

Committee Secretary  
Joint Standing Committee on Foreign Affairs, Defence and Trade  
PO Box 6021  
Parliament House  
Canberra ACT 2600  
27 April 2017

Dear Committee Secretary,

IWDA welcomes the opportunity to provide a brief response to the Inquiry into Establishing a Modern Slavery Act in Australia.

IWDA is the leading Australian agency entirely focussed on women's rights and gender equality in the Asia Pacific region. IWDA works in partnership with women's rights organisations and advocates to create empowering and transformative change for women. IWDA works with partners in the region, some of whom work with sex workers and have relevant experiences which we will draw on in this correspondence.

IWDA notes that the Terms of Reference for the Inquiry do not specifically address the gender dimensions of slavery. Yet, the evidence clearly demonstrates the gendered nature of this practice, particularly in our region. For example:

- With respect to forced labour, the Asia and Pacific region has the largest number of victims of forced labour in the world, amounting to around 11.7 million people in 2012.<sup>vi</sup> "Women and girls represent the greater share of the total – 11.4 million (55%), as compared to 9.5 million (45%) men and boys."<sup>ii</sup>
- With respect to involuntary servitude, a new report by the Australian Institute of Criminology (AIC) has revealed that migrant women in Australia are trapped in a life of silent slavery despite formal legal and institutional structures that exist to prevent such human rights violations.<sup>iii</sup> The Global Slavery Index 2013 estimates that at least 3,000 people are living as slaves in Australia. Many of them are migrant women who have migrated to the country and have been trapped in situations of domestic and sexual servitude or forced labour. The AIC report has identified social isolation and a limited understanding of Australian culture and laws as a reason for the women remaining in slavery.<sup>iv</sup>
- Human trafficking disproportionately affects women and girls, since 70 per cent of all victims detected worldwide are female.<sup>v</sup> With particular respect to forced labour and trafficking of people, women and girls make up 98 per cent of the estimated 4.5 million people trafficked into the sex industry.<sup>vi</sup>

While the UK legislation makes no gender-based distinctions, Amnesty International UK proposed that the **Anti-Slavery Commissioner's general functions and powers should be framed with a particular interest towards women and children.**<sup>vii</sup> **We commend this proposal, and add that it should be expanded to include lesbian, gay, bisexual, transgender, intersex and queer peoples.**

We draw the Committee's attention to developments in our region, which may provide useful lessons. In February 2017, Timor-Leste promulgated a Law Against Human Trafficking. This was the culmination of years of advocacy and lobbying by IWDA partners Alola, ALFeLa and other CSOs in Timor. Alola is the lead of the Human Trafficking law working group. This working group will be working with the Government to draft a National Action Plan to ensure implementation of the law.

We also note the experience of partners in Cambodia, where the Law on the Suppression of Human Trafficking and Sexual Exploitation (LHTSE) was adopted in 2008. We do so to make the point that it is vital that **any legislation adopted by the Australian Parliament not conflate slavery with individuals**

**making a choice to work in the sex industry**, including as migrant workers. Our partner organisation, the Women's Network for Unity, have noted that the Cambodian legislation has seen a rise in police actions against sex workers.

In this context we commend the submission prepared by Scarlett, in particular their recommendations that the framing of the legislation's approach to trafficking be driven by sex workers and migrant workers; their concerns that support services continue to be linked to the criminal justice systems; their recommendations that the definitions need to be sharpened, and that affected communities be engaged meaningfully in training programs, particularly given the discretionary powers it is proposed to vest in the Act; their proposals for adequate investment in preventative measures and to instigate a national compensation scheme.

We note the current Inquiry into Government Procurement and commend the Committee to ensure that any legislation adopted is effectively integrated into government procurement practices, particularly as they relate to transparency in the supply chain. Indeed, ensuring that the Act is rigorous in its approach to **transparency in the supply chain** is vital. In this regard, we commend the recommendations of the Human Rights Law Centre submission.

For similar reasons we also commend the submission prepared by the Anti-Slavery Australia, in particular their recommendations on

- transparency in the supply chain
- a human-rights based approach to the protection framework for victims of trafficking
- a compensation scheme to support victims; and
- the establishment of an Anti-Slavery Commission to oversee implementation of the legal framework established by the Act.

We note the linkages between this proposal for legislation and the UN Global Goals for Sustainable Development, specifically Goal 16 which establishes a target to end abuse, exploitation, trafficking and all forms of violence against and torture of children. We note that the Indicator for this target (number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation) is currently sitting at Tier 2, which means there is insufficient data coverage to enable its effective global tracking. To this end, we commend a clear articulation of **data collection** as an integral part of the implementation of any legislation adopted by the Parliament.

Yours sincerely,

Dr Caroline Lambert

Director, Research, Policy and Advocacy

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<sup>i</sup> United Nations, Asian Development Bank, United Nations Development Programme (2017), Asia-Pacific Sustainable Development Goals Outlook, [http://sdgasiapacific.net/download/AP\\_SDG\\_Outlook.pdf](http://sdgasiapacific.net/download/AP_SDG_Outlook.pdf)

<sup>ii</sup> International Labour Organisation (2012) *Global Estimate of Forced Labour* available at [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_181953.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_181953.pdf)

<sup>iii</sup> Australian Institute of Criminology Report available at <https://www.scribd.com/document/204434714/Help-seeking-strategies-of-victim-survivors-of-human-trafficking-involving-partner-migration>

<sup>iv</sup> UN Women (2014), Slavery in Australia – A Silent Crime, available at <https://unwomen.org.au/slavery-in-australia-a-silent-crime/>

<sup>v</sup> Progress Towards the Sustainable Development Goals. Report of the Secretary General. 2016. para.41, <https://unstats.un.org/sdgs/files/report/2016/secretary-general-sdg-report-2016--EN.pdf>

<sup>vi</sup> International Labour Organization (2012) *ILO Global Estimate of Forced Labour: Results and Methodology*. Geneva: International Labour Office, available at: [http://apflnet.ilo.org/resources/ilo-global-estimate-of-forced-labour-2012-results-and-methodology/at\\_download/file1](http://apflnet.ilo.org/resources/ilo-global-estimate-of-forced-labour-2012-results-and-methodology/at_download/file1) p. 14

<sup>vii</sup> Amnesty International UK (2014) Written evidence submitted by Amnesty International UK to the Modern Slavery Act Inquiry, available at <https://www.publications.parliament.uk/pa/cm201415/cmpublic/modernslavery/memo/ms11.htm>