



# Australian perspectives on forced labour, servitude and slavery

**Roscoe Howell**

Foreword by

The Hon. Dr Robyn Layton AO QC

Occasional Paper No 1

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# Occasional Papers of Slavery Links

Slavery Links Occasional Papers are intended to contribute to discussion on specific issues relating to slavery in the Asia Pacific. These papers draw on the evidence-based work of practitioners. They are designed to disseminate information and provide analysis considered useful for government, researchers and the community. They apply a strict definition of slavery. They are intended to filter and sort information, to assist readers to discern '*what is the problem to be solved*' by Australia and Australians. Citations are repeated in full so that each Section can be taken up and read independently.

## **What is Slavery Links?**

Slavery Links considers slavery as defined in the Supplementary Convention 1956 and Australia's Criminal Code. Slavery Links has provided education, research and policy development since 2009. Projects include public speaking; the development of education materials; public exhibitions and a public library.

Why? In a global economy, Australia is exposed to slave-making forces that operate in the Asia Pacific.

## **How does Slavery Links operate?**

Slavery Links Australia Inc. is a charity, incorporated in Victoria. The Board and other members work *pro bono*. We are funded by members, not by Government, philanthropic trusts or public appeals. We are supported by experienced mentors, who guide our policy work. We do accept donations.

## **What difference does Slavery Links make?**

Slavery Links seeks ways to minimise the harms of slavery and ways to control them. The intent is to produce:

- better business and government decisions
- more informed consumers
- more engaged members of Non-Government Organisations.

Australians are exposed to slave-making forces, thus Australia can be part of the problem. Slavery Links encourages Australians to be part of the solution. Slavery Links aims to increase community awareness, increase community action and assist organisations to recognise their anti-slavery roles more fully.

**You are invited ...**

Slavery Links would like to include your skills and experience in our work.

You are invited to join Slavery Links as a member, and to become a Mentor if you wish. We also encourage you to make a donation.

Your comments are welcome on this Paper or other papers to be found at [www.library.slaverylinks.org](http://www.library.slaverylinks.org)

Slavery Links can be contacted at P.O. Box 1357 Camberwell 3124 or [admin@slaverylinks.org](mailto:admin@slaverylinks.org)

# Summary

Slavery goes beyond abuse and exploitation. It happens when one person, in effect, owns another. The theft of freedom makes slavery a crime against humanity. Cases of slavery have been found in present day Australia.

Section 1 sets out eleven *indicia* or tests which, taken together, indicate if slavery has been identified.

Section 2 traces recent developments of international law regarding slavery. Three essential treaties are discussed: the Slavery Convention 1926, where slavery was defined by the League of Nations; the Forced Labour Convention, No 30 of 1929, which was concluded by the International Labour Organisation (ILO); and the Supplementary Convention 1956, where the United Nations (UN) resolved to deal with forced labour and other situations that could develop into slave-like conditions.

There is a gap in the regime however: the Supplementary Convention lacks a treaty monitoring body or any means of enforcement, leaving the ILO's Forced Labour Convention as the only viable mechanism. On the face of it, this appears practicable, but the ILO deals with *exploitation* and not slavery (*ownership*).

Section 3 refers to Australian law, which was reformed in 2013. The Criminal Code creates a hierarchy of offences, from forced labour to servitude to the most serious form, which is slavery. The focus is on the relationship between a worker and the person forcing him or her to work. The emphasis is on the *forcing*, not on the industry or occupation where the work is being performed. This offers all workers protection from forcing, whether in agriculture, building, or the service industries.

However, the possibility of category error exists, where the slavery component of a case gets overlooked and dealt with as a civil matter, workplace relations or occupational health, rather than as a serious crime.

Section 4 reports that between 50,000 and 100,000 people are working in Australia without Visas, under the radar but exposed to pressure and exploitation from criminals. While the overall situation may be monitored by Immigration or other Commonwealth agencies, in practice such cases seem to be detected or exposed by people at a local level. Section 4 considers the roles of local workplace inspectors, occupational health and safety officers, local government inspectors, welfare support workers and housing officers – any of whom may have a role in alerting senior managers or Police if it appears that people have been enslaved. Such encounters need to be supported, so that practitioners, service providers and government can be assured that detection is happening in systematic ways.

Section 5 considers labour migration in the region. It describes a ‘protection gap’ and the consequences for forced migrants in particular. The paper takes Thailand as an example. From the point of view of Rohingya people trying to reach Thailand, or similar labour migrants on Thai fishing vessels, the ‘protection gap’ has had lethal consequences.

The paper considers the consequences of the ‘protection gap’ for Australia and possible contamination of Australian supply chains by forced labour, servitude and slavery.

What drives forced migration? What are the underlying problems? What would need to be changed to address those problems? Section 6 considers these aspects.

