



Submission to the Inquiry into establishing a Modern Slavery Act in Australia

ReThink Orphanages: *better solutions for children* is a cross-sector network that aims to prevent the unnecessary institutionalisation of children by shifting the way Australia engages with overseas aid and development.

ReThink Orphanages is represented by members from international aid and development, philanthropy, education and faith-based communities and is working with external stakeholders from a range of sectors including government, media, and the travel industry. This diverse network is uniquely positioned to take action on issues related to the alarming numbers of children being unnecessarily institutionalised in developing countries, primarily due to the demand for orphanage voluntourism.

Background

ReThink Orphanages is a cross sector network of Australian stakeholders who have some influence over / connection to the institutionalisation of children overseas, and was founded by a core group of Australian international aid organisations working with children overseas. ReThink Orphanages works specifically to reduce the flow of money, people and resources from Australia to residential care institutions overseas through research, programming, public and private advocacy, and education initiatives.

In May 2016, ReThink Orphanages published a report (attached) based on mapping research undertaken to map Australia's support for the institutionalisation of children overseas. Although there are limited data sources to capture the flows of people, money and resources, the report found:

- Approximately 75% of Australian charities working overseas work with children, and almost 10% of these are involved with, or support residential care institutions
- 1.5% of all Australian charities are directly contributing to residential care institutions overseas
- 95 residential care institutions are receiving funding under auspicing arrangements through the Australian Government's OAGDS
- 22 Public Benevolent Institutions (PBI) are directly supporting residential care institutions overseas
- 2.5% off all Australian faith-based organisations directly contribute to residential care institutions overseas, and 25% of those send volunteers on mission trips to institutions
- 57.5% of Australian universities advertise orphanage placements for students
- An average of 14% of Australian secondary schools visit, volunteer at or fundraise for residential care institutions overseas

ReThink Orphanages supports and aligns with current research that states the active recruitment of children into orphanages for the purpose of profit through foreign aid (government, NGO and individual donors), and voluntourism is a form of child trafficking¹.

The terms of the Inquiry that we are responding to are:

1. The nature and extent of modern slavery (including slavery, forced labour and wage exploitation, involuntary servitude, debt bondage, human trafficking, forced marriage and other slavery-like exploitation) both in Australia and globally;
2. The prevalence of modern slavery in the domestic and global supply chains of companies, businesses and organisations operating in Australia;
3. Whether a Modern Slavery Act should be introduced in Australia;

¹ Van Doore, 2016 accessible here: <http://booksandjournals.brillonline.com/content/journals/10.1163/15718182-02402006>



Term 1: The nature and extent of modern slavery (including slavery, forced labour and wage exploitation, involuntary servitude, debt bondage, human trafficking, forced marriage and other slavery-like exploitation) both in Australia and globally

The demand for 'orphan experiences' by well meaning Australian and other foreign tourists is directly driving the unnecessary separation of children from their families. 'Voluntourism' – a form of tourism in which travellers participate in voluntary work, typically for a charity has proliferated in recent years, growing into a USD\$173 billion industry globally². Tourists are willing to spend large amounts of money in order to 'give back' to communities in developing countries and for-profit entities are more than happy to facilitate this process – often partnering with local NGOs who can provide this opportunity. The increase in voluntourism has seen a sharp increase in the number of orphanages in developing countries, despite the number of actual orphans significantly reducing.

In countries such as Cambodia, Nepal, Sri Lanka, Thailand, Laos, India, Indonesia, Haiti, and Guatemala children are removed from their families through wilful deception on the part of orphanage directors in order to populate orphanages to meet the demand for 'orphan experiences' by well-meaning Australian tourists and volunteers. Scouts are sent out to poor villages to recruit children, telling parents that their children will have a better life / better education / better healthcare at the orphanage. Parents, often with no other options due to poverty, believe they are doing the right thing for their children. In some cases, parents pay the orphanage a 'boarding fee' for their children's education and care, and in other cases orphanages pay the parents to effectively buy or lease their children. Once relocated to an orphanage, children often lose contact with their own family. Their own parent/s are replaced by paid 'house parents'. Children's biological parents are not encouraged to visit their children, and in some cases they are told that their custodial rights are lost. In some countries, such as Nepal and Cambodia, children's papers are falsified and the children are moved around between orphanages and misrepresented as 'orphans'.

Children in orphanages are often kept in slavery like conditions, fully owned by orphanage directors and exploited for profit through forced 'cultural' performances for tourists, forced begging, and forced interaction and play with visitors. Children are often kept in poor health, poor conditions and are malnourished in order to elicit more support in the form of donations and gifts.

While some countries (such as Cambodia), have a strong legislative and policy framework for the minimum standards of care of children in alternative care, implementation and enforcement of these instruments is limited due to issues of capacity and resourcing. This results in many institutions operating under the minimum standards, with little to no monitoring of enforcement, and also leads to a high number of unregistered institutions where conditions for children are not ever monitored. In these conditions, children are more likely to be bought, sold, and leased from communities and trafficked between different institutions.

