

Tanya Mathias Combatting Modern Slavery Committee Submission

4th April, 2017

Joint Standing Committee on Foreign Affairs, Defence and Trade
Submission re Combatting Modern Slavery

To the Committee Secretary:

Thank you for the opportunity to contribute a submission to your committee; my name is Tanya Mathias, and I am a passionate advocate for fighting human trafficking and modern slavery. I am the founder of **The JAM Network**- www.thejamnetwork.com/ - a multifaceted collective in the UK that is working to combat human trafficking. I have volunteered and worked directly with survivors, in 2014, as an educator in Cambodia, and in 2015 - 2016, as a residential and outreach caseworker in London. I am familiar with the UK Modern Slavery Act 2015, and would like to contribute to your Committee's discussions surrounding Terms of Reference 1, 5, and 6; particularly in relation to the provisions in the current UK legislation.

I understand that your committee will be considering how the UK's Modern Slavery Act could be translated and improved upon in Australia. As you may be aware, the Salvation Army holds the UK Government's contract for coordinating a federal response to potential victims of trafficking and/or modern slavery through the National Referral Mechanism (NRM). The Salvation Army sub-contracts to organisations responsibility to assess and support victims in providing accommodation and financial subsistence, referring them to medical, psychological, legal and immigration services, and accompanying individuals throughout the NRM process. I worked for two agencies: **Hestia** (Anti Human Trafficking Project) and **Caritas** (Bakhita House).

Hestia is one of several organisations subcontracted by the Salvation Army, and individuals referred to us through the NRM were entitled to 45 days' support following a 'reasonable grounds' decision, which is the stated timeframe for the Home Office reaching a 'positive grounds' decision. In reality, it takes much longer. Most of my clients waited in excess of six months before being interviewed by the Home Office. Under the NRM, a negative decision

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resulted in the client no longer being eligible for support by the service provider, and often being returned to their home country. There are many factors which compromise a fair decision, including (but not limited to) a survivor's unwillingness to testify against their perpetrator (often due to fear), and inconsistent evidence being assessed. Unfortunately, many victims are not granted justice, and are often reliant on NGOs to advocate on their behalf for an appeal.

The other organisation I worked for, *Caritas*, supports victims who are not in the NRM and therefore are not actually eligible for federally provided support. There are several UK-based agencies like Caritas who recognise that the provisions in the legislation do not comprehensively cover all victims.

I believe that the Modern Slavery Act 2015 is an important and needed piece of legislation; however, there are serious deficits. This press release from Anti-Slavery International provides an interesting summary: <https://www.antislavery.org/analysis-modern-slavery-act/>

I have consulted my networks in NGOs in the UK, and there is an overwhelming consensus that the legislation is more focused on prosecuting offenders than protecting victims. It is effective at increasing the penalties and sentences that can be handed out, and allows for the confiscation and sale of traffickers' assets. However, there is a considerable lack of focus on victims, their lives, provisions for their support, and effective immigration support for them. Most victims who are not taking legal action against their trafficker are still being pressured to go back to their home country. Furthermore, domestic workers who identify as victims of trafficking are not permitted to obtain work with another employer, preventing them from supporting themselves and their families.

There is positive progress, including the introduction of the article which allows for a defence for victims who commit a crime because they were compelled to do so. Another development is the introduction of the Act's s54 (Transparency in supply chains etc.), which makes it a duty on commercial organisations to eradicate slavery in their supply chains and to make a public statement about what they are doing to stop this.

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Unfortunately, an advocate from *Kalayaan* (UK migrant domestic workers' organisation) has reported that there has not been a single successful prosecution for the trafficking of an overseas domestic worker, which is very disappointing. This organisation continues to refer cases but have been told that not enough evidence exists and it seems difficult to convince a jury of why an educated and wealthy person would traffic and abuse a domestic worker, considering it is her word against theirs.

Despite its current limitations, the Act has been invaluable in advancing an awareness of the realities of modern slavery in the UK, and equipping communities in reporting suspect situations and individuals, as well as designating an Anti-Trafficking Commissioner to oversee this work.

I strongly recommend that our Government adopts similar legislation, in consultation with individuals and organisations in the anti-trafficking and anti-slavery sector, to ensure that the welfare of survivors is integral to its development. A Modern Slavery Act will certainly strengthen the Government's efforts in preventing trafficking and slavery and prosecuting traffickers. It would also highlight the issue of slavery in Australia, and could inform the education of individuals and communities, and would hold businesses accountable.

I welcome further participation into your Committee's enquiry into Combatting Modern Slavery. Thank you for considering my submission. Please do not hesitate to ask me for clarification;

Best regards,

Tanya Mathias