



Submission No 14

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

Organisation: Federation of Ethnic Communities' Councils of
Australia

FECCA Submission

**To the Joint Standing Committee on Foreign
Affairs, Defence and Trade**

Human Rights Sub-Committee's

**Inquiry into Slavery, Slavery like Conditions
and People Trafficking**

September 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

The Federation of Ethnic Communities' Councils of Australia (FECCA) welcomes the opportunity to contribute to the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade's ('The Committee') *Inquiry into Slavery, Slavery Like Conditions and People Trafficking* ('The Inquiry').

FECCA, as the peak, national body representing Australians from Culturally and Linguistically Diverse (CALD) backgrounds, is deeply concerned by the matters addressed by this Inquiry, as we know that many of the victims of slavery, slavery like practices, people trafficking and forced marriage (an associated matter of great concern) in Australia are members of our constituency.

As the limited research in this field has indicated, victims in Australia are predominantly from culturally diverse backgrounds – largely being transported from countries such as Malaysia, Thailand and South Korea to work in industries including prostitution and hospitality.ⁱ We therefore advocate, in the first instance, that any action taken in this arena must give due consideration to matters of cultural and linguistic diversity, and recognise the associated barriers that may hinder access to, and utilisation of, legal and social support and protection frameworks.

In recent times FECCA has contributed to the ongoing national discussion around slavery, slavery like practices, people trafficking and forced marriage through a number of submission processes, and we take this opportunity to commend these resources to The Committee, to be considered within the scope of the current Inquiry.

In August 2012 we submitted to the [Senate Legal and Constitutional Affairs Committee- Inquiry into the Crimes Legislation Amendment \(Slavery, Slavery-like Conditions & People Trafficking\) Bill 2012.](#) This paper followed on from our [Submission to the Exposure Draft to the Attorney-General's Department](#) on this same Bill.

In these papers we supported, in principle, the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012* (Cth), highlighting in particular the importance of introducing more expansive and explicit definitions of forced marriage and the importance of proposed key clauses relating to matters of particular relevance to CALD communities - including around threats made by offenders in relation to deportation. In particular, we also advocated for this new legislation to be accompanied by practical action which works to not only discourage the unconscionable practices at the centre of this Inquiry, but which also promotes the rights and dignities of the most vulnerable in a culturally and linguistically sensitive manner.

We also draw The Committee's attention to [FECCA's previously outlined position on forced marriage](#) (an areas which we contend is very relevant within the scope of the current Inquiry due to the coercive nature of this practice which can see the transport of persons over borders against their will), which we submitted to the Attorney-General's Department in response to its *Forced and Servile Marriage Discussion Paper* in February 2012. On that occasion, FECCA submitted via our contribution to the submission from the Australian Immigrant and Refugee Women's Alliance (AIRWA), which was a partnership between the Network of Immigrant and Refugee Women of Australia Inc. (NIRWA) and the FECCA Women's Advisory Committee, with NIRWA as the lead agency.

Inquiry Terms of Reference

FECCA takes this opportunity to respond The Committee's terms of reference, in particular term 1 – Australia's efforts to address people trafficking, including through prosecuting offenders and protecting and supporting victims.

FECCA contends here that it is imperative that adequate action is taken at the domestic level to not only prevent the occurrence of the harmful and distressing practices at the centre of this Inquiry, but also to support the victims of these practices through mechanisms such as rights education and on the ground support and assistance. This on the ground support must include in-language support and the engagement of bicultural support workers, as far as is possible.

It is pertinent that a holistic approach to supporting the victims of trafficking, slavery, slavery like practices and forced marriage is implemented in Australia, which spans across legislation, policy and community based support initiatives. As part of this holistic approach service providers administering support to victims must be required to undertake cultural competency training to ensure they are adequately meeting the needs of victims, who are most often from CALD backgrounds. This should not only be implemented in front line services but also at a systemic level.

FECCA also calls for significant resourcing of further research into people trafficking, slavery, slavery like practices and forced marriage – which utilises both qualitative and quantitative methods, and is disaggregated and values the importance of cultural, linguistic and religious implications of such practices. It is evident that there is currently a significant lack of research into this area in Australia. We also contend that such research must value and respect the input of CALD communities and actively seeks out their participation and contribution to such initiatives.

Finally, we commend the existing services working to support victims on the ground, and thank the Federal Parliament for its ongoing engagement with, and commitment to, the eradication of the unconscionable and damaging practices of slavery, slavery like practices, people trafficking and the associated issue of forced marriage.

Following the recent national level reviews into these issues we look forward to the timely implementation of policies and initiatives that not only bring the down the full weight of the

law on to the perpetrators of such offences, but which also seek to support the victims of these offences through culturally appropriate and compassionate means.

FECCA has welcomed the opportunity to contribute to this Inquiry.

ⁱ Dr Andreas Schloenhardt 2009, *Support Schemes for Victims of Trafficking in Persons: Australia*, Human Trafficking Working Group, TC Beirne School of Law, The University of Queensland, p. 4, accessed 20/9/12: <<http://www.law.uq.edu.au/documents/humantrafficking/victimsupport/Support-for-Trafficking-Victims.pdf>>.