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Department of Foreign Affairs and Trade

AUSTRALIAN GOVERNMENT RESPONSE

CALL FOR SUBMISSIONS: REPORT ON THE USE OF TECHNOLOGY IN FACILITATING AND PREVENTING CONTEMPORARY FORMS OF SLAVERY

Australia thanks the Special Rapporteur for his invitation to provide a submission to inform the Report on “the use of technology in facilitating and preventing contemporary forms of slavery”. Australia strongly welcomes the focus of this report.

Australia uses the umbrella term ‘modern slavery’ to describe all human trafficking, slavery and slavery-like offences. These offences include trafficking in persons, slavery, servitude, forced labour, deceptive recruiting of labour services, debt bondage, and forced marriage. Modern slavery is also used to describe the worst forms of child labour, including the commercial sexual exploitation of children and the exploitation of children for illegal activities such as drug trafficking.

Use and misuse of technology in facilitating contemporary forms of slavery: current trends and enduring challenges

Rapid increases in technological advancements and social media interconnectedness have provided perpetrators of modern slavery with new avenues to target victims. During the COVID-19 pandemic, people also increasingly turned to technology to stay connected with loved ones, for work and for education.

Unfortunately, perpetrators of modern slavery also adapted to these trends. Australia has observed offenders increasingly using technology to recruit, threaten and coerce victims for the purpose of exploiting them. Simultaneously, we are aware of technology enabling perpetrators of these crimes to operate remotely, hindering the prosecution efforts of local and international law enforcement. For example, swift and informal online payment systems, while preferable from a user-perspective, have made it easier for traffickers to transact their deals remotely and with anonymity. Equally, the widespread adoption of end-to-end encryption, while being welcomed by users who wish to protect their information, has also seen perpetrators use this technology as a means of anonymity.

As countries around the world have become increasingly digitised, people are regularly using technology to access opportunities. However, such trends, coupled with ever growing use of social media worldwide, have led to vulnerabilities – including the recruitment of victims online into deceptive job opportunities for the purposes of exploitation.

The use of online platforms has been observed in the trafficking of persons into online scam centres operating in Special Economic Zones in the Indo-Pacific. Australia is particularly aware of reports of workers in these centres being subject to abuse and exploitation – including debt bondage – as well as being forced to commit online fraud and other criminal activity.

Preventing the misuse of technology in contemporary slavery: Australia’s international engagement

Disrupting these crimes requires innovative tools to target online offenders. While technology is being used to facilitate modern slavery, it is also a tool which can be used to combat it.



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Australia is pleased to be supporting an increased regional focus on the intersectionality between technology and modern slavery through our role as Co-Chair, with Indonesia, of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process).

The Bali Process is a regional platform for policy dialogue, information sharing and practical cooperation on these issues. It includes 45 member governments as well as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Office of Drugs and Crime (UNODC) and the International Labour Organization (ILO).

Technology was a key topic at this year's Eighth Bali Process Ministerial Conference, which included consultations with the digital industry on innovative approaches to combat modern slavery, raise public awareness, and share best practice to equip members with the skills and tools to fight technology-facilitated forms of slavery.

Ministers also committed to efforts to tackle the misuse of technology in facilitating slavery under the 2023 Adelaide Strategy for Cooperation – including strengthening law enforcement responses to technology-facilitated slavery and to promote the development of tools to better understand technology as a facilitator of, and tool to combat, these crimes.

Australia, with Indonesia, also Co-Chairs the Bali Process Working Group on Trafficking in Persons, which aims to promote more effective and coordinated law and justice responses to combat human trafficking in the Asia Pacific Region. In August 2022, the working group held a webinar on the *Role of Technology in Facilitating and Combating Trafficking in Persons* to promote a regional understanding of the challenges and opportunities technology presents in responding to trafficking in persons.

The working group is exploring ways to enhance practical cooperation with digital industry, including potential collaboration to promote information on the dangers of trafficking online and to explore the development of trafficking indicators specific to online offending.

Preventing the use of technology to facilitate modern slavery: our domestic response

Australia is aware of the local impact of global trends of trafficking through recruitment on online platforms. In 2021, for example, Brazilian police dismantled a sophisticated human trafficking ring with links to six countries, including Australia. At least 200 victims have been identified, the majority between 18 to 20 – although minors were also among these victims – and were recruited through social media, with traffickers posing as makeup and beauty companies offering employment opportunities.

Australia has also previously investigated reports where online tools, such as dating platforms and online chat technology, have been used to coerce a person into a forced marriage. We are also aware of cases where technology has been used by perpetrators to deceptively lure victims to Australia for the purpose of sexual exploitation.

At the same time, new technology that aids governments and businesses in combatting exploitation is becoming increasingly available, such as technology to map supply chains and communicate with workers. Australia is committed to leveraging technology to disrupt, investigate and prosecute human trafficking and other forms of modern slavery.



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Legislative initiatives

Under the authority of a warrant, Australia's *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* allows law enforcement investigators to modify, alter and delete online data to disrupt modern slavery offences, track perpetrators operating from the dark web and gather information on offenders who are operating online.

