



MODERN SLAVERY AND AUSTRALIA'S STRATEGIC RESPONSE DURING COVID-19 PANDEMIC 2020-2023

Emanuella Amanda Saraswati^{1*}, Reza Triarda²

International Relations; Universitas Brawijaya; Indonesia

*email: emanuella.amanda04@gmail.com

Abstract

This article examines Australia's strategic response to modern slavery during the Covid-19 pandemic from 2020 to 2023 through the Theory of Change framework. The study identifies a central Pandemic Paradox where enhanced institutional detection and reporting capacity coexisted with persistent structural vulnerabilities. Empirically, the research documents an underanalyzed crisis period, while theoretically, it extends the Theory of Change to conditions of global systemic disruption. Findings reveal that while deterrence and global regulatory strategies significantly improved case visibility, transparency-based approaches remained insufficient without binding due diligence to address the socio-economic drivers of exploitation. At the regional level, Australia's leadership in the Bali Process with Indonesia strengthened intermestic governance, yet its efficacy remains contingent upon proactive protections for migrant workers. This study provides a strategic policy roadmap for middle powers to balance domestic enforcement with multilateral coordination. In conclusion, a transition toward rigorous legal accountability is essential to break the cycle of modern slavery paradoxes during global crises.

Keywords: Australia; Covid-19; modern slavery; theory of change; transnational organized crime.

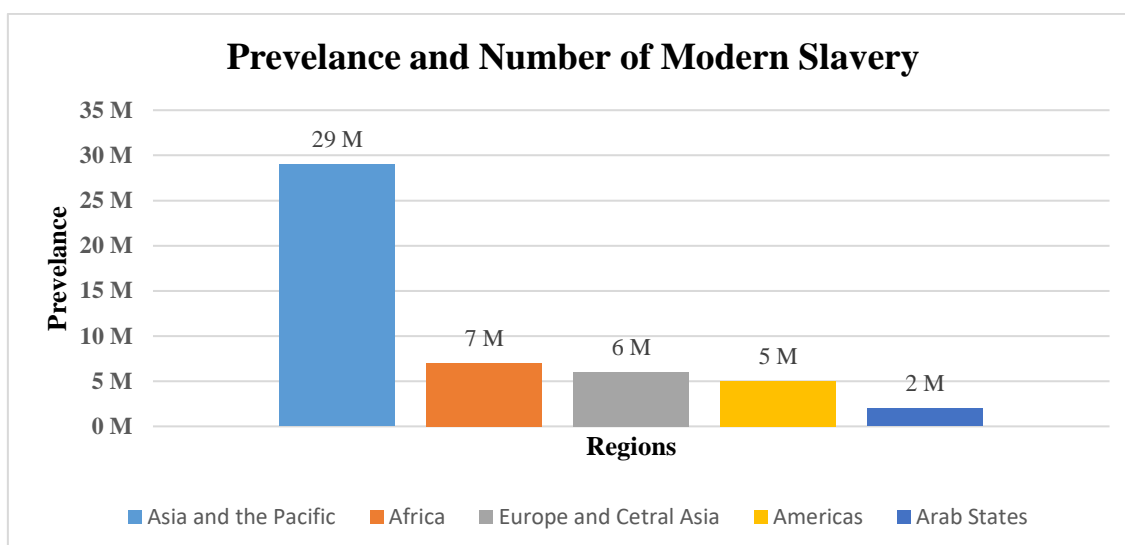
INTRODUCTION

Globalization has been influenced by various social, economic, political, and cultural factors, mainly driven by rapid technological advancements that have accelerated international relations. With the increase in human, goods, and information flows, globalization has also enabled the development of Transnational Organized Crime (TOC) syndicates. Crimes such as human trafficking, slavery, drug trafficking, weapons, and corruption are part of a multi-billion-dollar criminal economy that takes advantage of individuals and exploits legal systems, thereby threatening global security (United Nations 2024).

Modern slavery, often referred to as an umbrella term for situations in which individuals are exploited through coercion, threats, deception, or abuse of power, has emerged as one of the most concerning forms of TOC in the twenty-first century (Such et al. 2023). There is a difference between traditional slavery and modern slavery, traditional slavery involved legal ownership of individuals, while modern slavery operates more covertly, making it difficult to detect and address. In industries such as agriculture, manufacturing, construction, domestic work, and even refugee camps, victims who are particularly migrants are indicated as vulnerable groups that are constantly exposed to forced labor, debt bondage, fraud recruitment, forced marriage, or the worst kinds of child labor (Mende 2019).

Although modern slavery is against the law in both international and domestic law, it still happens hidden as part of legal business or personal relationship. It is considered a transnational crime, as it involves recruiting, transporting, and exploiting victims across national borders, often through human trafficking as well as overlapping with people smuggling. Most of the time, trafficking is about forcing and taking advantage of people, while smuggling is more specifically about helping people cross borders illegally. However, people who are smuggled can also become victims of trafficking (Mende 2019).

Figure 1: Prevalence & Number of Modern Slavery



Source: Global Slavery Index, 2023

According to recent global estimates, Asia and the Pacific are home to almost 59% of the world's modern slavery victims, making it the region with the most victims (Global Slavery Index 2023). In contrast, Australia has a lower prevalence. The Global Slavery Index 2023 shows data about 41,000 people in Australia living in modern slavery in 2021, primarily in agriculture, construction, and domestic work, which are all jobs with high risk of being exploited (Global Slavery Index 2023). Although modern slavery affects a relatively small proportion in Australia, it remains a serious and urgent concern, as its hidden and systemic nature makes it particularly difficult to detect and address-especially when it involves migrant workers trapped in exploitative temporary visa programs or restrictive labour schemes.

