

Modern Slavery

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INTRODUCTION

Modern slavery is an umbrella term used to describe a variety of situations in which a person is forcibly or coercively controlled for the purpose of exploitation by an individual or group of people. While the terms ‘modern slavery’ and ‘human trafficking’ are often used interchangeably, to maintain consistency with the Australian context, ‘modern slavery’ is used throughout the document, except where referring to human trafficking legislation or official definitions where the latter term is used. In Australia, modern slavery provides an overarching frame that encompasses human trafficking offences among other forms of exploitation. The term ‘human trafficking’ is primarily used in the US, to avoid connotation with the country’s history of slavery.

Globally it is estimated that 40.3 million people live in modern slavery (Anti-Slavery Australia 2020). A range of modern slavery practices exist including human trafficking, forced labour (24.9 million), forced marriage (15.4 million) and sexual exploitation (4.8 million); and these can occur in variety of settings including homes, restaurants, and farms (Anti-Slavery Australia 2020). There are certain circumstances that make people more vulnerable to modern slavery. For instance, displacement of people during natural disasters, poverty resulting in hunger and limited access to education, as well as discrimination and marginalisation of minority groups; increases risk and vulnerability to modern slavery.

While the term ‘modern slavery’ is not usually associated with developed countries, it is important to recognise that this occurs on a global scale and Australia is not immune. In Australia, modern slavery often affects people who are unaware of their rights such as international students, migrant workers and backpackers (Anti-Slavery Australia 2020). It is estimated that more than 1,900 people in Australia fall victim to modern slavery; however only 1 in 5 victims are identified (Anti-Slavery Australia 2020). This means there is a large proportion of victims who go unnoticed, leading to a range of health, societal and financial consequences.

As modern slavery relates to a variety of situations, this position statement will focus on the key role nurses in Australia have in identifying and assisting potential victims of modern slavery.

KEY STATEMENT

As a member of the International Council of Nurses (ICN), the Australian College of Nursing (ACN) endorses ICN’s *Position on The Basics of What Nurses Need to Know on Human Trafficking* (ICN 2020); and supports the *United Nation’s Universal Declaration of Human Rights* to treat all people respectfully, humanely and with dignity. Men, women and children across the globe are used for a wide range of exploitative purposes including servitude, slavery, forced labour, debt bondage, forced marriage, or organ harvesting (AFP 2020). The International Organization for Migration has stated that roughly 800,000 people are trafficked across international borders annually, with an estimated 2.5 million people forced into exploitative labour (Department of Home Affairs 2020). Individuals from Asia, particularly Thailand, Korea, the Philippines and Malaysia are primarily targeted for modern slavery into Australia (APF 2020).

Nursing’s essential contribution to preventing modern slavery is evident in the *World Health Organization’s (WHO) Global Strategy on Human Resources for Health: Workforce 2030* (WHO 2015). ACN is supportive of the WHO’s Sustainable Development Goals (SDG) that directly impact health across all countries irrespective of income status (White 2015). ACN is supportive of the SDG target which aims to address areas of inequality, specifically to “*end abuse, exploitation, trafficking and all forms of violence against and torture of children*”.

As the national professional leader of the nursing profession, ACN believes in basic human rights for all people receiving and accessing care within the Australian health care system. Nurses have a professional, ethical and moral obligation to provide the 'right care and support' to individuals at the 'right time'. ACN strongly emphasises the requirement for nurses to practice within their regulatory and legislative frameworks and to adhere to their professional code of ethics and conduct. Specifically, the ICN Code of Ethics for Nurses, 2012 (NMBA 2020):

- recognises *“inherent in nursing is a respect for human rights, including [...] choice, to dignity and to be treated with respect”*(p. 1); and
- have established *legally mandated ethical conduct including nursing action to “meet the health and social needs of the public, in particular those of vulnerable populations”* (p.2) (Element 1: Nurses & People).

The Modern Slavery Act applies to entities with revenues over \$100million and these organisations have an obligation to report on the possibility of modern slavery in their operations and supply chains; whilst for all other organisations this is voluntary (Australian Government 2018).