In addition, the *Online Safety Act 2021* provides for industry bodies representing online service providers to develop codes to regulate illegal and restricted content – including content which could be linked to modern slavery such as child sexual exploitation material and material that depicts, promotes or instructs in extreme crime and violence. If codes do not provide appropriate community safeguards, the Commissioner has the power to determine a standard.

The *Online Safety Act 2021* also empowers the Commissioner with new transparency and accountability tools to require online service providers to respond to questions about how they are meeting the Government's Basic Online Safety Expectations. In August 2022 and February 2023, the eSafety Commissioner issued legal notices to a range of online services requiring them to answer questions about how they are tackling online child sexual exploitation.

The Australian Government is currently undertaking a targeted review of modern slavery offences in the *Criminal Code Act 1995* (Cth). The review will consider, among other matters, whether existing offences under Australia's legislative framework remain fit-for-purpose – including with respect to the use of technology in modern slavery. The Government released a discussion paper for the targeted review in December 2022, seeking public feedback on questions including:

- the extent to which stakeholders have encountered cases where technology (including devices and platforms) has been used by perpetrators to facilitate, recruit, advertise or exploit victims and survivors into forms of modern slavery;
- any gaps in existing offences under Australian law that might prevent their application to cases where technology is used to facilitate, recruit, advertise or exploit victims and survivors into modern slavery; and,
- whether the existing legislative framework is appropriately future-proofed and flexible enough to apply to the misuse of new and emerging forms of technology and online conduct and, if not, specific changes that are needed.

The Australian Institute of Criminology is also undertaking research on technology-facilitated human trafficking to support Australia's evidence-based response to this methodology.

Awareness raising and education

Social media and other online platforms can also be used to combat modern slavery, including as a tool to reach victims of trafficking and to provide support services to those looking for help.

To coincide with World Day Against Trafficking in Persons 2022, the Australian Government delivered a national social media campaign to raise awareness of how traffickers can use online platforms – such as job ads – to deceive and recruit victims.

Since 2008, the Australian Government has also provided over \$7.8 million in grants funding to non-government organisations working to combat modern slavery, including through innovative responses that harness technology to expand their reach. The Work Right Hub – an Australian Red Cross initiative established through a grant funded by the Australian Government – is a recent



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example where an online labour exploitation platform has been developed to empower migrants, frontline responders, and service providers across Australia. The project aims to prevent labour exploitation by using online resources to strengthen capacity to identify signs of exploitation and seek recourse.

Encouraging technology companies to prevent their technologies and platforms from being used to facilitate modern slavery

Australia works cooperatively with all partners – including technology companies in the private sector – to implement their international obligations and, in the case of Australian companies, their obligations under the *Modern Slavery Act 2018* (the Act). The Act aims to combat modern slavery by requiring entities based, or operating in Australia, which have an annual consolidated revenue of more than \$100 million, to report annually on the risks of modern slavery in their operations and supply chains, and actions to address those risks.

The reporting obligations are applicable to large entities based, or operating, in Australia, including entities in the technology sector. As of 3 April 2023, around 500 modern slavery statements – over 100 of which were received from companies with an annual consolidated revenue of more than \$1 billion – had been submitted from entities who indicated they operate primarily in the information technology and telecommunication sector.

The Australian Government will continue to cooperate with these companies to encourage the development and implementation of policies and frameworks to protect users and identify individuals who misuse their platforms to recruit and exploit victims of modern slavery. For example, in 2019 Australia – through the Commonwealth Scientific and Industrial Research Organisation – provided a \$3.5m investment into Lumachain, which is looking to use blockchain technology to make food production and manufacturing more transparent.

This comes amid global efforts to eradicate forced labour as a form of modern slavery, including efforts to combat slavery at the consumer level where blockchain technology has been used in fashion to enable consumers to instantly scan and track the supply chain of their product. While dependent on the integrity of the information it draws from (including, for example, the ability of workers to attest to their working conditions), the technology encourages sustainable production and ensures garments are made under fair work conditions. Lumachain similarly intends to use blockchain technology to track and trace the origin, location, and condition of individual items in the food supply chain, in real time.

Recommendations and ways forward

Strong domestic, regional, and international cooperation is critical if we are to effectively address the borderless nature of online modern slavery crimes, where the perpetrators and victims can be in any country, anywhere in the world.

Continued engagement between governments and the private sector, including technology companies, is also vital – particularly with regards to encouraging the safe use of online platforms, especially younger generations.

Australia also calls on partners at all levels to commit to addressing the enduring drivers of modern slavery – including poverty, gender inequality and a lack of access to education, employment, health, and social services.



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Although perpetrators of modern slavery have proven technology can be used to commit these crimes, it can also be a powerful tool to prevent, disrupt and prosecute modern slavery – there are many innovations that we can learn from.

The Australian Government welcomes the opportunity to provide input to this report and looks forward to working with the Special Rapporteur to implement his findings.