Australia is in a stronger position to address modern slavery than many of its Asia-Pacific neighbours given that it is a high-income country that has greater institutional and legal resources. The government's strong response indicates that Australia has the ability to address modern slavery, and it has been rated as the best in the region and the second best in the world, after the United Kingdom (Global Slavery Index 2023). Australia received a score of 67% for its government response, which shows that its criminal justice system operates well and that it is taking steps to deal with the structural risk factors that leads to modern slavery. Australia is recognized as the leading country in anti-slavery measures in the region, followed by the Philippines, Thailand, and New Zealand. On the other hand, countries such as North Korea and Iran are still among the weakest responders

(Global Slavery Index 2023). This position shows both Australia's successes and its duty as a regional leader in addressing modern slavery.

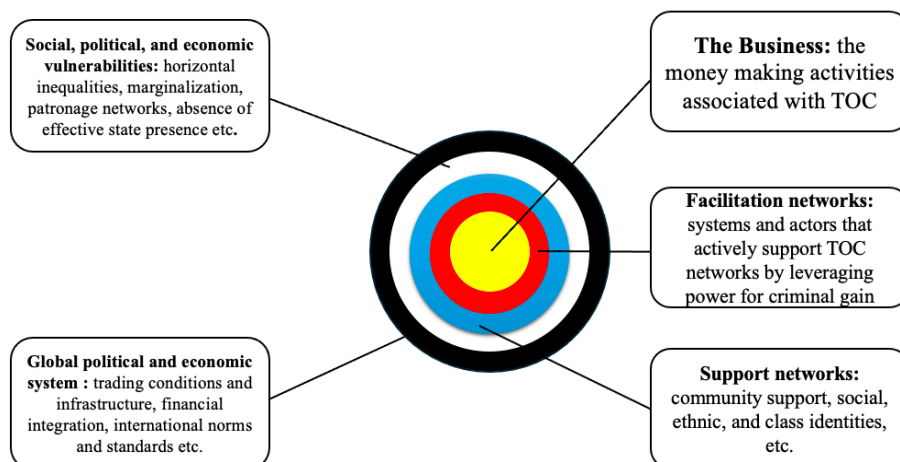
The urgency of this research emerges from a phenomenon termed the 'Pandemic Paradox', while global lockdowns and economic disruptions were initially expected to result in decreased criminal activity, evidence shows that reported modern slavery cases in Australia reached record highs during this period. This study argues that such increase in numbers does not indicate a proportional escalation in actual exploitation, but rather reflects the success of improved detection mechanisms and institutional coordination. By examining this gap between increased visibility and persistent structural vulnerability, this research analyzes how Australia's strategic reliance on deterrence and global regulation functioned under crisis conditions. This approach explores whether the effectiveness of Australian policy lies in its investigative capacity to lower the 'dark figure' of crime, even as the underlying socio-economic drivers remain unaddressed.

LITERATURE REVIEW

Theory of Change in Addressing Transnational Crime: Insights from Terrorism Interventions and Modern Slavery Regulation

In this research, the author will use the Theory of Change written by Midgley, Briscoe, & Bertoli to research and explain Australia's strategy for addressing modern slavery from 2020 to 2023. The theory of change aims to identify and explain the beliefs, assumptions, and hypotheses that underpin the understanding of how change occurs. In their report *Identifying Approaches and Measuring Impacts of Programmes Focused on Transnational Organized Crime*, Midgley, Briscoe, and Bertoli explain how to understand the activities carried out by transnational organized crime networks.

Figure 2 - Transnational Organized Crime (TOC) Activities within the Broader Social, Political, and Economic System.



Source: Identifying approaches and measuring impacts of programmes focused on Transnational Organised Crime

Modern slavery is a form of organized crime that crosses national borders and occurs on several levels at the same time. The “business” level refers to the direct exploitation of human for profit. The longevity of the system relies on facilitation networks that facilitate recruitment, transportation, and financial transactions, frequently supported by corrupt officials or organizations (Midgley, Briscoe, & Bertoli 2014). These networks are further strengthened by communities that, whether through coercion, complicity, or socioeconomic need, maintain exploitative practices. Systemic vulnerabilities such as weak governance, inequality, and conflict increase the risk of exploitation. At the outermost layer, global political and economic systems, such as a lack of international cooperation, make these practices even more common (Midgley, Briscoe, & Bertoli 2014). With the continuing existence of modern slavery, it requires comprehensive measures that target both offenders and the wider systemic conditions.

The Theory of Change delineates six approaches to countering organized crime: deterrence, severing the links between politics, the state, and crime, managed adaptation of crime, cultural change, economic transformation, and global regulation. Each of these approaches highlights different dimensions of crime prevention and control. For the purposes of this research, two approaches are particularly relevant: deterrence and global regulation. Both are directly linked to the strategies adopted by the Australian government in strengthening law enforcement mechanisms and promoting international cooperation in the fight against modern slavery.

