



**PROJECT
PARADIGM**
WORKING TO END CHILD EXPLOITATION

Project Paradigm welcomes the opportunity to provide a submission to the 2024 review of the New South Wales *Modern Slavery Act 2018* (NSW)

Terms of reference:

- (a) is to review and determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.

Project Paradigm seeks to highlight that it stands by the original submission made to the committee in 2023 for the review of the New South Wales *Modern Slavery ACT 2018* (NSW). In response to the committee's request seeking input from those with lived experience of modern slavery, we make the following addendum to our 2023 submission.

Despite advice provided by child protection stakeholders, *The Guide to engaging with the Modern Slavery Committee* that accompanies the committee's latest request, fails to specifically draw reference to the crime of child sexual exploitation (CSE), as it exists in an offline context, framing this issue as an online issue only. This reinforces our observations that across Australia much of the discourse and language relating to CSE within a social policy and law enforcement context, focuses on online grooming or child exploitation material (CEM), both of which, while important issues, distract from CSE that takes place in offline contexts (Townson, 2019). It would be our recommendation that page two of *The Guide to engaging with the Modern Slavery Committee* be reworded to ensure that CSE as a modern slavery offence, is comprehensively reflected and that both online and offline contexts are clearly articulated.

Whilst Project Paradigm welcomes the committee's focus on hearing from 'people' with modern slavery lived experience, it is unclear how the committee is actively seeking engagement from anyone who is recognised as a child, as well as a victim of modern slavery, namely those 'people' who are under the age of 18 years. Aside from the issue of exploitation, other modern slavery offences such as forced marriage, female genital

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mutilation and other slavery-like practices can and often do involve child victims, who in accordance with **Article 12** of The United Nations Convention on the Rights of the Child, to which Australia is a signatory (1989), have the same recognised rights as adult victims, to actively participate in processes, share their story and have their views heard and acknowledged.

Walk Free (2024) identifies that the majority of victims of forced marriage within Australia are aged under 18 (in some cases as young as 12) and often live in circumstances of restricted movement, financial abuse, and physical or sexual violence.

The plight of Australian child victims within the context of modern slavery has also been raised by Save the Children’s Principal Advisor on Child Protection, Karen Flanagan AM who has reiterated the need to focus on children within the context of modern slavery stating:

“this is not just a problem overseas. Sadly, children on Australian soil are also affected by forms of modern slavery, including domestic servitude and forced marriage – robbing them of their childhoods and affecting their future livelihoods,” (2023).

As recently as this month, case study examples have been reported in mainstream media highlighting this as an issue.

CASE STUDY - MAN JAILED AFTER ATTEMPTING TO ARRANGE SEPARATE FORCED MARRIAGE OF KIDS, 15 AND 17, WHO FLED AFTER LEARNING OF PLOT

October 5, 2024 - News.com.au


Clareese Packer

A man has learned his fate after trying to arrange separate forced marriages for his teenage children, with a court being told the pair fled the family home after learning of the plot. Two teenage children fled their family home after learning their father was attempting to organise separate forced marriages for them, a court has been told.

The teenagers – aged 15 and 17 at the time – escaped from their father’s home in regional NSW after learning of the plot, prompting an investigation by the Australian Federal Police (AFP) in February 2022.

The siblings had moved to Australia with their father, 51, in 2021.

However, upon arrival discovered their father was trying to organise their marriages against their wishes.



While the teens weren't sure who they would be marrying or when the weddings would be, police found messages and other evidence of wedding plans on mobile phones during a search warrant of the father's home.

AFP Commander Kate Ferry said human trafficking is underreported as young victims often don't want their family to "be in trouble' with police".

Anti-Slavery Australia has expressed concerns that children in Australia are not being identified as victim-survivors of modern slavery and as such are being deprived of their fundamental rights to protection and support. (Anti-Slavery Australia, 2022)

It would be the recommendation of Project Paradigm that significant consideration be given to this issue by the Committee, and expert advice sought on how the Committee proposes to specifically engage with and consult children with lived experience in a way that is child's rights focused. Project Paradigm recommends the adoption of a child and youth participation framework and engaging directly with children and young people themselves in an advisory capacity.

Recommendations:

- 1. Reword the *Guide to engaging with the Modern Slavery Committee*** to ensure that it encapsulates all forms of child exploitation, not just that which happens online.
- 2. Role of advocacy to** ensure that the rights, interests, perspectives, experiences of children and young persons who are victim/survivors of modern slavery are heard/ amplified in safe and inclusive ways.
- 3. Redesign the** current *Guide to engaging with the Modern Slavery Committee* with child-centred approaches that allow for the transparent, accountable and responsive participation of children and youth in this process, translating children's experiences into meaningful action.

Project Paradigm wishes to acknowledge the NSW Governments commitment to implementing an antislavery regime in NSW and firmly believe that ensuring a focus on children's participation within this process is vital to cementing their role as active NSW

citizens, improving and developing legislation and support services that can effectively respond to their specific needs.

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