

FECCA submission to the

Senate Legal and Constitutional Affairs
Committee

Inquiry into the
Crimes Legislation Amendment
(Slavery, Slavery-like Conditions &
People Trafficking) Bill 2012

August 2012

About FECCA

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australians from culturally and linguistically diverse (CALD) backgrounds. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are designed around the concepts of empowerment and inclusion, and are formulated with the common good of all Australians in mind.

Background

FECCA welcomes the opportunity to give feedback on the proposed amendments to the *Criminal Code Act 1995* (Cth) and other relevant Acts through the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012, which, if passed, would criminalise offences including forced marriage, forced labour and organ trafficking. We commend the Attorney-General, the Hon Nicola Roxon MP, and the Australian Government for pursuing these issues through a rigorous consultation process and providing avenues for comment.

FECCA considers human trafficking, slavery, slavery-like practices and forced marriage violations of human rights. Such practices inhibit a person's freedom, have grave implications for health and wellbeing and, among other ramifications, negatively affect family and community relations.

FECCA has already raised many of the issues we consider important, and provided detailed recommendations in relation to this Bill, via our [submission on the Exposure Draft](#) to the Attorney-General's Department (AGD) in January 2012. This submission is attached as **Attachment A**. Our submission to the Exposure Draft drew upon FECCA's previously established stance on forced marriage, which we outlined to the AGD in response to its *Forced and Servile Marriage Discussion Paper* in February 2011. On that occasion, FECCA submitted via our contribution to the [submission from the Australian Immigration and Refugee Women's Alliance \(AIRWA\)](#). AIRWA was a partnership between the Network of Immigrant and Refugee Women Australia Inc. (NIRWA) and FECCA's Women's Advisory Committee, with NIRWA as the lead agency. Our suggestions in relation to service provision, education and Culturally and Linguistically Diverse (CALD) community involvement also apply to trafficking and slavery practices in Australia. As such, this is a short submission that seeks to draw attention to and reiterate a position we have held for some time.

Specific comments on the Bill

FECCA supports in principle the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012. In particular we highlight the importance of introducing into relevant legislation the more expansive and explicit definitions, particularly of forced marriage, and value that the amendment recognises coercive behaviours, threats and the

existence of power imbalances as entrenched and foundational to the sustainment of trafficking, slavery, slavery-like practices and forced marriage. Such practices strip away the basic human rights and dignities of vulnerable people, especially women, and should be expressly legislated against in Australian law.

We also support the inclusion of provisions in the Bill that recognise issues associated with trafficking, slavery and forced marriage that have the potential to affect people from CALD backgrounds in particular. Such issues include deportation threats made by offenders, barriers including the ‘ability to speak, write and understand English’¹ and the involvement of a third party to the arrangement of a forced marriage.

We support the implementation of the legislation, with the proviso that it be adopted in addition to supporting policy that works toward strong community-based grassroots initiatives.² We believe this is crucial to encouraging significant attitudinal and behavioural changes whilst ensuring that support programs foster culturally, linguistically and religiously sensitive practices. It is important that support programs include ongoing community education, as well as avenues to promote individual and community advocacy on behalf of people who have experienced or are experiencing slavery, slavery-like practices, trafficking or forced marriage. The disempowerment and repression that results from being targeted by such practices can lead to individuals’ inability to speak for themselves—advocacy by others may be a way of ensuring the voices of the most vulnerable are heard. The Bill is a step in the right direction—but it is FECCA’s view that it should be accompanied by practical action that works to discourage such practices and promotes the rights and dignities of the most vulnerable.

¹ Parliament of Australia, *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012: No. , 2012*, Subdivision C–Slavery-like conditions: 270.10 Slavery-like offences–Relevant evidence: (2)(c)(ii), House of Representatives/The Senate, The Parliament of the Commonwealth of Australia.

² Australian Immigrant and Refugee Women’s Alliance, *Submission to the Attorney General’s Office Forced and Servile Marriage Discussion Paper*, 25 February 2011, p. 4 (accessed 6 August 2012).
http://www.fecca.org.au/images/stories/documents/Submissions/2011/submissions_2011028.pdf

Key recommendations

FECCA recommends that:

- 1. the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 be passed;**
- 2. legislative and policy measures to address slavery, slavery-like conditions, people trafficking and forced marriage be complemented by a holistic approach based on prevention, detection, victim support and community involvement; and**
- 3. all support measures to address slavery, slavery-like conditions, people trafficking and forced marriage be developed and implemented with the involvement of culturally and linguistically diverse communities, and respecting cultural, linguistic and religious sensitivities.**