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**United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

**Professor Tomoya Obokata**

 **Country visit to Australia**

***14– 27 November 2024***

**Introduction**

The United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, conducted an official visit to Australia from 14 to 27 November 2024 at the invitation of the Federal Government. The purpose of his visit was to understand the nature and extent of contemporary forms of slavery in the country and analyse the efforts of Australia to address these practices at local, regional and federal levels.

The Special Rapporteur wishes to thank the Federal Government, state/territorial and local authorities for their openness and full cooperation before and during the visit. He also offers his deep gratitude to the Australian Human Rights Commission, Anti-Slavery Commissioner for New South Wales, civil society/community based organizations, workers’ organisations, legal professionals, academic experts, as well as workers and victims/survivors of contemporary forms of slavery, who supported and engaged with him during his visit.

In addition to Canberra, the Special Rapporteur visited Sydney, Riverina region, Melbourne, and Brisbane. He also held virtual meetings with some state/territorial authorities and other stakeholders before and during his visit.

This statement provides the Special Rapporteur’s preliminary findings on some of the key issues examined during this visit.

**Government Responses to Contemporary Forms of Slavery**

Australia has strong criminal law frameworks to address contemporary forms of slavery. Divisions 270 and 271 of the Criminal Code (Cth) criminalises slavery and slavery like practices such as servitude, forced labour, and deceptive recruiting for labour or services, debt bondage, human trafficking and forced marriage with punishment ranging from 4 to 25 years’ imprisonment. The Government recently undertook a targeted review of offences in Divisions 270 and 271 and published the findings of the review in August 2023.

With regard to other laws and regulations, the Migration Act 1958 has been recently amended by the Migration Amendment (Strengthening Employer Compliance) Act 2024 and introduced new offences for employers, such as coercing migrants to work in breach of their visa conditions. In addition, the Fair Work Act 2009 has been updated to criminalise intentional wage underpayments, commonly referred to as “wage theft” with penalties of up to 10 years’ imprisonment.

The Australian Federal Police (AFP) is the lead agency for investigating contemporary forms of slavery. Under the National Policing Protocol to Combat Human Trafficking and Slavery, state and territory policing services refer instances of contemporary forms of slavery to the AFP for investigation. The AFP also closely collaborates with the Australian Border Force (ABF), the Fair Work Ombudsperson (FWO) and the Department of Employment and Work Place Relations (DEWR), among others. According to various stakeholders, the working relationship among state/territorial and federal law enforcement agencies are positive with active coordination and cooperation.

Despite the solid legal and institutional frameworks, concerns have been expressed over the low rate of prosecution and conviction of contemporary forms of slavery. Underreporting by victims remains to be a major factor in this regard. Victims are naturally afraid to come forward due to fear of reprisals by perpetrators and/or law enforcement actions resulting in arrest, detention and deportation. The lack of sufficient training and knowledge among public authorities also seems to play a part in underreporting. The Government acknowledges this is an issue and is currently piloting “Additional Referral Pathway,” whereby victims are able to approach selected non-governmental organisations in order to report instances of exploitation and abuse. According to the stakeholders, this has resulted in a gradual increase of referrals. The Special Rapporteur regards this to be a positive step and hopes that the arrangement will become permanent. However, sufficient support must be given to frontline organisations so that they can identify and refer victims effectively.

Once the AFP or non-governmental entities under the Additional Referral Pathway identify potential victims of contemporary forms of slavery, they are referred to the Support for Trafficked People Program (STPP) which is run by Red Cross with the funding provided by the Federal Government. Depending on individual needs, victims receive a variety of support including accommodation, medical, legal and other assistance.

While acknowledging the importance of the STPP, the Special Rapporteur was alerted to a number of issues. To begin with, to be eligible for STPP, survivors must be Australian citizens or hold a valid visa. This automatically excludes large numbers of undocumented migrant workers although they may be able to obtain the Human Trafficking Visa Framework and be eligible for STPP. There is reportedly a high threshold for eligibility which prevents victims from accessing support services, putting them at risk of re-victimisation. Difficulty in coordinating service delivery on the ground (e.g., housing, healthcare, and legal support), a lack of sector specific training and guidance on the provision of trauma-informed, culturally appropriate care and assistance, as well as of sufficient financial, human and other resources for community service providers and survivors themselves are areas of concern raised by many stakeholders.

