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17

**Review of the National
Action Plan to Combat
Human Trafficking and
Slavery 2015–19**

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Acronyms and abbreviations

ABF	Australian Border Force
AFP	Australian Federal Police
AIC	Australian Institute of Criminology
ASEAN	Association of Southeast Asian Nations
CDPP	Commonwealth Director of Public Prosecutions
FWO	Fair Work Ombudsman
IDC	Interdepartmental Committee on Human Trafficking and Slavery
ILO	International Labour Organization
STPP	Support for Trafficked People Program
TRIANGLE in ASEAN	Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in the Association of Southeast Asian Nations

Introduction

The National Action Plan to Combat Human Trafficking and Slavery 2015–19 (Attorney-General’s Department 2014) provides the strategic framework for Australia’s response to human trafficking and slavery for the five-year period from 2015 to 2019. The National Action Plan is founded on the need to prevent human trafficking and slavery; detect, investigate and prosecute offenders; and protect and support victims.

Four central pillars underpin this strategy:

- prevention and deterrence;
- detection and investigation;
- prosecution and compliance; and
- victim support and protection.

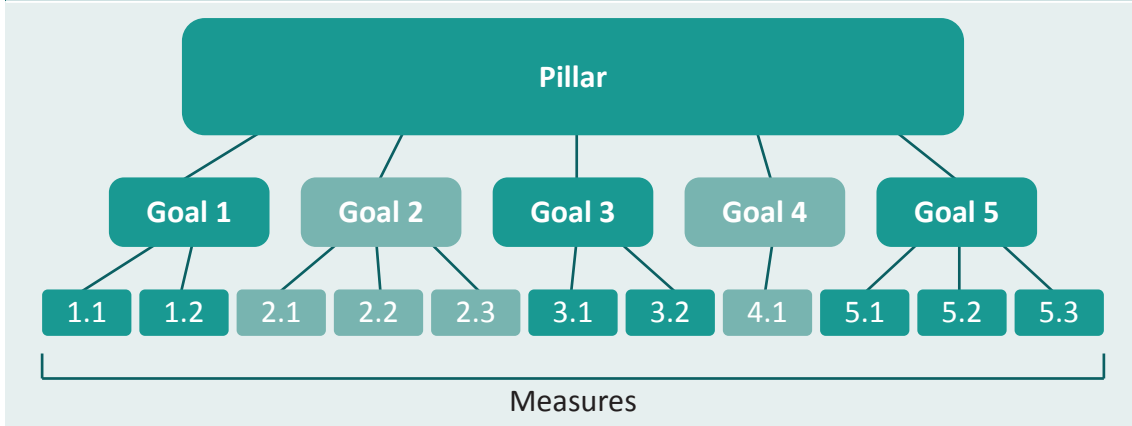
The Commonwealth Government has oversight of the National Action Plan, with core activities undertaken by members of the Interdepartmental Committee on Human Trafficking and Slavery (IDC) and complementary activities undertaken by members of the National Roundtable on Human Trafficking and Slavery.

The Department of Home Affairs commissioned the Australian Institute of Criminology to undertake a review of the National Action Plan.

Purpose and methodology

The National Action Plan is structured into three tiers: pillars, goals and measures. Each of the four pillars has five goals, which encompass a total of 137 performance measures (see Figure 1).

Figure 1: Example structure of the National Action Plan



The purpose of the review was to document the activities undertaken to achieve the goals of the National Action Plan. The review is not an evaluation; it does not provide an assessment of implementation, effectiveness or efficiency of activities associated with the National Action Plan. Rather, it provides a basis upon which to reflect on past activities and to inform the development of the next National Action Plan.

Under the current National Action Plan, the Commonwealth Government has primary responsibility and accountability for measures to combat human trafficking and slavery in Australia. The National Action Plan and this review are both therefore largely focused on the measures and actions implemented by Australian federal government agencies who are members of the IDC. Complementary activities undertaken by civil society organisations who are members of the national roundtable are also described where relevant. In addition to the targeted efforts of IDC and national roundtable members, there are broader state and territory efforts and processes in place which directly or indirectly contribute to the implementation of the National Action Plan. While not described in this review, it is important to recognise these broader efforts as part of Australia’s response.

The review is based on two data sources: information provided by IDC and national roundtable members, and IDC reports published during the period covered by the National Action Plan. Membership of the IDC and of the national roundtable has changed over the life of the plan, primarily due to machinery-of-government changes or to civil society organisations leaving or entering the space. Nevertheless, responsibilities have been assigned to the appropriate agency (or agencies) according to membership at the time. Membership at the time of data collection (October to November 2018) was comprised of 11 government agencies making up the IDC and 16 civil society organisations making up the national roundtable. IDC and national roundtable members were invited to provide information about what their agencies had done or were doing to achieve the goals of the National Action Plan for the period from January 2015 to August 2019. Responses were received from nine IDC agencies and seven national roundtable organisations. The majority of responses provided a high-level overview of activities undertaken by members during the life of the National Action Plan; however, responses varied greatly in focus, detail, specificity and length. Responses were supplemented by information reported in the 2014–15 and 2015–16 IDC reports, the only reports to be published during the review period.

The National Action Plan reflects the collective commitment and responsibility of a range of organisations. Input from organisations was collated in order to provide a high-level overview of all activities undertaken to achieve each goal of the National Action Plan. The review did not assess or compare the individual contributions of agencies or the extent to which individual agencies achieved specific action items. The review is therefore a description of activities collectively undertaken by IDC members and the Support for Trafficked People Program (STPP) service provider. Information provided by national roundtable members was collated and is presented as complementary activities. The review does not quantify how much activity was undertaken, nor does it measure the outcomes of the activity. Discussion regarding future evaluation activity is included in the section *Learnings to inform the development of the next National Action Plan*.

Conflict of interest disclosure

The Australian Institute of Criminology (AIC) is a member of the IDC with assigned responsibilities under the National Action Plan related to research activities. As part of this review, like other agencies, the AIC self-reported on activities conducted in fulfilment of the goals of the National Action Plan.

Review of the 2015–19 National Action Plan

Pillar 1: Prevention and deterrence

Box 1: Australia's obligations related to prevention and deterrence

As a signatory to the United Nations Convention against Transnational Organized Crime and its supplementary trafficking protocol, Australia is obliged to:

- establish policies, programs and other measures to prevent and combat human trafficking;
- endeavour to undertake research, and information campaigns;
- take measures to alleviate the factors that make people vulnerable to human trafficking, such as poverty and lack of equal opportunity; and
- adopt measures which discourage the demand that fosters all forms of exploitation of people and leads to human trafficking.