# Foreword

Millions of people in the world today still experience forced labour, servitude and slavery. It is not confined to developing countries, but is also found in wealthy developed countries, including Australia. Slavery Links, a charity organisation, has made forced labour the subject of the first Occasional Paper in a planned series to inform Australians about the continuing problem of modern slavery. In 2014 I was honoured to be requested to write a Foreword to the Paper.

In 1998, I was one of three Commissioners appointed by the United Nations International Labour Organisation (ILO), to undertake an inquiry and provide a report with recommendations, about a country in Australia's region where there had been complaints about serious infringements of the Forced Labour Convention, 1930 (No. 29). The country was Burma, or as it is officially known today, Myanmar. The country had ratified the Forced Labour Convention, 1930 (No. 29),<sup>1</sup> and was obliged to comply with the Convention provisions. The Commission of Inquiry after reviewing documentation, holding hearings and taking first hand evidence in the regions, concluded: the use of forced labour was pervasive; it was accompanied by killings, violence and mistreatment sometimes leading to death; and by reason of the large scale of breaches, it amounted to a crime against humanity. The Inquiry put the international spotlight on what had been largely a hidden problem in Myanmar. International pressure was exerted and trade sanctions were applied by important trading partners. The ILO and the Government started a dialogue which developed incrementally into a reform process to change the situation, which dialogue continues.

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<sup>1</sup> To be precise, the United Kingdom of Great Britain and Ireland, as the colonial power, ratified the Forced Labour Convention on behalf of its colony, Burma. The Convention has not since been denounced.

This example illustrates several points which have been made in this Occasional Paper. Forced labour, servitude and slavery is conduct which breaches fundamental human rights and has a serious impact, physically and psychologically, on vulnerable people. International treaties and conventions and other international instruments, provide us with tests or benchmarks for what is acceptable and what is not. These are clearly explained in the Paper, together with important reforms that were made to the Criminal Code in Australia in 2013 to create a hierarchy of offences from forced labour, servitude, through to the worst form, slavery. This legislation places Australia at the leading edge of anti-slavery legislation.

The Occasional Paper refers to concerning recent examples of forced labour, servitude and slavery in the Asia Pacific and in also Australia. The issue of category error is also identified, that is where particular conduct may be wrongly characterised as a civil industrial or workplace matter or an issue of occupational health, when a correct analysis would reveal that it is a crime.

Two other challenging issues are identified in the Paper, the exposure of the supply chains of Australian businesses and also the circumstance of labour migrants in the region. Australia also has thousands of people working within the country without current visas which can result in their situation being exploited. These problems are linked. The Paper draws attention to the serious work which is required by business and governments, and indeed the general public, to ensure that work circumstances, production and supply chains, do not involve conduct which breaches fundamental human rights. Vigilance is required – and that starts with information.

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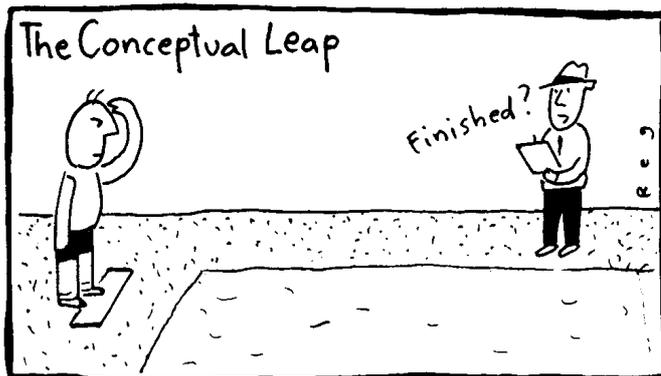
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# 1. What is slavery?

Slavery exists when one person in effect owns another.<sup>1</sup>

Try to understand what it would be like to be owned by someone else, or to be a slave owner. Think about it.



Such experiences were described by the International Criminal Tribunal for the Former Yugoslavia (ICTFY), following the Balkans war. The Tribunal was established to deal with crimes that had been committed in the fighting, including slavery in war.<sup>2</sup> In one trial<sup>3</sup> the Tribunal defined eleven tests or *indicia*, to indicate if enslavement was present. At some threshold level, the *indicia* could be used to test if ownership was in effect being exercised.

## Eleven tests of 'ownership' and enslavement were:

- Control of movement
- Control of environment
- Psychological control
- Control of escape
- Force
- Threat of force or coercion
- Durance (duration)
- Assertion of exclusivity
- Subjection to cruel treatment and abuse
- Control of sexuality, and
- Forced labour

