional problems linked to **COVID-19.** These include:

* South Sea Islander Workers on government work programs in Australia (SWP & FLS) have experienced serious work cuts during the COVID-19 pandemic and have not received DIRECT information on **COVID-19**. Many were not aware of health precautions actively promoted in the wider community, including ‘safe distancing’, increased hygiene advice (washing hands, not touching face etc), and have not received testing
* English is not the first language for workers, lack of professional interpreter services available for workers in rural and remote areas practical, further highlight their vulnerabilities including reliance on their employer to provide relevant information; supports unavailable in ‘mother tongue’ of workers from South Sea Islands
* Confusion regarding visas, inability to leave Australia during restrictions, and wage discrepancies
  + The Australian government allows all temporary visa holders to apply for the *Temporary Activity (subclass 408) – Australia Government Endorsed Event (AGEE) – COVID-19 Pandemic visa.* This visa is granted for a maximum of one year. The government allows migrant workers on the SWP and PLS to be redeployed to new employers during the pandemic. This information is available however not in the language of the workers.
* Unlike Australian workers, SWP & PLS workers face serious gaps in accessing *government*  information and supports regarding visa changes and work requirements.
  + These workers are NOT eligible to government financial assistance due to not being Australian citizens. So many are facing financial hardships, with reports of not being able to buy food or medicine
* ***For many SWP & FLS workers the reality is they cannot access the government information, and supports***. Accessing relevant support information requires:
  + Computer access AND adequate internet access and skills
  + Knowledge of appropriate government agency to contact
  + English competency
  + time to sit on hold for often over 2 hours (workers comments)
  + Information is not provided in ‘mother tongue’ eg Australian Government COVID-19 information not provided in language/s of the workers; not sent to the workers
* Pay slips from the contractors who engage workers show that some workers are still having hundreds of dollars in deductions taken from their pay, including ‘other’ which is not itemised
* No data yet on how lack of communication re safety precautions has effected workers on the SWP & FLS

1. **Has there been engagement with business entities and other stakeholders to develop joined strategies on reducing the risk of vulnerable workers in their operations and supply chains becoming exposed to contemporary forms of slavery in the context of the pandemic.**

The Department of Home Affairs has issued additional guidance for organisations about how to reduce the risk of vulnerable workers in their operations and supply chains becoming exposed to modern slavery as a result of COVID-19.

The key steps that are highlighted include:

* maintaining supplier relationships and fostering open communication with suppliers about COVID-19 risks;
* collaborating with suppliers, workers, business peers, investors, civil society and peak bodies to identify best-practice approaches to protect and support vulnerable workers; and
* reviewing key international resources.

Additional issues include:

* Will organisations be changing their suppliers and if so, have they undertaken a risk assessment for the modern slavery practices of any new supplier?
* Are suppliers maintaining working conditions and managing modern slavery risks in the context of the health risks posed by COVID-19 and heightened economic pressure?
* Have organisations considered new risks that may emerge for workers in their supply chains in a post-COVID-19 economy especially where workers may be working remotely or in offshore centres?
* Do organisations still have sufficient oversight of modern slavery risks in supply chains given that they cannot undertake physical audits?
* Are there steps that organisations can take under contractual arrangements with suppliers to support vulnerable workers?

See: <https://www.clydeco.com/insight/article/covid-19-australia-the-importance-of-addressing-modern-slavery-in-reviewing?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration>

<https://www.themandarin.com.au/130272-this-is-the-impact-of-covid-19-on-modern-slavery/> (*The Mandarin is the venue for public service leaders in Australia: government news, policy analysis, case studies and professional learning)*

**Additional guidance for entities impacted by COVID-19**

The Department of Home Affairs has issued additional guidance for organisations about how to reduce the risk of vulnerable workers in their operations and supply chains becoming exposed to modern slavery as a result of COVID-19.