Source: Attorney-General's Department 2014: 24

Australia's strategy aims to prevent human trafficking and slavery by tackling the root causes of exploitation, raising awareness in the general community, and building the resilience of groups who may be vulnerable to these practices. Australia works to deter human trafficking and slavery by creating a hostile environment for prospective offenders in our region. This includes instituting a comprehensive criminal justice framework with a strong normative effect. The review found that efforts have been concentrated towards maintaining and amending relevant legislation, ratifying and implementing international agreements, participation in regional and international fora, and developing Australia's response to labour exploitation in supply chains.

Goal 1: Australia contributes to initiatives which tackle the root causes of human trafficking and slavery

The root causes of trafficking and modern slavery are various and often differ from one country to another. Causes include poverty, oppression, lack of human rights, lack of social or economic opportunity, discriminatory labour or migration laws, unsafe migration pathways, and conflict, post-conflict and humanitarian crises. Women and girls are disproportionately affected, accounting for 71 percent of victims worldwide (International Labour Organization and Walk Free Foundation 2017) and 76 percent of clients on the STPP in 2015–16 (IDC 2016). Gender inequality, gender-based violence, gendered poverty, lack of viable employment opportunities, lack of control over financial resources and limited access to education are factors that can exacerbate the vulnerability of women and girls to human trafficking (ICAT 2017). Addressing root causes therefore involves a broad response which incorporates the targeted activities of IDC and national roundtable members as well as a range of domestic and international initiatives to address the United Nations Sustainable Development Goals and other issues that create vulnerability and gender inequality.

Funding and practical support was provided to Association of Southeast Asian Nations (ASEAN) projects through Australia's ASEAN and Mekong Program. These projects were undertaken to fulfil the Millennium Development Goals and post 2015 development agenda and aim to combat human trafficking and slavery through improving the wellbeing of those in developing countries. Australia also took a strong advocacy and standard-setting focus on adherence to minimum standards on working conditions and on issues that drive human trafficking and slavery through regional and international fora, including:

- the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process);
- Financial Sector Commission on Modern Slavery and Human Trafficking;
- Alliance 8.7 global partnership;
- United Nations Security Council;
- United Nations Human Rights Council; and
- United Nations General Assembly.

Australia co-sponsored United Nations resolutions on:

- rights of the child;
- accelerating efforts to eliminate violence against women;
- trafficking in women and girls;
- child, early and forced marriage;
- countering child sexual exploitation and abuse online;
- protection of and assistance to internally displaced persons;
- improved coordination of efforts against human trafficking; and
- prevention measures.

Australia also provided support for United Nations agencies that more broadly contribute to global efforts to combat human trafficking and slavery. For example, Australia is a donor to the UNODC Special Purpose Fund, the UN Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and UN Women.

Regionally, Australia supported safe and fair migration to protect the rights of migrant workers and reduce their vulnerability to trafficking through the Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in the Association of Southeast Asian Nations (TRIANGLE in ASEAN). This program (A\$20m, 2015–25) has worked with ASEAN countries to reform labour migration policies and legislation. Since 2010, TRIANGLE in ASEAN has helped prospective migrant workers and their families access legal and financial advice—via Migrant Worker Resource Centres in Cambodia, Laos, Thailand, Myanmar, Vietnam and Malaysia—and trained labour officials since 2015.

Australia’s development program has also played an important role in reducing the root causes of trafficking and modern slavery in the Indo-Pacific region. Australia’s aid investments supported countries in the region to promote economic growth, stability and reduce poverty. Poverty in the region has fallen rapidly as a result of strengthened governance and infrastructure and human capital, primarily through health and education investments.

Goal 2: Australia contributes to initiatives which build resilience among groups identified as vulnerable to trafficking and slavery

Australia provided significant development support to the Indo-Pacific region through the TRIANGLE in ASEAN; the Australia-Asia Program to Combat Trafficking in Persons; the ASEAN-Australia project implementing the ASEAN Convention Against Trafficking In Persons, Especially Women and Children; and the Indo-Pacific Justice and Security Program. Through these initiatives, Australia funded regional capacity-building to:

- help vulnerable groups overseas protect themselves from human trafficking and slavery;
- support prospective and returned migrant workers in areas of safe and fair migration, protection of labour rights, and safe and secure working environments;
- develop and implement awareness-raising and prevention campaigns; and
- pilot the use of multidisciplinary teams situated within local communities to identify and support victims to report their exploitation.

Australia’s ongoing commitment in this area was demonstrated with the launch of ASEAN-Australia Counter-Trafficking in August 2019, which is a 10-year (2018–28), \$80 million program that builds on Australia’s 15-year history working with ASEAN member states on counter-trafficking. ASEAN-Australia Counter-Trafficking began mobilising during 2018, to ensure continuity of key activities from the Australia-Asia Program to Combat Trafficking in Persons.

Domestically, the national roundtable’s Communication and Awareness Working Group considered ways to improve education about and awareness of serious forms of labour exploitation among vulnerable workers, employers and the general public, while the Labour Exploitation Working Group provided recommendations to strengthen Australia’s response in this regard. Additionally, the Migrant Workers’ Taskforce identified measures to efficiently identify and address cases of migrant worker exploitation.

Specifically, a range of initiatives were implemented to strengthen protections and reduce vulnerability of private domestic workers. These included a suite of education and awareness-raising materials developed by the Working Group on Protections for Private Domestic Workers Working for Diplomats or Consular Officials, and a range of ongoing initiatives implemented by the Department of Foreign Affairs and Trade (DFAT) in partnership with the Department of Home Affairs and the Australian Border Force, such as annual face-to-face meetings with private domestic workers to confirm that work conditions conform to Australian standards and to allow for workers to raise any concerns.

Goal 3: Australia educates and promotes community engagement in understanding and combating human trafficking and slavery

Australia undertook a range of initiatives to promote community education and engagement to better understand and combat human trafficking and slavery, both internationally and domestically. Internationally, Australia participated in the:

- Bali Process (as co-chair with Indonesia);
- Financial Sector Commission on Modern Slavery and Human Trafficking (as co-convenor with Liechtenstein);
- Alliance 8.7 (as chair between November 2017 and April 2019);
- Blue Heart Campaign;
- G20 Strategy to eradicate child labour, forced labour, human trafficking and modern slavery;
- OECD Declaration on International Investment and Multinational Enterprise; and
- IV Global Conference on the Sustained Eradication of Child Labour.