1. The precise words are "the exercise of any or all of the powers attaching to the right of ownership".
  - These words, from the 1926 Slavery Convention, have been applied in the High Court of Australia (R v Tang (2008) 237 CLR 1) and the International Criminal Tribunal for the former Yugoslavia (Prosecutor v Kunarac, Kovac & Vukovic).
  - The Wei Tang case upheld the conviction of a brothel keeper in Melbourne who kept women in a state of slavery.
2. In the Balkans war, rape was used as a tactic during the fighting. Women were enslaved. Slavery in war is a crime in international law and an offence under Division 268 of the Australian Criminal Code (Commonwealth)
3. The trial, by the International Criminal Tribunal for the Former Yugoslavia, ICTFY (Prosecutor v. Kunarac, Kovac and Vukovic, Case No IT-97-25-T, Judgment, ¶ 353 and nn. 955-57 [Mar. 15, 2001]) was cited in Anne Gallagher (2009) Human Rights and Human Trafficking: A Quagmire or Firm Ground? A response to James Hathaway, *Virginia Journal of International Law*, Vol 49, No 4, page 807. Copies of Gallagher's article can be found online
 

A similar point was made by Jean Allain (see Note 5) but cited as:

  - Kunarac (Trial Chamber) Case No IT-96-23 and IT-96-23/1-T (22 February 2001) (Judgment) [541].
  - Kunarac (Appeals Chamber) Case No IT-96-23 and IT-96-23/1-A (12 June 2002) (Judgment) [118].

Taken as a whole, these eleven tests describe the point at which the powers of ownership come to be exercised; the point where one person becomes enslaved and the abuser becomes a slave owner. The tests go beyond 'everyday' abuse and exploitation.

There are many exploitive or abusive relationships in the world. This paper is not about abuse or exploitation. It is about slavery. Only when one person, in effect, owns another person is slavery deemed to occur.<sup>4</sup>

The ruling from the ICTFY, and interpretation by the High Court of Australia,<sup>5</sup> does enable practical distinctions to be made between exploitation and slavery. Consider the examples below:

- When a child 'helping' on a farm might be working for family; or instead might be a child born into farm slavery and / or trapped into dangerous or damaging work.
- When a 'normal' form of relationship might become distorted and leave a person isolated, servile and captive (such as in forced labour or forced marriage).

International law is also relevant because a country which ratifies a treaty is obliged to pass relevant legislation to implement the treaty in local law. This aspect has been discussed in Section 2.

Section 3 refers to Australian law. It describes the hierarchy of offences in Australia, from forced labour to servitude to the most serious form, which is slavery. In Australian law, the emphasis is on the *forcing*, not on the precise form of work being performed.

Section 4 considers where and how Australians might come into contact with these forms of slavery. Such encounters have implications for practitioners, service providers and government. Detection that happens locally needs to be supported.

Section 5 considers labour migration in the region. It describes a 'protection gap' in treaty arrangements and local laws covering migrant workers in the region. The consequences have been serious and, for some forced migrants, have been lethal.

Section 6 asks: 'What enables systems of slavery to persist?' It considers the four 'engines' which drive slavery in the Asia Pacific: poverty, powerlessness, crime/corruption and conflict.

4. There is a deep legal question about what ownership means and how the concept of possession can be applied to the definition of slavery.

At Queens University, Belfast, Principal investigator Dr Jean Allain and Dr Robin Hickey have been working with other academics and practitioners to clarify thinking in relation to ownership and property law. (Jean Allain provided information to assist in the Wei Tang case, which ran in Australia in 2008.)

For the International Criminal Justice Project. Go to: <http://www.qub.ac.uk/schools/SchoolofLaw/Research/ResearchProjects/SlaveryasthePowersAttachedtotheRightofOwnership/>

5. According to Jean Allain (2009) the ICTY and the European Court of Human Rights each referred to the definition of slavery in the 1926 Slavery Convention, but came to diverging conclusions as to what constitutes 'slavery' in law.
  - The European Court sought evidence of a literal 'right of ownership' over a person whereas the ICTY sought evidence of destruction of the juridical personality arising from powers attaching to the right of ownership.
  - In Australia, the High Court's analysis found that the 1926 definition included both *de jure* and *de facto* slavery. See:

Jean Allain (2009) R v Tang: Clarifying the Definition of 'Slavery' in International Law, *Melbourne Journal of International Law*, Vol 10, Case Notes. Go to: <http://www.law.unimelb.edu.au/files/dmfile/download19b61.pdf>

## 2. What is slavery in international law?

Slavery exists when one person in effect owns another.<sup>1</sup>

Ideas about slavery are not fixed. The current campaign against slavery began in Europe in the 1700s. From the 1800s, successive international agreements have been negotiated which express changing attitudes to slavery. These began with agreements about trade and navigation, and gradually developed into agreements about the *persons* of slaves, their rights as humans.<sup>2</sup>

This Section 2 refers to three international treaties from modern times, which address slavery and situations where forced labour may develop into slavery. These are:

- The Slavery Convention 1926, concluded by the League of Nations<sup>3</sup>
- The Forced Labour Convention 1930, concluded by the International Labour Organisation, and updated in 1957
- The Supplementary Convention 1956, concluded by the United Nations

A further form of slavery, slavery in war, was defined in the so-called Geneva Accords. Australia has signed the Convention regarding slavery in war and has legislated in relation to it, in Division 268 of Australia's Criminal Code. Slavery in war is outside the scope of this paper.