BACKGROUND

Vulnerable Populations

ACN is aware that there are vulnerable populations living within Australian communities who are more likely to fall victim to abuse associated with modern slavery. Vulnerability has been defined as: *“[...] those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked.”* (UNODC 2013, p. 13)

Vulnerable populations include migrants, displaced persons, refugees and asylum seekers (ACN 2019), individuals from Culturally and Linguistically Diverse (CALD) backgrounds, Aboriginal and Torres Strait Islander (ATSI) peoples, individuals from low socioeconomic backgrounds, and those living in rural and remote communities. Factors which may increase an individual’s position of vulnerability (Figure 1) include age, illness, gender, sexuality, religious and cultural beliefs, lack of social network, poverty, isolation, dependency and legal status (UNODC 2013).

Figure 1. Factors influencing vulnerability to human trafficking (adapted from Labour Exploitation 2016).

<p>POVERTY</p> <p>The need to survive and provide for one’s family can increase risk for being trafficked.</p>	<p>LANGUAGE BARRIERS</p> <p>An inability to communicate can isolate victims and increase reliance on abusers for help or work in order to survive.</p>	<p>RELIGIOUS BELIEFS</p> <p>This may influence perceptions of the abusive situation and increase vulnerability due to fear of punishment from a higher being or fear of exclusion.</p>
<p>DISABILITY & ILLNESS</p> <p>Physical or mental illness and disability can increase vulnerability due to reduced understanding/ capacity and reliance on others.</p>	<p>INEQUALITY & DISCRIMINATION</p> <p>Members of minority groups may have fewer rights and options, or face isolation and exclusion which can increase risk for exploitation and abuse.</p>	<p>CULTURAL BELIEFS</p> <p>This may influence perceptions of the abusive situation and increase vulnerability due to fear of punishment from a higher being or fear of exclusion.</p>
<p>LACK OF LEGAL STATUS</p> <p>Individuals may fear authorities, being arrested or deported and are less likely to report abuse.</p>	<p>HOMELESSNESS</p> <p>Individuals are often targeted with the promise of worse accommodation and are easily coerced due to mental & physical health issues and substance use.</p>	<p>ROMANTIC & FAMILY RELATIONSHIPS</p> <p>These may put pressure on individuals out of duty, responsibility, love or a sense of no alternative.</p>

What is Human Trafficking?

Modern slavery is a complex process of exploitation, transportation and abduction or recruitment of a victim, whereby a victim can be a child (aged 18 years or below) or adult including both men and women (ICN 2020). In Australia, modern slavery offences such as human trafficking are addressed in Division 270 and 271 of the *Commonwealth Criminal Code Act 1995*. Penalties for these offences can range from 4 years' imprisonment for debt bondage, to 25 years' imprisonment for trafficking of children (Department of Home Affairs 2020).

There may be a breath of crimes committed throughout these processes of modern slavery, from the initial point of recruitment to the final stage of criminal proceeds (Figure 2). It is important to note that modern slavery is distinct from 'people smuggling' which is organised illegal movement of people across borders on a payment-for-service basis (AFP 2020).

There are several types of modern slavery (ICN 2020). These include but are not limited to:

