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Addressing Tomorrow's Slavery Today

Submission to Delta 8.7 for the Special Rapporteur on Contemporary Forms of Slavery, Ms. Urmila Bhoola

Thank you for this opportunity to provide a submission for the upcoming report of the UN Special Rapporteur on Contemporary Forms of Slavery. This submission has been prepared by members of the Monash Trafficking and Slavery Research Group, which is a part of the Monash Migration and Inclusion Centre (MMIC). Please find our submission attached to this letter. In our submission, we have drawn on our extensive research findings across multiple projects to respond to some of the questions asked in the Delta 8.7 survey. We would welcome the opportunity to discuss any aspects of this submission or our wider research further with you.

Regards,

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I. What can we expect from tomorrow's slavery?

Current prevalence estimates and patterns:

- **Current global estimates are highly contested as definitions** of slavery/trafficking/forced labour overlap in the international discourse and are used interchangeably in various tools to measure slavery (such as the Global Slavery Index - GSI);
- While this approach has been heavily criticised in academia, there is no sign of abandoning the 'exploitation creep' (Chuang 2015, also, O'Connell Davidson 2015) trends. We expect this to continue in the near future as the desire to measure the problem globally has been driven by "if you can't measure it, it doesn't exist" narrative;
- While global estimates are arguably less useful in addressing the issue, local contexts are highly important (Segrave 2017). Quantitative and qualitative research aimed to gauge the extent, nature, and specificities of the issue in the local context should be pursued, through partnerships with businesses and other key stakeholders. Such efforts need to assist not only in mitigating risk when it comes to exploitative practices in supply chains for example, but also to ensure there is a demonstrable impact on the elimination of such practices domestically.
- **A key example is the inclusion of forced marriage in the estimates:** as scholars from Australia have noted (Segrave et al 2018, Vidal 2018), the inclusion of forced marriage in the trafficking and slavery Commonwealth Code, and inclusion as a form of modern slavery is fundamentally and demonstrably disconnected from the manifestation of this issue in the Australian jurisdiction.

Modelling of risks and vulnerabilities, to better understand major risk factors for modern slavery:

- Anti-slavery efforts remain largely framed around a simplistic dichotomy of enslavers who are 'evil' and victims who need to be 'rescued';
- Risks and vulnerabilities need to be explored within national/regional structural issues and linked to national/regional labour and migration frameworks
- Careful consideration should be made for how state frameworks may directly or inadvertently contribute to risk and/or vulnerability (Segrave 2017)
- Within the supply chain narrative, risk should be considered not as something that occurs external to the supply chain, but as a result of the nature or design of the supply chain itself (New, 2015)
- Definitions of risk (whose risk, what risk) and vulnerability (whose vulnerability, vulnerability to what specifically) are critical and often not challenged. In the context of addressing modern slavery and being held accountable for addressing modern slavery, states and private companies alike are firmly focused on *their* risk (of exposure, of being responsible for victims long-term), a by-product of which is silencing of victim survivors

Analysis of how slavery is being impacted by major socioeconomic, technological and political developments, such as conflict trends, labour market changes, demographic developments, climate change, shifting gender norms, any other relevant major social trends.

- Propositions that exploitative practices such as trafficking are linked to technological developments (the Internet, social media, smartphones, and the like) have been subjected to intense scrutiny for over a decade;
- Critics have pointed out that the risk of technology-facilitated trafficking (e-trafficking) or cyber-slavery has been exaggerated or even invented in the counter-trafficking discourse (see Mendel and Sharapov 2016);
- Similarly, recent suggestions that technology can be used to assist in counting and countering trafficking/slavery (see, for example, CSJ 2015; Jackson et al. 2018) should be taken with caution as such responses might bring more harm to victims and potential victims (see Milivojevic and Segrave 2017);
- In terms of meaningfully reducing risk, the temptation to leap to tech solutions, such as fingerprint and corneal scanning to monitor workplaces, in place of evidence-based practices, such as responsible recruitment principles and freedom of association, poses a risk in and of itself. Such 'solutions' should be carefully assessed for risks and benefits and tested with workers themselves to ascertain their effectiveness in protecting against exploitation and their potential for unintended negative consequences;
- Climate change, civil and international conflict, labour market shifts will all continue to impact migration trends, and in the face of significant hostility to providing long-term security to those perceived to be low-skilled, these groups will continue to have to seek irregular migration routes.