This paper refers to the Slavery Conventions of the United Nations and the Forced Labour Conventions of the International Labour Organisation, ILO. Since World War II, some other world bodies have acquired an anti-slavery role or conducted their work in ways which influence slavery.<sup>4</sup> Yet the above three Conventions provide the definitions of slavery and forced labour for any organisation which works in the field.

This Section considers the above three treaties on slavery and forced labour. The following Section 3 describes how Australia has implemented its obligations arising from these treaties.

1. The precise words are "the exercise of any or all of the powers attaching to the right of ownership". These words, from the 1926 Slavery Convention, have been applied in
  - the High Court of Australia (R. v Tang, 2008). The Wei Tang case upheld the conviction of a brothel keeper who kept enslaved women in Melbourne
  - The International Criminal Tribunal for the former Yugoslavia (Prosecutor v Kunarac, Kovac & Vukovic). See Note 3 in Section 1
2. The story of Europe's engagement with slavery and the Atlantic slave trade can be found in Hugh Thomas (1997) [The Slave Trade: The History of the Atlantic Slave Trade 1440-1870](#) (Picador, London)
3. The Slavery Convention 1926 can be found at: <http://library.slaverylinks.org/wp-content/uploads/sites/2/2014/06/Slavery-Convention-signed-at-Geneva-on-25-September-1926.pdf>
4. A summary of these roles and influences can be found in the discussion of official attempts to control modern slavery, to be found in Section 8 of Roscoe Howell (2011) [Australians and Modern Slavery](#) (Slavery Links, Brighton, Vic) pp 193-224

## 2.1 The Slavery Convention 1926

On 25 September 1926 the League of Nations concluded a Convention regarding slavery.<sup>5</sup> Article 1 defined slavery in terms of ownership: *'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.'*

5. See Note 3 above

In this paper a simpler form of words has been used: slavery happens when one person in effect owns another. A second simpler form to be found in this paper is: 'exercises the powers of ownership'. The concept of ownership is the essential aspect of a definition of slavery. The change from being free to unfree is what makes slavery a crime against humanity. The experience of, in effect, being owned needs to be understood when considering the challenges of becoming a free person.

### 2.1.1 Forced labour in the 1926 Convention

The 1926 Convention recognised that slavery can occur in obscure ways. In Article 5, the parties agreed to take all necessary measures to prevent compulsory or forced labour from developing into conditions similar<sup>6</sup> to slavery.

6. The Convention uses the term 'analogous' which has a more precise meaning. In the Shorter Oxford Dictionary analogous means 'similar in attributes, circumstances, relations or uses'.

This referred to situations in the past where former slaves had been trapped in a system of labour that was oppressive and was, in effect, forced labour. An example had occurred in the West Indies under the "apprenticeship system" that was created following the banning of slavery in British territories in 1833. Such a system was also part of Asia's experience of colonialism, the system of indentured or bonded labour, or the coolie system.

### 2.1.2 Differentiating slavery and the slave trade

International law differentiates between the slave *trade* and the condition or *institution* of slavery. In Article 2, the Convention 1926 set out its aims as follows:

- ( a ) To prevent and suppress the slave trade;
- ( b ) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

.....  
**2.1.3 Does the difference leave a gap in the law?**

The Convention’s way of understanding the difference between slavery and the slave trade is a legacy of history. Britain made its slave *trade* illegal in 1807, but did not free its slaves at that time. It allowed slave owners to hold their existing slaves until after 1833, when the institution of slavery was phased out. Neither of those steps addressed how slavery was embedded in the economy through shipping, plantation goods and in other ways.<sup>7</sup>

In the 1800s and subsequently, the slave trade was understood to be the trade in *persons*. It was not understood to cover the conduct of a business which relied on slave-like conditions to make a product or to deliver service. That omission is significant, because trade, business or supply chains may have been tainted by slavery. Strictly, such a business would only have been trading in goods and services. However, if slaves have done the work:

- How should the enterprise and its businesses be treated?
- How should its slave-tainted profits be regarded?
- What responsibility do shareholders, governments, civil society and consumers have?<sup>8</sup>

The current system rewards consumers with low prices, but transfers the costs of health, safety and environmental damage to workers and economies in the country of manufacture. In this way, when slave-tainted goods are in the market, poor and vulnerable workers subsidise rich consumers.



The former narrow historical view may be changing, with reforms in Australia in 2013 recognising a commercial transaction by which a person is reduced to slavery (see Section 3).

7. This argument was developed by David Brion Davis (1984) *Slavery and Human Progress*, (Oxford University Press: New York, Melbourne)

8. (Below) The logo used in the Turkish campaign to protect workers from silicosis acquired by sand blasting in the production of ‘stonewash’ jeans



## 2.2 Forced labour was further defined by the ILO (International Labour Organisation) in 1930

### 2.2.1 What is the International Labour Organisation?

The International Labour Organisation (ILO) was created in 1919. The founding document was negotiated along with the Treaty of Versailles at the end of World War 1. These treaties were intended to bring settled conditions to the world. In Part XIII, 'Labour', the ILO Treaty recognised the role that working people played in the world economy (and had played in the World War).<sup>9</sup> The treaty framework enabled governments to agree on identical or similar provisions for labour and business. These provisions were intended both to protect wage earners and the terms of trade between countries.