The deterrence approach rests on the assumption that criminal actors make rational cost-benefit calculations. By increasing the risks and consequences of involvement in transnational organized crime, states can reduce the incentives for individuals or groups to participate in illicit activities (Midgley, Briscoe, & Bertoli 2014). The programmatic implementation of deterrence can be seen in various forms of strategy, which consist of law enforcement, selective targeting, criminal justice, security sector reform, and crop eradication. These measures aim to reduce the prevalence of exploitation by raising the costs of participation and limiting the operational capacity of criminal networks.

The second relevant approach is global regulation, which underscores the need for harmonization, collaboration, and coordination among nations in addressing transnational organized crime (Midgley, Briscoe, & Bertoli 2014). One country alone cannot address the issue of modern slavery effectively because it is deeply rooted in the global supply chain, labor migration patterns, and transnational criminal networks. On the other hand, global regulation highlights the significance of international norms and agreements and how they promote accountability and transparency globally (Midgley, Briscoe, & Bertoli 2014). This entails utilizing and forcefully upholding global frameworks, as well as taking a prominent role in global and regional organizations designed to eradicate both human trafficking and modern slavery. In doing so, Australia both strengthens its own capacities, and joins in reducing the global enabling environment for modern slavery.

This framework provides an overall analytical perspective in reviewing Australia's strategies in the context of global regulation and deterrence. "Deterrence" refers to the strategies employed within Australia to reduce the capabilities of the offenders through reforming law and the judiciary. Australia's strategies are reviewed in the context of global regulation and international frameworks. The use of both methodologies helps in reviewing the internal and external aspects of Australia's anti-slavery strategies.

The Modern Slavery Act 2018 (Cth) (MSA) is a key framework to address modern slavery in Australia. Directors of companies whose revenues exceed AU\$100 million are required to report on supply chain risks, improving corporate transparency. Fellows and Chong place the MSA in a broader global anti-slavery context, linking it to, e.g., Britain's Modern Slavery Act 2015. Fellows & Chong (2020) also drew attention to the importance of Australian legislation in supporting reputational accountability, meant to address measures against human trafficking, forced labour and sexual servitude.

However, it is also stated that the MSA is taking a "soft" regulatory approach. The system is based on voluntary compliance, and there is no penalty for not reporting or for insufficient due diligence. The act may not be able to address the problems, and it is only dealing with the issue of labor exploitation in the workplace or supply chain. Other factors, such as forced marriages, are not being considered. The literature has shown that the MSA is used as an initial approach to raise the level of awareness among the business community and help them identify the possible risks. However, during the Covid-19 pandemic, it was clear that there were some issues with the application of the MSA. The economic crisis created by the pandemic has increased the possibility of exploitation, particularly for migrant workers. The government has extended deadlines for reporting to ease the pressure on businesses during such a difficult time (Fellows & Chong 2020).

The Covid-19 pandemic has also led to an increase in the risks of modern slavery in Australia. The increase in job losses and poverty has made people vulnerable to modern slavery. This has shown that it is important for Australia to rethink its comprehensive approach to dealing with the issue. The Modern Slavery Act (MSA) is only part of the comprehensive approach. As mentioned earlier, there are various aspects of the system that need to be improved. Fellows & Chong have identified some reforms that are needed to be made to the Modern Slavery Act. It has been suggested that organizations need to be made to take proactive steps to prevent modern slavery and mitigate any harm that might be caused. In addition to that, it has also been suggested that there needs to be oversight to ensure that the act is enforced (Fellows & Chong 2020). This perspective also helps in getting a balanced view of how while the MSA has certain limitations of its own, it did play a role in maintaining the focus of corporations on this issue over time. This also highlights the importance of the MSA being integrated with other measures, including enhanced migrant protections and economic support measures (Fellows & Chong 2020). In conclusion, the research suggests that there is a need for a revised MSA in the post-Covid-19 scenario. It is no longer just about emphasizing the importance of transparency but also about creating change in this regard to address the problems of inequality and human rights on a global scale effectively.

Bramantyo shows how the movement of Indonesian Foreign Terrorist Fighters (FTFs) to Syria in order to join ISIS can be understood through Tim Midgley's Theory of Change, which provides a practical framework for disrupting these flows from going in

either direction while outlining separate routes toward behavioral and systemic reform (Bramantyo 2023). Bramantyo adopts the approach by using four strategies intertwined. Primarily, deterrence comprises legal provisions and sanctions against individuals who promote an extremist doctrine by adopting Indonesia's National Law No. 5 of 2018. Managed adaptation involves some negotiation and communication with extremist groups to minimize harm, followed by deradicalisation programmes involving former terrorists. Third, a culture shift to interpret "jihad" as a personal endeavor rather than violent combat so that anti-radicalization narratives can be mainstreamed into the Islamic education curriculum. The economic transformation in Syria, through the strengthening of agriculture and appealing to foreign investors, seeks an equitable development that can address poverty levels and minimise sectarian divides (Bramantyo 2023).

METHODOLOGY

Research Method

This study employs a qualitative research design based on document analysis to examine Australia's strategic response to modern slavery during the period 2020-2023. Document analysis is understood as a systematic procedure for reviewing and interpreting documents in order to generate meaning and develop empirical understanding, as outlined by Bowen (2009). This approach enables the study to examine policy developments, institutional responses, and international engagement strategies through the analysis of official records and secondary materials.

