



**WALK FREE**

30 November 2022

## **WALK FREE SUBMISSION TO INFORM AUSTRALIA'S NEW INTERNATIONAL DEVELOPMENT POLICY**

### **Introduction – the modern slavery challenge**

Walk Free is an international human rights organisation working to eradicate modern slavery in all its forms.<sup>1</sup> This begins with building a robust evidence base to hold government and business to account. We engage with political, business, religious, and community leaders and invest in direct implementation through our civil society partners to drive systems change and dismantle the drivers of modern slavery. Walk Free welcomes the opportunity to inform Australia's New International Development Policy.

Modern slavery is one of the most complex challenges facing our region. In September 2022, Walk Free, together with the International Labour Organization (**ILO**) and International Organization for Migration, released the latest Global Estimates of Modern Slavery (**GEMS**).<sup>2</sup> The GEMS found that there are 49.6 million people living in situations of modern slavery on any given day in 2021 – an increase of almost 10 million people since 2016. Asia and the Pacific has the highest number of people living in modern slavery compared to any other region, with 29.3 million people living in modern slavery – 15.1 million people in forced labour and 14.2 million in forced marriage. Forced marriage disproportionately impacts women and girls, with 4.5 per 1,000 females and 2.1 per 1,000 males in Asia and the Pacific forced to marry. The GEMS were released in the context of compounding crises, including climate change, the COVID-19 pandemic, and armed conflicts. These crises have led to unprecedented disruption to employment and education, and increases in poverty, forced and unsafe migration and in reports of gender-based violence – together serving to heighten the risk of all forms of modern slavery.

Walk Free is the author of the Global Slavery Index (**GSI**),<sup>3</sup> the world's leading dataset on measuring and understanding modern slavery. The GSI complements the GEMS by providing country-level estimates, and assessing vulnerability and government responses to modern slavery – providing an important starting point for governments and other stakeholders to take action. The fifth edition of the GSI will be published in 2023. We also publish the Promising Practices Database (**Database**). Initially created in 2015, the Database collates program and impact evaluations of anti-slavery and counter-trafficking interventions in a publicly available dataset.<sup>4</sup> It is designed so policymakers, donors, and program designers can identify 'what works' through a search by country, target population, type or sector of slavery, or type of intervention. The Database houses a total of 262 evaluations.

Addressing modern slavery is crucial to realising Australia's foreign policy priorities to “uphold human rights, advance gender equality, strengthen the rules-based order, counter security threats, and strengthen economic growth and resilience, particularly in the Indo-Pacific region.”<sup>5</sup> Not only is modern slavery one of the most egregious human rights abuses, it undermines international security, stagnates sustainable development, and reverses progress on human development and human rights.<sup>6</sup> The need to end modern slavery is reflected in Sustainable Development Goal Target 8.7 that seeks to end modern slavery, in addition to Target 5.3 seeking to

eliminate child, early, and forced marriage and Target 16.2 seeking to end abuse, exploitation, trafficking and all forms of violence against children. Our organisation strongly believes that eradicating modern slavery is necessary for a peaceful, stable, and prosperous Indo-Pacific. Australia, as a regional leader in the response to modern slavery and a major provider of development assistance, is in a strong position to bring greater regional focus, coordination, and resources to combat modern slavery.

### **Policy and program recommendations**

The Terms of Reference for the Australia's New International Development Policy recognise that the pandemic has exacerbated existing vulnerabilities to modern slavery.<sup>7</sup> Further, Australia's recently launched International Engagement Strategy on Human Trafficking and Modern Slavery: Delivering in Partnership (2022) (**International Engagement Strategy**) outlines how the government will contribute to efforts to end human trafficking, forced labour, and forced marriage.<sup>8</sup> Walk Free urges the Australian government to incorporate modern slavery in the New International Development Policy, International Engagement Strategy or elsewhere as appropriate through the following actions:

