



CATWA Submission to to the Legal and Constitutional Affairs Legislation Committee - *Modern Slavery Bill 2018*

July 2018

About the Coalition Against Trafficking in Women Australia

The Coalition Against Trafficking in Women Australia (CATWA) was formed in Melbourne in 1994 and is the Australian branch of CATW International. CATWA is a Non-Governmental Organisation that has Category II consultative status with the United Nations Economic and Social Council. CATWA works locally and internationally to end all forms of sexual exploitation of women, especially in relation to issues of prostitution and trafficking in women.

Coalition Against Trafficking in Women Australia
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The Coalition Against Trafficking in Women Australia (CATWA) welcomes the renewed interest from the Australian Government in addressing the harms of modern day slavery.

CATWA remains concerned, however, about the efficacy of the proposed *Modern Slavery Bill 2018* and its ability to address issues of modern day slavery, particularly in the form of trafficking for sexual exploitation.

As outlined in our submission to the initial Modern Slavery Act inquiry, the sex industry is a key site of modern day slavery around the world, including in Australia, where it is estimated that at least 2000 people (mostly women) are trafficked into sexual exploitation annually (Inquiry into establishing a Modern Slavery Act in Australia, Submission 75). The proposed Bill will do little to address this grave human rights violation.

We have three main concerns about the Bill: 1) there is no mention of sexual exploitation; 2) the reporting only applies to entities with an 'annual consolidated revenue of more than \$100 million', which will exclude most sex industry businesses operating in Australia; 3) there appear to be no sanctions or penalties for entities that do not comply with reporting. It is therefore unclear what it is hoped this Bill will achieve, beyond potential public relations outcomes (either positive or negative) for some large corporations.

Concerns 1) and 2) amount to the exclusion of issues of trafficking for sexual exploitation from being included in any meaningful way in the Bill. Given that trafficking for sexual exploitation is such a significant part of modern day slavery, this is a very serious shortcoming.

In failing to address the prevention and demand side of trafficking for sexual exploitation, this Bill also fails to adhere to Australia's obligations under the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol.

The Palermo Protocol makes clear that fundamental to tackling the issue of trafficking for the purposes of sexual exploitation is ending the demand that fuels the traffic in women. This occurs in Article 9, Clause 5, which requires states to:

[A]dopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multicultural cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

The approach taken in the Protocol – to focus on primary prevention and demand– has been found to be one of the most effective means of preventing and countering this form of modern day slavery.

Finally, the lack of any clear mechanism to hold entities to account over inadequate reporting, or a failure to report, suggests a lacklustre approach to countering modern day slavery that does not match the rhetoric about understanding its harms.

At a minimum, we recommend the following changes to the draft Bill:

- Recognising sexual exploitation as a key element of modern day slavery (and the need to address demand for sexual exploitation);
- Lowering the revenue threshold for reporting;
- Introducing penalties for non-compliance;
- Having clearer links to a national compensation scheme for victims.

The CATWA Executive Committee