

**15 July 2024**

Professor Tomoya Obokata  
Special Rapporteur on Contemporary Forms of Slavery

Delivered by email to [hrc-sr-slavery@un.org](mailto:hrc-sr-slavery@un.org)

Dear Professor Obokata

## **Country visit to Australia**

Thank you for the opportunity to provide information in advance of your country visit to Australia. People with Disability Australia (PWDA) is Australia's peak cross-disability Disability Representative Organisation and is funded by the Australian Government to represent the 1 in 6 Australians with disability nationally. Our organisation is made up of, and led by, people with disability and has Consultative Status with the United Nations Economic and Social Council.

PWDA is regularly involved in domestic, federal and international modern slavery law reform and policy processes. Our goal is to ensure that modern slavery prevention, detection and remedy measures are disability inclusive and uphold our rights set out in the Convention on the Rights of Persons with Disabilities.

### **Areas of concern in Australia**

Despite the global lack of research and data about the intersection between disability and modern slavery, there is evidence that people with disability experience modern slavery in Australia. We are particularly concerned about modern slavery risk in residential and employment settings.

## 1. Residential settings

People with disability face a heightened risk of modern slavery in private and group home settings. Power imbalances between carers and people with disability, along with a lack of access to the community, contribute to the risk of modern slavery.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability's (Disability Royal Commission) final report, released last year, provides numerous modern slavery case studies in residential settings. For example:

- 'Marcus' shared a house with one of his support workers. The support worker became controlling and treated Marcus as his 'slave', making him do all the household tasks, such as cooking, scrubbing toilets and lawnmowing.<sup>1</sup>
- 'Nazra', who has psychosocial disability and uses a wheelchair, lived in a boarding house where she was physically and sexually assaulted. The boarding house owner financially exploited residents by withdrawing money from their accounts. Staff also stole from residents and silenced them with medication.<sup>2</sup>
- 'Judson' lived in supported accommodation where he was neglected, including being left to sleep in soiled sheets. The provider also used his pension to pay their own office utility costs. When Judson tried to move out, the provider made this very difficult by applying new fees and refusing to release records to the family.<sup>3</sup>
- 'Eveline' lived in a group home and when she 'had behaviours', staff wrapped her in a blanket and drove her to a different house where she stayed in a small, cupboard-like room with no windows and no door handle for weeks at a time. Staff would physically abuse her at this house. After leaving that house, a group of men took Eveline to their farm where they kept her hostage for months and sexually assaulted her.<sup>4</sup>

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<sup>1</sup> Disability Royal Commission (2023) *Final report – Voices of people with disability, Book 2*, 463.

<sup>2</sup> Ibid 819.

<sup>3</sup> Ibid 338.

<sup>4</sup> Disability Royal Commission (2023) *Final report - Voices of people with disability, Book 3*, 277.

In 2023, a report by the Mental Health Legal Centre found that disability group home providers were effectively trafficking people with disability.<sup>5</sup> Providers were collecting residents, often with bribes of fast food and false promises of better accommodation, taking them to undisclosed locations and siphoning their National Disability Insurance Scheme packages.<sup>6</sup> The report also found that some disability group home providers were holding residents' bank cards and making unauthorised withdrawals.<sup>7</sup>

To address this issue, we encourage you to:

**Recommendation 1:** Investigate the practice of trafficking between disability group homes further to determine whether it has ceased and examine the adequacy of the Government's response to this issue.

**Recommendation 2:** Consider including in your end of mission statement, express recognition of the specific modern slavery risks that people with disability face in residential settings, along with measures to reduce these risks.

## 2. Employment settings

People with disability also face modern slavery risks in segregated employment. In Australia, people with disability can be employed in sheltered workshops, referred to as Australian Disability Enterprises (ADEs), where they are often paid a subminimum wage.<sup>8</sup> ADEs usually offer manual labour work, such as warehousing, 'picking and packing', cleaning and laundry services.<sup>9</sup>

The Disability Royal Commission found that people with disability who work in segregated workplaces may be at heightened risk of violence, abuse, neglect and exploitation.<sup>10</sup> We believe that ADEs also pose a heightened risk of modern slavery. People with disability who are subject to a guardianship order may not actively choose to work in an ADE, with

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<sup>5</sup> The Hon Bill Shorten MP (19 May 2023) *Damning report into boarding houses for NDIS participants* [media release], accessed 12 July 2024.

<sup>6</sup> Young E and Campanella N (2023) *ABC News, NDIS participants 'kidnapped' and financially abused in boarding homes for people with disability, report finds*, accessed 12 July 2024.

<sup>7</sup> Ibid.

<sup>8</sup> Disability Royal Commission (2023) *Final report – Inclusive education, employment and housing*, 463.

<sup>9</sup> Ibid 464.

<sup>10</sup> Ibid 479.

the decision being made by their guardian. Other people with disability who do not have a guardian may agree to work in an ADE because they believe they have no other choice.

Four of the seven Commissioners recommended that segregated employment should be phased out (recommendation 7.32).<sup>11</sup> PWDA agrees with this recommendation, and has urged the Government to take immediate action, including measures to end subminimal wages.

We encourage you to:

**Recommendation 3:** Consider including in your end of mission statement, an express recognition of the heightened modern slavery risk in segregated workplaces and a recommendation that segregated workplaces be phased out through an open employment pathway.

### Accessible crisis accommodation

Given people with disability face a heightened risk of modern slavery, it is crucial that modern slavery services and supports are accessible. Unfortunately, people with disability face barriers accessing modern slavery crisis accommodation in Australia.

According to the Australian Red Cross' 2021 report, *Barriers in Accommodating Survivors of Modern Slavery*, case workers struggle to find supported crisis accommodation for modern slavery survivors with disability, particularly when the person has intersectional needs.<sup>12</sup> The report found that 24% of modern slavery crisis accommodation providers do not cater for people with disability.<sup>13</sup>

To address this issue, we encourage you to:

**Recommendation 4:** Examine whether modern slavery crisis accommodation and other modern slavery services and supports are accessible for people with disability, including those with intersectional needs.

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<sup>11</sup> Disability Royal Commission (2023) *Final report – Executive summary, our vision for an inclusive Australia and recommendations*, 258-259.

<sup>12</sup> Ibid.

<sup>13</sup> Mebalds G and Garcia Daza L (2021) *Barriers in accommodating survivors of modern slavery: Working towards safe, suitable and sustainable housing*, Australian Red Cross, 14, accessed 12 July 2024.

As per our email dated 3 June 2024, we would appreciate the opportunity to partake in any civil society roundtables held during your visit to Australia. In the meantime, if you would like to discuss our letter further, please contact my Senior Manager of Policy, Mx Giancarlo de Vera via email at [giancarlod@pwd.org.au](mailto:giancarlod@pwd.org.au) or on +61 413 135 731, and Lisa Ira, Senior Policy Officer, via email at [lisai@pwd.org.au](mailto:lisai@pwd.org.au) or on +61 409 431 088.

Yours sincerely

**Sebastian Zagarella**

Chief Executive Officer

People with Disability Australia