



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

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Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
PO Box 6021
Parliament House
Canberra ACT 2600
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SUBMISSION TO THE AUSTRALIAN PARLIAMENTARY ENQUIRY INTO MODERN SLAVERY ON BEHALF OF THE INTERNATIONAL ORGANIZATION FOR MIGRATION

The International Organization for Migration (IOM) welcomes the opportunity to contribute to the parliamentary inquiry regarding whether Australia should adopt national legislation to combat modern slavery, comparable to the United Kingdom's *Modern Slavery Act 2015*. IOM takes this opportunity to share from its global experience in working to eradicate modern slavery, trafficking in persons, forced labour, wage exploitation, forced marriage and debt bondage.

This submission responds to points one and three of the Terms of Reference.

About the International Organization for Migration

Established in 1951, IOM, the United Nations' Migration Agency, has continued to respond to migration challenges of increasing scale and complexity, promote inclusion of migration into state policies and contribute to upholding the humanitarian principle for action. IOM's membership body is comprised of 166 member states, with a further eight (8) states holding observer status. IOM's recognized expertise in this field is best reflected by the fact that it currently manages projects with an operational budget of more than USD 1.6 billion and 10,000 staff spread across over 150 countries.

As the flagship international organization active in the field of migration, IOM works with migrants and governments to provide humane responses to the growing migration challenges of today. IOM helps ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, be they refugees, displaced persons or other uprooted people. The IOM Constitution gives explicit recognition to the link between migration and economic, social and cultural development, as well as to the right of freedom of movement of persons.

IOM works in four broad areas of migration management: migration and development, facilitating migration, regulating migration, and addressing forced migration. Cross-cutting activities include the promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration.

IOM is widely acknowledged as playing a leading global role in countering trafficking in persons together with governments, civil society and victims of trafficking, and it is providing its technical expertise on, inter



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alia, trafficking issues, in the formulation of the Global Compact on Migration and supporting the implementation of the 2030 Sustainable Development Goals addressing trafficking.

IOM and the Commonwealth of Australia have cooperated on migration issues for more than 65 years. As a founding member state, the Government of Australia has consulted with IOM on many migration-related issues and worked collaboratively on a multitude of projects. The strength of the relationship is reflected through the commitment to a strategic partnership.

Terms of Reference

Terms of Reference Point 1: The nature and extent of modern slavery (including slavery, forced labour and wage exploitation, involuntary servitude, debt bondage, human trafficking, forced marriage and other slavery-like exploitation) both in Australia and globally.

IOM's global migration report (2015) indicates that there are an estimated 232 million international migrants and 740 million internal migrants worldwide, most of whom are in search of work and may be vulnerable to situations of extreme exploitation and trafficking in person.¹ Since the early 1990s, IOM has identified and assisted more than 90,000 victims of trafficking, of 103 different nationalities in 117 countries of destination. During this time, IOM has seen the global understanding of the crime change, from one involving the sexual exploitation of young women and girls in Eastern Europe and Southeast Asia, to one in which male and female victims are exploited in almost equal numbers around the world in sectors and industries that range from agriculture and fishing to care and hospitality, construction, domestic work, manufacturing, and many others.

As the largest trafficking victim assistance actor, IOM identifies and assists annually approximately 7,000 victims, which may be as much as 1 in every 10 trafficking victims who are formally identified worldwide and approximately 13% of those who are formally identified in East Asia.

In the context of Australia, there is general acknowledgment that a lack of reliable data exists on human trafficking and modern slavery largely due to the clandestine nature of the crime. According to the Australian Institute of Criminology's People Trafficking in Australia Report (2012), Australia is a destination country for TIP, with substantial numbers of temporary migrants from Asia and the Pacific. Episodes of modern slavery have been identified in the industries of agriculture, horticulture, hospitality, textiles, construction, cleaning and in most cases coercion and control of victims was achieved through threats of violence, obligations to repay debt, isolation, manipulation of tenuous or irregular migration situations and a general sense of obligation.²