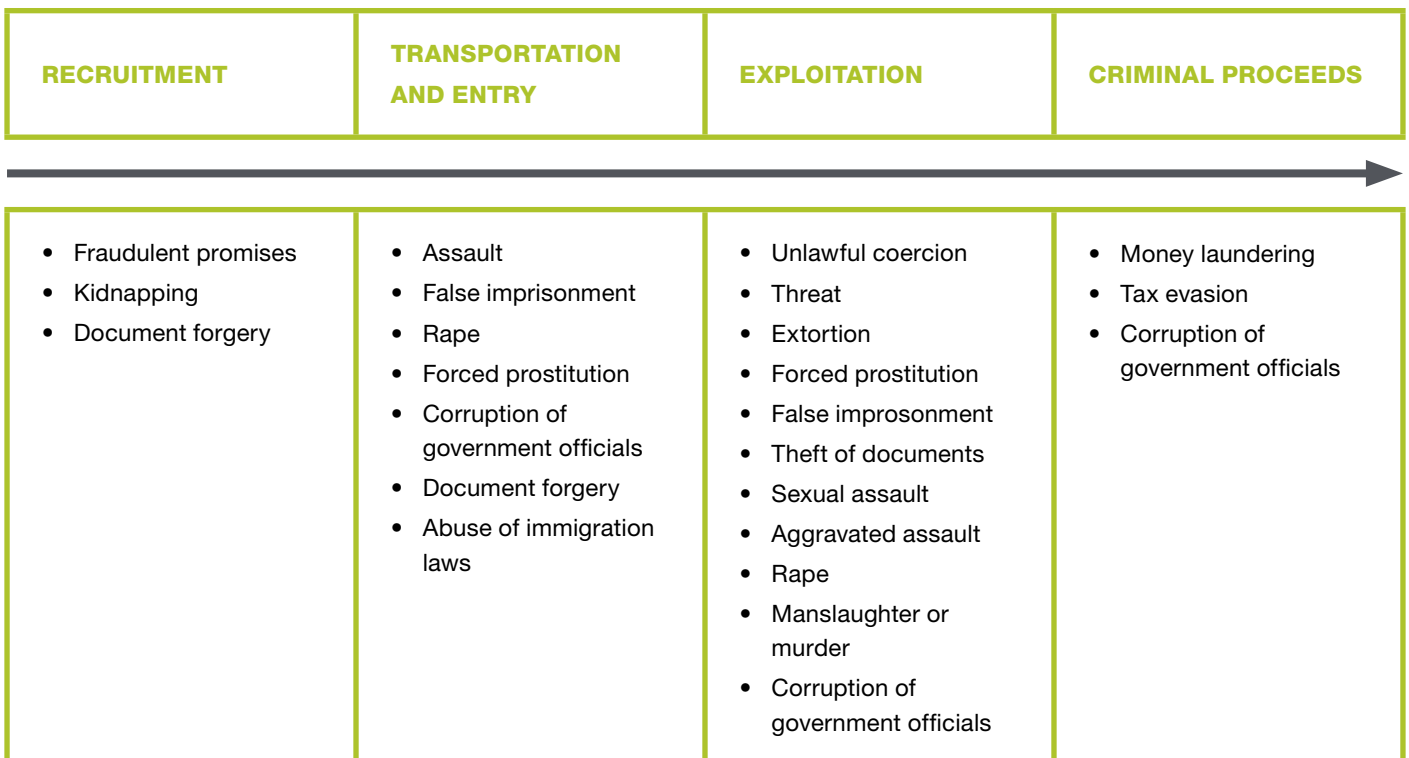
- a) sex trafficking (e.g. online exploitation, prostitution)
- b) labour trafficking (e.g. unskilled work, farming, hospitality sector)
- c) involvement in criminal activities (e.g. cannabis cultivation, forced marriages)
- d) organ harvesting and removal.

The 2000 Palermo Protocol is one of three protocols from the 2000 UN Convention established to provide an internationally recognised framework to prevent modern slavery and support victims of human trafficking. Prior to this, modern slavery was not considered an international or transnational organised criminal activity, but rather a migration or human rights issue (Chamberlain 2005; Kingdon 1995). The 2000 Palermo Protocol recognised that modern slavery had to be dealt with internationally using criminal law (Chamberlain 2005; Kingdon 1995).

The 2000 Palermo Protocol defines human trafficking as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.
(United Nations 2001, no page number)

Figure 2. The Process of Human Trafficking (Aronowitz 2009)



ELEMENTS OF MODERN SLAVERY INCLUDING HUMAN TRAFFICKING

There are three elements (*The Act; The Means; The Purpose*) typically present in the modern slavery process (Figure 3), though modern slavery has still occurred if a person is rescued prior to 'The Purpose' (Element 3) being achieved. When children are involved, only two elements (*The Means; and The Purpose*) are required for modern slavery to have occurred. Children are not able to provide consent even in circumstances where they are aware of what is happening or have agreed to the act and purpose (ICN 2020).

