

Submission:
**Inquiry into the Crimes Legislation Amendment
(Law Enforcement Integrity, Vulnerable Witness
Protection and Other Measures) Bill 2013**

Australian Catholic Religious Against
Trafficking in Humans (ACRATH)

ACRATH
52 Beaconsfield Pde
Albert Park 3206
www.acrath.org.au

Contact:
Sr Maree Marsh csb
ACRATH National Chairperson

Christine Carolan
National Projects Coordinator

projects@acrath.org.au

June 2013

1. About ACRATH

ACRATH works towards the elimination of people trafficking in Australia, the Asia Pacific region and internationally. ACRATH does this by:

- a. conducting education and community awareness campaigns
- b. working to ensure trafficked people's needs are met, be they retraining, access to financial compensation, medical and dental care, accompaniment, or other needs.
- c. networking with like-minded organisations in Australia, the Asia Pacific region and internationally to advocate for measures to address people trafficking

ACRATH believes change can be achieved when civil society and government work co-operatively to tackle issues. We endeavour to work from a collaborative model.

2. ACRATH response concerning

Crimes Act 1914

and

Criminal Code Act 1995

in relation to victims of slavery, slavery-like and human trafficking offences to: extend vulnerable witness protections to adult victims and to enable evidence to be given in retrials and subsequent trials; provide for the use of victim impact statements; and enable courts to hear evidence by video-link from witnesses outside Australia;

3. Court Proceedings and Confidentiality

ACRATH is aware of a situation in which the confidentiality of a person who had been trafficked into Australia was breached. A recent Australian newspaper report about a human trafficking trial provided sufficient detail about the person who had been trafficked into Australia, that they were able to be identified. Although the names were asked to be suppressed, other reported details led to the person being identified. The Australian newspaper report was picked up by other media internationally which led to the person being identified within their home community. Not only does this person feel shame for themselves, but they believe it has been humiliating for their family and culture.

Australia, as a signatory to the Palermo Protocol, has a responsibility to 'protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential (Article 6).' In speaking of

the status of victims of trafficking in persons the Palermo Protocol also states that receiving states 'shall give consideration to humanitarian and compassionate factors (Article 7).'

ACRATH recommends that more specific guidelines be given to the media concerning the confidentiality of victims to ensure that Australia's obligations under Article 6 of the Palermo Protocol, as quoted above, are not contravened.

4. Vulnerable Witness Protection

ACRATH would like to congratulate the government for introducing the Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013 to Parliament recently. Extending existing vulnerable witness protections available to child witnesses to adult victims of slavery, slavery-like and human trafficking offences will be one way of reducing the level of re-traumatization of individuals giving evidence in relation to the harm they have suffered. ACRATH has long been concerned about the need to protect vulnerable witnesses.

5. Human Rights approach

We believe the best outcomes will be achieved when the government response to women experiencing human trafficking is underpinned by a human rights approach.

6. Conclusion

ACRATH is keen to have these provisions noted in this Inquiry. Thank you for enabling this input.