Trafficking in persons (TIP) is also a concern in the Pacific. A number of incidents have been reported of persons from Asia – including China, Indonesia, the Philippines and Vietnam – in addition to workers from Pacific Island Countries and Territories (PICTs), being exploited in the Pacific region on fishing vessels through deceptive recruitment processes.³ There are links between TIP and the extractive industries in a number of PICTs, with reports of sexual exploitation of women and girls at logging camps. It is noted that the isolation of many of these camps limits the availability and reliability of data. There are also cases

¹ International Organization for Migration, *World Migration Report 2015 – Migrants and Cities: New partnerships to Manage Mobility*. (Geneva 2015).

² Joudo Larsen J, Renshaw L, *People Trafficking in Australia, Trends & issues in crime and criminal justice* no.441. Canberra: Australian Institute of Criminology, 2012.

³ PIDC, *People Smuggling, Human Trafficking and Irregular Migration in the Pacific* (2014).



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of internal TIP whereby women and girls from rural areas are misled with assurances of legitimate work to travel to provinces where they are subjected to sex trafficking. Children, including girls from tribal areas as young as five years old, are reportedly subjected to sex trafficking or forced labour by members of their immediate family.⁴ IOM has delivered projects to combat TIP and governments in the Pacific have indicated there is a need to increase efforts to address this issue whereby technical assistance is provided to relevant government departments and key service providers in screening and supporting labour and sexual victims of trafficking.⁵ Capacity building activities with a focus on strengthening the skills of authorities to identify and protect victims of TIP have been delivered but critical data gaps around TIP in PICTs continues to be a salient need.

Globally, IOM sees the crime as being closely tied to migration: both regular and irregular labour migration as well as forced migration situations that are driven by conflict, natural disaster, protracted crises, and possibly climate change, although the latter is more difficult to attribute directly. Despite being a key driver of economic growth, migrant workers around the world generally lack the legal protection available to the domestic workforce. Lower-skilled migrant workers are more likely to be employed in jobs that are characterized as 3D (difficult, dangerous, and dirty), while being denied collective bargaining rights, and often lacking access to social services, like health care and education opportunities for children. Some forms of employment that attract a high proportion of migrant workers, such as domestic work, are rarely covered by national labour law.

Irregular migrant workers are even more vulnerable to exploitation and abuses in the workplace, including slavery-like practices. Common issues experienced by undocumented migrant workers include the following:

- breach of contract
- excessive recruitment fees
- debt bondage
- excessive working hours
- not enough wages
- withholding of passport
- sexual abuse and exploitation
- trafficking youth as workers and sex workers

The manner in which migrant workers are recruited is also influential, and international labour supply chains that are based on a 'worker pays' model often exacerbate the vulnerability of migrant workers to exploitation by creating a debt obligation that becomes difficult to pay. Some unpublished IOM research suggests that some migrant workers in Asia can pay the equivalent of 24 months in wages for the opportunity to access an employment opportunity abroad through regular migration channels.

Exploitation and abuse can be particularly severe in industries where the workplace is remote and/or inaccessible to public view. A 2014 IOM study⁶ of 1,102 trafficking survivors found that those in the domestic and fishing sectors in the Greater Mekong sub-Region, for example, consistently worked exceptionally long hours (15.2 hours to 18.8 hours per day); were among the most likely to have their freedom curtailed (85.8% to 92.1% were never free to do what they wanted or go where they wanted); and

⁴US State Department, 2016 Trafficking in Persons Report, Papua New Guinea (Office to Monitor and Combat Trafficking in Persons, Washington, D.C., 2016). Available from www.state.gov/j/tip/rls/tiprpt/countries/2016/258840.htm (accessed 24 February 2017)

⁶ http://publications.iom.int/system/files/pdf/steam_report_mekong.pdf

⁶ http://publications.iom.int/system/files/pdf/steam_report_mekong.pdf



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were among the least likely to be compensated (70.9% to 84.2% were never paid). Migrant fishermen also tended to be exploited for the longest periods of time (10 years in some cases); were particularly likely to be subjected to physical violence (68.4%); endured particularly difficult occupational health challenges, and were most likely to suffer severe physical injury (68%) without access to medical care.