Modern slavery is underpinned by a range of power and control strategies intended to coerce and deceive vulnerable individuals (ICN 2020). Coercion and deception play major roles in all three of the elements in modern slavery. The United Nations Office of Drugs and Crime (UNODC) defines coercion as:

"[...] the use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to: (i) Threats of harm or physical restraint of any person; (ii) Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; (iii) Abuse or any threat linked to the legal status of a person; (iv) Psychological pressure." (UNODC 2009, p. 17)

The ICN has indicated that these power and control strategies can include one or more of the following practices:

- *"Economic abuse*
- *Coercion and threats*
- *Intimidation*
- *Emotional abuse*
- *Isolation*
- *Denying, Blaming, Minimizing*
- *Sexual and physical abuse as a punishment*
- *Using privilege or social standing*
- *Corruption". (ICN 2020)*

INDICATORS OF MODERN SLAVERY

The ICN has provided a comprehensive list on how nurses can recognise victims of modern slavery along with general signs to look out for in individuals suspected of being trafficked (ICN 2020). A list of general health indicators and specific sex exploitation indicators are detailed in *ICN's Position on The Basics of What Nurses Need to Know on Human Trafficking* (Figure 4.)

Figure 3. The Three Elements in Human Trafficking (Aronowitz 2009; ICN 2020)

ELEMENT 1: THE ACT "recruitment, transportation, transfer, harbouring, or reception of persons"
ELEMENT 2: THE MEANS "threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim"
ELEMENT 3: THE PURPOSE* "for exploitation or the purpose of exploitation, which includes exploiting the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or similar practices, and the removal of organs"

* Human Trafficking has still occurred in the absence of Element 3 ('The Purpose') being achieved.

Figure 4. Indicators of Human Trafficking (ICN 2020)

GENERAL SIGNS	GENERAL HEALTH INDICATORS	SPECIFIC SEX EXPLOITATION INDICATORS
<ul style="list-style-type: none"> • “Appears to have no legal or suspicious looking documentation in their possession. • Has no registration with government services, GP, schools etc. • May have travelled great distances internationally without an understanding of the processes involved in travelling. • May struggle to communicate in the local or any language. • May not be using their ‘real name’ or changes personal details. • Have no or limited understanding of time or space. • Claims to be ‘just visiting’ an area but is unable to offer times and dates of arrival and departure or addresses and phone numbers of other persons. • Vague or no next of kin details. • Appears to move location frequently. • Has no control of his/her own money. • Neglected appearance can be common due to loss of self-esteem and physical abuse. • Maintains poor eye contact and closed body language. • Appears to be withdrawn and submissive and afraid to speak to professional. • When they do speak, they display paranoia, fear, anxiety, depression, submission, tension and general nervousness. • May have old and untreated injuries with poor history related to the injury. • Is accompanied by a person who speaks on their behalf and controls the flow of information offered. • Appearing vague about the address and community where they live. • Has numerous inconsistencies in his/her story.” 	<ul style="list-style-type: none"> • “Malnourishment or generally poor health. • Signs of physical abuse – in particular, unexplained injuries or signs of prolonged abuse: • Bruises • Black eyes • Burns • Cuts • Broken bones • Broken teeth, dental pain • Multiple scars (including unusual injuries e.g. from lack of protective equipment to violence) evidence of a prolonged infection that is normally easily treated with a routine check-up. • Sexually Transmitted Diseases (STIs). • Maternity - Late booking, signs of recent birth or post-natal signs. • Mental health concerns – self harming. • Addiction to drugs and/or alcohol. • Individual has no idea of his/her last medical check-up. • Lack of healthcare insurance or registration with the services – paying with cash.” 	<ul style="list-style-type: none"> • “Underage sexual exploitation or prostitution of a person under 18 years of age (internationally defined as trafficking). • Suspicion the person is underage despite their claiming to be older. • Physical evidence of sexual trauma. • Evidence of untreated/ treated STI’s. • Multiple/frequent pregnancies. • Inappropriate interest in/or relationship with older men. • A large amount of sexual partners not appropriate for age or circumstances. • Inappropriate language used indicative of working in sexual exploitation of prostitution. • Evidence of a controlling relationship from a partner or another person. • Inappropriate attire for age or time of day. • Unexplained tattoos on neck or lower back and other types of branding. • Family dysfunction increasing risks. • Individuals outlook on situation and health issues inappropriately downplayed. • Lack of engagement with the services due to fear or negative outcomes after the interaction.”

THE ROLE OF THE NURSE

Nurses play a key role in detecting and protecting victims and vulnerable populations from modern slavery. As frontline health care workers, nurses in the acute and primary health care settings are well placed to identify signs of suspected victims. More so, nurses have a duty of care to protect suspected victims of modern slavery and to report to the authorities. As indicated in Element 1 (Nurses & People) of the ICN Code of Ethics for Nurses (2012), nurses are legally bound to *“meet the health and social needs of the public, in particular those of vulnerable populations”*.