At the time of writing, the ILO had 185 Member States.<sup>10</sup> It was the only tripartite world body: this means that it included three parties from each Member, namely government, business and labour. Each can vote independently. The ILO does research; develops, adopts and promotes international conventions and recommendations regarding employment and working conditions; and monitors their application in Member States.

In the words of the United Nations Office in Brussels,<sup>11</sup> the contemporary ILO promotes decent work in four ways, by encouraging:

- Fundamental principles and rights at work<sup>12</sup> and international labour standards
- Employment, sustainable enterprises and income opportunities
- Social protection
- Social dialogue and tripartite consultations

The ILO relates to several situations where slavery can be found – for example, the ILO has negotiated treaty frameworks for the regulation of child labour<sup>13</sup> and of domestic service.<sup>14</sup> It has conducted studies of debt bondage<sup>15</sup> and the rehabilitation of child soldiers<sup>16</sup> and it regulates forced labour (Section 2.2.3).

9. In 1917 there had been a revolution in Russia which eventually replaced the Tsar with a Leninist government and established the USSR. Soldiers were motivated to support the coup, in part by the failure of the Tsarist government to respect the contribution of working people to the war. The other major powers took note, that allowing workers to be disregarded or allowing a large disparity in the distribution of social goods could lead to revolt against the capitalist system.
10. The list of ILO Member States can be found at: <http://www.ilo.org/public/english/standards/relm/ctry-ndx.htm>
11. The Brussels Office can be found at: <http://www.unbrussels.org/agencies/ilo.html>
12. Fundamental Principles and Rights at Work can be found at: <http://www.ilo.org/declaration/thedeclaration/textdeclaration/ang-en/index.htm>
13. ILO Worst Forms of Child Labour Convention 1999 No 182 [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312327](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312327)
14. International Labour Organization, ILO (2011) Text of the Convention Concerning Decent Work for Domestic Workers, One hundredth Session, Geneva, Item 15A [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_157836.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_157836.pdf)
15. For example see L. Mishra (2002) [Annotated Bibliography on Forced / Bonded Labour in India](#), Declaration Working Paper No 11, ILO Region Office for Asia and the Pacific (International Labour Office, Geneva December 2002)
16. International Labour Organization, ILO (2007) Prevention of child recruitment and reintegration of children associated with armed forces and groups: Strategic framework for addressing the economic gap, (Geneva, International Labour Office). Go to: <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=6965>

## 2.2.2 How does the ILO define forced labour?

Under the ILO Convention (No. 29, made in 1930, see over the page), forced labour comprised:

- Work or service exacted under the menace of a penalty (eg. a punishment or through the loss of rights and privileges); or
- Work or service performed involuntarily.

This refers to the form and nature of consent and the use of coercion or deception. In the ILO definition, forced labour is defined in terms of exploitation at work (not in terms of a level of over-control, or the *indicia* of slavery described in Section 1).

Despite this Convention, forced labour persisted and emerged in new forms. Advocacy group Gendercide<sup>17</sup> documented some:

- Industrialization projects of Stalinist Russia
- The Nazi camps from 1933 through World War II
- Forced labour and military rape by the Japanese from the 1930s, in Manchukuo (the puppet state in China) and through World War II.

To counter these new forms members of the ILO agreed on further actions to be taken, in the “Abolition of Forced Labour Convention, 1957”.<sup>18 19</sup>

## 2.2.3 Forced labour in the 21<sup>st</sup> Century

Forced Labour contravenes the Convention (see over) and the ILO Declaration on Fundamental Principles and Rights at Work.

In 2005 the ILO reported that 12.3 million persons worldwide were in some form of forced labour or bondage. Of these, 9.8 million were exploited by private agents, including more than 2.4 million in forced labour as a result of human trafficking.<sup>20</sup> In 2012, with different counting rules, the number was 21 million.<sup>21</sup>

In 2009, as effects of the global financial crisis became apparent, the ILO found a “... growing number of unethical, fraudulent and criminal practices that can lead people into situations of forced labour ...”. The ‘opportunity cost’ of coercion to the workers affected was found to be over USD 20 billion per year.

