

Submission
in response to
the Australian Government
Consultation Paper
to
Strengthening the Modern Slavery Act

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AUSTRALIAN
CHILD RIGHTS
TASKFORCE

Human Rights Branch,
International Law Section
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Australian Government

The Australian Child Rights Taskforce (the Taskforce) welcomes the opportunity to provide this brief contribution in response to the Australian Government Paper “Strengthening the Modern Slavery Act”.

The Taskforce is a coalition of over one hundred organisations, networks and individuals committed to the protection of the rights of children and young people in Australia. Our key objective is to report on and support measures to address child rights issues in Australia.

The United Nations Committee on the Rights of the Child (the Committee) has previously made recommendations to the Australian Government to address children’s rights and the business sector.¹ This has included calls to

“Ensure the legal accountability of Australian companies and their subsidiaries for violations of children’s rights, including in relation to environment and health, ... and establish mechanisms for the investigation and redress of such abuses. ...

Require companies to undertake assessments, consultations, and to make full public disclosure of the environmental, health-related and children’s rights impacts of their business activities and their plans to address such impact”.²

We note that the Committee is likely to commence its review of Australia’s implementation of the United Nations Convention on the Rights of the Child (UN CRC) early next year.

In the meantime, we endorse the work of **Anti-Slavery Australia** in its more comprehensive submission.

We support its call for child rights to be imbedded into remediation processes under the Modern Slavery Act.

We endorse the section ‘A Child Rights Perspective on Remediation’ in its submission which states:

Children make up a significant proportion of those affected by modern slavery globally. Remediation processes must explicitly consider their unique rights, interests and needs as well as the specific social, economic and institutional factors that leave children at increased risk of exploitation. A child rights approach requires recognition that children are not simply extensions of adults. Their experiences of harm, pathways to safety, and individual needs for recovery are fundamentally different.

Under the UN Convention on the Rights of the Child, to which Australia is a party, children have a right to protection from exploitation (Articles 32 & 36), recovery and reintegration (Article 39), and to have their best interests treated as a primary consideration in all actions concerning them (Article 3.1). The UNGPs also emphasise that remedies must be rights-compatible, which in the case of children means embedding the principles of child participation, best interests, safety, and development.

¹ [Committee on the Rights of the Child: Concluding observations on the combined fifth and sixth periodic reports of Australia | OHCHR](#)

² UN Child Rights Committee, Concluding Observations (2019) at paragraph 17.

A child rights approach to remediation should therefore ensure that:

- *Safety and stability are prioritised by creating physically, culturally and emotionally safe environments in which children can disclose and heal from their experience including immediate protection from harm, safe accommodation, high-quality medical care and continuity of education.*
- *Child participation is enabled in age-appropriate ways, so children can express their views on what remedy is meaningful to them.*
- *Child-specific specialist support services are integrated into remediation frameworks.*
- *Non-repetition is emphasised, with measures to address systemic risks (such as adverse health and environmental impacts, exploitative recruitment practices or gaps in child labour monitoring).*
- *Holistic remedies are pursued (not only compensation, but psychosocial rehabilitation and long-term support to help the child rebuild their life).*

Anti-Slavery Australia’s Seeking Freedom work underscores that when children are involved, remedies must be trauma-informed, gender-sensitive, culturally appropriate and individually tailored. Without this, remediation processes risk retraumatizing children or leaving them exposed to further exploitation.

For our own part, we would add that in accordance with the UNCRC, the Modern Slavery Act must go beyond remediation and disclosure requirements to include clear obligations for prevention. Articles 19 and 32 require states to take “all appropriate legislative, administrative, social and educational measures” to prevent exploitation before it occurs. In practice, this means requiring governments and companies to identify and mitigate risks upstream in recruitment practices, supply chains, labour markets and care systems rather than only responding after harm has occurred.

Prevention should also include ensuring culturally safe family support to address poverty, housing insecurity and systemic neglect that drive vulnerability, and investing in early warning systems with disaggregated child-specific data to identify and address emerging risks.

We further recognise that modern slavery has profoundly gendered dimensions. Women and girls are disproportionately subjected to sexual exploitation, forced marriage, and domestic servitude. CEDAW General Recommendation No. 38 stresses that states must apply a gender-sensitive and intersectional lens to anti-slavery measures, addressing the compounded risks faced by Aboriginal and Torres Strait Islander girls, migrant children, and children with disability. Strengthening the Act should therefore include a requirement for gender-responsive due diligence and prevention measures that tackle the structural inequalities including poverty, education exclusion, and gender discrimination.

The Australian Child Rights Taskforce

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