While support under the STPP is provided without any conditions for the first 90 days, the Special Rapporteur is additionally concerned that participation in criminal justice processes becomes important if victims wish to receive further support. This is the case, for example, for the Human Trafficking Visa Framework and “Referred Stay Visa” which allow victims/survivors of contemporary forms of slavery to stay in Australia on a temporary or permanent basis. Furthermore, currently there is no national compensation scheme for victims and survivors. While statutory financial assistance and compensation schemes for victims of crimes exist at state/territorial level, variations can be observed for issues such as eligibility and the amounts of payment.

As an encouraging development, the Special Rapporteur welcomes the recent appointment of the Federal Anti-Slavery Commissioner, whose key functions include promoting the compliance with the Modern Slavery Act 2018 (Cth), supporting and engaging with victims and survivors, raising community awareness and helping business address the risk of contemporary slavery practices in their operations and supply chains. The Special Rapporteur hopes that the Office of the Federal Anti-Slavery Commissioner receives sufficient financial, human and other resources so that it can discharge its functions effectively.

The Special Rapporteur would also like to welcome the creation of the Survivor Advisory Council which assists the Government in responding to contemporary forms of slavery. At the state level, those with lived experience are part of the advisory panel for the Anti-Slavery Commissioner for New South Wales, which is the very first sub-national Anti-Slavery Commissioner in the country.

**Business and Human Rights**

The Special Rapporteur wishes to acknowledge the ongoing efforts by Australia to promote transparency among businesses and their global supply chains and to report on how they mitigate or address the risks of labour exploitation and abuse. The passage of the Modern Slavery Act is a clear example of this. It establishes a transparency framework that requires businesses with consolidated revenue of at least $100 million AUD to report annually on the steps they are taking to identify and address the risks surrounding contemporary forms of slavery in their operations and supply chains. In addition to private businesses, the Act applies to the Federal Government. Annual statements are published on the Modern Slavery Statements Register. As of October 2024, over 11,500 statements are listed.

Stakeholders agree that awareness on the risks associated with contemporary forms of slavery among businesses is steadily increasing thanks to the Act. In addition to reporting, the Special Rapporteur is also encouraged by the fact that many businesses are already taking steps to identify, prevent, mitigate and account for how they address these risks and implement remedial actions. In addition to businesses operating in high risk sectors, the investor community in Australia is assessing the implementation of due diligence in businesses they invest in and provide advice and additional support. In relation to public procurement, the Commonwealth Supplier Code of Conduct has been introduced by the Federal Government in 2024, and arrangements are found at the state/territorial level. Another example of good practice has also been observed in New South Wales where public entities already have mandatory modern slavery due diligence obligations under state legislation.

Despite these examples of positive impact, an independent statutory review of the Modern Slavery Act conducted between 2022 and 2023 noted that the Act has not yet caused meaningful change for people living in conditions of contemporary forms of slavery as many businesses are not identifying contemporary forms of slavery in reality. The review therefore recommended, among others, that the Act should be amended so that businesses above the $100 million threshold must have a due diligence system with the imposition of penalty for non-compliance. The Special Rapporteur is supportive of this recommendation as this will be more in line with the United Nations Guiding Principles on Business and Human Rights, the Ten Principles of UN Global Compact, as well as the OECD Guidelines for Multinational Enterprises for Responsible Business Conduct. However, if the threshold for reporting was reduced to capture small and medium-sized enterprises (SMEs) could be given additional time for capacity-building for similar due diligence, and the reporting requirement for smaller companies could be more simplified and sector specific to begin with.

The Federal Government should also provide sector-specific guidelines as well as sufficient financial and other support, particularly to
SMEs, in order to enhance their capacity to comply with the requirements. Further guidance on good practice or appropriate steps to be taken, including remedial actions, was also regarded as beneficial. In addition, the Federal Government should clarify the possible impact of Australian competition law which may discourage businesses from collaborating to implement due diligence.