Domestically, measures were taken to raise awareness of human trafficking and slavery among the Australian community and ensure that materials about the government's response to human trafficking and slavery remained current and readily available. Across the assessment period, IDC organisations actively engaged in forced marriage awareness-raising campaigns, significantly expanded the availability and accessibility of online content and resources about workplace rights and obligations, and made a wide variety of resources available about Australia's domestic, regional and international response to human trafficking and slavery.

In addition, the growing importance of combating human trafficking and slavery in global supply chains over the life of the National Action Plan culminated in the passing of the *Modern Slavery Act 2018*. Following the passing of the Act, government and civil society organisations led a range of capacity building activities to promote compliance with the business reporting requirement. Australia's role as co-chair of the Bali Process Government and Business Forum further demonstrates Australia's global leadership in addressing supply chain issues.

Goal 4: Australia promotes an evidence-based response to human trafficking and slavery

IDC agencies supported the compilation of evidence required by the Australian Government to develop and implement Australia’s strategic response, including efforts to enhance monitoring of human trafficking and slavery through AIC research, annual IDC reports, and meetings of the national roundtable at both ministerial and senior official level. Reporting under the Annual Performance Management Framework also promoted the compilation of evidence; however reporting ceased in 2015 to avoid duplication in data collection processes. The IDC also completed its formal work program in the development of Australia’s response to labour exploitation in supply chains by establishing the Supply Chains Working Group, developing an evidence-based understanding of exploitation in supply chains, assessing the implementation of best practice measures, and developing nine recommendations for the consideration of government. Working groups comprised of IDC and national roundtable members were supported to undertake research to inform responses to migrant workers, labour exploitation and supply chain issues. The IDC was responsive to requests for information on Australia’s strategy to combat human trafficking and slavery, including providing information to four parliamentary inquiries, regional multilateral forums, various United Nations reporting bodies, the United States’ annual Trafficking in Persons Report, and collaborating and providing assistance at the country-level to the United States, Canada, the United Kingdom and New Zealand to develop best practice principles to combat modern slavery in Government procurement.

Goal 5: Australia creates a hostile environment and reduces the incentives for offending

Steps were taken towards improving frameworks and standards that promote rights and provide safeguards. This included legislative amendments to the *Migration Act*, to broaden the definition of human trafficking, and the Criminal Code, to increase penalties for forced marriage offences, protect against the forced marriage of children, improve prosecutorial outcomes for forced marriage cases, confer universal jurisdiction to slavery offences, address ambiguity with slavery-related offences, and expand the definition of debt bondage.

A variety of measures were taken to maintain the capacity of the Australian Federal Police (AFP) Human Trafficking Teams, Fair Work Ombudsman (FWO) inspectors, Australian Border Force (ABF) officers and the Commonwealth Director of Public Prosecutions to detect, investigate and enforce matters relating to human trafficking, slavery and slavery-like practices, including substandard working conditions. This capacity-building was achieved through specialised and tailored training to detect, identify and respond to cases, delivered through various modes (eg face-to-face, e-learning). Benefits of the training include:

- development of professional skills and technical knowledge;
- increased geographic scope of investigative personnel;
- dedicated funding, resources and equipment;
- enhanced legislation and regulations supporting compliance and enforcement;
- national and international focus on capacity-building efforts; and
- improved partnerships, networks and coordination.

Additional measures were implemented specifically to ensure indicators of human trafficking and slavery were identified and actioned appropriately during visa decision-making processes and interactions with non-citizens. These included training for visa processing officers, the development of procedural instructions, and the inclusion of human trafficking and slavery indicators in standard operating procedures. ABF field officers were also trained to ask targeted questions that seek to uncover exploitative circumstances when conducting interviews with persons of interest. Further, measures were instituted to improve cross-agency information sharing, including through the implementation of a proactive alert system.

Complementary activities

National roundtable members undertook a range of domestic, regional and international activities towards preventing and deterring human trafficking and slavery, including:

- producing research reports on a range of issues including exploitation in supply chains, domestic workers, forced marriage, access to justice for trafficked people, a 10-point plan for Commonwealth countries to combat modern slavery, best practice in supporting survivors of human trafficking, and working with gender and ethnically diverse people in the sex industry;
- delivering outreach programs, developing community toolkits, conducting service delivery mapping, and developing resources for vulnerable groups and practitioners;
- making submissions and recommendations to international and domestic committees, inquiries, audits and law reform reviews;
- convening and participating in international and domestic conferences, forums, roundtables and working groups;
- producing online fact sheets, media initiatives and other materials to raise community awareness, including multilingual educational materials;
- disseminating the Global Slavery Index and Global Estimates of Modern Slavery for forced labour and forced marriage; and
- convening the biennial Freedom Awards to recognise initiatives that combat human trafficking, slavery, forced labour and forced marriage.

Pillar 2: Detection and investigation

Box 2: Australia's obligations related to detection and investigation

As a signatory to the United Nations Convention against Transnational Organized Crime and its supplementary trafficking protocol, Australia is obliged to:

- in accordance with domestic law, share information held by our law enforcement, immigration or other relevant authorities with their counterparts; and
- provide or strengthen training for law enforcement, immigration and other relevant officials including on preventing and prosecuting, and protecting the rights of the victims.

Source: Attorney-General's Department 2014: 33

Australia's strategy highlights the importance of working to ensure instances of human trafficking and slavery are recognised and reported, including through raising awareness of indicators and referral pathways. The strategy emphasises high quality investigations and cooperation between relevant agencies and organisations in Australia and overseas. In addition to disrupting criminal activities and apprehending offenders, a crucial factor of the detection and investigation pillar is ensuring the needs of trafficked persons are addressed. The review found a variety of activities had been taken in the detection and investigation space, with efforts focused particularly towards: raising community awareness to identify and report suspected cases of human trafficking and slavery, supporting victims while in the investigations process, and putting mechanisms in place to support Australia's international law enforcement coordination.