If a nurse suspects modern slavery has occurred or is occurring, the International Council of Nurses recommends the following actions and behaviours:

- *“Be sensitive and understand the individual’s experience.*
- *Do not place yourself or the individual in danger – notice who is around when you are talking to the individual.*
- *Notify the Police or relevant authorities if you suspect the individual is in danger.*
- *Try to record as many details and information without endangering yourself or the individual.*
- *In private away from others offer information of local agencies or support services that can help the individual either for immediate support or if declined on a future date when the person may feel more prepared to seek assistance.*
- *Contact your safeguarding lead and follow local policy when identifying potential victim of human trafficking – if no policy exists consider developing one” (ICN 2020).*

Nurses need to be supported with appropriate professional development to enable them to recognise and report all forms of abuse consistent with modern slavery. Nurses should be assisted through access to education that addresses the specific health, mental well-being, cultural, and social needs of vulnerable populations to prevent modern slavery.

FURTHER RESOURCES AND REPORTING

The Australian Federal Police (AFP) information page provides a comprehensive list of modern slavery resources and a list of signs that a person may be a victim (AFP 2020).

Suspected human trafficking offences may be reported to the AFP via phone 13 12 37 or email AOCC-Client-Liaison@afp.gov.au. Information may also be reported through their online form at https://forms.afp.gov.au/online_forms/human_trafficking_form. However, in the case of an emergency people are advised to call 000.

REFERENCES

Anti-Slavery Australia, 2020, 'Modern Slavery'. Accessed at: <https://antislavery.org.au/modern-slavery/>

Aronowitz, Alexis A. Human Trafficking, Human Misery: The Global Trade in Human Beings (Westport, Conn.: Praeger Publishers, 2009).

Australian College of Nursing (ACN), April 2019, 'Position Statement: Quality health care for all refugees and asylum seekers'. Accessed at: <https://www.acn.edu.au/wp-content/uploads/position-statement-quality-health-care-refugees-asylum-seekers.pdf>

Australian Federal Police (AFP) 2020. Human Trafficking. Accessed at: <https://www.afp.gov.au/what-we-do/crime-types/human-trafficking>

Australian Government. (2018). Modern Slavery Act. Federal Register of Legislation. Retrieved from: <https://www.legislation.gov.au/Details/C2018A00153>

Chamberlain R. and D.P. Haider-Markel. "Lien on Me": State Policy Innovation in Response to Paper Terrorism." In Political Research Quarterly, Vol. 58, No. 3 (Utah: Sage Publications, September 2005): 457.

Department of Home Affairs 2020. Criminal Human Trafficking. Accessed at: <https://www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/people-smuggling-human-trafficking/human-trafficking>

International Council of Nurses 2020. Human Trafficking - The basics of what Nurses need to know. Accessed at: https://www.icn.ch/sites/default/files/inline-files/AD4044%20Human%20Trafficking%20Pamphlet_ENG%202000_1.pdf

Kingdon, J.W. Agendas, Alternatives, and Public Policies (Boston: Little Brown, 1995).

Labour exploitation 2016. Vulnerability to human trafficking for labour exploitation. Accessed at: <https://www.labourexploitation.org/publications/vulnerability-human-trafficking-labour-exploitation>

Nursing and Midwifery Board of Australia (NMBA), 2020, International Council of Nurses (ICN) Code of Ethics for Nurses (Professional Standards). Accessed at: <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards.aspx>

United Nations. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Vienna, 2001): Article 3.

United Nations Office of Drugs and Crime. Model Law Against Trafficking in Persons (Vienna: United Nations, 2009)

United Nations Office of Drugs and Crime (UNODC) Issue Paper Abuse of a position of vulnerability and other "means" within the definition of trafficking in persons, New York: United Nations, 2013)

White J 2015. ICN Policy Brief. World Health Organization Global Strategy on Human Resources for Health in the era of the post 2015 Sustainable Development Goals: Nursing's Essential Contribution

World Health Organization (WHO) 2016. WHO Global Strategy on Human Resources for Health: Workforce 2030. Accessed at: https://www.who.int/hrh/resources/pub_globstrathrh-2030/en/

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