In the manufacturing industry, victims reported working on average 12.6 hours per day, with 92% claiming that they were never free to do as they pleased, and where 80.2% were never paid. Governments have a clear role to play in addressing the challenges of trafficking in regulated industries, but private companies can also play a pivotal role and, at times, may have more influence over international labour supply chains. IOM studies elsewhere, including the Middle East and North Africa, have reached similar conclusions.⁷

Trafficking in persons is also evident in contexts of crisis, where migration is forced, and crises are known to prompt additional and specific risk factors, which vary according to political and geographic context and whether crises is the result of armed conflicts, or natural disasters. The crime may not develop similarly or to the same extent in all types of crises, but IOM has observed certain common features⁸:

- The erosion of the rule of law and the breakdown of institutions; the development of criminal activities; and the corruption and impunity of officials. These are consequences that can be typically observed in most emergency settings.
- Many large-scale crises feature a general lack of economic opportunity, and crisis-affected populations tend to increase their reliance on negative coping mechanisms and adopt risky survival strategies. This can translate, in some cases, into heightened vulnerability to human trafficking among affected populations.
- At the onset of a crisis, existing criminal networks may become disrupted but may also adapt to the new situation – by targeting new victims in new places, such as refugee and internally displaced persons (IDP) camps, transit points or within local populations hosting high numbers of mobile populations.
- Response workers may create new demands (for example, for sexual services or cheap goods made through exploitative labour) therefore inducing a response of such services by trafficking networks.
- Independent of the type of crisis, IDP and refugee camps as well as formal and informal holding sites for stranded migrants are a rich source of new victims for traffickers and other criminal networks looking for a cheap or free workforce, sexual services and other exploitative activities.
- Traffickers may seek to take advantage of populations receiving humanitarian assistance and may increase their criminal activities through fraudulent and ultimately exploitative opportunities for employment or onward migration.
- Traditional harmful and cultural practices (such as early/forced marriage) increase during crisis settings, while other practices (such as sponsorship systems) contribute to the enhanced vulnerability of migrants; both in turn might lead to TIP under certain circumstances.

⁷ https://publications.iom.int/system/files/pdf/other_migrant_crisis.pdf

⁸ <https://publications.iom.int/books/addressing-human-trafficking-and-exploitation-times-crisis-evidence-and-recommendations-0>



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- The absence of protection and lack of immediate solutions increase exposure to trafficking, especially in protracted settings.
- Other aggravating factors are related to discrimination, whether gender based, ethnic, racial, religious, social, within a community or at the national level.

IOM's Climate Change-Human Trafficking Nexus report (2016) also highlights how the risk of sudden-onset disasters and slow-onset events that place strain on livelihoods, increases the presence of unscrupulous recruitment agencies and exacerbates poverty, and which in turn makes communities vulnerable to trafficking and associated forms of exploitation. Field research conducted by IOM reveals that criminal groups target disaster-prone communities by luring men and women, and particularly widows, into exploitive hard labour and prostitution.⁹

While current global figures on the numbers of victims being identified are dwarfed by the best global estimates of the scale of the trafficking problem, migration crises also highlight the particular challenge of trafficking victim identification. IOM works with national governments to address numerous migration crises, including screening and assisting trafficked persons. In some cases, there arises considerable disagreement about whether these migrants should be protected as victims or treated as irregular migrants, despite being subjected to physical, sexual, and psychological abuse, starved, locked in cages, tortured, and in some cases, murdered, for purposes of extorting money from their families at home.

Terms of Reference Point 3: Identifying international best practice employed by governments, companies, businesses and organizations to prevent modern slavery in domestic and global supply chains, with a view to strengthening Australian legislation

Global anti-trafficking efforts by States, international organizations and non-governmental organizations have used the “3P” paradigm of prosecution, protection, and prevention established by the 2010 United Nations Global Plan of Action to Combat Trafficking in Persons. Despite these collective efforts, however, there is no reason to believe that human trafficking is any less prevalent today than it was when the Palermo Protocol was adopted in 2000.

