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TO:

Special Rapporteur on contemporary forms of slavery, including its causes and its consequences
United Nations Human Rights Office of the High Commissioner
hrc-sr-slavery@un.org

SUBMISSION: Call for input on Homelessness as a cause and a consequence of contemporary forms of slavery

1) INTRODUCTION

The Mercy Foundation appreciates the opportunity to provide a submission to the Special Rapporteur on homelessness as a cause and consequence of contemporary forms of slavery.

The following submission addresses questions 1,2 and 3.

(a) The Mercy Foundation

The Mercy Foundation is a not-for-profit organisation that focuses on ending homelessness, ending modern slavery and addressing social justice issues at the grass roots across Australia. The Mercy Foundation is committed to social justice and addressing the root causes of poverty and inequality in our community.

(b) Defining Homelessness

Homelessness is defined as:

When a person does not have suitable accommodation alternatives, they are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate,
- has no tenure, or if their initial tenure is short and not extendable, or
- does not allow them to have control of, and access to space for social relations.

One or more of these elements must be lacking for a person to be defined as homeless.ⁱ

(c) Homelessness in Australia

The latest data on homelessness in Australia estimates that 122,494 people or 48 people per 10,000 are experiencing homelessness on any night. Homelessness increased by 6% compared to the 2016 census.

There is an overrepresentation of disadvantaged groups in the homeless population, particularly Aboriginal and Torres Strait Islander people and all age cohorts for women.

(d) Defining modern slavery - human trafficking and slavery in Australia

In Australia, modern slavery refers to a range of serious exploitative practices, including trafficking in persons, slavery, slavery-like practices, and the worst forms of child labour.

For the purpose of this document, the term modern slavery will be used to describe human trafficking and slavery.

(e) Modern slavery in Australia

It is estimated that there are over 1,900 people living in conditions of modern slavery in Australia. It is also estimated that only 1 in 5 victims are detected.ⁱⁱ

In 2021 – 2022, the Australian Federal Police (AFP) received 294 reports of modern slavery and human trafficking, an increase of 31% on the year before. From 2004 – 2021, 1,670 modern slavery cases were referred to the AFP.

The types of modern slavery offences referred to the AFP are:

Forced marriage:	28%
Sexual exploitation:	18%
Forced labour:	14%
Human trafficking:	12%
Trafficking in children:	7%

2. KEY QUESTIONS AND TYPES OF INPUT SOUGHT

Question One: What are the main causes/drivers of homelessness in your country?

The main drivers of homelessness in Australia are

- (i) A severe shortage of social and affordable housing
- (ii) Poverty

Driver: A severe shortage of social and affordable housing

Australia is experiencing a housing and homelessness crisis. It is estimated that over 640,000 Australian households, or one in fifteen, have unmet housing needs. They are either experiencing homelessness, in overcrowded dwellings or spending more than 30% of their low income on rent.ⁱⁱⁱ

Housing affordability and low vacancy rates means people living on low incomes face many challenges accessing housing that is suitable, affordable and appropriate for their needs.

Rental Affordability: no affordable options for people on low incomes

An annual review of rental affordability for people on low incomes across Australia illustrates the severe shortage - rentals available for people on low incomes. In April 2022, the number of rentals available across Australia was at an all-time low of 45,992. This represented a decrease of 38%. Of these rentals, across the country, only eight were affordable for a single person on income support, one share house was affordable for a young person on Youth Allowance and only 1.6% of rentals were affordable for a single person working full-time on the minimum wage.^{iv}

Low vacancy rates

In February 2023 the national vacancy rate for rentals was extremely low at 1.0%. For people evicted from housing or falling into homelessness, there are very few rental properties available. With nowhere to go, more people are falling into homelessness or insecure housing.^v

Family and domestic violence

Family and domestic violence is a key cause of homelessness for women and children. Economic modelling indicates that 9,120 women a year are becoming homeless after leaving their homes due to FDV and being unable to secure long term housing.^{vi}

(ii) Driver: Poverty

Poverty is a key driver of homelessness. In Australia, one in eight adults and one in six children are living in poverty. This equates to 3.3 million people, including 761,000 children living below the poverty line. Individuals and families relying on government benefits are at most risk of poverty, highlighting the inadequacy of these payments to afford the basic necessities of life.

Sole parent families, migrants from non-English speaking nations and people with a disability are all experiencing poverty at above average levels.^{vii}

(f) Homelessness and Modern Slavery

By definition, many victims of modern slavery are also experiencing homelessness. Many victims of modern slavery are living in a dwelling that is inadequate for their needs, has no tenure and no control or access to space for social relations.

Research: Service or Servitude: A study of Trafficking for Domestic Work in Australia

This report compiles information from a range of sources, including national and international data on domestic work and migration, current government statistics and personal accounts by individuals who have experienced domestic servitude Australia.