17. Gendercide is at:

[http://www.gendercide.org/case\\_corvee.html](http://www.gendercide.org/case_corvee.html)

18. The Abolition of Forced Labour Convention 1957, C 105. Go to: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C105>

19. A report on the ILO's special action program on forced labour around the world is at:

[http://www.ilo.org/sapfl/informationresources/ILOPublications/lang-en/docName-wcms\\_081991/index.htm](http://www.ilo.org/sapfl/informationresources/ILOPublications/lang-en/docName-wcms_081991/index.htm)

20. The ILO report can be found at: [http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Press\\_releases/lang-en/WCMS\\_106219/index.htm#1](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang-en/WCMS_106219/index.htm#1)

21. The revised results and methodology can be found at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf)

The revised counting rules were described on Pages 17 and 19. ‘Forced labour is thus not defined by the nature of the work being performed (which can be either legal or illegal under national law) but rather by the nature of the relationship between the person performing the work and the person exacting the work.’

Extract from the Convention (No.29) Concerning Forced Labour (Adopted 28 June, 1930. *Entry into force* 1 May 1932).<sup>22</sup>

1. For the purposes of this Convention the term “forced or compulsory labour” shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention the term “forced or compulsory labour” shall not include:

( a ) Any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

( b ) Any work or service which forms part of the normal civic obligations of the citizens of a fully self governing country;

( c ) Any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

( d ) Any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity ... and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

( e ) Minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

To view the complete Convention, Go to:

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>

22. Distinguish the activity (forced labour) from the location of the activity (sometimes a camp):

- It is also necessary to distinguish on what basis the work is being done (under a criminal sanction or internment)
- A criminal is charged with a crime, tried in court and may be sentenced to hard labour. This is a criminal penalty; not forced labour under the Convention
- An internee is one of a larger group of people who are confined according to social or political criteria without due process of a criminal trial
- Some internees are made to work. Other internees are just held or ‘concentrated’ in large groups.

In modern times civilians have been put into concentration camps on many occasions including the following:

- From 1895 - 97 the Spanish General Weyler interned Cubans and gave the US a pretext for war
- After September 1900 Australian troops in South Africa were used to round up civilian captives to be taken to concentration camps, where thousands of civilians died. Go to: <http://www.awm.gov.au/atwar/boer.asp>
- Australian soldiers were portrayed in the movie ‘Breaker Morant’
- From March 1901 US General J. Franklin Bell interned Filipinos opposed to the US invasion. Many Filipinos died
- Russians, Germans and Japanese used camps from the 1930s
- After World War II the British used internment camps in Kenya and the Americans used camps in Vietnam

## 2.3 The 1956 anti-slavery Convention (the Supplementary Convention)

Following World War II, the League of Nations was succeeded by the United Nations (UN). In Paris on 10 December 1948 the UN proclaimed the Universal Declaration of Human Rights (UDHR).<sup>23</sup> Article 4 of UDHR referred to slavery and suppression of the slave trade. But it is only with reference to the Supplementary Convention 1956 that Article 4 of the Universal Declaration can be understood. See the extract from the Supplementary Convention over the page.

The Supplementary Convention, 1956, continued the League of Nations' Slavery Convention, 1926. Each Convention defined slavery and the slave trade. Each Convention also referred to forced labour. The Supplementary Convention in addition defined four slave-making systems:

- child trading,
- debt bondage,
- forced marriage and
- peonage (a sort of serfdom).

These slave-making systems had existed for many generations in the Asia Pacific and elsewhere, but they had not been recognised in the Slavery Convention, 1926.

At the UN, the Office of the High Commissioner for Human Rights (OHCHR) published a list of Contemporary Forms of Slavery.<sup>24</sup> Each form of slavery is a symptom of the underlying condition of ownership: Each form expresses a different way for one person in effect to own another. Each form has its own features, its own definition and its own body responsible for taking action. The OHCHR paper on Contemporary Forms was informed by a report to the United Nations from David Weissbrodt.<sup>25</sup>

There are gaps and overlaps in the definitions used by the United Nations and those used by the ILO. Howell (2011)<sup>26</sup> made a start on disentangling the definitions. The test of ownership was applied, to differentiate the slavery components of each form, and to identify the data sources to be used.

23. To trace the general development of human rights law and UN institutions, go to: Sarah Joseph and Joanna Kyriakakis (2010) 'The United Nations and human rights' in Sarah Joseph and Adam McBeth (eds) Research Handbook on International Human Rights Law (Edward Elgar)

Oddly however the Chapter does not refer to the 1956 Supplementary Convention.

24. The OHCHR Working Group on Contemporary Forms of Slavery produced The 'Fact Sheet' which is at: <http://www.ohchr.org/Documents/Publications/Factsheet14en.pdf>

25. Weissbrodt, David (2002) Abolishing slavery and its contemporary forms, Report from Anti Slavery International and David Weissbrodt to UN High Commission for Human Rights, HR/PUB/02/4. Weissbrodt considered whether forms of exploitation or over-control, such as child abuse, would qualify as forms of slavery (ownership). Go to: [www.ohchr.org/documents/Publications/slaveryen.pdf](http://www.ohchr.org/documents/Publications/slaveryen.pdf)

26. Roscoe Howell (2011) Australians and Modern Slavery (Slavery Links Australia, Melbourne). Refer to Section 2, Forms of modern-day slavery, pp 13 - 57

Parties to the Supplementary<sup>27</sup> Convention 1956 agreed to bring about the complete abolition or abandonment of slavery, forced labour and the following institutions and practices:

( a ) Debt bondage,<sup>28</sup> that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

( b ) Serfdom,<sup>29</sup> that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;

( c ) Any institution or practice whereby:<sup>30</sup>

(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or

(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

(iii) A woman on the death of her husband is liable to be inherited by another person;

( d ) Any institution or practice<sup>31</sup> whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

27. The 1956 Convention supplements or adds to the 1926 Convention. The 1926 Convention defined slavery in terms of ownership.