Furthermore, import ban on goods produced as a result of forced labour has been regarded as important by a number of stakeholders alongside the due diligence requirement, which has already been implemented in other jurisdictions.

**The Role of NHRI, Civil Society and Workers Organisations**

The Special Rapporteur had an opportunity to meet the Australian Human Rights Commission (NHRI), civil society and workers’ organisations during his visit, and wishes to commend their important work in preventing contemporary forms of slavery and protecting/empowering victims. The Human Rights Commissioner, for instance, provides feedback to the Federal Government/Parliament on national policy and legislative development, raises awareness among the general public, and implements projects together with its partners. The work of other Commissioners in the AHRC are also relevant as they address issues surrounding particularly vulnerable populations such as persons with disabilities, older persons, children, minority groups and Aboriginal and Torres Strait Islander People.

The Special Rapporteur was encouraged by the strong presence of civil society and human rights defenders who work tirelessly to tackle contemporary forms of slavery in Australia. Some engage in in-depth research on the current situation, while others conduct awareness-raising and advocacy for change, including in policy development. In addition, a large number of civil society organisations and workers organisations are involved in preventing contemporary forms of slavery and protecting victims and survivors. It is also encouraging that many of these actors work together and implement multi-stakeholder initiatives. Examples include the Ethical Clothing Australia and the Cleaning Accountability Framework which implement voluntary certification systems with the proactive involvement of workers, trade unions and other stakeholders, making a positive impact in empowering workers and preventing their exploitation.

The Special Rapporteur wishes to acknowledge that public authorities proactively engage with these actors. The National Roundtable on Human Trafficking and Modern Slavery is an example of this. Established in 2008, the Roundtable facilitates consultation on anti-slavery and anti-trafficking policy among a diverse group of stakeholders and their opinions inform the consideration of modern slavery law and policy, such as the amendment of the Commonwealth Criminal Code and the Modern Slavery Act.

Nevertheless, it has been pointed out that civil society, workers’ organisations and other actors are not sufficiently consulted on the design and delivery of services to victims/survivors of contemporary forms of slavery, despite heavy reliance on them. The lack of adequate financial and other support has also been raised as a serious concern. The Federal and state/territorial governments therefore should ensure that these organisations are able to deliver much needed services effectively. It has also come to the attention of the Special Rapporteur that actors at state and local level and those with lived experience have no formal role in the Roundtable, and he urges the Federal Government to be more inclusive.

**Particularly Vulnerable Populations**

**1. Temporary Migrant Workers**

The Special Rapporteur is seriously concerned by the treatments of temporary migrant workers in Australia. There is a number of migration pathways, which makes the system very complex, but of particular concern are workers under the Pacific Australia Labour Mobility (PALM) scheme, Domestic Worker (Diplomatic or Consular) stream, Temporary Skill Shortage Visa, Working Holiday Visa, and Student Visa. Workers under these pathways are commonly employed in high risk sectors such as agriculture, horticulture, food processing, aged care, accommodation, domestic work (both for diplomats and private homes), hospitality, cleaning and security.

The Special Rapporteur received credible information from a large number of stakeholders, including workers themselves, which clearly reveals disturbing, sometimes very serious, patterns of exploitative practices by employers, labour hire companies and migration agents in various sectors. These include deceptive recruitment, underpayment or withholding of wages, unilateral changes to, or termination of, contracts, excessive deductions, unreasonable target requirements, racial discrimination, dangerous working conditions, harassment, threats or even violence, including sexual and gender based violence, and dismissal due to pregnancy. Deceptive practices by labour hire companies and immigration agents, which often push workers in debt bondage, have also been reported. The Special Rapporteur was also informed that employers actively hire disengaged and/or undocumented workers in certain sectors and take advantage of their vulnerability, resulting in further exploitation and abuse. These workers are also vulnerable to sexual and criminal exploitation by other actors. Many of these conditions may amount to contemporary forms of slavery.