This research analyses 35 cases of domestic servitude in Australia and investigated pathways into domestic servitude in Australia. During their experience of domestic servitude, all 35 lived in a dwelling that was either inadequate for their needs, had no tenure, and had no control of, or access to space for social relations. By definition, all 35 experienced homelessness. This excludes consideration of unsafe living conditions, lack of privacy, extreme forms of abuse, torment and inhumane treatment.^{viii}

Question Two: Is there evidence of persons experiencing homelessness, being exploited in contemporary forms of slavery

Further investigation is needed to determine whether people experiencing homelessness are exploited in modern slavery. There is some evidence of coercion that may indicate the possibility of exploitation amongst this vulnerable group.

Evidence of coercion of people experiencing homelessness

Information regarding the coercion of people experiencing homelessness can be estimated from the consolidated national Advance to Zero database from the Australian Alliance to End Homelessness. In 2021 an analysis of the database provided information about the circumstances and lives of people experiencing homelessness that has been collected over 10 years, using a survey called the VI-SPDAT^{ix}. One of the questions asked is “Does anybody force or stand over you to do things that you do not want to?”

The response from this question indicates that almost 25% of people experiencing homelessness report being coerced or forced to do things they do not want to do. Whilst this is not evidence of modern slavery, it does indicate that this vulnerable group is at risk.

Of the 15,531 responses:

	Answers 'yes' to: Does anybody force or stand over you to do things that you do not want to?	
	Number	Per cent
Sleeping rough:	1,155	26.5%
Other homeless: (crisis or emergency accommodation, short term accommodation)	2,172	23.6%
Institutional accommodation:	70	24.5%
Other	128	33.2%
Permanently housed: 1,286 (formerly homeless)	263	20.5%
ALL RESPONDENTS:	3,660	24.4%

Of people sleeping rough, 26.5% answered yes and of formerly homeless people now in permanent housing, 24.4% answered in the affirmative. This is possibly explained by formerly homeless individuals feeling more constrained in their permanent housing arrangements or being susceptible to suboptimal tenancy arrangements.^x

Asylum seekers, homelessness and exploitation

The Mercy Foundation provided funding to Jesuit Refugee Services in 2021, to examine the experiences of homelessness and housing exclusion among people seeking asylum in greater Sydney. The research found that people seeking asylum face unique barriers in the labour market related to the absence of local networks, non-recognition of qualifications, employer hesitancy related to visa status, and exploitation.

People seeking asylum are also excluded from NSW housing services such as public housing and private rental assistance because of citizenship and permanent residence requirements. The research notes that in Australia and elsewhere, the combination of restrictive and inconsistent visa conditions and the lack of financial assistance to those who cannot work has given rise to a culture of exploitation of people seeking asylum by some employers.^{xi}

The research did not estimate the numbers, type of exploitation or extent, however it does indicate that people seeking asylum and experiencing homelessness or housing exclusion are at risk of exploitation.

COVID-19 lockdowns increased vulnerability to modern slavery for international students

In March 2020, in response to COVID-19, the Australian Government enforced policies that restricted the movement of non-essential workers, resulting in job losses in the casualised labour sectors. This had a devastating financial impact on temporary migrants, particularly international students who were employed in hospitality and retail industries.

Many international students could not meet their basic living needs, rendering them more vulnerable to exploitation. Students reported being exploited in labour and there were concerning reports of some students engaging in 'survival sex' to pay for accommodation or

be provided with accommodation. Their experience illustrates that precarious employment and unstable or ad hoc living conditions heightens the risk of exploitation.

Question 3: Is there evidence of homelessness being a consequence of contemporary forms of slavery in your country?

There is evidence that shows people who were subjected to modern forms of slavery are at great risk of homelessness. In 2021 the Australian Red Cross published research on the barriers to accommodating survivors of modern slavery, that make them susceptible to homelessness.

Summary of research findings: Barriers in accommodating survivors of modern slavery: Working towards safe, suitable and sustainable housing^{xii}

The Australian Red Cross delivers the Support for Trafficked People Program funded by the Australian Government to support survivors of modern slavery. More than 515 survivors have been assisted since 2009.

The research found that Australia's housing crisis is placing survivors at greater risk of experiencing homelessness. Accessing safe, suitable and sustainable accommodation is critical for survivors' recovery from exploitation and abuse.

The main barriers to finding suitable accommodation were:

Availability

- A lack of long-term affordable options means that survivors are staying longer in short term accommodation, making it difficult for new individuals requiring support to find emergency or short-term accommodation
- The availability of accommodation in regional areas is extremely tight, leaving few accommodation options for survivors of modern slavery and other vulnerable groups in the community.

Accessibility (in terms of location and accessibility for people with special needs)

- Accommodation needs to be located near essential services. Some survivors have limited English, limited literacy and low self-confidence which makes it difficult for them to navigate public transport to access support services.
- Survivors of modern slavery with a mental or physical disability have particular access needs that are not always catered for by accommodation providers.

Barriers related to eligibility

Visa status and the lack of ongoing income are the main eligibility barriers for accommodation. Other barriers include insufficient ID, lack of gender specific accommodation, or inability to accommodate dependents.