28. Debt bondage is an offence under the Australian Criminal Code. It is beyond the scope of this paper on forced labour

29. Serfdom happens in Australia's region, for example in the Philippines. It relates to Spanish law and custom; and the period of Spanish colonial rule. This paper does not cover serfdom

30. Forced marriage is an offence under the Australian Criminal Code. It is beyond the scope of this paper on forced labour

31. Child trading is not an offence under the Australian Criminal Code. It is beyond the scope of this paper

To view the complete convention, Go to:

<http://www2.ohchr.org/english/law/slavetrade.htm>

## 2.4 The question of enforcement

Like any other agreement, an international treaty needs to be resourced, monitored, nurtured, reviewed and supported. The United Nations has recognised this for some treaties (see below).

### **Treaty monitoring by the United Nations :**

#### **Under the General Assembly**

CCPR, Convention on Civil and Political Rights

CAT, Committee against Torture and Subcommittee on Prevention of Torture (SPT)

CED, Committee on Enforced Disappearances

CEDAW, Committee on the Elimination of Discrimination Against Women

CERD, Convention on the Elimination of Racial Discrimination

CRC, Committee on the Rights of the Child

CMW, Committee on Migrant Workers

CRPD, Committee on the Rights of People with Disabilities

#### **Under the Economic and Social Council**

CECSR, Committee on Economic, Cultural and Social Rights

Go to:

<http://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx>

### 2.4.1 Does the UN monitor anti-slavery work?

Put simply, no. The international agreements regarding slavery, which have been made since the 1750s, are the foundation documents in world human rights. Yet, at the time of writing, there was no treaty body for slavery. At the UN, the slavery convention was not even defined as a 'core' human rights treaty.

UN ownership of anti-slavery action has been limited, compared with more recent treaties. In May 2008 the UN appointed the first Special Rapporteur on contemporary forms of slavery. A Working Group on Contemporary Forms of Slavery was established, but with limited resources. The Working Group and Special Rapporteur are not part of the treaty monitoring process.

If a treaty body cannot be established at this time, how could UN processes be adapted to consider slavery? In 2011 the UN introduced a Universal Periodic Review (UPR, every four years) of how human rights treaties are being addressed at a national level.<sup>32</sup> The UPR process could be extended to include the anti-slavery Conventions. Yet slavery has not been included so far.

32. Australia participated in its first review in January 2011. The next round for Australia is scheduled for 2015.

#### 2.4.2 Monitoring slavery through the Forced Labour Convention: the special case of Burma

Some regimes, such as Burma, continued to use forced labour despite adverse reports over a long period of time. The following report from 1998 relied on ILO coercive powers. It found:

##### ILO Report on Burma in 1998:<sup>33</sup>

528. ...the pervasive use of forced labour imposed on the civilian population throughout Myanmar by the authorities and the military for portering, the construction, maintenance and servicing of military camps, other work in support of the military, work on agriculture, logging and other production projects undertaken by the authorities or the military (or) for the profit of private individuals, the construction and maintenance of roads, railways and bridges, other infrastructure work and a range of other tasks, none of which comes under any of the exceptions listed in Article 2(2) of the Convention.

33. The Report of the Commission of Inquiry appointed under Article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29). Geneva, 2 July 1998. The Commissioners were: W. Douglas, Chairperson, P.N. Bhagwati and R.A. Layton.

Go to:  
<http://www.ilo.org/public/english/standards/relm/gb/docs/gb273/myanmar5.htm>

In 2002, Weissbrodt<sup>34</sup> proposed that the powers of the ILO be used to review how States were implementing the anti-slavery Conventions. The ILO report on Burma shows that action can be taken, with useful results. In 2007 the ILO and the regime in Burma agreed on a Supplementary Understanding.<sup>35</sup> A process of change was commenced which has continued to the time of writing.