Goal 1: Australia ensures frontline officers are trained and equipped to detect and respond to human trafficking and slavery

Measures comprised both internal training relevant to agency functions and collaborative efforts to share expertise. The AFP developed a specialised human trafficking curriculum and commenced delivery of the Human Trafficking Investigations Course in 2015. This training was routinely provided to federal, state and territory police, immigration and border protection officers and FWO officers. ABF officers also received specialist training through the ABF College, which included training delivered by the AFP, online learning modules, and specialised departmental training. Internal training was also provided to immigration officers responsible for processing visa applications, and by the Commonwealth Director of Public Prosecutions (CDPP) on the evidence required for prosecutions. Operational guidelines were provided to all FWO staff, and FWO inspectors also received specialist training through the National Technical Training Program. The Department of Foreign Affairs and Trade provided specialist pre-departure training for Australian officials undertaking overseas postings about their obligations to report extraterritorial offences of serious crimes, including forced marriage. Officers already posted overseas received specialist policy guidance to ensure the appropriate management and referral of consular cases, particularly around cases of forced marriage, through the Consular Handbook.

IDC organisations implemented a number of measures to monitor and refine the existing tools and guidance used by frontline officers for the identification of trafficked people. These included a Human Trafficking Information and Awareness Package developed for first responder police, new refresher training packages for all frontline staff, an updated list of human trafficking indicators for IDC agencies and AFP members, updated Commonwealth crimes governance arrangements, best practice guides for use when conducting investigations, a new referral protocol between government and law enforcement agencies, and awareness sessions delivered to AFP Airport Operations members across the country at Australian international airports.

Goal 2: Australia works proactively to ensure that suspected cases of human trafficking and slavery identified within our jurisdiction are reported to authorities

Across the assessment period, IDC organisations actively engaged in forced marriage awareness-raising campaigns, expanded the availability and accessibility of online content and resources, and made available a variety of resources about Australia’s response to human trafficking. A number of measures were taken to continue proactive engagement with relevant communities through the FWO’s Community Engagement Strategy. This includes implementing an International Students Engagement Strategy, participating in forums and events that bring together key community stakeholders, and engaging with business leaders, media and consular officials in the Korean and Chinese communities to develop and deliver tailored community education strategies. The FWO also funds community organisations to deliver a range of services, projects and programs of work to support vulnerable cohorts including migrant workers. Further, a suite of additional measures were implemented to provide practical support for organisations to raise awareness on the indicators and referral pathways for human trafficking and slavery.

Goal 3: Australia undertakes high-quality investigations which enable and support prosecutions

Substantial effort was made to ensure the AFP Human Trafficking Teams maintained their capacity to investigate matters and were able to collaborate with immigration and FWO officers to cross refer cases. Collaboration, information sharing and intelligence gathering was also supported by the whole-of-government response to serious and organised crime delivered through the Australian Criminal Intelligence Commission’s National Criminal Intelligence Fusion Capability. The Review of the Australian Policing Strategy to Combat Trafficking in Persons 2011–13 was completed and, as a result, a draft National Policing Protocol to Combat Human Trafficking and Slavery is being finalised with all state and territory policing agencies.

Where data were collected on offender methodologies, conduct or trends, the data and any lessons learnt were shared to enhance future investigation techniques. Actions were also taken to monitor the effectiveness of those sections of legislation that enable the investigation and prosecution of human trafficking, slavery and forced marriage. These actions included periodic meetings of the ABF’s Operational Working Group and enhanced engagement between the CDPP and policymakers. The AFP and immigration and border protection officers undertook a number of measures to maintain effective and timely referral protocols. This included collecting and sharing information with national and international law enforcement, intelligence and regulatory bodies through the Border Intelligence Fusion Centre (formerly the National Border Targeting Centre), and formal information-sharing mechanisms such as the Human Trafficking Referral Protocol between the AFP, Home Affairs and ABF.

Goal 4: Australia's criminal justice system recognises and supports the rights and needs of trafficked people during investigations

AFP investigators, state and territory police, ABF investigators and immigration officers received training in providing culturally sensitive, age-sensitive and gender-sensitive assistance to trafficked people through cultural awareness and victimology sessions delivered as part of the Human Trafficking Investigations Course. By providing best-practice guidelines and training for working with victims, law enforcement agencies put mechanisms in place to consider the best interests of trafficked people as a primary concern in investigations. The extent to which these were implemented and used to deliver outcomes for trafficked people is beyond the scope of the current review.

Through the STPP, intensive support was made available for up to 90 days to all trafficked people to allow for recovery and reflection time, irrespective of their willingness or ability to assist in an investigation. The STPP provided trafficked people with access to information on matters affecting their interests, including entitlements and available services through referrals for legal and migration advice, including the use of interpreters when required. Additionally, a client information kit was developed and made available for trafficked people receiving assistance through the program.

Goal 5: Australia cooperates with international law enforcement partners to combat human trafficking and slavery

There were mechanisms in place to support Australia's international law enforcement coordination, although it is beyond the scope of the current review to assess the extent to which the mechanisms resulted in international cooperation in combating human trafficking and slavery. Australia worked with countries in the region to strengthen legal frameworks on human trafficking by assisting in the development of legislation and practitioner guides. This was achieved through participation in the Bali Process and its working groups, where Australia assisted in the development of regional best-practice policy guides on criminalising human trafficking, identifying and protecting victims, and using financial crime investigation techniques in human trafficking cases. In 2015, Australia also signed the Manila Declaration to Enhance International Cooperation in Combating Human Trafficking.

In addition, law enforcement and Commonwealth prosecutors worked with countries in the region to strengthen the capacity of law and justice officials to investigate and prosecute human trafficking and slavery matters, including via:

- information presentations delivered to international prosecutors;
- mentoring as part of the Asia Region Law Enforcement Management Program (ARLEMP) in Vietnam—two recent initiatives were thematically focused on human trafficking; and
- provision of training to the Trafficking in Persons Program hosted by the International Law Enforcement Agency in Bangkok, Thailand.

The Department of Foreign Affairs and Trade also continued to work with law enforcement and justice officials to strengthen criminal justice responses in the ASEAN region, including through the training of judges, prosecutors and investigators under Australia-Asia Program to Combat Trafficking in Persons.

Across the review period, Australia cooperated with international extradition and mutual assistance requests to enable government-to-government assistance in criminal investigations and prosecutions and the identification and recovery of the proceeds of crime. Cross-border police cooperation was facilitated through the Interpol National Central Bureau for Australia, the International Law Enforcement Academy's International Human Trafficking Investigation Workshop, and Transnational Crime Unit advisers to the Pacific Transnational Crime Network. Immigration and border protection authorities implemented mechanisms to address irregular migration, including through the provision of training and equipment for document examination, facial image comparison, intelligence analysis and immigration investigations training for international partners.

