

Anti-Slavery Australia Brings Justice to Victims of Human Trafficking and Slavery

1. Summary of the impact

Human trafficking, slavery and slavery-like practices such as forced labour and forced marriage are serious human rights offences which occur in all countries around the world, including here in Australia.

Anti-slavery Australia is a specialist legal research and policy centre dedicated to eliminating such criminal practices through research, policy and law reforms, professional practice and education.

The centre has made significant contributions to law reforms, one which led to the 2013 Crimes Legislation Amendment to the Criminal Codes Act 1995 in relation to forced labour and forced marriage.

2. Problem

Slavery is prohibited under the Universal Declaration of Human Rights. It is also generally thought of as a barbaric practice of the past, replete with chains and violence, but has long been abolished.

However, according to the 2017 Global Estimates of Modern Slavery, an estimated 40.3 million people are living in modern slavery, including 24.9 in forced labour and 15.4 million in forced marriage. Shockingly, one in four victims of modern slavery are

children, and females are disproportionately affected, accounting for 99% of victims in the commercial sex industry and over 58% in other sectors.

Modern-day Australia is no exception.

Australia is often targeted by human traffickers who bring workers into the country through deceptive recruitment strategies. In this context, the issue of 'servitude' is particularly common; it refers to a circumstance in which a person does not consider themselves to be free to stop working or to leave work because of threats, coercion or deception; and the person is significantly deprived of their personal freedom in areas of their life outside of work (s 270.4 Criminal Code Act 1995 (Cth)).

In many cases, trafficked workers are treated like goods which can be traded and sold. They usually have nowhere to go and have had their money, phone and travel documents confiscated by their traffickers. They may also be forced to pay off debts upon arrival to Australia, have no control over their living and working arrangements, and receive little or no salary for their work.

Anti-Slavery Director and UTS Professor of Law, Professor Jennifer Burn considers slavery as defined in s 270.1 of the Criminal Code 1995 (Cth) ('Criminal Code'): 'the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.'

Under this definition, she argues that slavery is still very much alive in Australia today.

3. Beneficiaries

Anti-Slavery Australia is particularly dedicated to helping individuals who have been trafficked, enslaved or forced into marriage in Australia.

In addition, the research which is conducted as part of the UTS Faculty of Law is shared with government agencies and other organisations that may benefit from it. This research is also the foundation for submissions to government, with the intention to influence law reform and policy development in support of this important cause.

Finally, the centre and its volunteering programs benefit UTS students by offering work experience and practice, and involve law students in real life cases.

4. Approach to impact

Anti-Slavery Australia is the first and only specialist legal research and policy centre which focuses on the abolition of slavery, human trafficking, forced marriage and extreme labour exploitation.

Founded in 2003, the centre includes a law practice, J. M. Burn Solicitor, which provides clients with free access to qualified lawyers and migration agents. The solicitors offer confidential advice, legal representation and interpreters as well as resources in multiple languages.

In addition to such practical assistance, the centre also conducts scholarly research into issues of human trafficking and slavery. The team's unique research capability is a result

of the combination of both practical first-hand experience with survivors through the legal service, coupled with academic rigour as part of the UTS Faculty of Law. The centre advocates for change at the highest level by using its research to influence and shape law and policy developments in this area.

The centre also engages in public liaison and events to raise awareness about slavery in Australia, which is often a forgotten issue. Each year, Anti-Slavery Australia staff talk to thousands of students, lawyers and frontline workers about trafficking, slavery and forced marriage around the country through seminars, workshops and webinars. This is supported by the distribution of multilingual resources, an e-learning program through the media.

The issue of forced marriage is a category of slavery which the team focuses on, referring to a marriage without the full and free consent of one or both parties. There have been a number of cases where Australian citizens, usually young women and girls as young as seven, were forced to go overseas to marry outside Australia.

In response to this particular issue, the team launched the website "My Blue Sky" in 2015. It is a government-funded initiative of Anti-Slavery Australia and is the country's first website dedicated to forced marriage prevention, information, referrals and legal advice.

Help may be as tangible as flagging an individual who has sought out help with the Australian Federal Police so that they can be recognised at airports and protected from being taken overseas to be married against their will.