The Palermo Protocol, contrary to earlier human rights oriented instruments, was accompanied by a strong emphasis on criminal justice responses to trafficking in persons. While the criminal justice approach has helped drive a legislative change at national level, the eradication of trafficking in persons requires a much greater focus on social justice issues, such as discrimination and inequality, labour migration opportunities, and conscientious consumerism.

While protection frameworks for victims of trafficking have been strengthened in recent years, less progress has been made in preventing exploitation from occurring in the first place. Far too often public awareness campaigns are targeting potential victims, highlighting the risks of trafficking instead of promoting safe alternatives, either at home or through safe migration channels. By contrast, the responsibility of the industries and consumers demanding sexual services, cheap labour and cheap goods usually goes unrecognized. Efforts are needed to address the reality that some goods are sold as cheaply as they are because of the poor and irregular payment of migrant workers in global supply chains.

⁹ International Organization for Migration, The Climate Change-Human Trafficking Nexus, (Thailand 2016)



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Addressing the demand side of trafficking and exploitation requires the engagement of those creating the demand, including consumers themselves and the private sector. Campaigns to shift individual behaviour in their role both as consumers and as conscientious members of society should be expanded and efforts made to sensitize, encourage, assist, or obligate companies to clean up their supply chains should be enhanced.

1. Empowering trafficking survivors

a) Reintegrate to self-sufficiency

Despite experiencing significant levels of trauma as a result of their exploitation, many victims of trafficking return home with little reintegration support. Although temporary emergency assistance may be made available to some, it rarely lasts beyond a few months, leaving victims in a particularly vulnerable situation that may well result in re-trafficking. IOM and other organizations are working hard to address this. This gap was in large part the motivation for the development of the pilot 6Degree.org crowdfunding portal; to help generate more financial resources for the reintegration of trafficking survivors. IOM has also practiced and promotes multi-stakeholder approaches to reintegration, which envisages government, civil society, and private sector collaboration to help survivors achieve economic, social, and psychosocial self-sufficiency. In Bangladesh, for example, IOM currently supports both male and female victims of trafficking with psychosocial counselling, while offering skills training and entrepreneurial engagement in small-scale, service-oriented businesses. IOM has partnered with independent firms to provide rapid market appraisal to determine the feasibility of the identified, support businesses development, and provide skills and on the job training for the project beneficiaries. Monitoring is especially important feature in such cases to identify as soon as possible any challenges the beneficiary might be facing and to act as an ongoing support, ideally for as long as it is needed.

b) De-linking protection from prosecution

A related need is the common practice of protecting and assisting victims who agree to assist with a criminal prosecution, but many victims are not particularly interested in having the trafficker prosecuted. Sometimes the trafficker is a close relative or friend, but generally victims have more basic interests than criminal justice: they want a decent job and a fair wage; they want to be with their families, or at least be able to support them; they want to have fair and decent work or educational opportunities, or opportunities for education. In addition to not being particularly interested, there are few positive incentives to cooperate in the prosecution of their traffickers, particularly as undocumented migrant workers. In many countries in Asia, for example, foreign victims of trafficking who are involved in supporting a prosecution have no right to work. IOM research consistently demonstrates that the main reason most people migrate is for better work opportunities, and that prosecutions may last years, it is no surprise that victims are reluctant to self-identify. A victim-centred approach would aim to respond to these needs as the priority as a means of empowering beneficiaries to achieve longer term economic, social, and psychosocial self-sufficiency.

c) Access to civil remedy

In much of the world, trafficked migrant workers rarely receive any form of compensation for the harm they experience. A few formally-identified victims receive modest compensation through government-administered funds, and others occasionally benefit from restitution orders when they have assisted in the