Data Sources and Scope

This study relies on secondary data collected from a range of credible sources. These include official publications from the Australian government, such as policy papers, national action plans, and legal frameworks, as well as reports issued by law enforcement bodies like the Australian Federal Police. It also draws on materials published by international organizations, including the International Labour Organization and the United Nations Office on Drugs and Crime, along with other related regional institutions. In addition, recent peer-reviewed academic studies are used to strengthen and support the analysis.

The scope of the data is limited to the period between 2020 and 2023, corresponding to the Covid-19 pandemic and its immediate aftermath. This temporal boundary ensures analytical consistency and allows the study to focus specifically on crisis-driven policy adaptations.

Analytical Framework and Operationalisation

This study uses the Theory of Change framework by focusing on two operational concepts, deterrence and global regulation, to analyze Australia's strategies in addressing modern slavery. The deterrence approach is operationalized by examining three specific indicators of domestic enforcement aimed at increasing the risks for criminal actors. First, law enforcement is analyzed by tracking strategies to increase arrests and prosecutions, particularly through the activities of the Australian Federal Police (AFP). Second, selective targeting focuses on the proactive oversight of high-risk economic sectors such as horticulture, fisheries, and construction. The final one, criminal justice and sector reform is operationalized through the analysis of legislative updates to the Commonwealth Criminal Code and visa system reviews designed to reduce the structural vulnerabilities of migrant workers. These categories provide the analytical lens to determine if increased legal and social costs effectively reduced the incentives for modern slavery during the pandemic.

The global regulation approach is operationalized by evaluating Australia's efforts to harmonize domestic anti-slavery efforts with international standards. This is measured through two primary indicators: global standards and regulation, and global bodies. The first involves analyzing Australia's commitment to international regimes, such as the ratification of the ILO Protocol of 2014 to the Forced Labour Convention, which aligns national law with global best practices. The second examines Australia's leadership within multilateral organizations and bilateral partnerships, specifically its role as co-chair of the Bali Process.

Data Collection

The qualitative research design adopted for this research is thorough document analysis. The design helps in achieving a thorough understanding of Australia's fight against modern slavery from 2020 to 2023. The research design does not require human

participants. Therefore, it only relies on secondary data sources. The secondary data sources include government documents, legislation, policy statements, reports from international bodies, and academic literature. The sources used for the research are relevant and provide a thorough understanding of law enforcement practices, criminal justice reforms, and Australia's regulatory practices worldwide.

To support the document analysis method, this study applies inclusion and exclusion criteria in selecting the documents used as research data. Referring to the document analysis approach proposed by Bowen (2009), the documents included in this study consist of official government policies, legal documents, annual reports, international organization publications, and peer-reviewed academic articles related to modern slavery, transnational crime, and the impact of Covid-19 in Australia. The documents analyzed include materials such as Australia's labour and anti-slavery regulations, government policy reports, reports from international organizations including the International Labour Organization (ILO) and United Nations Office on Drugs and Crime (UNODC), as well as academic journal articles discussing Australia's strategies in combating modern slavery during and after the pandemic period.

The inclusion criteria require that each document must be relevant to the research topic, published by credible institutions, and contain information related to Australia's policies, legal frameworks, or international cooperation in addressing modern slavery. Meanwhile, the exclusion criteria apply to documents that are not academically reliable, such as opinion articles, blogs, non-verified websites, and sources lacking clear authorship or institutional legitimacy. Documents published outside the selected period are also generally excluded, except for foundational references used to explain basic concepts and theoretical frameworks. These criteria are intended to ensure the credibility, relevance, and consistency of the data used in the study.

Data Analysis

The data analysis in this qualitative research followed a process of data reduction, data display, and conclusion drawing with verification (Fadli 2021). The first step in the data analysis process in this qualitative research was the reduction and selection of the most relevant data for the research. In the second step, the reduced data is arranged in a narrative form to highlight the essential points in a clearer manner. In the last step,

conclusions were made based on the displayed data, and verification methods were utilized to make sure the results were correct and trustworthy.

Trustworthiness

This qualitative research ensures trustworthiness through the use of credibility, transferability, dependability, and confirmability concepts. Credibility is strengthened by comparing multiple documentary sources, including government publications, legal documents, reports from international organizations, and academic literature, to ensure consistency in conclusions. As the research does not involve individuals, member checking is replaced by cross-source verification, which involves comparing key information from various publications to reduce bias in interpretation. A clear description of the research context, timeframe, and analytical methodology helps support transferability by letting readers determine how relevant the findings are to other policy situations.

RESULT

The research found that Australia's attempts to address modern slavery during the Covid-19 pandemic and recovery period included two main efforts. In response to the complex exploitation trends of the time, the government updated governance mechanisms and enhanced institutional capacity. The pandemic created additional difficulties for vulnerable communities (particularly migrant workers), and this trend affected many countries around the world. In response, the Government of Australia built on its National Action Plan to Combat Modern Slavery 2020–2025, which identifies prevention, disruption, victim support, partnership and research as interlinked pillars for responding to modern slavery by extending those commitments into a coordinated policing and international engagement strategies that recognize modern slavery is a transnational rather than purely domestic issue (Australian Government 2024b).