1. **Embed modern slavery as a key policy issue and priority.** Introducing modern slavery as a key standalone and cross-cutting issue and priority for development policy and program design and delivery, alongside other major themes like gender equality and climate change.
2. **Adopt a DFAT modern slavery policy.** Publishing and promoting a specific DFAT modern slavery policy to guide the overall organisational response. This can describe, for instance:
  - a. modern slavery goals and risks in development programming and partnerships;
  - b. actions for incorporating modern slavery responses into existing and new projects and contract tender and management procedures; and
  - c. standards for grantee conduct and contractor practice for project implementation.This policy can be disclosed as one of DFAT's actions taken in response to modern slavery risk in the Commonwealth's modern slavery statement for the Australian Modern Slavery Act (**Act**).
3. **Strengthen the aid program to prevent modern slavery.** This includes:
  - a. *Boosting modern slavery programs and projects.* Developing or expanding current modern slavery-focused development projects beyond the long-standing ASEAN-ACT human trafficking program and ILO TRIANGLE migrant worker program to:
    - i. Cover regions or countries that have high prevalence of modern slavery and that are important to Australia's national interest or Australian supply chains such as the Pacific and South Asia.
    - ii. Cover all forms of modern slavery, including those that disproportionately affect women and girls. The government should include child and forced marriage as a key focus area of ODA programming and funding, including by investing in programs that increase access to education for girls, and engaging with countries to strengthen legislative responses to prevent forced and child marriage and protect those affected.
    - iii. Incorporate new approaches to stop modern slavery such as enlisting the private sector to find, fix and prevent it in operations and supply chains through supporting the adoption of new disclosure or due diligence laws.
  - b. *Adding modern slavery to existing issues and projects.* Integrating modern slavery into relevant, existing development issues and projects such as disaster risk reduction and resilience/humanitarian preparedness and response, climate change, education, gender inequality, infrastructure, private sector development, and social protection.
  - c. *Strengthening procurement risk management.* Mainstreaming modern slavery risk assessment and management in procurement policy and procedures for all

development projects and programs. This means conducting due diligence in line with the UN Guiding Principles on Business and Human Rights – in addition to DFAT complying with the Act as a Commonwealth department. It also means providing access to effective remedy where human rights, including those preventing modern slavery, are adversely impacted by project implementation.

- d. *Managing bilateral/multilateral counterpart risk.* Incorporating contractual requirements to prevent, remediate and report on modern slavery into joint programming, funding agreements and finance arrangements with bilateral donors, United Nations agencies, and Multilateral Development Banks respectively.
  - e. *Doing effective M&E regarding modern slavery.* Embedding strong monitoring and evaluation frameworks into modern slavery projects and programs that draw on the lessons our of Promising Practices Database<sup>9</sup> and share findings with other governments and multilateral organisations working on modern slavery issues.
4. **Enhance modern slavery response representation and coordination.** Expanding the mandate and increasing resources for the Ambassador for People Smuggling and Human Trafficking (**Ambassador**) to represent Australia and coordinate its international modern slavery response in Asia and the Pacific and other regions. The Ambassador should encourage governments to:
- Support survivors*
- a. Support survivors by providing access to visas and the right to work and education, temporary shelter and long-term accommodation, mental and physical healthcare, and financial assistance.
- Strengthen the criminal justice response*
- b. Adopt, strengthen and implement laws to criminalise all forms of modern slavery with sufficient resources to prosecute offenders.
  - c. Support survivors to access justice, through free legal assistance and effective remediation, compensation and restitution.
- Improve national coordination*
- d. Develop and fully fund National Action Plans on modern slavery to guide a whole-of-government response based on an assessment of vulnerable groups and high-risk sectors, with particular emphasis on migrant workers and women and girls.
- Address risk factors*
- e. Pass labour laws to criminalise serious labour rights abuses and require decent work standards to be met and maintained with sufficient resources to fund labour inspectors to conduct inspections and commence prosecutions.
  - f. Tackle other underlying drivers of exploitation, including officials' complicity in modern slavery crimes, and discriminatory attitudes and behaviours towards women and girls, migrant workers, LGBTQI individuals, Indigenous Peoples and other marginalised groups.
- Clean up supply chains*
- g. Strengthen business-related laws to reduce or eradicate modern slavery in operations and supply chains such as due diligence and import control laws.