The main issue among these schemes is that they create a significant power imbalance between employers and workers, since employees are either tied to a single employer, and mobility is reported to be extremely difficult, and/or dependent on their employer for extension of contracts or nomination for permanent residency. International students are reportedly coerced into working in breach of their visa conditions. The power imbalance undoubtedly leads to underreporting among workers, which in turn results in impunity among employers, labour hire companies or immigration agents. In this regard, the Special Rapporteur has been informed that their prosecutions are rare in practice.

The Special Rapporteur wishes to acknowledge that the Federal Government has been taking some important steps to address these issues in recent months. One example is the initiation of so-called “Workplace Justice Visa,” a pilot scheme which enables temporary migrant workers to remain in Australia for a minimum period of 6 months or up to 12 months, extendable up to 4 years, in order to pursue legal actions against exploitative employers. During this period, workers are able to work for any employer in any industry. Another notable measure is a pilot scheme called “Strengthening Reporting Protections” which prevents visa cancellation, allowing victims to come forward without a fear of being undocumented. Similarly, an amendment to the Migration Act was made in 2024 which repealed a criminal offence of breaching a work related visa conditions, and labour mobility (i.e. ability to change employers) has been made easier for certain schemes such as Temporary Skill Shortage and Employer Sponsored Regional Visas under the Migration Amendment (Work Related Visa Conditions) Regulations 2024.

However, various issues were raised by stakeholders. For the Workplace Justice Visa, the requirements like holding visas with work rights which expire within 28 days make it difficult for many workers to apply in practice. Undocumented workers are also not eligible for this Visa. Accreditation by the Government and non-governmental organisations for the Strengthening Reporting Protection might pose a challenge as many workers may still be reluctant to approach them. In addition, changing employers is still said to be extremely difficult under the PALM scheme even with recent changes. The Special Rapporteur regards it important that all temporary migrant workers are treated equally without any discrimination.

There are other issues which, in the view of Special Rapporteur, require urgent attention. For example, there is much scope to improve the inspection regimes. DEWR is the lead agency for monitoring employer compliance in the country. They are said to conduct “targeted assurance activities” such as monitoring visits. The Office of the Fair Work Ombudsman also carries out intelligence gathering and conducts targeted visits, most of which are unannounced. However, according to a large number of stakeholders, inspection of workplaces remains insufficient, particularly in rural or remote areas, because it still very much depends on reporting by workers. Even when such inspections take place, they usually are not efficient, including because of language barriers in receiving the relevant information. Also, public authorities reportedly delegate welfare monitoring and rights enforcement to employers themselves, and actors such as unions and civil society organisations play only a very limited role.

With regard to the PALM scheme, provision of information to workers requires improvement. While appreciating that pre-departure briefing is the responsibility of home countries, the Special Rapporteur was informed by a large number of stakeholders, including workers themselves, that the system is inadequate. The relevant information on grievance mechanisms and access to essential services are not provided sufficiently, highlighting the need for proactive involvement of local actors in Australia including, local authorities and country liaison officers. Employment contracts are written in English, which poses an additional difficulty as many workers do not have sufficient language skills and therefore are not aware of their rights and entitlements. On arrival orientation also raises concern as it is conducted without the presence of workers’ organisations and/or official from the Fair Work Ombudsman in some cases. In addition, PALM workers are not eligible for Medicare or the Fair Entitlements Guarantee which protects workers’ wages in case of employer bankruptcy, or social security benefits such as unemployment insurance. In addition, difficulties in accessing superannuation has been reported, particularly for those who returned to their countries.

**2. Asylum Seekers and Refugees**

Asylum seekers are vulnerable to exploitation and abuse in Australia. There are different visa regimes for them, and the one which raises concerns is the so-called Bridging Visa E which regularises the undocumented status while applying for asylum, but holders do not have work rights. This means that many are not able to access Medicare as this is conditional upon having work rights. This often forces them to work illegally, and the Special Rapporteur received information that many of these asylum seekers are exploited by unscrupulous employers. Instances of criminal and sexual exploitation have also been reported. As the asylum application process can take a very long time, the period of exploitation is also prolonged.