Orphanages can often be found in tourist districts, making it convenient and accessible for time limited tourists to arrange a visit to play with orphans in their busy itineraries, often making a donation or bringing food, toys, or other equipment. These donations are rarely used to support the children, and gifts and equipment are often sold back to local markets for a profit. In Nepal, up to 90% of orphanages are located in the five main tourist districts (out of 75 total national districts). The high concentration of orphanages in these areas does not necessarily match up with areas of high local population or need³.

Australia is a major sending country of people (mission trips, school tours, gap year tours, and voluntourism providers), money (donations through OAGDS, PBI, NGOs, and direct), and resources (gifts in-kind, material donations etc.) to residential care institutions overseas.

Approximately 75% of Australian charities that work overseas work directly with children, and almost 10% of these are somehow involved with residential care institutions. Of faith-based organisations, 2.5% are directly involved in residential care, and 25% of these send mission trips to residential care institutions. Australian owned or registered for-profit businesses send tens of thousands of young Australians on voluntourism trips to visit

² Hartman, Paris, Blache-Cohen 2014 accessible here:

<http://journals.sagepub.com/doi/abs/10.1177/1467358414529443?journalCode=thrb>

³ www.nextgenerationnepal.org



orphanages each year, through schools, universities and youth organisations. Approximately 14% of Australian secondary schools are involved in the support or residential care institutions overseas⁴.

Term 2: The prevalence of modern slavery in the domestic and global supply chains of companies, businesses and organisations operating in Australia

Companies, businesses, government departments and organisations based in, or with a presence in Australia are directly contributing to, and profiting from the orphanage voluntourism industry. These include:

- Travel sector - while the major travel companies such as Intrepid Travel and Flight Centre have changed their approach and no longer offer orphanage visits or volunteering as part of their product offering, a number of other stakeholders in this sector are still very active in this space - specifically, companies whose main business is voluntourism and gap year programs. These programs create a demand for 'paper orphans', who are trafficked into orphanages to meet the demand by Australian and other foreign tourists for these experiences.
- Private sector – many companies in the private sector support residential care institutions through their Corporate Social Responsibility (CSR) programs, in the form of gifts in kind, financial donations, and the funding of staff members to volunteer overseas. Well-intentioned Australian companies are supporting the unnecessary institutionalisation of children, and therefore supporting forms of modern slavery.
- Philanthropic sector – Australian philanthropic trusts and foundations are directly supporting the residential care of children overseas through both direct donations, and donations through the Australian Government's OAGDS scheme. The continued flow of funds into residential care institutions creates a demand for more children to live in these institutions (who are often trafficked), and directs funding away from programs aimed at preventing the unnecessary separation of children from their families.
- Education sector – Australian school and university students are directly contributing to the orphanage voluntourism business model by participating in overseas trips to residential care institutions, as well as raising funds for these institutions. These trips are either facilitated internally by the school / university through overseas relationships, or by third party for-profit providers (See above). In some cases, universities offer course credit for volunteer placements in residential care institutions. Residential care institutions receive financial compensation from for-profit Australian companies in return for allowing them to bring in tourists and volunteers in large numbers. This creates an incentive for these organisations to ensure they have a consistent supply, and adequate amount of children residing in their residential care centres. This financial incentive causes organisations (even those with good intentions) to place the rights and wellbeing of children in their care lower than the need for funding. Orphanage tourism / voluntourism directly exploits children for monetary gain by: forcing them to allow tourists and voluntourists into their private spaces; forcing them to interact and play with visitors; interrupting formal education by allowing tourists to come at any time of the day; forcing children to do 'cultural' performances for donations; and requiring children to beg to raise money for their care.

⁴ Mapping Australia's Support for the Institutionalisation of Children Overseas, van Doore, Healy, Jones, 2016



Term 4: Whether a Modern Slavery Act should be introduced in Australia

ReThink Orphanages supports the introduction of a Modern Slavery Act in Australia as a tool to ensure that Australia based and registered entities, through their supply chains and flows of people, money and resources, are not contributing to the unnecessary separation of children overseas and their resulting slavery-like exploitation.

Recommendations

On the basis of our experience, we make the following recommendations:

- Australian funds (bilateral aid, OAGDS, PBI, DGR) should not be utilised to support residential care institutions and should focus instead on family preservation and community based services that allow children to grow up in their own families where safe and appropriate;
- Australian businesses and NGOs should not support residential care institutions in developing nations and recognise the implications of their supply chains and activities on the wellbeing of children, and how these activities are directly linked to extremely harmful outcomes for children;
- Australian citizens should be encouraged not to volunteer in orphanages as it creates a demand for children to be trafficked;
- Recognition that current aid funding and volunteers coming from Australia is encouraging child trafficking in developing nations. As such, we recommend that this be legislated for.
- Policy should be implemented by the Department of Education and Training at the Federal, State and Territory level preventing Australian school students (from the public, independent, and faith sectors) from visiting, volunteering at, or fundraising for residential care institutions overseas.

We would be grateful for the opportunity to appear as expert witnesses before the Public Hearings of the Inquiry if required.

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Save the Children Australia
Cambodian Children's Trust
ACCIR (Australian Christian Churches for International Relief)
Forget Me Not
Griffith University
Intrepid Group
Flight Centre
Plan International
ChildFund Australia
Adopt Change
Families Australia
TEAR Australia
Baby in Mind
RMIT Centre for Global Research
Oaktree
AVI (Australian Volunteers International)