In our submission to the Modern Slavery Act Review, we recommended the establishment of an independent Anti-Slavery Commissioner (**Commissioner**) to oversee whole-of-government response to modern slavery under and beyond the Act. We envisage the Commissioner working closely with DFAT and the Ambassador in relation to Australia's strengthened international response to modern slavery.

### **Implementation principles**

Walk Free believes the following principles are critical to implementing these recommendations:

#### Leveraging Australia's national response

Australia can draw on its national response to enhance the impact of its development programming and address the key vulnerabilities driving modern slavery in the region. The government has experience: developing modern slavery policy and legislation, including its National Action Plan to Combat Modern Slavery 2020-2025, International Engagement Strategy, and the Act; assessing and addressing modern slavery risk in its own operations and supply chains; and implementing programs related to forms of modern slavery (ASEAN-ACT) or drivers of modern slavery (ILO TRIANGLE). Further, the government can leverage the expertise of Australian civil society in providing support to survivors and advocating for legislative and policy change and the private sector in identifying risk and taking action in response. The government already engages with other countries and builds partnerships to promote action to address modern slavery issues in existing multilateral forums, such as the Bali Process Government and Business Forum.

Moreover, improving Australia's domestic response to modern slavery will strengthen the position of the government to engage with other states to advocate for developing effective anti-slavery policies and practices. This should include: enacting legislative provisions that uphold the non-punishment principle; establishing a national compensation scheme for survivors of modern slavery; closing legislative loopholes that allow children aged 16 and 17 to marry under certain circumstances;<sup>10</sup> strengthening the Act to include a due diligence obligation, stronger enforcement mechanisms for non-compliance such as financial penalties; establishing the Commissioner; and passing law to ban the import of goods made using forced labour.

#### Drawing lessons from Walk Free's Promising Practices Database

The Australian government should use the Database as a tool to inform the design and implementation of anti-slavery initiatives. The 262 evaluations collated to date cover all forms of modern slavery, as well as interventions such as community empowerment programs, cash transfers, training for police, awareness raising campaigns, among others.<sup>11</sup> A review of the Database highlights the importance of a community-based approach embedded in the local context and the role of education for effective anti-slavery programs.<sup>12</sup> Despite these promising practices, the quality of monitoring and evaluation in anti-slavery and trafficking programming remains poor, which hinders a deeper understanding of "what works." The government should embed strong measurement and evaluation protocols into programs and conduct participatory impact assessments to determine effectiveness and promote transparency and accountability.

#### Engaging survivors of modern slavery

The International Engagement Strategy recognises that Australia must partner with governments, the private sector, and civil society to initiate change, and that engagement must be survivor-led and informed by local contexts. Walk Free agrees that the participation of survivors in developing, implementing, and evaluating programs is crucial to anti-slavery efforts. An analysis of program evaluations housed in the Database concluded that survivors should be included early and often in interventions and be empowered to lead them. Survivors should receive ongoing support to prevent re-traumatisation and participate in training opportunities to develop skills for future opportunities.<sup>13</sup> Evaluation methodologies should be co-produced with survivors so that they might inform what "success" looks like. Survivor participation can be a great strength that not only offers unique insights but enhances the success and sustainability of programs. The Australian government should draw on these insights and ensure survivor participation is embedded throughout the planning and implementation of any anti-slavery programs.

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<sup>1</sup> For more detail, see [www.walkfree.org](http://www.walkfree.org). The term modern slavery covers a set of specific legal concepts including human trafficking, forced labour, debt bondage, forced or servile marriage, slavery and slavery-like practices, and the sale and exploitation of children. Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on the commonalities across these legal concepts. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.

<sup>2</sup> Walk Free, International Labour Organization & International Organization for Migration 2022, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. Available from: [https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022\\_Report\\_EN\\_V8.pdf](https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022_Report_EN_V8.pdf).

<sup>3</sup> Walk Free n.d., *The Global Slavery Index*. Available from: <https://www.walkfree.org/projects/the-global-slavery-index/>. [28 November 2022].