Provision of other essential services is also limited. Access to adequate housing is one example as many asylum seekers face difficulty in this regard and face a higher risk of homelessness. The lack of sufficient mental health support was also raised as an issue. The Special Rapporteur met with the Yazidi community where many women who have suffered from torture and sexual slavery at the hand of ISIS have limited access to trauma-informed specialist support when they arrive in Australia. Provision of these and other essential services are provided by frontline civil society organisations in many cases, which are often under-resourced and under-funded to be able to provide much needed support. In theory, Status Resolution Support Service (SRSS), which provides short term support including payment and accommodation, is available, but the Special Rapporteur was informed that many do not qualify in practice.

**3, Persons with Disabilities**

During the visit, the Special Rapporteur received concerning information that persons with disabilities experience contemporary forms of slavery. Within the residential setting, many are reportedly forced to housework and experience physical and sexual violence. Intersectionality should be highlighted as women, children, Aboriginal and Torres Strait Islander People, and those belonging to minority groups are more vulnerable to exploitation and abuse. The Special Rapporteur also received information regarding trafficking of persons with disabilities between group homes for labour/sexual exploitation. In addition, there are also reported instances of unscrupulous individuals in these homes reportedly taking residents to undisclosed locations and siphoning their National Disability Insurance Scheme packages. According to stakeholders, inspection or auditing of these premises are infrequent and insufficient.

Another areas of concern is segregated employment. In Australia, persons with disabilities can be employed in sheltered workshops, referred to as Australian Disability Enterprises (ADEs), where they engage in manual labour work, such as warehousing, ‘picking and packing’, cleaning and laundry services, sometimes against their will. Disturbingly, they are paid a sub-minimum wage as low as $3 per hour for their work when the national minimum wage not covered industrial awards and registered agreement is $24.10. Although ADEs are supposed to be transitional arrangements into the open market, the Special Rapporteur was informed that many are stuck with segregated employment for a long time. Furthermore, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability noted that persons with disability who work in segregated workplaces may be at heightened risk of violence, abuse, neglect and exploitation. The Special Rapporteur regards the ADEs to be discriminatory and therefore they should be abolished.

The Federal and state/territorial Governments should also actively promote the employment of persons with disabilities in the open market. In this regard, they should consider temporary special measures, including incentives such as tax credits or wage subsidies in order to encourage employers to hire persons with disabilities proactively. There is also much scope to increase employment in the public sector.

**4. Aboriginal and Torres Strait Islander People**

There is clear evidence of coerced labour among Aboriginal and Torres Strait Islander People since European settlement began in the late 18th century, including forced labour in agriculture, fishing, pearling and diving, as well as domestic and sexual servitude without being properly or at all remunerated. Aboriginal and Torres Strait Islander children were forcibly removed into institutional care and experienced forced labour, sexual abuse and trafficking for sexual exploitation. They were forced to disconnect from their own culture and assimilate to the rest of the population. Many Aboriginal and Torres Strait Islander People continue to suffer from intergenerational trauma even now, which is having negative impact on many aspects of their lives, including prevalence of family/domestic violence, self-harm and suicide.

In order to rectify the past injustices among these “Stolen Generations” (the term referring to the forced removal of Aboriginal and Torres Strait Islander children from their families by Australian Government and church organizations, predominantly between the late 1800s and 1970s), the Federal and state/territory governments have instituted compensation or reparation schemes. While the Special Rapporteur acknowledges the importance of such schemes, the Aboriginal and Torres Strait Islander People consider them to be insufficient. The need for healing and rehabilitation centres have been stressed consistently by them but the Federal, state and territorial Governments are reportedly not proactive in supporting them.

Up until 1970s the forced labour and other forms of exploitation of Aboriginal and Torres Strait Islander People continued. They were often located in remote communities or under government-controlled schemes, were paid far less or not at all, compared to non-Indigenous workers, and much or all of their wages were withheld by Government authorities or employers, without their consent or knowledge. Both the Stolen Generations and Stolen Wages are part of a history of systematic oppression and exploitation of Aboriginal and Torres Strait Islander People undermining their rights, self-determination, and cultural identity. These past injustices need to be addressed in order to re-build trust and promote reconciliation.

