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# Regulating Australia's Participation In The Orphanage Industry

Australia is the largest funder of residential care for children in South East Asia (Knaus, 2018). In 2017, Australia became the first country to declare orphanage trafficking a form of modern slavery (Australian Government, 2017). As a result of an Inquiry into whether Australia should have a Modern Slavery Act, the 'Hidden in Plain Sight Report' detailed extensive evidence submitted by Australian and international non-government organisations and experts on Australia's contribution via funding and voluntourism to the over-institutionalisation of children globally. A particular focus of the Report related to the recruitment of children into residential care facilities for the purpose of exploitation and profit, a process known as orphanage trafficking (van Doore, 2016).

In seeking to respond to orphanage trafficking, the Inquiry Committee made a series of recommendations to amend policy and legislation, including recommendations to criminalise aspects of funding and volunteering in orphanages (Australian Government, 2017). This paper outlines the steps that Australia has taken since the release of the Hidden in Plain Sight Report to stem the flow of funding and volunteers to orphanages overseas. It outlines how policy and legislative reform have taken place in the regulation of charities, voluntourism and modern slavery to attempt to impact Australia's unwitting participation in the 'orphanage industry' (Cheney, 2015). The paper details government reform from advertising and awareness campaigns (DFAT, 2017) to the requirement to report on orphanage voluntourism in corporate supply chains (Australian Government, 2019).

More broadly, while it argues that a spotlight on orphanage trafficking has enabled child protection advocates to re-enliven and re-educate policy makers and legislators on the harms of institutionalisation, it also highlights that this approach has not been without critics. In particular, child protection experts warn that a concentration on addressing orphanage trafficking and 'scam orphanages' can obfuscate awareness of the nuances of alternative care (Nhep & van Doore, 2018), and also that employing trafficking discourse to address the social issue of the over-use of institutional care of children may not be beneficial (Bearup, 2019).

Nevertheless, other countries are following Australia's lead, including the United Kingdom and the Netherlands, who have each indicated an appetite for reform in the areas of modern slavery and orphanage voluntourism. This paper traces the emerging policy and legislative reforms that are being undertaken by these countries and recommends further development to ensure that funding and finances are appropriately directed to divest from orphanages and instead support burgeoning care reform in the South Asian region.

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trafficking. She is a co-founder and Board Director of Forget Me Not Australia, an international non-governmental organization focused on child protection and family reunification for children residing outside of parental care. Kate is a member of the ReThink Orphanages Global Working Group, and a Steering Committee member of ReThink Orphanages Australia. She sits on the Advisory Board for the International Bar Association's Presidential Taskforce on Migrant and Refugee Children, and a Senior Fellow at the Centre for Children, Law & Ethics, Cumberland Law School, Samford University, USA.

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