

Legislative Council Select Committee on Human Trafficking in New South Wales

QUESTIONS ON NOTICE

The Salvation Army, Freedom Partnership-to End Modern Slavery
Evidence provided on 15 June 2017

Contact

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Question on Notice: The Hon. Shaoquett Moselmane MLC

STATISTICS AND PREVELANCE ON EARLY AND FORCED MARRIAGE

- In their study on child marriage in Australia, the National Children’s Youth and Law Centre² reported that between 2011-2013, 250 cases were identified by research respondents
- Between December 30, 2014 and January 31, 2017—FACS received 60 reports relating to 57 children. Of those, 34 children were aged between 16 to 17 years old, 12 were aged 14 to 15, seven were 10 to 13 and four children were under the age of 10
- From 2014-2015, 28% of total matters investigated by the Australian Federal Police were related to early and forced marriage.
- Between 8 March 2013-31 July 2015, 49 referrals of forced marriage were received, of which 41 were accepted for further investigation; 32 of these matters related to persons under the age of 18.
- 2015-2016 169 new referrals to the AFP in 2015-2016, with 69 related to Forced Marriage, this is a growth from 2014-2015= 33 reports and 11 in 2013-2014
- Forced Marriage currently represents 41% of the total number of referrals to the AFP Human Trafficking Team
- AFP have noted the trend that Forced Marriage referrals primarily involve Australian Citizens under the age of 18 with relatives alleged to have organized or be organizing a marriage without their full and free consent
- Total number of people supported by The Freedom Partnership in 2016= 14, between the age of 16-20.
- To date in 2017, The Freedom Partnership has responded to and provided support to 7 individuals
- As discussed during evidence provided, individuals are being referred from a range of different cultural and religious backgrounds— including Catholic, Non-Denominational Christianity, Islam, Hinduism and no faith persuasion. It is our firm belief that forced marriage is not a religious or cultural issue— these are often used as reasons to justify the practice however this is an incorrect assertion. Our experience in working with individuals affected by early and forced marriage, is that it is individual practices within unique family and community contexts.

Whilst the above information provides some indication on prevalence, there is little available comprehensive data about the true extent of early and forced marriage in Australia; and because national statistics only capture those who have cooperated, at least initially, with the Federal Police, it likely the problem is

larger than what official data suggests.

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CASE STUDIES

(1) One young person on learning of her parent's intentions to arrange her marriage overseas, left home with nowhere to go. She describes getting on a bus after school and travelling until she believed she was far enough away from her family home. Her plan was to seek assistance at a NSW Police station however she was unable to locate a local station as she was unfamiliar with the area she was in. In fact, she had never been outside of her family home, immediate community and school. Bravely, she sought assistance by knocking on the door of a house in a residential street in Western Sydney. She was assisted to call the NSW Police. The NSW Police took the young woman to the station, but without being able to assist that evening they returned her to the people who assisted her to call them, effectively strangers, where she spent the night before being assisted by The Australian Federal Police.

Questions this scenario raises:

- Was a report made to FACS? If yes, why did they not respond to prevent the young person from spending the evening with a stranger?
- At what point were the AFP called? Their response should be 7 days a week, 24 hours a day. If the AFP were to respond when called this also would have avoided the individual spending the evening with a stranger.
- An emergency response, such as specialized crisis accommodation if available could be utilised in these situations to assist individuals to feel safe and consider their options.

(2) One young person disclosed to her school that her family was arranging for her to be married before she turned 18. She was clear that she did not want this marriage, and had made this known to her family. The prospective husband had arranged to pay a significant dowry and her family exercised control through physical and psychological abuse. Upon our first meeting with this young person she was unprepared to make a decision about leaving her family home, despite the fear and threat of danger; she met with the Australia Federal Police, however did not wish to engage.

A mandatory report was made, however, the Department of Families and Community services did not engage with the young person.

Further, when her circumstances changed, we assessed that the level of danger was increased, a further report was made. Following this second report, a letter was received from the department, indicating that the report did not meet the 'Risk of Significant Harm' threshold.

Questions this scenario raises:

- Are FACS adequately resourced to respond to disclosures of underage forced marriage when balanced against the volume of other reports involving imminent risk, particularly of younger children?
- Are FACS adequately resourced to ensure training and capacity building across the department so that HelpLine and local community service centre case workers have knowledge and skills to most appropriately respond to these reports?
- Does our current child protection framework meet the unique needs of individuals facing early and forced marriage?

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The Committee should examine the extent to which NSW state LEAs are aware of these elements and able to identify and respond appropriately. Additionally, the Committee should assess whether the NSW Office of Public Prosecutions has the expertise and capacity to prosecute Commonwealth human trafficking and slavery offences, as set forth in the National Action Plan to Combat Human Trafficking and Slavery, under Action 39.

This section outlines some of the observed difficulties in recognising what constitutes an offence where direct, explicit means to control, such as physical or sexual violence, or verbal threats to harm a person or their family members, are not present.

The section was intended to encourage and inform questioning of the said bodies- namely NSW Police and NSW Department of Public Prosecutions—to hear directly from them about their perceived capacity to investigate and prosecute slavery crimes and what actions they may be taking to address identified gaps. Essentially, the Salvation Army is seeking to encourage the Committee to assess gaps in the framework that may be contributing to the low rate of prosecution.

The Salvation Army respectfully provides the attached supplemental submission to further elaborate on the issues and recommendations laid out in this section. Please do not hesitate to contact Heather Moore should you wish to discuss further.