The Special Rapporteur shares the concerns of the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples that Aboriginal and Torres Strait Islander children still face a high risk of being forcibly removed from their families and placed in alternative care arrangements which are not culturally appropriate. These children are said to face a higher risk of contemporary forms of slavery according to the recent report on missing and murdered First Nations women and children by the Senate.

In addition, gender based and other forms of violence, disappearance and murder of women and children continue to occur to this day, and this increases the risk of the exploitation and abuse. Yet the law enforcement authorities reportedly do not investigate these instances properly. Often domestic violence and abuse reported by Indigenous women puts them at risk of being dismissed, discriminated or detained themselves as offenders, further contributing to intergenerational trauma of past historical injustices and discrimination, affecting trust and resulting in underreporting. It is also the fact that Aboriginal and Torres Strait Islander People are overrepresented within correctional facilities.

The access to culturally appropriate education, housing, other public services as well as decent work is vital in preventing contemporary forms of slavery. The Governments at all levels have made some progress, but the Aboriginal and Torres Strait Islander People are largely dissatisfied with the measures. They do not have sufficient decision-making powers over these vital areas, and financial support is extremely limited, including the direct funding to Aboriginal and Torres Strait Islander People] and their organizations. It should also be highlighted that the so-called “Community Development Program”, which was introduced in 2015 by the Australian Government with the goal of providing employment and community development opportunities in remote and very remote areas of Australia, particularly for Aboriginal and Torres Straight Islander People, has faced significant criticisms for imposing excessive work hour requirements and harsh penalties for non-compliance, such as income cuts or cancellations for participants. The Federal Government has reformed this program recently, but the extent to which Aboriginal and Torres Strait Islander People have been able to take part in co-design and delivery is unclear.

**5. Persons Vulnerable to Forced Marriage**

The Special Rapporteur has learned that forced marriage is one of the most reported contemporary forms of slavery in Australia. Most of those affected are young women and girls but men and boys can also be a victim, and majority of victims are under the age of 18. Instances of ‘exist trafficking’ where Australian nationals or residents are forced or deceived into marrying others in foreign countries, as well as trafficking of foreign nationals into Australia have also been reported. The drivers of forced marriage reportedly include, among others, economic hardship cultural practices, and securing permanent residency or safe passage to Australia for extended family and friends. Once trapped, victims of forced marriage often have to endure sexual exploitation, domestic servitude, and domestic/family violence.

Forced marriage has been criminalized in Australia by the Commonwealth Criminal Code since 2013 with a series of amendments to redefine the offence and increase penalties. Child forced marriage under 16 is also criminalized in New South Wales. However, certain gaps or inconsistencies in the current legal framework have been identified. For instance, the offence does not capture preparing for a forced marriage or forcing a person to remain in a marriage. Those aged 16 and 17 can also be married with a court order. Prosecution of forced marriage is said to be difficult due to underreporting and other obstacles.

Currently victims and survivors of forced marriage are supported through STPP, but the Special Rapporteur was informed that the Federal Government is launching a new Forced Marriage Specialist Support Program from 2025 with the initial budget of $12.1 million over 5 years. It will provide individually tailored, needs-based prevention and early intervention support for those at risk of, or who have experienced, forced marriage which include education/awareness-raising activities and access to support services, including counselling and emergency accommodation.

Although a large number of stakeholders have welcomed this initiative, ongoing challenges have been identified simultaneously. For instance, frontline organisations feel that they are already over-stretched. Many simply do not have the capacity and financial resources to support victims of forced marriage for extended periods of time. The need for trauma-based, culturally appropriate and intersectional responses, in areas such as prevention, psychological support and accommodation, was also highlighted as a priority in this regard, but a lack of understanding about specific contexts and needs surrounding forced marriage at the Federal level is raised as another concern, and this will require the Federal Government to communicate and work closely with frontline organisations which have sufficient expertise and experience.