Complementary activities

National roundtable members undertook a range of activities to support the detection and investigation of human trafficking and slavery, including:

- identifying and reporting instances of trafficking or exploitation to the relevant authorities;
- developing a trafficking screening tool for vulnerable women;
- delivering capacity-building workshops, training programs and learning courses for frontline officers and government;
- providing support to enable victims to act as witnesses in police investigations;
- formal engagement with law enforcement and relevant government agencies on ways to better identify and interact with victims, including provision of training;
- providing training to the community, education sector and unions about human trafficking and forced marriage, the role of law enforcement and referral processes;
- providing multilingual online learning courses, resources, research and news items on forced marriage and forced labour to the community in order to raise awareness and encourage reporting; and
- making submissions to support amendments to criminal legislation.

Pillar 3: Prosecution and compliance

Box 3: Australia's obligations related to prosecution and compliance

As a signatory to the United Nations Convention against Transnational Organized Crime and its supplementary trafficking protocol, Australia is obliged to:

- adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth as human trafficking under Article 3 of the Protocol;
- ensure that our domestic legal and/or administrative frameworks contain measures that, in appropriate cases, provide trafficked people with:
 - information on relevant court and administrative proceedings; and
 - assistance to enable their views and concerns to be represented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

Source: Attorney-General's Department 2014: 43

The prosecution and compliance pillar includes a suite of strong civil and criminal sanctions for offenders, and the promotion of access to justice for trafficked people (Attorney-General's Department 2014). Activities concentrated on ensuring that offenders were held accountable and that Australia's criminal justice system recognised and supported the rights and needs of trafficked people during prosecutions.

Goal 1: Australia's legal and regulatory frameworks meet our international obligations and are responsive to emerging trends in criminal methodology

As part of the UN's Universal Periodic Review process in 2015, Australia reported to the international community on Australia's human rights situation and actions taken to fulfil human rights obligations. As a state party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in 2016 Australia reported on efforts to eliminate human trafficking and slavery, including progress under the 2015–19 National Action Plan. Further, as a member of the UN Office on Drugs and Crime's Working Group on Trafficking in Persons, Australia shared information on best practice to support compliance with the United Nations Convention against Transnational Organized Crime including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the trafficking protocol).

Monitoring of compliance and formal reporting was also evident for the International Labour Organization (ILO) Forced Labour Convention, 1930 (no. 29), the ILO Abolition of Forced Labour Convention, 1957 (no. 105) and the ILO Worst Forms of Child Labour Convention, 1999 (no. 182). Reporting occurred annually for the ILO Protocol of 2014 to the Forced Labour Convention and the ILO Minimum Age Convention, 1973 (no. 138), which the government is progressing and considering for ratification, respectively.

Measures were in place to review prosecutions and other case-specific information through the ABF's Operational Working Group; however, the extent to which information on offender methodologies was collected, shared, discussed and used to inform operational procedures was unclear. This information was largely confined to the operational agencies, although some information was shared with international stakeholders to assist with identifying and addressing prosecutorial challenges in cases of human trafficking.

Goal 2: Australia holds offenders accountable through civil, criminal and regulatory means

The federal government monitored and maintained the capacity of the Commonwealth domestic criminal justice response, including monitoring the use of legislation, maintaining the capacity of relevant agencies to prosecute, and maintaining mechanisms for effective partnerships and referrals between Commonwealth and state and territory directors of public prosecutions. State and territory criminal and regulatory frameworks were also monitored to identify gaps in Australia's response. As an outcome of these review processes, it was decided that the response to forced marriage could be strengthened through the addition of civil measures to provide a remedy for people in, or at risk of, forced marriage. Procedural frameworks were also maintained to support extraterritorial prosecutions and for witnesses located overseas to participate in domestic prosecutions, including through the capacity to extradite offenders. However, the evidence suggests that advice and support was provided to a limited number of countries.

Goal 3: Australia's criminal justice system recognises and supports the rights and needs of trafficked people during prosecutions

Support was available to trafficked people while they participated in prosecutions, through the Justice Support Stream and the Temporary Trial Support Stream of the STPP. During the reporting period, trafficked people accessed only the Justice Support Stream, where they received legal and migration advice and recovery support. A client information kit available in 13 languages was developed during the reporting period to assist clients in understanding and consenting to join the STPP. A separate information kit about forced marriage was developed specifically for this client group.

Timely and priority support was also provided to trafficked people and their families through the CDPP's Witness Assistance Service, which includes the provision of information about the prosecution process and vulnerable witness protections, as well as updates and communication on the progress of the prosecution, support during conferences with legal staff, court familiarisation tours, referrals to support services, support at court, debriefing following court, and information concerning victim impact statements. The Witness Assistance Service liaised and coordinated its support with the STPP provider and provided information and training to STPP case managers. This service provided additional training to prosecutors, investigators and other domestic and international stakeholders involved with child and adult vulnerable witnesses.

Mechanisms either continued to exist or were enhanced so that victims had the opportunity to make victim impact statements and access protections for vulnerable witnesses. Further, prosecutors and Witness Assistance Service officers received training and attended presentations on case studies and the legislative basis for and practical considerations of relevant procedures. Further protections were available as part of the Human Trafficking Visa Framework, which allows trafficked people—and their family members who are not Australian citizens or permanent residents—to remain in Australia, if returning home would place them in danger. Referred Stay visas were granted to trafficked people and immediate family members during the review period, where appropriate.

Goal 4: Australia provides trafficked people with the opportunity to access compensation and reparation

Clients of the STPP were provided with information and advice about accessing compensation and reparation through referrals to legal services. Human trafficking and slavery victims were also informed of the availability of reparation orders through general information provided by the CDPP, with specific information on reparation orders currently being developed that will be made available online to victims, witnesses and carers. Information about existing avenues for pursuing civil or administrative remedies for civil damages for unpaid wages and entitlements were provided through the FWO. The FWO provided free and readily available advice and assistance to help people understand their workplace rights, to educate, to resolve disputes and to ensure compliance. Further, the federal government maintained a watching brief on reforms to state and territory financial assistance schemes for victims of crime and their availability to trafficked people. There was also ongoing monitoring and consideration of the need for a federal compensation scheme for trafficked people.