II. Today's Anti-Slavery

What is known about what works in anti-slavery policy, programming and strategies

- A significant proportion of anti-slavery policy, programming and strategies lacks an evidence base (Moore, Segrave, Hedwards, Milivojevic, 2018; Marshall 2011)
- Where there is evidence, what is known to have measurable impact in reducing contemporary forms of slavery (including human trafficking for the purpose of slavery) includes:
 - Locally-based, multi-stakeholder initiatives (Gardner 2019; University of Nottingham 2018; UNODC 2008; Northeastern University and Urban Institute 2012; Farrell, McDevitt, & Fahy 2008; Annison 2013)
 - Increasing worker leverage (Gordon 2015)
 - Victim-centred and trauma-informed responses (UNODC 2008; US DOJ 2008)
- Effective responses must include 'finding' and 'responding' and ensuring adequate pathways out of slavery. Taking the example of domestic workers, too often the onus rests entirely on the worker to escape slavery. When they do, the pathway to assistance is unclear and precarious due to lack of awareness of the key first responders, including police and labour regulators, as well as the general public who are often the first point of contact. (Moore, forthcoming)

Whether contemporary anti-slavery efforts are organized in a way that reflects this understanding of effective strategies

- Anti-slavery efforts are too often siloed and disjointed.
- Australia has consistently received Tier One status in the US TIP Report, yet its anti-slavery metrics are poor (less than 1000 victims have been identified and even fewer assisted in nearly 15 years).
- States, like Australia, should be held accountable not on process—meaning having a framework to address slavery in place—but rather on their anti-slavery outcomes, particularly in terms of identifying victims and assisting them to permanently leave slavery.
- For example, despite challenges referred to above, Australia includes forced marriage under its federal framework for trafficking and slavery. Individuals—most often girls and young women—facing forced marriage must agree to cooperate in the investigation and possible prosecution of their parents to receive more than six months of support from the Australian Government’s Support Program.
- Anecdotal evidence from NGOs indicates that these individuals do not see prosecution as a good outcome and are exiting the program prematurely when they are unwilling to proceed with police investigations.
- Additionally, official figures indicate a disparity between the number of forced marriage referrals and those receiving support (Commonwealth of Australia 2016). For instance, between 2014-15 and 2015-16 (which is the most recent available data from the Australian Government), the Australian Federal Police received 102 referrals relating to forced marriage whilst only 24 clients received support from the Support Program.
- There is no data to explain this disparity and no data on what is happening to people at risk who exit the program prematurely, including whether or not the government’s policy is inadvertently returning young women to be forcibly married.

What might need to be changed in anti-slavery efforts to better build on ‘what works’ and/or address gaps in our programming and strategies.

- Public policy should be based on evidence; where there is not yet evidence, the wise course of action would be to pilot and test outcomes before fixing policy frameworks.
- The robustness of anti-slavery efforts should be judged not by actions undertaken by States, NGOs, and other sector stakeholders, but by their achieved outcomes.
- The international anti-slavery community would benefit from a common, yet adaptable, monitoring and evaluation framework against which progress is measured.
- Greater coordination between various stakeholders
- Greater involvement of survivors in setting policy and standards.

III. Tomorrow's Anti-Slavery

New methods and partnerships as well as technologies and tools, including potential risks, that are emerging that could help tackle tomorrow's slavery, today

- As new technologies and tools emerge that attempt to respond to slavery, tomorrow's anti-slavery will ultimately rely on there being a willingness to see slavery and address its root causes.
- New strategies should involve going after the business model of slave-holders, ensuring businesses and consumers do not rely on or benefit from slavery-made goods and services.
- Where slavery offences are too difficult to prove, authorities should put more effort into disrupting financial and other crimes that commonly occur alongside slavery crimes.
- Remediation should be a priority to disrupt the cycle of exploitation. It is not enough to simply remove someone from slavery.
- States must examine how their own policies contribute to vulnerability/risk and impunity for offenders. For instance, a recent Australian report by the Migrant Worker Taskforce revealed that corrupt labour hire agents continue to exploit and possibly traffick and enslave migrant workers because "they believe the monetary gains from non-compliance outweigh the risk of being caught and penalised." (Commonwealth of Australia 2019)

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