At a wider level, the Special Rapporteur is concerned that over-policing and surveillance are implemented against certain groups. This will inevitably lead to their marginalisation, and there is an urgent need to promote a holistic approach, which will effectively tackle drivers of forced marriage, as well as prejudice and discrimination with full inclusion or involvement of affected communities. Finally, the promotion of effective coordination between the Federal Government and state/territorial/local service providers in areas such as healthcare and accommodation remains a challenge. The Special Rapporteur urges the Federal Government to consider these and other important issues in launching and implementing the new program.

**6. Persons Vulnerable to Sexual Exploitation and Sex Workers**

The Special Rapporteur received reports of sexual exploitation of women and children in Australia. Criminal syndicates and rogue migration agents are said to be involved in trafficking of women and children for sexual exploitation, but it is important to highlight that sexual violence often occurs in the family and domestic settings. The Special Rapporteur also received information that women and children are also sexually abused for a prolonged period of time within religious establishments. There are also increasing instances of Australian nationals accessing internet child pornography, including live streaming, and travelling abroad as part of child sex tourism. Intersectionality must be highlighted as women, girls, persons with disabilities, Aboriginal and Torres Strait Islander People, migrants, sex workers, and those belonging to minority groups face a heightened risk of exploitation and abuse.

While all forms of sexual exploitation, particularly of children, should be identified and tackled effectively, it is important to acknowledge that many adults provide sexual services on a consensual basis. In Australia, sex work is regulated at the state/territorial level. It is decriminalised fully in Northern Territory, Queensland, New South Wales and Victoria. In Western Australia and Tasmania, keeping or running a brothel, working in group and/or soliciting in streets remain illegal, and semi-licensing is practiced in Australian Capital Territory where commercial brothel and escort agencies can operate only in certain areas and others have to work independently in others. Finally, sex work remains criminalised in South Australia.

According to the relevant stakeholders, including sex workers and public officials, decriminalisation has contributed to the promotion of safety and wellbeing among sex workers. They are able to report instances of abuse and exploitation without a fear of law enforcement actions. At the regional level, anti-discrimination legislation is applied in some states/territories, with full access to essential services such as healthcare, housing and social security. The Special Rapporteur was also informed that there is no particular evidence of an increase in sex trafficking and exploitation in regions which decriminalised sex work fully.

The Special Rapporteur shares concerns expressed by the Committee on the Elimination of Discrimination against Women (2018) that the lack of harmonization of state and territory legislation on women in in sex work impedes their access to health care, employment, victim support and legal services in cases of sexual violence. Accordingly, he recommends that Australia rectifies this situation in closer cooperation with state/territorial authorities.

The situation, however, is different for migrant sex workers, particularly those who are undocumented. Concerns have been expressed that law enforcement authorities reportedly use anti-trafficking as a reason to raid premises run or occupied by migrant sex workers predominantly from Southeast Asia, even with the full knowledge that they have not been trafficked in practice, in order to facilitate their deportation. Operation Inglenook conducted by the ABF has been cited as one example of this. Young Asian women are allegedly targeted for detention, interrogation and deportation at the ports of entry with the justification of prevention of sexual exploitation. While the Special Rapporteur does not wish to prejudge the accuracy of these allegations at this moment, police and immigration raids on workplaces can have significant negative impacts and require careful and measured responses. These raids often drive individuals further underground, discouraging them from seeking help or engaging with authorities. This, in turn, can perpetuate exploitation and abuse.

