



Submission No 73

Inquiry into Slavery, Slavery-like conditions and People Trafficking

Organisation: Plan International Australia – Supplementary submission

Plan International Australia – Questions on Notice – Public Hearing 8 May 2013

1. Senator STEPHENS: Thank you very much for your submission. You take us to an interesting place where we are thinking about the MDGs, particularly the interaction between our MDGs' commitments, the targets and the performance across developing countries and early marriage, forced marriage and education. That is quite an interesting space for us to go to. In your submission you call for an international program in four strategies: supporting girls, building leadership skills and access to education opportunities. Can you tell us what you think about AusAID's project design document for the Australia-Asia Program to Combat Trafficking in Persons and, if you are across that, whether it adequately covers the four strategies that you have suggested?

Mrs Fawcett: I am afraid I am not across that document.

Senator STEPHENS: Would you mind having a look at it to see? If you could take that question on notice and give us a flick back to say, 'No, I don't think it goes far enough,' or whatever, that would be helpful.

Mrs Fawcett: Okay. (pp. 22-23)

Response

- I have read the Project Design Document for the Australia-Asia Program to Combat Trafficking in Persons. I should begin any comments with a caveat that I am not a specialist in trafficking, however as forced marriage is identified within the document as a less reported form of trafficking and due to the impact on child rights of trafficking in general, I will make some limited comments.
- I was pleased to note that the design document frames trafficking as a breach of human rights and plans to implement the program according to a rights based approach.
- I was also pleased to note a connection has been made between a reduction of trafficking in all its forms and increased access to education of vulnerable people.
- The document highlights the need for a 3 pronged approach of Prevention, Prosecution and Protection. I can't comment on the statement that Prevention and Protection are adequately covered by other donors and development actors, which has led to the Australian focus on Prosecution, but this focus does raise questions in terms of early marriage:
 - While a strong legislative framework is a part of the puzzle of preventing early marriage Plan's research has shown that this is not enough. The fact child marriage is illegal in most countries around the world has little affect on behaviour because customary laws, social norms and poverty-driven economic needs often trump national policies and legislation.
 - The focus on prosecution also tends to lead to a further focus on organised trafficking and does not address the more nuanced issues around families forcing young girls to marry. While this is also illegal prosecution is not necessarily a constructive solution in all cases.
- *Outcome 7: Victims of trafficking are fully supported through the criminal justice process* has within it a focus on a need for constructive victim-witness management and support, including gender-sensitivity, which is consistent with framing trafficking within a human

rights approach. However, there needs to be greater attention to how this management must differ depending on the age of the victim. A focus on children is outlined on page 32 and it is stated that child centricity is an important element of the overall approach. This is hard to detect in other sections of the design, however and may need to be better considered as well as the and the way in which this will be put into practice specifically outlined. Children will need tailored support that will differ to that of adults, particularly if their primary caregivers have been involved in the trafficking process. This support will also vary depending on their age and individual capacity for understanding the process in which they are involved. The document acknowledges the need for increased information regarding how victims see their experiences of the judicial processes in the region. Australia could play a lead role in ensuring there is a consideration of the fact children will experience these processes differently from their adult counterparts, even when involved in the same case. A specific consideration of how age impacts on this experience across the region should be advocated for.

- *Outcome 6: Trafficking cases are adjudicated fairly and without due delay.* This includes perpetrators being treated fairly. Again a consideration of the age of the perpetrator must inform how an individual is treated and what constitutes 'fairly'. Australia could contribute to a greater understanding of how young people can become involved in trafficking as perpetrators and how the region can better support those young people who are involved in the justice system as perpetrators. A child protection lens, which is broader than compliance to AusAID's child protection policy, should be applied to this outcome.
- There are apparently no links with this program to strengthening Australian legislation to prevent Australian businesses using exploitative labour overseas. This was raised within the Concluding Observations of the Committee on the Rights of the Child issued in 2012 in response to Australia's most recent report on the implementation of the Convention on the Rights of the Child. Use of child labour within the fishing industry in Thailand was highlighted and the observations recommend that:

Australia "Examine and adapt its legislative framework...to ensure legal accountability of Australian companies and their subsidiaries regarding abuses to human rights, especially child rights..."

Ensuring Australia's own legislative framework is strengthened to prevent Australian business contributing to demand for exploitative labour which can lead to trafficking should be linked to this program in order to provide more legitimate leadership and a more truly regional approach.

2. Senator STEPHENS: Yes, it is a really vexed issue, and one that we are all struggling with. You make a point in your recommendations, and we have heard from many organisations about the importance of Australia's role in providing leadership on some of these issues. I thought the idea of participatory research was quite interesting, and I was wondering whether or not you had pursued that idea with international organisations. You mentioned Plan UK and Plan Canada. Is that something that is a live issue now? Is there a proposal in place? Is there something that could be put up through one of the CRCs or those kinds of things that can actually build on that?

Mrs Fawcett: Plan does have a research project in Indonesia on early marriage. I would have to take the details on notice, but we do have a partnership with Plan Indonesia

investigating attitudes around early marriage and the mechanisms and communities that allow it to take place, even though it is actually illegal under Indonesian law. (p. 23)

Response

- Plan has partnered with the International Centre for Research on Women on a regional research project looking at socially embedded causes of child marriage in Bangladesh, India and Nepal. The research is based on primary qualitative data gathered from in-depth interviews and focus group discussions with girls and boys, parents, community leaders, and government officials. The resulting report is attached or can be found here: [Child Marriage 3 Country Study](#)
(<http://www.icrw.org/files/publications/PLAN%20ASIA%20Child%20Marriage-3%20Country%20Study.pdf>)
- Plan Australia and Plan Indonesia are also partnering on research into the causes and drivers of early marriage in specific provinces of Indonesia. The research is based on qualitative data consisting of in depth interviews and focus group discussions, as well as statistical information. The focus is on the factors associated with both formal marriage and informal unions of children below age 18. The research will contribute to the design of a program to contribute to the early marriages in provinces with high prevalence. As the program design is still to be completed there is not publically available report as of yet.