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prosecution and conviction of their abuser. However, such cases remain exceptional. As demonstrated in a report published by IOM in Indonesia, for example, there are compelling reasons why even formally-identified human trafficking victims are rarely prosecuted (a) survivors' perception that a legal battle is a long and arduous process; (b) economic pressures which force the survivors to abandon court cases in order to pursue livelihood opportunities; and (c) fear of retaliation by traffickers; (d) shame and stigmatization by their families and communities; (e) lack of trust towards law enforcement officials; (f) low awareness of trafficking case preparation, case lodgement and court procedures and criminal legislation.¹⁰ Exploited migrant workers, including those with an irregular migration status, are also generally unaware of the possibility of filing a civil suit to recover damages, and those who have already returned home face additional practical challenges of advancing a civil action in the host country.

A renewed emphasis on civil remedy options, including for irregular migrants who have been subjected to abuse and exploitation presents several important untapped advantages: Specifically:

- Unlike a criminal justice action, which prioritizes the conviction of the accused, the express purpose of a civil claim is to compensate the plaintiff for the harm suffered. A better understanding of civil remedy opportunities may therefore encourage more complainants (victims) to come forward and report the abuses committed against them since the objective is of direct benefit to them;
- A claim in tort requires a lower burden of proof than does a criminal charge. While the evidentiary challenges of prosecuting human trafficking cases are well known, establishing fault in cases where migrant workers have experienced abuses is more easily achieved when assessed on a balance of probabilities.
- A significant monetary award can assist the complainant's successful reintegration into society, breaking the chain of poverty, exploitation, and social ostracization which is common to exploited migrant workers.
- The threat of civil litigation for mistreatment can help to deter unscrupulous employers from engaging in abusive practices. Some employers are likely to take more care in their treatment of migrant workers if there is a real risk that the worker will seek damages.

2. Public-private sector partnerships

International Recruitment Integrity System (IRIS): IRIS is a voluntary, multi-stakeholder certification system that identifies labour recruiters that demonstrate an ongoing commitment to ethical recruitment practices, based upon the ILO labour standards, the UN Guiding Principles on Business and Human Rights, and industry leadership. IRIS aims to bring transformative change to the international recruitment industry by identifying labour recruiters that have demonstrated ongoing commitment to ethical recruitment practices consistent with ILO standards, thereby addressing the exploitation of migrant workers. By promoting ethical recruitment standards, IRIS fosters transparency within the industry and helps to eliminate exploitative recruitment practices that affect migrant workers, employees and those in their supply chains, and labour markets. Initiated by IOM and the International Organization of Employers (IOE) in 2014, IRIS creates benchmarks for the fair and ethical labour recruitment associated with the employment, emigration and immigration of migrant workers. To date, the IRIS certification process has created implementation guidelines, compliance and monitoring mechanisms, and began pilot testing in 2017 in multiple geographic corridors and industries.¹¹ Australian companies are welcome to engage with

¹⁰ International Organization for Migration, Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry (Indonesia 2016)

¹¹ <https://iris.iom.int/>



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IOM is in pilot testing IRIS in their supply chains, through labour supply chain mapping exercises that will help to identify and assess agents involved in the recruitment and deployment of migrant workers, and to seek synergies with project activities involving other companies. In so doing, IRIS will help to promote an “employer pays” business model of ethical recruitment, giving market advantage to those labour recruiters compliant with the IRIS standards. Increasingly, companies are under pressure to demonstrate that the goods and services they produce are free from slavery and human trafficking and associated forms of exploitation and abuse. Failure to do so can lead to reputational damage, financial losses, and possible legal action. Conversely, proactive approaches to ethical recruitment and supply chain management can lead to a stronger and more motivated workforce.