The results show a strong emphasis on law enforcement and deterrence in the fight against modern slavery in Australia, as seen in the strategic plans of the Australian Federal Police and the increase in investigations. It also shows a genuine commitment to legal accountability and the protection of victims. It has been seen that the authorities are working on the cases as they are reported while also working to strengthen the prevention

side. A central finding of this study is the emergence of a 'pandemic paradox'. While reported cases of modern slavery reached a record peak of over 380 in 2023-24, evidence suggests this rise does not necessarily indicate a proportional escalation in actual exploitation. Rather, through the lens of the Theory of Change, this spike reflects the success of enhanced deterrence and global regulatory strategies, which significantly expanded the visibility of previously hidden cases through improved identification mechanisms and institutional coordination. However, the fact that the numbers remain at record highs underscores that underlying structural vulnerabilities persist. This indicates that while enforcement-based policies are effective for detection, they must be complemented by broader policy efforts to address the socio-economic drivers that punishment alone cannot resolve (AIHW 2024b).

Australia has coveted international regimes, through active alignment with other jurisdictions. This includes close cooperation with ASEAN member states and support for regional capacity-building efforts. The strategy also reflects an awareness that unravelling modern slavery networks will require more than action at home: exploitation networks are rarely confined by borders. Accordingly, transnational cooperation remains vital for prevention, detection, and enforcement as Australia attempts to establish institutional partnerships and engage with regional governance frameworks designed to bolster collective resilience in the face of modern slavery and foster shared standards of accountability (Minister for Foreign Affairs Minister for Woman 2022).

Australia's approach to dealing with modern slavery extends beyond local enforcement and deterrence to show a broader intent to establish global standards for governance and foster institutional partnerships on a national and global level. Australia seeks to build resilience against modern slavery through integrated approaches, capacity development, and partnerships across sectors. This is in recognition of the fact that the disruptions caused by the pandemic have heightened existing vulnerabilities and that policy efforts should focus on legal accountability and prevention.

Modern Slavery in Australia

Modern slavery in Australia is largely linked to industries that depend on migrant labour. Specific sectors such as agriculture, fisheries, construction and domestic work, meat processing, hospitality and cleaning services are known to be at risk of exploitation

(Barnes, Naser, & Aston 2023) Sexual exploitation has also been identified as a significant problem for migrant women from Asia as well as Eastern Europe and Africa. This pattern shows how the overlay of migrant status, gender, and structured vulnerabilities converge to heighten exposure to perils of exploitation.

Figure 2: Report of alleged modern slavery practices received by the Australian Federal Police in the period 2013–2025.



Source: Australian Institute of Health and Welfare (AIHW), 2025

Between 2020 and 2023, Australia had a steady rise in modern slavery cases. The Australian Federal Police (AFP) received 224 reports in 2020-21, 294 in 2021-22, 340 in 2022-23, and over 380 in 2023-24, this is the largest number recorded to date (AIHW 2025). During this time, the most prevalent types of exploitation were forced marriage, sexual exploitation, forced labor, exit trafficking, and child trafficking. A total of 150 reports were submitted during the second half of 2022 resulting in 20 prosecutions and 55 charges related to modern slavery offences, with women accounting for 94 percent of identified victims and nearly half of the forced marriage cases involving children under the age of eighteen (Australian Institute of Criminology 2024).

Those who are most vulnerable consist of temporary visa holders, including seasonal workers, international students, and individuals on working holidays. Their uncertain migration status and dependence on employers cause these individuals more vulnerable to threats and abuse (Barnes, Naser, & Aston 2023). Women and children are

particularly affected at higher rates, with many cases involving underpaid or unpaid domestic labour as well as forced marriage.

Theory of Change: Deterrence

Within the framework of deterrence, Australia's approach will be analysed in three main aspects: law enforcement, selective targeting, and criminal justice reform. The Australian government has also put significant emphasis on law enforcement as a major deterrence measure for modern slavery. The National Action Plan to Combat Human Trafficking and Slavery: 2020–2025 outlines a strategy for a world where modern slavery is eradicated. The strategy is founded on the common principle of human rights. The plan recognizes the significant role of legal responses in the effective detection, investigation, and prosecution of offenders, thus leading to deterrence (Attorney-General's Department 2020).

The Australian Federal Police (AFP) is the national investigative agency for all human trafficking and slavery matters. In operational terms, this is borne out by the Australian Federal Police (AFP)'s receipt of 382 new reports in the 2023–2024 period that related to modern slavery, continuing a pipeline for prosecution through the Commonwealth Director of Public Prosecutions (CDPP). Strong enforcement results were recorded between July and December 2022, where authorities referred 15 matters directly to the Commonwealth Director of Public Prosecutions (CDPP), bringing charges against 20 defendants comprising a total of 55 modern slavery offences (Australian Institute of Criminology 2024).

Not only were prosecutions a focus of the Australian Federal Police (AFP), but the AFP also launched the “Look a Little Deeper” campaign to train frontline officers to raise community awareness about indicators of modern slavery (Australian Federal Police 2023). Officials believed their playbook for pursuing organized crime was effective in terms of asset seizure, and evidential standard improved to achieve a better prosecution rate. Efforts at minimizing vulnerabilities to exploitation through legislative means include the scrutiny of Parts 270–271 of the Criminal Code (Cth) and the relevant visa systems (Australian Federal Police 2023). The government underlined its commitment to the non-punishment principle, guaranteeing that victims are not prosecuted for crimes they commit directly by reason of their exploitation.

