



Australian Government

Department of Foreign Affairs and Trade

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Mr Chris Crewther MP
Chair, Foreign Affairs and Aid Sub Committee
Joint Standing Committee on Foreign Affairs, Defence and Trade
Parliament House
Canberra 2600

Dear Mr Crewther

Inquiry into establishing a Modern Slavery Act in Australia

The Department of Foreign Affairs and Trade (DFAT) welcomes the opportunity to make this submission to the Inquiry. It focuses on Australia's international and regional engagement on human trafficking and modern slavery.

Global momentum on modern slavery

International momentum to prevent and combat modern slavery in global supply chains is accelerating. Several jurisdictions have introduced legislation to promote corporate transparency in tackling these crimes. The Global Alliance to Eradicate Forced Labour, Modern Slavery and Human Trafficking and Child Labour ('Alliance 8.7' – named for Sustainable Development Goal Target 8.7) was launched during the United Nations (UN) General Assembly in September 2016. This initiative is working to strengthen policy coherence across the UN agencies.

Sustainable global supply chains will be one of the key themes of Germany's Presidency of the G20 this year (7-8 July). Global supply chain transparency may also be a key feature in the 25th Commonwealth Heads of Government Meeting (CHOGM), in early 2018. The annual Australia-UK Ministerial Consultations (AUKMIN, due in July 2017) also present an opportunity to share experience of the UK Modern Slavery Act.

Australia's international advocacy

Australia's international leadership on human trafficking and slavery issues is gaining prominence. In March 2016, the Foreign Minister, the Hon Julie Bishop MP, launched Australia's whole-of-government *International Strategy to Combat Human Trafficking and Slavery*.¹ The strategy commits us to being a regional leader and developing a clearer framework to guide the Australian Government's work. It strengthens our efforts to address these crimes, and better coordinates Australia's international engagement at the bilateral, regional and multilateral levels – in line with the four pillars of the *National Action Plan to Combat Human Trafficking and Slavery* (prevention and deterrence; detection and investigation; prosecution and compliance; and victim support and protection). The whole-of-government International Working Group has since been actively implementing the Strategy.

At the launch of Alliance 8.7 in New York, the Foreign Minister declared the fight against human trafficking and slavery a priority for the Australian Government.

Australia is actively encouraging UN efforts to strengthen coordination and develop a more strategic and coherent international response. We consider Alliance 8.7 a useful vehicle for bringing key UN agencies, Member States, and non-government stakeholders together to accelerate efforts and strengthen policy coherence in combating these abuses. Through the work of Ambassador for People Smuggling and Human Trafficking, Andrew Goledzinowski, Australia is now leading, with the United States and the United Kingdom, progress on operationalising Alliance 8.7. The International Labour Organisation (ILO) Governing Body has now endorsed broadening the scope of the IV Global Conference on Child Labour in Buenos Aires (14-15 November 2017) to include Alliance 8.7. The Global Conference will be an important milestone for progressing the work of the Alliance.

In December 2016, Australia co-sponsored the first ever UN Security Council Resolution (2331) on Human Trafficking, which called on Member States to 'investigate, disrupt and dismantle' criminal networks. DFAT is also working to ensure that the 2017 Review of the Global Plan of Action to Combat Trafficking

¹ See <http://dfat.gov.au/news/news/Pages/australia-launches-international-strategy-to-combat-human-trafficking-and-slavery.aspx>. Human trafficking, slavery and forced labour are closely related abuses. They are defined differently across jurisdictions, but broadly refer to situations of exploitation that a person cannot refuse or leave, because of coercion, threats or deception. Australia uses the umbrella term 'human trafficking and slavery' as a general term encompassing slavery-like practices including servitude, forced labour, forced marriage, deceptive recruiting for labour or services, and debt bondage.

in Persons (October 2017) makes a practical contribution and aligns with other work to strengthen system-wide coherence.

UN Strategic Development Goal Target 5.2 explicitly recognises trafficking as a form of violence against women and girls. Australia's Ambassador for Women and Girls has a mandate to support global and regional efforts to end trafficking of women and girls and support survivors. Her advocacy complements that of our Ambassador for People Smuggling and Human Trafficking, Ambassador to ASEAN, and our regional diplomatic posts and key multilateral missions.

Regional engagement and programs

DFAT plays a key regional role in the Government's efforts to combat human trafficking and slavery, including advocacy, engagement and development assistance.

Bali Process

DFAT coordinates Australia's whole-of-government engagement in the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process).

As Co-Chair (with Indonesia) of the Bali Process, Australia is playing a key leadership role in the region to engage business in eradicating human trafficking and slavery. At the Bali Process Ministerial Conference held on 23 March 2016, members endorsed the *Bali Declaration*,² which recognised the need to engage with the private sector to combat human trafficking and related exploitation, including by promoting and implementing humane, non-abusive labour practices throughout supply chains. Bali Process Co-Chairs are now organising a Bali Process Government and Business Forum. Similar to Davos or the B20, the forum will bring together prominent regional business leaders to focus on best practice in eradicating human trafficking, slavery and forced labour and make policy recommendations to Ministers on accountability and enforcement. The Forum will be driven by the private sector, with participants guiding the discussion and developing their own program of work. It will be launched in Perth on 24-25 August 2017 and will become a permanent track of the Bali Process. Discussions will include consideration of the UK Modern Slavery Act as a possible model for legislation in member countries.