Goal 5: Australia actively works to trace and confiscate the proceeds of human trafficking and slavery-related offences

During the investigation process, the AFP considered what, if any, proceeds of crime action could be taken in cases of human trafficking and slavery. This was informed by training on the *Proceeds of Crime Act 2002* and the confiscation of assets, to ensure all AFP members were conversant with the relevant legislation and the capacity to pursue criminal assets. Further, the *Proceeds of Crime Regulations* were updated during the reporting period to ensure that all human trafficking and slavery offences were considered ‘serious offences’ for the purposes of the *Proceeds of Crime Act 2002*. The updated regulations also ensure that the AFP and the CDPP are able to seek court orders to deprive persons of the proceeds of, instruments of and benefits derived from serious offences. During the reporting period, forfeiture of assets was sought in relation to a small number of human trafficking investigations.

Further, mechanisms existed to facilitate mutual assistance requests to enable government-to-government assistance, including for the recovery of the proceeds of crime, and to provide capacity-building assistance to countries in the region with regard to asset confiscation and anti-money-laundering laws. The primary mechanism through which this occurred was the Bali Process Working Group on Trafficking in Persons.

Complementary activities

National roundtable members undertook a range of activities to support the prosecution of human trafficking and slavery, including:

- engaging with government bodies to support the ratification of international conventions;
- making submissions to and participating in parliamentary hearings;
- providing access to specialist legal advice and representation for victims of human trafficking, slavery and forced marriage;
- preparing and distributing a discussion paper to the national roundtable and a report to the relevant senior officials' meeting on the case for a national compensation scheme; and
- highlighting gaps and challenges in legal service provision for victims.

Pillar 4: Victim support and protection

Box 4: Australia's obligations related to victim support and protection

As a signatory to the United Nations Convention against Transnational Organized Crime and its supplementary trafficking protocol, Australia is obliged, to the extent possible under domestic law, to:

- protect the privacy and identity of trafficked people;
- consider implementing measures which provide for the physical, psychological and social recovery of trafficked people, including the provision of housing, counselling, legal assistance, medical, psychological and material assistance, and employment, educational and training opportunities;
- provide for the physical safety of trafficked people within our territory;
- offer trafficked people the possibility of obtaining compensation for damage suffered;
- consider adopting measures that allow trafficked people to remain in Australia temporarily or permanently, in appropriate cases;
- repatriate trafficked people with due regard for their safety, for the status of any legal proceedings related to the fact that they are a trafficked person, and, preferably, voluntarily; and
- protect trafficked people from re-victimisation.

Source: Attorney-General's Department 2014: 52

Australia's strategy to combat human trafficking and slavery is fundamentally concerned with assisting and empowering trafficked people to move on from their trafficking experience by improving their mental and physical health and wellbeing, helping them to learn new skills and, ultimately, develop options for a new life (Attorney-General's Department 2014). There was strong focus on ensuring that specialist organisations were supported to deliver services to trafficked people, that trafficked people were assisted to access support services, and that trafficked people were afforded access to protections in accordance with international obligations.

Goal 1: Australia provides support that is timely, culturally, age and gender appropriate, and recognises diversity among trafficked people

Individualised support was provided to human trafficking and slavery victims through the STPP. The program provided a 24/7 national response for trafficked people, with each potential client being contacted within 24 hours of referral for adults and within two hours of referral for children. In addition, protocols and processes were in place for immediate responses to safety issues and critical incidents that arose for clients. Each STPP client was allocated an individual case manager who was responsible for structuring and delivering tailored support to meet the client's needs. Case managers assisted clients to access a range of support services to address immediate and longer-term needs. Through these services, clients participated in programs and activities to:

- improve English literacy and numeracy skills and participate in education and employment activities and career counselling;
- increase ability to access banking systems;
- improve housing stability;
- address mental and physical health and wellbeing and increase independent living;
- improve social connectedness, identify and access community supports, and establish and maintain family relationships;
- resolve visa status issues and increase understanding of rights and access to legal redress; and
- improve confidence and agency through goal setting and future planning, and plan for life after exiting the program.

Structures were in place to support the timely and responsive provision of this assistance through the AFP's Case Categorisation and Prioritisation Model, the referral protocol between Home Affairs, ABF and AFP, specified time frames for resolutions of visa status and specified time frames associated with the STPP service delivery model. Additional protections were afforded to child victims of human trafficking and slavery through measures including specific offences and aggravated penalties, the drafting of an operational protocol for minors, the availability of vulnerable witness protections, the automatic provision of a 90-day reflection and recovery period, and liaison with state and territory child protection agencies. A bridging visa F (subclass 060) was actioned immediately where the suspected victim was an unlawful non-citizen. However, the timely granting of a Referred Stay visa, along with the progression of investigations and prosecutions without undue delay, was difficult to determine, given the complexity of human trafficking cases and the nature of investigation and prosecution processes. Agencies that interacted with victims produced translations of written and online materials in a range of languages, and qualified interpreters were used when required.

Goal 2: Australia supports specialist organisations which deliver services to trafficked people

The AFP continued to refer victims to the STPP; provide advice and guidance to the program; and deliver training to members on referral processes and working relationships with the service provider. The Department of Social Services continued to fund and maintain a grant agreement with the STPP service provider and provide supplementary funding in response to an increased demand for the program. It also amended the program in order to meet the changing needs of the program and its clients. Specifically, a Forced Marriage Support Stream was implemented to allow people who are in, or at risk of, forced marriage to access a longer period of support through the STPP without being required to participate in a criminal justice investigation or prosecution. The STPP service provider also worked collaboratively to enhance sector coordination, awareness and relationships by co-chairing or participating in six state and territory networks on trafficking, slavery and forced marriage. Through these efforts, collaborative relationships and awareness-raising was enhanced between the STPP and education providers, community legal services, federal and local police, family and domestic violence services, and government agencies including child protection agencies.

Over the reporting period, the Commonwealth government promoted civil society participation at relevant national and international meetings, including through membership of the national roundtable and attendance at senior officials' meetings. The government also funded eight civil society organisations to:

- develop and implement initiatives aimed at raising community awareness;
- develop practical and educational materials including a pilot curriculum and resource kit for teachers;
- build the capacity of frontline welfare organisations in vulnerable communities;
- establish a national forced marriage hotline;
- provide outreach support and avenues for assistance;
- develop prevention initiatives and community-based projects to address the underlying causes of exploitation; and
- increase resilience among vulnerable community groups.

