



Australian Government

Australian Institute of Criminology

Office of
the Australian
Anti-Slavery
Commissioner

AIC reports

Strengthening Australia's criminal justice response to modern slavery: A rapid assessment

Plain language summary



Background, aims and approach

Australia has commitments under international agreements to address modern slavery. In recent years, Australia's response has been guided by the *National Action Plan to Combat Modern Slavery 2020–25* (the National Action Plan; Australian Government 2020). The Australian Government aims to respond to modern slavery in a 'comprehensive, effective, timely [and] coordinated' way that is consistent with its international commitments.

Australia's criminal justice response focuses on investigating, prosecuting and punishing offenders (Australian Government 2020: 20). A strong criminal justice response to modern slavery is important for identifying and prosecuting offenders, preventing future offending, and ensuring justice for victims and survivors (Gallagher & Karlebach 2011).

The Office of the Australian Anti-Slavery Commissioner asked the Australian Institute of Criminology to do research to inform the Commissioner's work on criminal justice. The research addresses three research questions:

- What are the main issues in Australia's criminal justice response to modern slavery?
- What are the main gaps identified in the data and previous research?
- What are the main laws, policies or processes that need to be reviewed or changed to improve the criminal justice response?

To answer these questions, the AIC looked at previous reviews, inquiries and research; spoke with 36 stakeholders; and spoke with 34 people affected by modern slavery and modern slavery policy or practices (eg people whose workplaces have been the focus of policing operations).

Key findings and recommendations

We found that there are ongoing gaps in Australia's criminal justice response to modern slavery that are stopping some victims and survivors from accessing justice and remedy (including compensation) and holding offenders responsible for their crimes. Many of the findings and recommendations we make have been made before, but there is a need for more and different action to strengthen Australia's criminal justice response to modern slavery.

We also need to better understand barriers to justice, and to take systemic action to address them and improve outcomes for victims and survivors. Barriers to justice may include Australia's modern slavery laws; policing and prosecution practices; and lack of support and protection available to victims and survivors.

There is already important work being done by the Australian Government to strengthen the criminal justice response to modern slavery. Our findings and recommendations aim to support and build upon this work. Our findings and recommendations are informed by previous reviews and inquiries, research, stakeholder feedback and, importantly, the perspectives of people with lived experience.

Finding 1: The criminal justice response to modern slavery has improved. However, there are still practical barriers to identifying and prosecuting modern slavery.

Recommendation 1: Police, prosecutors and other people working in criminal justice should critically assess how they identify and investigate modern slavery to identify areas for improvement. This could include:

- ensuring training reaches more people and has real impact;
- making it easier for people to report modern slavery; and

- improving how criminal justice agencies work with victim service providers.

Finding 2: There are policies and practices to support victims and survivors to access and navigate the criminal justice system (eg trauma-informed policing practices and legal support). However, these are not always used. This impacts victims and survivors' ability to access justice and support, and to recover from the harms caused by their exploitation.

Recommendation 2: Victim-centred and trauma-informed practices should be used consistently during investigation and prosecution of modern slavery. This will ensure that victims and survivors can feel safe and minimises the risk of further harm or distress. Victim-centred and trauma-informed practices include:

- ensuring criminal justice practitioners (eg police and prosecutors) communicate properly with victims and survivors;
- reducing what is asked of victims and survivors during an investigation and prosecution; and
- providing appropriate legal support for victims and survivors.

Finding 3: Support for victims and survivors has improved. However, not all victims and survivors are getting the support they need.

Recommendation 3: Efforts to improve criminal justice responses to modern slavery should focus on strengthening support, protection and remedy measures so that they are more accessible and effective. This includes:

- legislating forced marriage protection orders for adults;
- legislating a specific defence for victims of modern slavery (who commit crimes as part of their exploitation);
- introducing a Commonwealth compensation scheme for victims and survivors of modern slavery; and
- ensuring access to support does not depend on participating in criminal cases.

Finding 4: There is a lack of research and data about the effectiveness of criminal justice responses to modern slavery (eg challenges and emerging effective practices in policing and prosecution). There is also a lack of research and data about victims and survivors' experiences of the criminal justice system. Improving understanding of these issues would better inform and support changes in policy and practice.

Recommendation 4: Further research and data collection should be funded to better understand the effectiveness of criminal justice responses to modern slavery and victims and survivors' experiences of the criminal justice system. Future research and data collection should focus on priority groups including children, victims and survivors with a disability, and First Nations victims and survivors.