² <http://www.baliprocess.net/>

Australia's regional programs

The International Labour Organization estimates almost 21 million people (11.4 million women and girls and 9.5 million men and boys) are subject to forced labour worldwide. Over 56 per cent of these are in the Asia-Pacific region. While the root causes and drivers of human trafficking and slavery are diverse, there are often common factors that increase people's vulnerability to becoming victims, including: poverty, lack of economic opportunity, unemployment and under-employment, low rates of education or literacy, gender inequality, and the capacity of institutions and officials to address the phenomenon (including underlying corruption problems). Australia's aid program works to address these underlying causes and vulnerabilities.

Safe migration is a core part of our preventative approach in the region, most notably through our TRIANGLE in ASEAN program (the 'triangle' being government, unions and employers), delivered in partnership with the International Labour Organisation. In December last year, Australia committed to funding the \$20 million ten-year TRIANGLE in ASEAN program, as the second phase of the successful GMS TRIANGLE program.

This program sits alongside our other flagship investment to build and strengthen criminal justice responses to human trafficking, the \$50 million Australia-Asia Program to Combat Trafficking in Persons (AAPTIP, 2013-18), one of our largest aid investments in Southeast Asia. The program aims to: strengthen criminal justice responses to trafficking at both national and regional levels; train judges, prosecutors, and investigators to increase rates of fair and just convictions; deliver research to inform strategic directions for the criminal justice response; and boost regional coordination and exchange of information. AAPTIP will also assist countries in the region implement obligations under the *2015 ASEAN Convention on Trafficking in Persons* (and its Plan of Action), which entered into force on 8 March 2017.

Australia also supports other programs to prevent serious forms of labour exploitation in supply chains in the Indo-Pacific, such as ILO Better Work Programme (\$5 million, 2016-19) and Preventing Exploitation of Women Migrant Workers in ASEAN managed by UN Women (\$2 million, 2015-17).

Protecting private domestic workers employed by foreign officials

DFAT's Protocol Branch continues work to strengthen protections for private domestic workers employed in the households of foreign diplomats and consular staff in Australia. Ongoing initiatives include: briefings for the diplomatic corps

on expectations and obligations for fair treatment of private domestic workers; new guidelines aimed at strengthening protections for vulnerable workers; increased visibility of visa applications to the sending government; and issuing identity cards for all domestic workers employed by diplomatic and consular officials, including a requirement to attend a personal interview on application and renewal, which provides an opportunity for an annual welfare check.

Training for DFAT consular officials overseas

All DFAT officers who are posted overseas are required to report any information relating to the possible or attempted commission of serious extraterritorial offences under Australian law including human trafficking. This ensures that, where appropriate, such matters are referred to Australian law enforcement authorities. Prior to being posted, diplomatic and consular officials receive training on the management and referral of cases involving forced marriage.

Australia's engagement on the Modern Slavery Act 2015

The Prime Minister, the Hon Malcolm Turnbull MP, attended the high-level UNGA meeting in New York last September on modern slavery convened by UK Prime Minister Theresa May. This complements DFAT's continuing engagement with UK Independent Anti-Slavery Commissioner, Kevin Hyland, who oversees implementation of the UK Modern Slavery Act. Mr Hyland will address this parliamentary inquiry during his visit to Australia in late May 2017.

Australian business

Australian businesses and their overseas suppliers are showing appetite for deeper engagement on these issues, as demonstrated in consultations the Australian Government is undertaking with business, industry, civil society and academia on the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs).

Australian companies have also joined various initiatives such as the Australian Business Pledge against Forced Labour established in 2013 by the Australian Food and Grocery Council, Woolworths and Coles, and the ILO's Good Labour Practices Program in the fisheries industry. Industry groups such as the Australian Chamber of Commerce and Industry and the Australian Industry Group are also positively engaged in these issues. This reflects increasing recognition of potential commercial (and reputational) risk of forced labour in companies' supply chains.

As momentum builds to combat modern slavery and stakeholders (investors, customers, and civil society) are demanding more proactive efforts, Australian businesses are actively engaging in discussions to understand the risks of their involvement in modern slavery through their own businesses and supply chains. For some businesses, a focus on the egregious abuses of modern slavery forms part of broader engagement on risk management and sustainability issues. Early analysis by the UK Business and Human Rights Resource Centre of compliance with the corporate reporting requirement of the UK Modern Slavery Act (Section 54) points to a reputational reward for leading companies as well as an international 'race to the top' effect; in addition to driving 'anticipatory' efforts to change policies and processes in response to modern slavery.

Conclusion

A requirement for Australian corporations to report on their actions to ensure their supply chains are free of human trafficking and slavery would further enhance Australia's credentials as a regional and international leader in tackling modern slavery. Companies have expressed the desire to see harmonised approaches in transparency reporting. Large corporations are keen to mandate standards of disclosure as this levels the playing field for those companies already doing the right thing. Discussions on the UK Modern Slavery Act as a possible template for government are increasing in the business community.

Adopting legislation similar to the UK Modern Slavery Act would potentially help pave the way for agreeing to a harmonised global approach so multinational companies face the same reporting requirements across jurisdictions.

Australia's bid for membership to the Human Rights Council in 2018-2020 reflects our strong commitment to the promotion and protection of human rights internationally.

I trust this information is of assistance and am happy to provide further information to assist the Committee as needed.

Yours sincerely

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27 April 2017