Visa Status

- Visa status presents a significant eligibility barrier, especially to accessing long-term housing. The majority of states and territories require housing applicants to have permanent residency or Australian citizenship.
- Having to rely on informal tenancy arrangements can pose significant protection and health risks to survivors and increases the chances of experiencing overcrowding accommodation and further exploitation.^{xiii}

Lack of income

- Almost half of accommodation providers require a financial contribution from their clients, presenting an eligibility barrier for survivors without income.
- Visa type was a key contributing factor to the lack of income for survivors with a temporary visa, especially those whose visa did not have work rights.

Suitability

Factors that impact on the suitability of accommodation include:

- experiences of significant trauma that require additional efforts to ensure physical and emotional safety;
- cultural considerations, family composition and family background;
- physical or mental health concerns as a result of exploitation, including drug and alcohol usage.

Lack of services that accept dependents

- The lack of accommodation options for dependent children of survivors, especially long-term accommodation options, can be a decisive factor for survivors not to leave the situation of exploitation.

Forced marriage

- The main challenges in accommodating survivors who have experienced or are at risk of forced marriage are cultural considerations, maintaining safety, complex trauma needs and accommodation providers not being aware of the forced marriage experience.
- Residential care or youth refuges are not suitable for survivors of forced marriage due to a presence of both female and male clients, and exposure to different environments which some individuals found confronting and unsafe.
- Individuals who are at risk of or who have experienced forced marriage usually do not meet eligibility criteria for crisis accommodation. Reluctance to disclose family violence experiences perpetrated by family members was reported by case workers as contributing to this ineligibility for crisis.

Hotel accommodation increasingly required as last resort

- Hotel accommodation is increasingly required as a last resort and an alternative to homelessness. Most hotel accommodation is not preferable as it is often not a safe, suitable nor sustainable option for survivors.

The research notes that housing policies in Australia must consider survivors of modern slavery as a priority group, recommending further research into housing models suitable for vulnerable groups including survivors of modern slavery and migrants on temporary visas.

The research recommended partnerships between state, territory and federal governments and the housing, migrant and modern slavery civil society sectors to overcome barriers in accommodating survivors of modern slavery and working towards safe, suitable and sustainable housing.^{xiv}

3. CONCLUSION

Victims and survivors of any form of trafficking and slavery experience homelessness. When identified, there are many barriers for survivors to access affordable, appropriate, secure housing, including a severe shortage of appropriate housing and high rental costs. These barriers place survivors of modern slavery at great risk of homelessness, or in unsafe or precarious housing and susceptible to further exploitation.

Victims and survivors who are not identified live precariously. They may be in hiding, fearing law enforcement with little knowledge about their rights and protections, have an insecure visa status and insufficient income to meet basic living needs, at great risk of exploitation.

There is evidence of coercion amongst the homelessness community and evidence of exploitation for people seeking asylum and individuals with no support and little or no income.

Housing is a fundamental human right that affords people dignity. Appropriate, affordable, secure housing is the foundation from which we build our lives. It is key to physical and mental health, quality of life and human dignity. Safe, affordable, appropriate, secure housing combined with tailored support is essential for survivors to recover from the trauma of modern slavery.

ⁱ <https://www.abs.gov.au/census/guide-census-data/census-dictionary/2021/variables-topic/housing/homelessness-operational-groups-opgp>

ⁱⁱ <https://antislavery.org.au>

ⁱⁱⁱ <https://cityfutures.ada.unsw.edu.au/documents/699/CHIA-housing-need-national-snapshot-v1.0.pdf>

^{iv} <https://www.anglicare.asn.au/wp-content/uploads/2022/04/Rental-Affordability-Snapshot-National-report.pdf>

^v https://sqmresearch.com.au/14_3_2_National_Vacancy_Rate_February_2023_FINAL.pdf

^{vi} <https://www.equityeconomics.com.au/report-archive/nowhere-to-go-the-benefits-of-providing-long-term-social-housing-to-women-that-have-experienced-domestic-and-family-violence>

^{vii} <https://povertyandinequality.acoss.org.au/poverty-in-australia-2023-who-is-affected/>

^{viii} Moore, Heather. Service or servitude: A study of trafficking for domestic work in Australia. Mercy Foundation, The Salvation Army, 2019

^{ix} Flatau, P, Lester, L, Seivwright, A, Teal, R, Dobrovic, J, Vallesi, S, Hartley, C and Callis, Z (2021) Ending homelessness in Australia: An evidence and policy deep dive. Perth: Centre for Social Impact, The University of Western Australia and the University of New South Wales DOI: 10.25916/ntba-f006

^x Ibid 123.

^{xi} Roberts A, Conroy E, Rego N, A Place to Call Home: Experiences of homelessness and housing exclusion among people seeking asylum in Greater Sydney, 2021

^{xii} Mebalds, Ginta and Garcia Daza, Lina Maria. Barriers to accommodating survivors of modern slavery: Working towards safe, suitable and sustainable housing. Australian Red Cross, 2021

^{xiii} Australian Red Cross 2021. COVID-19 Impact us All. Ensuring the safety and well-being of people on temporary visas during COVID-19, p17

^{xiv} Mebalds, Ginta and Garcia Daza, Lina Maria. Barriers to accommodating survivors of modern slavery, page 41