The key steps that are highlighted include:

* maintaining supplier relationships and fostering open communication with suppliers about COVID-19 risks;
* collaborating with suppliers, workers, business peers, investors, civil society and peak bodies to identify best-practice approaches to protect and support vulnerable workers; and
* reviewing key international resources.

<https://www.mondaq.com/australia/operational-impacts-and-strategy/930898/covid-19-australia-the-importance-of-addressing-modern-slavery-in-reviewing-your-supply-chains>

1. **Since the outbreak, has the Government continued investigating and prosecuting human rights violations related to decent-based slavery; forced labour; debt bondage; serfdom; sexual slavery; commercial sexual exploitation of children; child labour; domestic servitude; and servile forms of marriage?**

### **Regionally**

Australia works collaboratively with other countries to combat human trafficking. For example, Australia and Indonesia co-chair the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. Australia's aid program also supports a number of aid projects in the Asia region, including the Australia-Asia Program to Combat Trafficking in Persons. More information can be found on the [Department of Foreign Affairs and Trade](http://dfat.gov.au/pages/default.aspx) website.

### **Domestically**

#### Australia's National Action Plan to Combat Human Trafficking and Slavery 2015–19

The [National Action Plan to Combat Human Trafficking and Slavery 2015–19 (624KB PDF)](https://www.homeaffairs.gov.au/criminal-justice/files/trafficking-national-action-plan-combat-human-trafficking-slavery-2015-19.pdf) provides the strategic framework for Australia's response to human trafficking and slavery. The plan was developed with government and non-government partners, and was launched by the Minister for Justice, the Hon Michael Keenan MP, on 2 December 2014.

#### Australia's National Action Plan to Combat Modern Slavery 2020-24

To build on Australia’s current framework to combat human trafficking and other forms of modern slavery, we are developing the next 5 year National Action Plan to Combat Modern Slavery 2020-24.  For information about the public consultation process for the development of the new plan see: [National Action Plan to Combat Modern Slavery 2020-24](https://www.homeaffairs.gov.au/reports-and-publications/submissions-and-discussion-papers/combat-modern-slavery-2020-24)

#### Interdepartmental Committee on Human Trafficking and Slavery

The Department of Home Affairs is committed to building strong partnerships within government, and chairs the Interdepartmental Committee on Human Trafficking and Slavery (IDC). The IDC comprises eleven agencies that provide oversight of Australia's response to human trafficking:

* [Attorney-General's Department](https://www.ag.gov.au/Pages/default.aspx)
* [Australian Criminal Intelligence Commission](https://www.acic.gov.au/)
* [Australian Federal Police](http://www.afp.gov.au/policing/human-trafficking.aspx)
* [Australian Institute of Criminology](https://aic.gov.au/)
* [Commonwealth Director of Public Prosecutions](http://www.cdpp.gov.au/)
* [Department of Jobs and Small Business](http://www.employment.gov.au/)
* [Department of Foreign Affairs and Trade](https://www.dfat.gov.au/international-relations/themes/people-smuggling-trafficking/Pages/people-smuggling-and-trafficking)
* [Department of Home Affairs](http://www.homeaffairs.gov.au/)
* [Department of Social Services](http://dss.gov.au/)
* [Department of the Prime Minister and Cabinet](http://www.pmc.gov.au/)
* [Fair Work Ombudsman](http://www.fairwork.gov.au/Pages/default.aspx)

See: <https://www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/people-smuggling-human-trafficking/human-trafficking>

1. **In light of the Sustainable Development Goals and global commitments to eradicate slavery (target 8.7) and measure progress in this area, has the Government been able to ensure timely collection and analysis of disaggregated data? If available, please share the data collected in the first quarter of 2020, including information regarding the number, age, gender and nationality of identified victims; number of prosecution of perpetrators; types of services provided to the victims; industries where victims were identified. Has any of these data significantly varied from previously recorded trends due to factors related to the COVID-19 pandemic?**

There is no current/recent published Australian Government data on Target 8.7