The approach to the enforcement of the law in the case of selective targeting will be to target certain industries, products, and areas that are at a greater risk of having modern slavery. In the 2023 review of the Modern Slavery Act 2018, the government proposed the introduction of high-risk declarations. According to this proposal, the Minister or the Anti-Slavery Commissioner would pinpoint particular products, sectors, and regions that necessitate more comprehensive inspection (Australian Anti-Slavery Commissioner 2025). This initiative indicates a shift towards the proactive oversight of high-risk sectors, including horticulture, fisheries, and construction, which have all been linked to the exploitation of migrant workers.

Public awareness initiatives that are targeted strengthen this regulatory approach. These campaigns ensure that enforcement is focused specifically on the industries and supply chains most vulnerable to modern slavery, thereby improving the overall deterrent effect. The dedication to releasing lists of high-risk products, along with the possible implementation of mandatory due diligence requirements, is anticipated to enhance and strengthen the selective targeting mechanism (Australian Federal Police 2023).

Reforms in the criminal justice system and key economic sectors form an important part of Australia's deterrence strategy against modern slavery, as the National Action Plan to Combat Human Trafficking and Slavery 2020–2025 mandated reviews of visa policies aimed at reducing vulnerabilities among migrant workers, particularly those in low-skilled and temporary positions (Australia Government 2020). The Australian Federal Police (AFP) and Commonwealth Director of Public Prosecutions (CDPP) both note a victim-centred approach to the justice system. This means applying the non-punishment principle, which ensures that survivors are treated as victims of crime rather than being prosecuted for crimes directly resulting from their exploitation (Attorney-General's Department 2020).

The reforms have proved effective in delivering more practical prosecution of modern slavery offences. Between July and December 2022, there were a total of 20 people charged with 55 offences involving slavery, which shows that there has been substantive progress in the judicial enforcement of the law (Australian Institute of Criminology 2024). The government assists victims of slavery through initiatives such as the Additional Referral Pathway (ARP), which is managed by the Australian Red Cross. The scheme offers survivors essential services such as counseling and legal assistance, as

well as legal protection. Apart from enforcement, there have been breakthroughs in specific sectors in line with guidelines such as horticulture and fisheries. Proposals for possible future legislative changes to the Modern Slavery Act 2018, including the imposition of mandatory due diligence obligations and fines for non-compliance, are also under consideration.

Theory of Change: Global Regulation

Australia's engagement in global regulation demonstrates its commitment to incorporating international standards into domestic law while also contributing to the development of global norms. The Modern Slavery Act 2018 was directly influenced by the United Nations Guiding Principles on Business and Human Rights (UNGPs). It requires companies with annual consolidated revenue exceeding AUD 100 million to publish annual Modern Slavery Statements that detail risk assessments and mitigation strategies throughout their operations and supply chains (Australian Government 2024). As of September 2024, the government's Modern Slavery Statements Register had published more than 11,500 statements submitted by over 18,400 entities operating in 60 countries. This register represents the first government-managed public repository of its kind worldwide (Australian Government 2024).

Australia has demonstrated its commitment to international anti-slavery norms by ratifying the ILO Protocol of 2014 to the Forced Labour Convention in April 2022 (Minister for Foreign Affairs Minister for Women 2022). The 2023 review of the Modern Slavery Act 2018 suggested strengthening existing due diligence requirements. The above initiative aims at ensuring that Australia's domestic legislation is consistent with changing international best practices regarding mandatory human rights due diligence. The above initiatives can be seen as part of a clear strategy aimed at maintaining consistency between Australia's domestic response and international legal and normative developments.

In concert with Indonesia, Australia has played a leading role in regional efforts to tackle contemporary slavery through its co-chairmanship of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. This key forum comprises 45 member states, as well as four major partner organisations – the International Labour Organization (ILO), International Organisation for Migration

(IOM), United Nations High Commissioner for Refugees (UNHCR) and United Nations Office on Drugs and Crime (UNODC). In February 2023, the region's commitment to address modern slavery and human trafficking was reaffirmed at the Eighth Bali Process Ministerial Conference. Both at the conference, regional consultation mechanisms were established to respond better to changing migration patterns (Department of Foreign Affairs and Trade 2024).

Diplomatic efforts by Australia to address modern slavery have intensified in recent years. In 2023, the country appointed an Ambassador for Counter-Trafficking in Persons and Modern Slavery to boost multilateral advocacy and drive stronger international cooperation (Department of Foreign Affairs and Trade 2024). The Department of Foreign Affairs and Trade (DFAT) strengthened this initiative by introducing the International Engagement Strategy 2022–2025. The strategy focuses on building bilateral partnerships, enhancing global anti-slavery advocacy, and promoting development cooperation in the Indo-Pacific region. Australia is an active participant in major international forums such as the UNODC, ILO, APEC, and G20. These offer the country the opportunity to promote anti-slavery policies and to encourage stronger international cooperation (Department of Foreign Affairs and Trade 2024).

DISCUSSION

Theoretical Implications for Theory of Change

The Commonwealth Modern Slavery Act 2018 (MSA) that came into force on 1 January 2019 requires entities with annual revenues of at least AUD 100 million to report on modern slavery risks (Australian Government 2026). From a Theory of Change perspective, this policy reflects a deterrence-based approach, whereby increased transparency is intended to elevate the reputational and regulatory costs faced by businesses. However, although reporting obligations are mandatory, enforcement mechanisms remain limited. As a result, the associated increase in costs is relatively moderate, indicating that while a deterrent effect exists, it has not yet reached its full potential.