Under the broad umbrella of IRIS, IOM is working closely with a number of multi-national companies to map the full length of their individual supply chains to understand the reasons for the existing business practices as well as their underlying risks and incentives. The challenges are complex. The ‘worker pays’ model of migrant worker recruitment, for example, is a common industry practice in Asia that is explicitly permitted by law in some countries and prohibited in others. It generates significant revenues for each actor upstream by selling access to employment opportunities to aspirant migrant workers. An unpublished IOM assessment found that along the most expensive labour migration corridor in Asia, migrants need to work for at least 9 months and in some cases as long as 27 months to recoup the price they paid to get a factory job. Having been loaded with debt even before they start working, migrant workers find they have few options once in the destination country should the terms and conditions of employment not meet their expectations. While an industry shift to an ‘employer pays’ model would benefit the aspirant migrant and would undoubtedly lower the overall costs of labour recruitment, it would also deprive all of the other actors along the supply chain of significant profit and so requires significant public-private collaboration and the political commitment of the top brands to engineer a change in industry practice.

While improving supply chain management is the most important need requiring strong private sector commitment, private companies can also contribute more consistently to the counter-trafficking effort. One of IOM’s private partners, for example, is exploring ways to become more involved in victim protection by creating employment and training opportunities for trafficking survivors with its suppliers in countries of destination and origin in Asia. Another IOM partner, Microsoft, has helped develop the pilot 6Degree.org, an online crowdfunding portal to encourage private donors to contribute to the long-term reintegration of individual trafficking survivors.

b) IOM’s Corporate Responsibility in Eliminating Slavery and Trafficking (CREST): CREST is designed to help companies in a more localized context to maximize the benefits of employing migrant workers within their operations through the adoption of ethical recruitment and supply chain practices. The programme offers three distinct services (pillars of work) to the private sector:

- Training on ways to reduce the risk of slavery and trafficking in daily operations and supply chains. This includes guidance on how to comply with anti-slavery legislation and trade requirements, as well as practical tips on how to implement ethical recruitment practices and better monitor lower tier suppliers.
- Pre-departure and post-arrival orientation training for migrant workers. This provides prospective workers with information about living and working conditions, contract terms, human rights awareness and soft skills to better adapt to work abroad.
- Supply chain monitoring and ethical recruitment support, following the IRIS Code of Conduct and tools. This helps companies identify potential risks within their supply chain and develop risk



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mitigation strategies. In addition, IOM supports companies in reviewing employment contracts and implementing the ‘employer pays’ model of recruitment, as well as developing company policies and codes of conduct which clearly articulate company standards and expectations for all suppliers.

As this issue continues to threaten the well-being of individuals around the world, governments have demonstrated strong commitments to contributing to the fight against modern slavery. Further to the United Kingdom’s *Modern Slavery Act 2015*, IOM identifies other international best practices that, if adopted, would strengthen national legislation against modern slavery. For instance, the regulation of labour recruiters for jobs that would include requirements such as:

- The prohibition of recruitment fees and costs to workers;
- Serial liability with employers so that employers are liable for recruitment fees and costs throughout the labour supply chains, thereby linking access to temporary foreign workers to due diligence measures;
- Disclosure of all actors in the labour supply chain to increase transparency;
- Bonds retained to help remunerate victims of unethical recruitment;
- Codes of conduct for suppliers of goods and services to the Government

Another initiative could be the creation of a mandatory template for reporting in addition to maintaining a central repository for company reports. It would also be beneficial for Governments to maintain a list of all companies to which the antislavery legislation would apply to. This is something that has been repeatedly asked for by stakeholders in the United Kingdom in relation to the Modern Slavery Act. Finally, the development of an incentive scheme to encourage private sector buy-in which could: rank companies based on compliance with labour standards in their own operations and within their supply chains; and implement administrative incentives for using certification or industry based standards (e.g. IRIS).

3. Changing attitudes and behaviour with demand-oriented information

In addition to developing public-private partnerships to address exploitative practices in corporate supply chains, it would also be important to advocate for attitudinal and behavioural change with demand audiences, such as consumers and employers. With the support of advertising firm, Saatchi&Saatchi Simko, IOM piloted the “*Buy Responsibly*” campaign in Europe to sensitize conscientious consumers to the relationship between their consumer choices and the exploitation of migrant workers. It also intended to encourage private retailers to understand their own supply chains and to be transparent with consumers about ‘what’s behind the things we buy’. Indirectly, it attempted to encourage business to understand that it was in their best interest to self-regulate.