The third edition of the *Guidelines for NGOs: Working with trafficked people* was launched in November 2015 and remained readily and publicly available throughout the reporting period. However, the guidelines have not been reviewed to ensure their currency throughout the life of the 2015–19 National Action Plan, despite a number of key changes to the government's response.

The government supported research conducted by independent research institutions, civil society organisations, business and industry, and unions to strengthen the collection of reliable, relevant data and to ascertain alternative methods for timely and accurate identification of victims. The AIC maintained a dedicated Human Trafficking and Slavery Research Program that included projects aimed at measuring the prevalence of modern slavery victimisation, and understanding victim characteristics, experiences, help-seeking behaviours and support needs. Research was conducted by the STPP service provider to identify gaps, challenges and impacts of Australia's response to forced marriage, to understand the nature and extent of risk factors to trafficking, to identify barriers to identification and reporting, and to prevent victimisation in regional Australia. Research was also supported through the national Labour Exploitation Working Group and Supply Chains Working Group.

Goal 3: Australia assists trafficked people to access mainstream support services

The STPP service provider continued to refer and link trafficked people to other relevant national and state and territory supports throughout engagement and during the transition period to exit the program. Referrals were made to specialist and mainstream services to continue or extend support and to identify new issues and needs to ensure clients received appropriate and targeted assistance. The STPP continued to provide trafficked people with access to legal and migration advice about available remedies and any eligibility for victims of crime support.

Regulatory reforms were made to the Human Trafficking Visa Framework to improve access to support. Further, the newly arrived resident's waiting period was waived for Referred Stay (Permanent) visa holders to allow them to access income support payments other than Special Benefit and to enrol in courses of study longer than 12 months. Reforms were also made to the Adult Migrant English Program to increase engagement, extend the number of hours of tuition, and better align education, settlement and employment outcomes for migrants.

Goal 4: Australia affords trafficked people access to protections in accordance with our international obligations

Trafficked people were afforded vulnerable witness protections and provided with services as part of the STPP in accordance with international obligations. The STPP service provider worked with the International Organization for Migration when trafficked people were repatriated to Australia, and assisted clients with repatriation to another country when they exited the program and were unable or unwilling to remain in Australia. Once repatriated, clients were referred to local supports where possible; however, in some instances there was limited scope to provide referrals to in-country services and support. Under the Human Trafficking Visa Framework, trafficked people and their family members who were not Australian citizens or permanent residents were able to remain in Australia if they would be in danger by returning home. Agencies working with trafficked people acted in accordance with obligations under the *Privacy Act 1988*, which sets out rules about information handling, collection, use, storage and disclosure of personal information, including protecting the identity of trafficked people in court proceedings.

Goal 5: Australia empowers trafficked people to overcome their experiences of human trafficking and slavery

Trafficked people were granted visas to rectify their status so they were not detained, charged or prosecuted for status-related offences, and afforded up to 90 days as a reflection and recovery period as part of the STPP, irrespective of their willingness or ability to assist in an investigation or prosecution. The government considered ways in which Australia could improve victims' access to remedies, and is progressing the development of a model for improved civil remedies for people in, or at risk of, forced marriage. Evidence suggested that measures could be enhanced to include monitoring the reintegration and recovery of trafficked people, to determine whether the support provided was effective in preventing re-victimisation and helping victims to recover.

Complementary activities

National roundtable members undertook a range of activities to support and protect victims of human trafficking and slavery, including:

- providing individualised support services to victims of human trafficking, including referrals to other specialist and mainstream service providers;
- building resilience of vulnerable migrants and their communities to minimise the risks of human trafficking and slavery;
- providing outreach services for migrants and vulnerable communities in regional areas;
- producing online fact sheets, media initiatives and other materials to raise awareness in the community, including multilingual educational materials;
- participating in the development of the third edition of the *Guidelines for NGOs: Working with Trafficked People*;
- conducting primary research to identify gaps, challenges and impacts of Australia's current response to forced marriage;
- providing research-informed recommendations to government to improve protection and support for people in, or at risk of, forced marriage;
- advocating for amendments to the STPP and the Human Trafficking Visa Framework through submissions, consultations and participation in the national roundtable;
- undertaking national and international speaking engagements campaigning for the empowerment of victims of modern slavery; and
- convening and participating in national networks against trafficking and forced marriage with frontline service providers, non-government organisations and government agencies.

Learnings to inform the development of the next National Action Plan

Several learnings can be taken from the review to inform the development of the next National Action Plan and future evaluation activity.

Defining the aims and objectives

The review revealed a need to clearly define the aims and objectives of the National Action Plan and to link actions to outcomes that can be measured. A logic model may be useful in this respect. A logic model describes a project and helps to clarify the relationship between different parts of a project, such as the goals of the National Action Plan, the activities undertaken by responsible agencies (and others), and the intended outcomes. This would encourage a focus on the impact of the National Action Plan, not just on the activities that will be undertaken. It would therefore be useful for explaining the National Action Plan and justifying the approach that is taken.

More specifically, a logic model would describe:

- inputs—the financial, material or human resources needed to carry out the National Action Plan (eg funding, legislation, practice guidelines, service providers);
- activities—the work that responsible agencies implement (eg governance arrangements, referral processes, case planning, service delivery);
- outputs—the products and services made available (eg support placements, awareness-raising campaigns, investigations and prosecutions);
- desired short-, medium- and long-term outcomes—the changes that result from having produced the outputs (eg changes in knowledge, attitudes, behaviour and circumstances); and
- external influences—the things outside of an agency's control that may influence whether expected outcomes can be delivered (eg a changing political environment; see Morgan & Hulme 2017; Morgan & Homel 2011).

Linking goals, outcomes and performance indicators

The National Action Plan comprises 137 measures that describe the intended outcomes of the collective effort to address human trafficking and slavery affecting Australia (see Figure 1). An assessment of the independence of measures for each pillar revealed considerable overlap within and between pillars (see Table 1). Prevention and deterrence was the least independent pillar, with 38 percent of measures ($n=10$) repeated within the pillar and 19 percent of measures ($n=15$) overlapping with other pillars. Prosecution and compliance was the most independent pillar, with 19 percent of measures ($n=7$) repeated within the pillar and 12 percent of measures ($n=13$) overlapping with other pillars. Logically, the four pillars are interrelated to provide a holistic response, which means that identical or similar measures aim to achieve goals under more than one pillar. Therefore, activities undertaken to achieve the goals of one pillar, to a varying degree, also contribute to the achievement of goals within other pillars. However, this repetition can make it difficult to clearly articulate the relationship between actions and outcomes, and prohibits performance monitoring across the life of the plan. A streamlined National Action Plan, supported by a logic model, could help to clearly conceptualise the linkages between different aspects of Australia’s approach.

