



Modern Slavery

INTRODUCTION

Modern slavery is an umbrella term used to describe a variety of situations in which a person is forcibly or coercively controlled for 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 49.6 million people live in modern slavery (Anti-Slavery Australia n.d.). A range of modern slavery practices exist, including human trafficking, forced labour (27.6 million), forced marriage (22 million) and sexual exploitation (6.3 million), and these can occur in a variety of settings, including homes, restaurants, and farms (Anti-Slavery Australia n.d.). Certain circumstances 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 n.d.). 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 n.d.). This means there is a large proportion of victims who go unnoticed, leading to a range of health, societal and financial consequences.

An emerging form of slavery has become apparent through the lockdown times of COVID-19, taking advantage of children as their lives became increasingly spent online. With that has come an increase in the sexual exploitation of children online. Australia's eSafety Commissioner reported an increase in online abuse materials of 129%, stating that this is almost double the rate pre-COVID (eSafety Commissioner 2022).

Modern slavery impacts businesses; there is now a legal responsibility for businesses to report on their actions to assess and address modern slavery risks in their operations and their supply chains (Fair Work Ombudsman, n.d., Attorney-General's Department, n.d.). Although we acknowledge that businesses and healthcare environments are responsible for managing their supply chains, this position statement does not expand upon how that should be addressed or the actions organisations must take to comply. 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 about 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 2024). An estimated 2.5 million people are forced into exploitative labour at any given time as a result of trafficking (Attorney-General's Department, n.d.).

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 2014). ACN supports the WHO's Sustainable Development Goals (SDG) that directly impact health across all countries irrespective of income status (White 2015). ACN supports 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 fundamental 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, 2021 (ICN n.d.):

- **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).**

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

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

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 that may increase an individual's position of vulnerability include age, illness, gender, sexuality, religious and cultural beliefs, lack of social network, poverty, isolation, dependency and legal status (UNODC 2018). While considering those vulnerable to modern slavery, it is important to recognise that men and boys are also subject to modern slavery by working under bonds in the construction, food, manufacturing, agricultural, and sex industries (Heinrich 2010).

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 an adult, including both men and women (UNSW n.d.). 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 slavery and trafficking in children (Attorney-General's Department n.d.).

There may be a breadth 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 the organised illegal movement of people across borders on a payment-for-service basis (AFP n.d., OHCHR 2000). In other words, “trafficking victims ... have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive, or abusive actions of the traffickers” (Goździać & Vogel 2020).

There are several types of modern slavery (ICN 2019).

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 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (OHCHR 2000), otherwise known as 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. Before this, trafficking people was generally recognised as criminal by various international legal tools. These legal instruments, however, did not define 'human trafficking' as a criminal offence (Siller 2017). The 2000 Palermo Protocol recognises that modern slavery has to be dealt with internationally using criminal law.

The 2000 Palermo Protocol defines human trafficking as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, using 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 exploitation.” (United Nations 2001)

POWER AND CONTROL AS FUNDAMENTALS OF MODERN SLAVERY

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 significant roles in all elements of modern slavery. The United Nations Office on 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. 11)

Human trafficking, at its core, is a dehumanising process that treats its victims as commodities that can be sold, bought, exploited and abused. Those being trafficked can be subjected to, for example, forced labour, slavery, sexual exploitation, forced marriage, and organ trafficking (Ha Jin & Dhaneşwara 2023)

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)**

The ICN has provided a comprehensive list of 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 Human Trafficking: The Basics of What Nurses Need to Know and also under Indicators of Trafficking on AFP's Human Trafficking and Slavery website (AFP 2024).

The table on the following page offers an abbreviated list of indicators to look for.

THE ROLE OF THE NURSE

Nurses play a crucial role in detecting and protecting victims and vulnerable populations from modern slavery. As frontline healthcare workers, nurses in the acute and primary healthcare 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 – if you suspect a person is a victim of modern slavery:

- **Be sensitive and understand the individual's experience.**
- **Do not place yourself or the individual in danger – notice who is around when talking to the individual.**
- **Notify the Police or relevant authorities if you suspect the individual is in danger.**
- **Record as many details and information as possible without endangering yourself or the individual.**
- **In private, away from others, offer information about 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 victims 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.