There are also opportunities to increase awareness and knowledge levels about how exploitative practices can manifest in various sectors and to inspire demand audiences to care about the victims of exploitation. The IOM X campaign is working to educate the public in Malaysia and Thailand as key destination countries in Southeast Asia about the standards and conditions expected in the treatment of domestic workers to increase positive attitudes, and encourage employers to demonstrate good practices.

4. Encouraging Inter-State Cooperation

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime:



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The Bali Process, co-chaired by Indonesia and Australia, has 48 members, including the United Nations High Commissioner for Refugees (UNHCR), IOM and UNODC as well as a number of observer countries and international agencies. The Bali Process has effectively assisted bilateral and other regional efforts to combat people smuggling and trafficking. The Australian Government has been committed to working in partnership with other governments, international organisations and civil society to develop a multidimensional approach to tackle people smuggling and trafficking in persons. That approach includes the improvement of cooperation among regional law enforcement agencies, collaboration on border and visa systems, the development of provision of appropriate protection and assistance to the victims of trafficking, adoption of best practices in asylum management, raising of public awareness and the creation of opportunities for legal migration between states. One of the most successful outcomes for Australia has been the development of legislation to criminalise people smuggling and trafficking. Likewise, around 18 regional countries had made use of the model legislation developed by Australia to draft their own domestic laws criminalising people smuggling and trafficking. Australia is also a State party to the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocol against the Smuggling of Migrants by Land, Sea and Air.¹²

Over half of the world's 21 million victims of forced labour are found in the Asia-Pacific region. The majority work in the formal economy – making the clothes we wear, harvesting the food we eat and producing the goods we take for granted in our everyday lives. Many of these victims are migrant workers.

Conclusion

IOM is committed to the principle that humane and orderly migration benefits migrants and society. However, migrants are often vulnerable to trafficking and the associated forms of exploitation en route and at destination. Therefore, it is admirable of the Australian Government to demonstrate commitment to addressing the operational challenges of migration with intent to strengthen legislation that governs modern slavery to uphold the human dignity and well-being of Australians and migrants in the workplace.

A number of domestic laws have also been enacted to encourage businesses to address human and labour rights violations, including human trafficking, that may occur in their supply chains. Legislation such as the California Transparency in Supply Chains Act (2010), the UK Modern Slavery Act (2015), and revisions to the US Federal Acquisition Regulations (2015), obligate companies with a certain scale of operation to be proactive in understanding the risks in their business processes that can directly or indirectly compromise labour and human rights; and to document actions they are taking to address such risks. In keeping with the “Protect, Respect, Remedy” framework of the UN Guiding Principles on Business and Human Rights, these government efforts have contributed to greater business accountability in combating all forms of modern day slavery.

The demand for sexual services, cheap goods, and cheap or enslaved labour is what drives trafficking around the world. While criminal agents are involved in delivering trafficked persons to provide those services, it is the end users of these services that keep the criminal agents in business. Efforts should be made to inform the public on the social costs of these services as a means of driving down demand and, where appropriate, purchase or use of such services should be criminalized and individual users punished.

The private sector, which is heavily involved in migration as employers and purchasers of goods and services, should leverage its significant influence to ensure ethical recruitment and decent work conditions

¹² <http://www.baliprocess.net/>



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for migrant workers, and to strengthen due diligence and remediation in line with ILO labour standards and the UN Guiding Principles for Human Rights and Business. Recruitment agencies should adhere to standards of conduct regarding ethical recruitment of migrant workers.

The objectives of the UK's Modern Slavery Act 2015 pivot on a bill that implemented two new civil orders to prevent modern slavery, the establishment of an independent Anti-Slavery Commissioner and provision for the protection of modern slavery victims. IOM welcomes efforts by the Australian Government to reduce modern slavery by initiatives referenced in the United Kingdom's Modern Slavery Act 2015 and the relevant findings from the Joint Standing Committee on Foreign Affairs, Defence and Trade's report, *Trading Lives: Modern Day Human Trafficking*.