When situated within more recent critical debates, this transparency-based model reveals significant structural limitations. Contemporary policy analysis highlights that disclosure regimes, while effective in improving visibility, often fail to produce

substantive behavioural change in the absence of enforceable obligations and sanctions. Recent studies on mandatory human rights due diligence demonstrate that voluntary or disclosure-based mechanisms tend to generate compliance in form rather than in substance, reinforcing a gap between reporting practices and actual risk mitigation (Johnstone & Hesketh 2022). From a comparative perspective, Australia's approach can be positioned alongside the Modern Slavery Act 2015, which similarly relies on corporate reporting requirements.

However, recent developments in the United Kingdom indicate increasing pressure to move beyond transparency toward stronger enforcement and verification mechanisms. This evidence indicates a critical limitation in transparency-based deterrence where it lacks the enforcement power to regulate complex supply chains. Consequently, without mandatory compliance, accountability remains obscured, rendering a disclosure-only approach inadequate to address the structural roots of exploitation.

This limitation becomes more evident when Australia is situated within broader global regulatory shifts. The emergence of the Corporate Sustainability Due Diligence Directive represents a significant transformation in the governance of modern slavery and business-related human rights risks. Introduced by the European Commission in 2022, this framework imposes binding obligations on companies to identify, prevent, and mitigate human rights violations across their entire value chains, backed by administrative sanctions and civil liability mechanisms (Flacks & Songy 2022). Subsequent developments in 2023 further strengthened these provisions by incorporating stricter enforcement measures, including financial penalties and expanded due diligence requirements across sectors (Grassadonia 2023).

This shift reflects an evolution in the operationalisation of deterrence. Rather than relying primarily on reputational pressure, emerging regulatory models seek to increase the material and legal costs of non-compliance, thereby strengthening the causal pathway between regulation and behavioural change. At the same time, these developments reinforce the role of global regulation by harmonising standards across jurisdictions and reducing opportunities for regulatory arbitrage.

Australia's continued reliance on a transparency-based framework can be seen as a transitional step toward a global shift that increasingly favors mandatory due diligence. Although the Modern Slavery Act (MSA) has improved awareness and encouraged more

reporting, it still falls short of meeting the growing international expectation for enforceable accountability. This gap helps explain the study's main finding, described as a pandemic paradox, where better detection and reporting occur alongside ongoing structural vulnerabilities. Using the Theory of Change approach, the study shows that while deterrence measures and global regulatory efforts have strengthened visibility and coordination, they are not yet capable of addressing the root causes of modern slavery, especially during crisis periods such as the Covid-19 pandemic.

On 31 March 2022, Australia ratified the Protocol of 2014 to the Forced Labour Convention, thereby committing to measures on prevention, victim protection, access to justice, and prosecution (International Labour Organization 2022). Based on this finding, the Theory of Change shows that this development illustrates how global regulatory frameworks operate through international legal commitments that reinforce domestic institutional capacity. Such alignment with international standards supports long-term structural change that extends beyond national boundaries.

On 25 May 2023, a statutory review of the Commonwealth Modern Slavery Act 2018 (MSA) was tabled, assessing its first three years of implementation and producing 30 recommendations, including the introduction of penalties, lowering the reporting threshold to AUD 50 million, and mandating due diligence systems (Australian Government 2026). From a Theory of Change perspective, this development indicates a shift from a relatively weak deterrence approach toward a stronger one. The proposed introduction of penalties and more stringent requirements is intended to increase the cost of non-compliance, suggesting that Australia is refining its policy approach in response to identified gaps in earlier implementation.

Australia's international strategy includes the expansion of the Ambassador's role on 9 February 2023, the launch of the International Engagement Strategy on 25 March 2022, and the strengthening of multilateral and bilateral cooperation under the National Action Plan to Combat Modern Slavery 2020–2025 (Australian Government 2026). These developments reflect a form of global regulation in which coordination across countries, institutions, and development programs is utilized to address underlying drivers such as poverty and gender inequality. This aligns with the Theory of Change assumption that transnational crime requires collective action.

The Bali Process that is co-chaired by Australia and Indonesia marked its 20th anniversary in 2022, followed by the 8th Ministerial Conference held on 10 February 2023 that renewed commitments to regional cooperation (Australian Government 2026). This development demonstrates regional-level global regulation, as Australia actively engages in multilateral platforms to address trafficking networks. Such engagement strengthens coordination within stakeholders, thereby constraining the operational space for organized crime. Complementing this, cooperation between Australia and the United Kingdom (UK) highlights efforts to enhance supply chain transparency and advance global anti-slavery initiatives (Government of the United Kingdom 2022). This form of collaboration reflects bilateral global regulation, where countries align through shared standards to harmonize rules and reduce gaps with global supply chains.

Building on the analysis, this study conceptualises a 'pandemic paradox' to capture the tension between increased visibility and persistent structural vulnerability in modern slavery governance. While Australia strengthened deterrence through reporting obligations and expanded global regulation through international and regional cooperation, these measures primarily enhanced detection, coordination, and institutional responsiveness rather than reducing the underlying incidence of exploitation. The paradox therefore lies in the coexistence of improved governance capacity with enduring structural drivers, particularly those linked to migrant precarity and socio-economic disruption during the pandemic.