Figure 2. Indicators of Human Trafficking (ICN 2020)

GENERAL SIGNS	GENERAL HEALTH INDICATORS	SPECIFIC INDICATORS OF SEX EXPLOITATION
<ul style="list-style-type: none"> • No legal or only suspicious-looking documentation in their possession • no registration with government services, GP, schools, etc. • Has travelled great distances internationally and needs to understand the processes involved in travelling. • Struggles to communicate in the local or any language • Claims to be 'just visiting' an area but can't give times and dates of arrival and departure or addresses and phone numbers of others • Vague or no next of kin details • Has no control over their own money • A 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, submissive and afraid to speak to professional 	<ul style="list-style-type: none"> • Malnourishment or generally poor health • Signs of physical abuse – in particular, unexplained injuries or signs of prolonged abuse: <ul style="list-style-type: none"> -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) are evidence of a prolonged infection that is usually easily treated with a routine check-up. • Sexually Transmitted Diseases (STIs). • Maternity – Late booking, signs of recent birth or postnatal signs • Mental health concerns – self-harming 	<ul style="list-style-type: none"> • Suspicion that the person is underage despite their claiming to be older • Physical evidence of sexual trauma • Evidence of untreated/ treated STIs • Multiple/frequent pregnancies • Inappropriate interest in/or relationship with older men • 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 the neck or lower back and other types of branding

A more comprehensive list of indicators is available on the AFP's [Trafficking and Slavery webpage](#).

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 2024).

Suspected human trafficking offences may be reported to the AFP via phone at 13 12 37 or email at 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.

Commonwealth Director of Public Prosecutions – [Human Trafficking and Slavery](#) Information on assistance for victims through the [Witness Assistance Service](#) (WAS) and an explanation of the service and what they do.

REFERENCES

- Anti-Slavery Australia n.d. [Modern Slavery](#)
- Attorney-General's Department n.d. [Human trafficking](#).
- Attorney-General's Department n.d. [Modern Slavery](#)
- Australian College of Nursing (ACN), April 2019. [Position Statement: Quality health care for all refugees and asylum seekers](#). ACN, Canberra
- Australian Federal Police (AFP) n.d. [Human Trafficking and Slavery Strategic Plan 2023 – 2026](#)
- Australian Federal Police (AFP) 2024. [Human trafficking and slavery](#).
- Australian Government 2018. [Modern Slavery Act](#). Federal Register of Legislation.
- Fair Work Ombudsman n.d. [Contracting labour and supply chains](#)
- Goździak, E.M. and Vogel, K.M., 2020. Palermo at 20: A retrospective and prospective. *Journal of Human Trafficking*, 6(2), pp.109-118.
- Grant, J.I. (eSafety Commissioner) 2022. [The shadow](#)
- Ha Jin I & Dhaneswara, N., 2023. Human Trafficking in Southeast Asia During Covid-19: an overview of emerging issues and technology trends. *Journal of Southwest Jiaotong University*, 58(2).
- Heinrich, K.H., 2010. Ten years after the Palermo Protocol: Where are protections for human trafficking? *Human Rights Brief*, 18(1)
- International Council of Nurses 2021. [The ICN Code of Ethics for Nurses](#).
- International Council of Nurses 2019. [Human Trafficking: The basics of what nurses need to know](#)
- Labour Exploitation 2016. [Vulnerability to human trafficking for labour exploitation](#).
- Office of the High Commissioner for Human Rights (OHCHR) 2000. [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#)
- Siller, N., 2016. 'Modern Slavery' Does International Law Distinguish between Slavery, Enslavement and Trafficking? *Journal of International Criminal Justice*, 14(2), pp.405-427.
- United Nations Office on Drugs and Crime (UNODC) 2009. [Model Law against Trafficking in Persons](#)
- United Nations Office on Drugs and Crime (UNODC) 2013. [Issue Paper: Abuse of a position of vulnerability and other "means" within the definition of trafficking in persons](#)
- United Nations Office of Drugs and Crime (UNODC) 2018. [Issue Paper The International Legal Definition of Trafficking in Persons: Consolidation of research findings and reflection on issues raised](#)
- University of New South Wales, Australian Human Rights Institute n.d. [What is Modern Slavery?](#)
- Weissbrodt, D & Anti-Slavery International 2002. [Abolishing Slavery and its Contemporary Forms](#). Office of the United Nations High Commissioner for Human Rights
- 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) 2014. [Health Workforce 2030: WHO Global Strategy on Human Resources for Health](#)

ACKNOWLEDGEMENT

Sophia Dimitrelis, Manager – Policy and Advocacy

Dr Carolyn Stapleton, Director – Policy and Advocacy

Dr Penelope Wilson, Policy Strategist

ACN is also grateful to the support of Sarah Morse, Director, and Dr Stephen Morse, CEO of Unchained, for their expert advice on the complexities of modern slavery.

Acknowledgement is also extended to Adjunct Professor Kylie Ward FACN, CEO of the Australian College of Nursing.

Date developed July 2020
Review date February 2021
Contemporary review February 2024

CITATION:

Australian College of Nursing (ACN). 2021,
'Modern Slavery– Position Statement', ACN, Canberra.

© ACN 2021

Paperback ISBN: 978-1-925913-60-6

Ebook ISBN: 978-1-925913-59-0

First printed March 2021

This version printed March 2024