5. What has changed as a result of this work?

5.1 The Outcomes

One of the most noteworthy accomplishments is the increase in the number of submissions to the Australian Government to influence policy development in this context. Between 2011-16 the centre submitted around 1-4 submissions per year on average, and increased its activity to 16 submissions in 2017.

The legal team is currently representing clients from over 47 different countries. Since 2003, Anti-Slavery Australia has assisted over 300 survivors of human trafficking and slavery, and 20 human traffickers have been convicted as a direct result of their actions.

5.2 Impact

While helping individuals is an important and central task, the key impact has been a systemic one.

Anti-Slavery Australia has played an active role in transforming the Australian legal and policy response to human trafficking and slavery-like practices, which is an important contribution to the overall abolition and prevention of slavery in Australia.

In particular, the team has had a significant input into law reforms which led to the 2013 Crimes Legislation Amendment to the 1995 Criminal Codes Act. Their submissions and recommendations resulted in the creation of offences for 'forced labour' and 'forced marriage'. Individuals can now be charged for up to 12 years for offences relating to forced labour, and up to 7 years for offences relating to forced marriage.

Prof Burns feels proud that the team has affected such large-scale change and that their recommendations are being heard and implemented by the government. In her view,

changing the law is one of the most powerful ways to promote social justice.

The team is now focused on developing strategies to better identify people who are victims of trafficking.

As a teacher, Prof Burn also stresses the importance of the involvement of students.

By working with the centre, law students are mentored into approaching their professional practice in an ethical and socially responsible way.

6. What has helped you accomplish this work?

6.1 Personal enabling factors

Prof Burn, a qualified lawyer and migration agent, first started working on human trafficking issues in her capacity as Director of the UTS Community Law and Legal Research Centre. In response to the 2002 UN protocol dealing with human trafficking, she guided a student research project that investigated the issue in the Australian context.

Although the centre closed, Prof Burn and her students continued the research and started doing policy development work that would lead to submissions to the Attorney General Department. Through this work, she met her first clients – a group of Thai women trafficked to work in the Australian sex industry – and legally represented them on a pro-bono basis.

As she realised that she would be unable to help everybody by just working on her own, she merged her legal work with the research team and established Anti-Slavery Australia in 2003.

Prof Burn is well-placed to direct such a centre as she has been researching and teaching in the areas of administrative law, citizenship, migration and social justice issues

for many years. She has had an active involvement in the development of Australia's response to slavery and is a founding member of the National Roundtable on Human Trafficking and Slavery.

Prof Burn says her desire to help vulnerable individuals goes back to her childhood home in which her parents fostered an ideology that 'gave everyone a fair go'. With this in mind, she has been passionate about working with people from all around the world and considers herself privileged to learn their stories and help them seek justice.

6.2 External enabling factors

In order to operate, Anti-Slavery Australia relies on philanthropic donations, research grants, government funding as well as many volunteering hours.

The centre is made up of a team of researchers, educators and lawyers who deliver direct service and advocacy programs. Most of the work is delivered on a pro-bono basis, and many law students and members of the community volunteer to support this important cause.

The centre is located in the UTS Faculty of Law, and as such the premises and infrastructure are provided by UTS.

In addition, key partners include the Australian Attorney-General's Department, Judith Neilson AM, The Neilson Foundation, Norton Rose Fulbright, Allens Linklaters, Herbert Smith Freehills and the Rainbow Fish Foundation.

7. Challenges

As a centre that is generally run on donations and volunteering hours, capacity is a continuous challenge.

In 2017 alone, the centre made 16 government submissions, an exhausting and demanding feat for all team members.

In addition, dealing with stories of trauma and abuse can be emotionally straining, especially for students and younger members of the team.

Professor Burn carries much of this burden herself, taking great care to protect vulnerable team members by sheltering them from traumatising information. The team also regularly comes together when working on a particularly difficult case to support one another, and potentially seek out support and counselling services which the university provides.

Despite the many challenges, Prof Burn remains motivated and driven to make a difference through her practice as solicitor. She believes that laws should promote social justice, and she prides herself in having made a real impact in policy development.

As a teacher she is also continuously encouraged by the progress her students make as a result of getting involved, especially when their social justice experience is reflected in their professional practice once they leave university.

8. Associated research

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