Policy Implications and Strategic Lessons

The findings of this study suggest that the current approach to modern slavery in Australia outlined within the National Action Plan to Combat Modern Slavery 2020-2025 policy framework is comprehensive and sufficiently interconnected. It includes prevention, enforcement of laws, assistance to victims and partnership as well as research. The policy framework is a useful guide for other countries with similar capabilities and the desire to formulate an overarching strategy to address modern slavery. In this, one of its strengths is how it brings together actors from different parts: governments, private sector, civil society and the international community. This is a recognition that modern slavery is not just an enforcement issue, and requires a much broader response.” The strategy is based on clear priorities and extensive actions. These aid in the alignment of policies across

institutions and increase collaboration between national, state and local entities. In Australia, evidence shows that the pursuit of common goals along a systematic and disciplined framework can lead to corporates enacting consistent policies and more sustainable practices in relation to modern slavery (Attorney-General's Department 2024).

However, the current regulatory framework also has its shortcomings. A large number of the legal frameworks that need to be adhered to include legally binding due diligence requirements. Australia's Modern Slavery Act 2018 is not one of them, as it is more focused on the aspect of transparency. This again brings us to the conclusion that better policy requires better accountability. In fact, research indicates that many companies would actually welcome increased regulatory scrutiny. These include obligatory due diligence practices and stringent sanctions for those who fail to comply. These practices, depending on the final text, could lead to the embedding of human rights risk in the corporate supply chain. Mechanisms that rely on transparency are not adequate in inducing lasting changes in organizational behavior from an institutional standpoint. A stronger model would have legally enforceable requirements to mitigate the risks, align disclosures with international standards, and impose significant penalties for failure to comply. Such changes could enhance regulatory outcomes at lower reporting costs to affected parties. Over time, they would lead to better corporate responsibility and more credible disclosure practices (Marshall et al. 2023).

Another significant strategic realization is striking a balance between national and international norms. Comparative reviews of worldwide best practices indicate that a number of countries are now enforcing binding human rights due diligence norms. Aligning regional laws with these universally accepted norms can help organizations comply with regulations worldwide. This can also help regions work together to prevent and fight modern slavery, which is normally perpetrated across multiple countries. The maintenance of consistent legal standards will also address the gaps in regulations that enable companies to move unethical business to countries with low regulatory environments. This will also address the issue of regulatory arbitrage, which enables companies to move their operations to countries with low regulatory environments. From this understanding, the importance of harm reduction in addressing modern slavery becomes evident. With this approach, it will be less likely for a country to be perceived

as a place where commodities associated with forced labor are sent or transited. It also enhances transparency, accountability, and shared responsibility (Doherty 2025).

The Australian experience illustrates the need for evidence-based policy, grounded in robust data infrastructure, in addressing modern slavery. Governments can capture new trends, understand victim demographics, and assess whether enforcement tools are working over time through systematic monitoring and analysis of data. Nations with shared institutional settings can improve policy responses through integrated data systems that capture incidence of cases, the demographic characteristics of those affected and legal outcomes. These methods equip policymakers to develop more responsive, targeted interventions that are based upon existing conditions and not just assumptions.

CONCLUSION

Through the lens of the Theory of Change, this research finds that Australia's response to modern slavery in the context of Covid-19 demonstrates a dual strategy of deterrence and global regulation, yet it is fundamentally encapsulated by a central pandemic paradox. This study offers a significant empirical contribution by documenting an under-analysed crisis period from 2020 to 2023, revealing how systemic disruptions fundamentally reshape anti-slavery governance efficacy. The manuscript extends the application of the Theory of Change to conditions of global shock, demonstrating that while formal mechanisms may remain rigid, criminal practices prove highly adaptive, thereby creating a critical adaptation gap that existing transparency-based models fail to bridge.

Furthermore, the research provides a strategic policy roadmap by drawing transferable lessons for regional middle powers, emphasizing the transition from voluntary disclosure toward enforceable due diligence mechanisms. This transition is essential to close the loop on the pandemic paradox, as evidence shows that improved institutional detection and higher reporting rates do not automatically translate into a reduction of actual exploitation when underlying socio-economic drivers remain unaddressed. By explicitly linking these findings, the study reinforces the necessity of moving beyond a soft regulatory approach toward one that imposes significant penalties and mandatory compliance to achieve substantive behavioral change in complex supply chains.

Lastly, the regional dimension of this research highlights the importance of an intermestic perspective, particularly through Australia's leadership in the Bali Process alongside Indonesia. This bilateral and multilateral cooperation serves as a crucial mechanism for harmonizing standards and constraining the operational space for transnational organized crime across the Indo-Pacific. However, the study concludes that for such regional efforts to be truly effective, they must be integrated with proactive socio-economic protections and victim-centered recovery strategies that address the root causes of vulnerability exacerbated by global crises.

DECLARATION OF INTEREST

The author has no conflict of interest with regards to this research. The research was done independently and objectively, with no influences from financial, institutional, and personal factors. The conclusions and recommendations made in this study are solely based on the research results. The conclusions and recommendations made in this study hope to further contribute to the ongoing debate and further research on modern slavery, as well as the improvement of the responses made by the government.

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USE OF AI IN THIS RESEARCH

In the process of writing this article, the author used AI as a supporting tool to help find additional academic sources that may not have been previously found. The data presented on pages 13, 14, and 15 was obtained through the use of AI for searching and filtering relevant information. However, the substantive content of each paragraph was independently developed by the author based on the referenced academic journals, official government websites and documents.

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