**Selected Recommendations**

* Ratify relevant international instruments, including the International Convention on the Protection of All Migrant Workers and Members of Their Families, the Migration for Employment Convention (Revised)(No. 97), Migrant Workers (Supplementary Provisions) Convention (No. 143) and the Indigenous and Tribal Peoples Convention No. 169.
* Ensure that local and state/territorial authorities are sufficiently consulted and actively involved in policy/programme development and service delivery.
* Reform Divisions 270 and 271 of the Commonwealth Criminal Code in line with the recommendations made by the Targeted Review.
* Regularly collect and analyse disaggregated data on contemporary forms of slavery in order to strengthen identification of these practices and protection of victims and survivors.
* Strengthen the Additional Referral Pathway by providing sufficient training, financial and other support to non-governmental entities. .
* Co-ordinate Support for Trafficked People Program (STPP) more effectively with full and meaningful consultation with public and private service providers at local, state, territorial levels, as well as those with lived experience. Involve them in programme design and delivery and ensure access to STPP without any form of discrimination.
* Promote meaningful engagement with those with lived experience of contemporary forms of slavery as well as local, state and territorial actors. Formally engage them in the National Roundtable on Human Trafficking and Modern Slavery.
* Allocate the necessary resources for a gender-based violence prevention strategy and expand access to culturally relevant support particularly for migrant and Indigenous women, including construction of shelters and transition housing for the victims.
* Ensure that all victims have access to sustained, equal and effective assistance without required conditions such as cooperation with criminal justice processes.
* Establish a national compensation scheme for all victims of contemporary forms of slavery.
* Publish the Government’s response to the Independent Statutory Review of the Modern Slavery Act 2018 conducted by Professor McMillan as soon as possible.
* Amend the Modern Slavery Act to create a legal obligation on large companies to establish a due diligence mechanism.
* Provide clarity on the capacity to engage in anti-competition behaviours, ensuring that competition law requirements do not prevent companies from engaging in due diligence activities.
* Introduce a penalty regime for businesses that fail to report or implement due diligence.
* Introduce sector-specific guidance on mandatory reporting and due diligence.
* Implement import ban on goods produced as a result of forced and/or child labour.
* Proactively monitor the conduct of employers, labour hire companies and immigration agents through regular inspections. Strengthen the cooperation with local, state/territorial authorities, as well as civil society organisations and workers’ organisations in this regard.
* Redress more effectively the power imbalance between employers and employees built into certain schemes such as PALM, Working Holiday Visa Holder, Student Visa, Temporary Skill Shortage Visa and Domestic Worker (Diplomatic or Consular) Visa.
* Provide sufficient information to temporary migrant workers, PALM workers, in particular, in languages they understand. Involve local actors and stakeholders in this regard.
* Ensure the ability of all temporary migrant workers to change their employer without any form of discrimination.
* Streamline migration for employment pathways and visa regimes.
* Strengthen access to employment and essential services for asylum seekers.
* Strengthen the efforts to address contemporary forms of slavery experienced by persons with disabilities in residential settings.
* Abolish Australian Disability Enterprise and promote integration of persons with disabilities into the open labour market.
* Recognise Aboriginal and Torres Strait Islander People as the original occupant of Australia in its Constitution.
* Create an Indigenous-led and survivor-led national truth and reconciliation body, to provide an opportunity for the affected Indigenous survivors to tell their stories and contribute to reconciliation efforts for past injustices.
* Strengthen the efforts to address the negative legacies of colonialism, as well as the resulting intergenerational trauma experienced by Aboriginal and Torres Strait Islander People, including through providing culturally appropriate adequate remedies.
* Ensure the self-determination of Aboriginal and Torres Strait Islander People by, inter alia, providing support and adequate direct funding for survivor-centred and Indigenous-led investigations into past injustices and current situation of missing and murdered Indigenous women and girls.
* Raise the minimum age for marriage to 18 with no exception.
* Promote trauma-based, culturally appropriate and intersectional responses for forced marriage survivors.
* Decriminalise sex work fully in law and in practice.
* Provide financial and other needed support for the work of Federal Anti-Slavery Commissioner to carry out his function effectively.
* Establish an independent and impartial grievance mechanism for all victims of contemporary forms of slavery.

**Businesses**

* Larger companies should establish and implement a due diligence mechanism, and provide support and guidance to their global supply chains.
* Smaller businesses should start sector-based collaboration in order to identify risks and take further actions to implement due diligence as appropriate.
* In implementation of their due diligence obligations, the businesses should view contemporary forms of slavery in broader human rights context, based on international human rights standards, including the UN Guiding Principles on Business and Human Rights, the principles of Global Compact, and OECD Guidelines on Multinational Enterprises. They should cooperate fully with other actors such as workers’ organisations and civil society in the implementation process.