<sup>4</sup> Walk Free 2021, *What works? Five years of lessons learned from the Promising Practices Database*, pp. 9-22. Available from:

[https://cdn.walkfree.org/content/uploads/2021/09/22132150/WalkFree\\_WhatWorks\\_PromisingPracticesDatabase\\_210928.pdf](https://cdn.walkfree.org/content/uploads/2021/09/22132150/WalkFree_WhatWorks_PromisingPracticesDatabase_210928.pdf). [10 November 2022].

<sup>5</sup> Australian Government 2022, *Australia's international engagement strategy on human trafficking and modern slavery: Delivering in partnership*. Available from: <https://www.dfat.gov.au/sites/default/files/dfat-international-strategy-human-trafficking-modern-slavery-2022.pdf>. [10 November 2022].

<sup>6</sup> Bigio, J & Vogelstein, RB 2019, *The Security Implications of Human Trafficking*, Council on Foreign Relations. Available from: <https://www.cfr.org/report/security-implications-human-trafficking>. [24 November 2022], The Freedom Fund 2020, *Gender inequality and modern slavery: How to break the cycle of women and girls' exploitation*. Available from: [https://freedomfund.org/wp-content/uploads/GenderInequalityModernSlaveryWeb\\_2020\\_02.pdf](https://freedomfund.org/wp-content/uploads/GenderInequalityModernSlaveryWeb_2020_02.pdf). [25 November 2022].

Cockayne, J n.d., *Sustainable Development and Modern Slavery*, Developing Freedom. Available from: <https://www.developingfreedom.org/overview/slavery-development/> [25 November 2022].

<sup>7</sup> Australian Government 2022, *New International Development Policy, Terms of Reference*. Available from: <https://www.dfat.gov.au/development/new-international-development-policy/terms-reference>. [30 November 2022]

<sup>8</sup> Australian Government 2022, *Australia's international engagement strategy on human trafficking and modern slavery: Delivering in partnership*. Available from: <https://www.dfat.gov.au/sites/default/files/dfat-international-strategy-human-trafficking-modern-slavery-2022.pdf>. [10 November 2022].

<sup>9</sup> Walk Free n.d., *Promising Practices*, Walk Free. Available from: <https://www.walkfree.org/projects/promising-practices/>. [14 January 2022].

<sup>10</sup> A marriage involving a child aged 16 or 17 can still take place with court approval in Australia: Attorney-General's Department n.d., *Rules to get married in Australia*, Australian Government. Available from: <https://www.ag.gov.au/families-and-marriage/marriage/get-married#rules-to-get-married-in-australia>. [22 April 2022].

<sup>11</sup> Walk Free n.d., *Promising Practices*, Walk Free. Available from: <https://www.walkfree.org/projects/promising-practices/>. [14 January 2022].

<sup>12</sup> See for example, Amin, S, J S Saha & J A Ahmed 2018, 'Skills-Building Programs to Reduce Child Marriage in Bangladesh: A Randomized Controlled Trial', *Journal of Adolescent Health*, vol. 63, no. 3, pp. 293-300. DOI:10.1016/j.jadohealth.2018.05.013. [27 April 2022], United Nations Children's Fund 2008, *Long-Term Evaluation of the Tostan Programme in Senegal*. Available from: [https://data.unicef.org/wp-content/uploads/2015/12/fgmc\\_tostan\\_eng\\_96.pdf](https://data.unicef.org/wp-content/uploads/2015/12/fgmc_tostan_eng_96.pdf). [25 November 2022], Joseph, S, Narayanan, P, Bharadwaj, S & Vincent, K 2019, *Evaluation of the 'Call Me Priya' film-based curriculum in Tamil Nadu*, The Freedom Fund. Available from: <https://freedomfund.org/our-reports/evaluation-of-a-film-based-intervention-to-empower-girls-and-young-women-in-tamil-nadu/>. [7 February 2022].

<sup>13</sup> Walk Free 2022, *What Works: Lessons learned in survivor inclusion*. Available from: <https://www.walkfree.org/projects/promising-practices/what-works-lessons-learned-in-survivor-inclusion/>. [25 November 2022].