Table 1: Independence of measures

Pillar	Measures repeated within pillar		Measures repeated across pillars	
	<i>n</i>	%	<i>n</i>	%
Prevention and deterrence	10	38	15	19
Detection and investigation	4	10	19	15
Prosecution and compliance	7	19	13	12
Victim support and protection	7	22	15	16

When developing the National Action Plan, it is important to consider how outcomes are framed, how performance indicators are chosen, and how change will be measured. Outcomes need to be framed in a way that allows the extent of change to be measured in terms of an observed improvement, increase or decrease. The type of change will depend on the goal to be achieved but might include change in knowledge, attitudes, behaviour or levels of risk. Importantly, outcomes should be:

- specific/targeted;
- attainable/achievable;
- attributable;
- measurable; and
- time-bound.

The way outcomes are framed will influence what performance indicators are used and what data should be collected to demonstrate change. Performance indicators should relate to the outputs and outcomes from the logic model. They provide evidence that an output has caused a change, as well as information about the size and value of the change (Morgan & Hulme 2017). In light of the review, it will be important to identify outputs and outcomes that can be measured using quantitative and qualitative performance indicators. This will require a baseline measure of performance that is then compared to post-implementation performance, and this will need to be measured in a consistent way across defined time periods to enable direct comparison.

Questions to guide the process of developing outcomes and appropriate performance indicators include:

- Will this outcome be influenced by the activities of the National Action Plan?
- What is needed to achieve this outcome? Who is responsible and do they have the required resources?
- How should this outcome be measured? What does success look like?
- Are data available to measure this outcome? Do data already exist, or will data need to be collected?

Thinking about evaluation

Although this review was undertaken to inform the development of the next National Action Plan, it may also provide the basis for future evaluation activity to assess the implementation, effectiveness and efficiency of activities undertaken as part of this next plan. Evaluation can determine whether a National Action Plan has been implemented as planned, how well it has been delivered, what impact it has had on human trafficking and slavery, and the reasons why it did or did not work (Morgan & Hulme 2017).

Applying evaluation principles to the development of the next National Action Plan (even if no evaluation is planned at this time) has several benefits. Evaluation is a key part of the problem-solving process when developing, implementing and reviewing initiatives to prevent and respond to crime. As described by Morgan and Hulme:

At its most basic, problem-solving involves a thorough analysis of current and emerging problems, their causes and risk factors. Once these problems are identified and understood, a response can be chosen based on what works and the context in which it will be implemented. The process then involves identifying the key partners that need to be involved and working with them to implement the response (2017: 6).

The most common types of evaluation in crime prevention are process and/or outcome evaluations. A process evaluation would aim to improve understanding of the activities that are undertaken to achieve the goals of the National Action Plan and whether they have been implemented as planned, sometimes referred to as ‘implementation fidelity’. An outcome evaluation would aim to assess the overall effectiveness of the National Action Plan, including its impact on victim/survivors, offenders, various stakeholders and the broader community (Morgan & Hulme 2017).

Important questions for a process evaluation might include:

- What were the main activities delivered as part of the National Action Plan?
- What were the characteristics of the problem, places and/or people being targeted by the National Action Plan?
- Was the National Action Plan implemented as intended? If not, why not?
- How did the National Action Plan attempt to prevent or reduce the target problem?
- Was the National Action Plan consistent with best practice in terms of its design and implementation?
- What was the nature and extent of stakeholder (including government and civil society) involvement in implementing the National Action Plan?

Important questions for an outcome evaluation (adapted from Morgan & Hulme 2017) might include:

- What impact did the National Action Plan have on the target problem? Was the response gender, age and culturally appropriate?
- What other outcomes were delivered as a result of having implemented the National Action Plan?
- Were there any unintended consequences?
- What factors influenced the effectiveness of the National Action Plan?
- What changes could be made to the design, implementation and management of a future National Action Plan to help improve its overall effectiveness?
- What were the main lessons learned from the project that could help inform the development of future initiatives to tackle the problem?
- What were the financial benefits of the National Action Plan relative to its cost?

Conclusion

The review of the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* summarises the collective efforts of IDC and national roundtable members to:

- prevent human trafficking and slavery;
- detect, investigate and prosecute offenders; and
- protect and support victims.

As part of these efforts, IDC and national roundtable members undertook wide-ranging activities aimed at achieving the goals of the National Action Plan. There was strong commitment to proactive identification and reporting of human trafficking and slavery cases, assistance for victims to participate in criminal justice processes, and access to specialist and individualised support services. There was also a focus on victim support that recognised the rights and needs of trafficked people, was delivered in a timely manner, and was appropriate for a diverse victim cohort. However, the review suggests that Australia may need to more closely monitor the effectiveness of support provided to victims and their experiences of recovery. It will also be important to consider changes in the trafficking landscape and other emerging issues when formulating the next National Action Plan. This may involve assessing the adequacy of the definitional parameters and current knowledge about the nature and size of the problem that guide Australia's response, and considering the intersection between trafficking and related issues, such as other forms of violence and workplace rights, to avoid the development and implementation of an isolated response.

While the review encapsulates wide-ranging efforts to implement Australia's national response, it does not assess the extent to which these efforts were implemented efficiently, whether the goals of the National Action Plan were achieved, or what impact the National Action Plan has had. The following questions may therefore be useful for guiding the development of the next National Action Plan and any related evaluation activity:

- What problems does the National Action Plan aim to address?
- What are the aims/objectives of the National Action Plan?
- What context does the National Action Plan operate within?
- What are the inputs and activities associated with the National Action Plan?
- What are the agency interaction points for these activities?
- What are the short-term, medium-term and long-term outcomes associated with the National Action Plan?
- What are the linkages between the different activities and outcomes of the National Action Plan?
- What does success look like, and how will outcomes be measured?
- Are data currently available and accessible to measure outcomes, or will data need to be collected?
- What is the budget and time frame for implementing the National Action Plan and any associated evaluation activity?
- Are there ethical considerations and processes that need to be addressed and met?

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