34. Weissbrodt, David (2002) Op. Cit., See Note 25. Go to:  
[www.ohchr.org/documents/Publications/slaveryen.pdf](http://www.ohchr.org/documents/Publications/slaveryen.pdf)

35. Go to:  
[http://www.ilo.org/yangon/info/lang--en/docName--WCMS\\_106131/index.htm](http://www.ilo.org/yangon/info/lang--en/docName--WCMS_106131/index.htm)

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## 2.5 Summary

Three international treaties refer to slavery and situations where forced labour may develop into slavery. These are:

- The Slavery Convention, 1926
- The Forced Labour Convention, 1930, updated in 1957
- The Supplementary Convention, 1956

The slavery conventions are founding documents in the history of human rights. For reasons that are not documented, slavery is not subject to formal supervision by a treaty monitoring body at the UN. This Section discussed two possible stop-gap measures:

- A once-every-four year consideration of anti-slavery work by each member of the UN, through the newly created Universal Periodic Review (UPR) of human rights action.
- The use of ILO coercive powers to consider situations of forced labour. With a report on Burma as an example, the powers have produced useful change. However, in law and in the experience of people affected, forced labour is not the same as slavery and in this sense the use of ILO powers may be problematic, and may not come to grips with the '*ownership*' aspect which characterises slavery.

The Slavery Convention, 1926 was concluded by the League of Nations and the Supplementary Convention, 1956 by the United Nations (UN). The Forced Labour Convention was concluded by the International Labour Organisation (ILO).

Australia is a party to these treaties and is obliged to pass relevant legislation to implement the treaty in local law. The treaties may have a wider significance because Australia is a common law country. This means that Courts, in forming a judgement, may take account of a Convention to which Australia is a party.

The following Section 3 describes how Commonwealth law has implemented Australia's obligations arising from these treaties.



### 3. The hierarchy of slavery offences in Australia

Slavery exists when one person in effect owns another.<sup>1</sup>

Australia has ratified or signed several international treaties which refer to slavery and or forced labour (Section 2). A country which ratifies an international treaty is obliged to pass relevant legislation to implement the treaty in local law. Two such treaty regimes which refer specifically to slavery are:

- The so-called Geneva Accords which refer to slavery in war. In Australia, Division 268 of the Criminal Code refers to slavery in war. That aspect is beyond the scope of this paper. This paper deals with slavery that has not been generated in a conflict situation.
- The Slavery Conventions of 1926 and 1956. Division 270 of the Criminal Code refers to slavery offences, which arise from the condition of ownership defined therein.

In Australia, even where local laws have not yet been passed, the Courts may consider a convention to which Australia is a party:<sup>2</sup>

- With regard to the interpretation of a statute
- As a legitimate guide in developing the common law, that is, the law as it develops through decisions of the courts
- As an indication of contemporary values

This Section 3 considers the most recent reforms to Division 270 of Australia's Criminal Code, completed in 2013. Discussion refers in particular to the *process* of this reform in Parliament. It is argued that the outcome was robust in the sense of having multi-party assent.

Section 3 then discusses a particular result of the reform – the creation of a hierarchy of offences from 'forced labour' through 'servitude' through to slavery (ownership).

Finally, the discussion turns to possible error which results from cases with a slavery component coming before lower courts.

1. See Note 1 in Section 1

2. Justice Chris Maxwell (2005) 'Human Rights: A View from the Bench', Address to the Annual General Meeting of the Administrative Law and Human Rights Section of the Law Institute of Victoria, 26 October 2005.

The paper can be found at:  
[http://assets.justice.vic.gov.au/supreme/resources/09d0bb49-97ce-4348-b912-733927e20314/speech05\\_humanrightsviewfrombench.pdf](http://assets.justice.vic.gov.au/supreme/resources/09d0bb49-97ce-4348-b912-733927e20314/speech05_humanrightsviewfrombench.pdf)

### 3.1 Review of the Act in 2012 - 2013

In 2012 the Australian government proposed changes to the legislation in the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012. The Bill refined and created new slavery offences in Division 270 (see the Text Box on Page 17). The Forty-Third Parliament conducted three reviews.<sup>3</sup> Slavery Links gave evidence,<sup>4</sup> along with other government and non-government organisations.

The Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) conducted hearings over ten days in Canberra, Sydney and Melbourne. Its report, of 135 pages, was published in hard copy and an electronic version can be found online.<sup>5</sup> The JSCFADT report provided evidence regarding the extent of the problem. It described Australia's cooperation with overseas organisations; it reported on the contamination of supply chains by slavery and human trafficking; it made recommendations on support for people in Australia who were survivors of trafficking and slavery; and it considered options for international 'best practice' in relation to anti-slavery and anti-trafficking work.

The JSCFADT was chaired by a government member, Laurie Ferguson MP. Hon Philip Ruddock MP was Deputy Chair. The Committee included Members and Senators from various parties. In this sense the report represented a multi-party agreement about a way forward in relation to Australian slavery law. The report's standing expired with the end of the Forty Third Parliament in September 2013. Yet it represented a reality check for a politically feasible consensus in Australia.

The Text Box following over the page lists the amendments that were considered. Two amendments were of particular relevance for this paper.

- The Bill created a hierarchy of offences (see Section 3.2)
- In the language of the Explanatory Memoranda, the Bill '*enabled servitude and deceptive recruiting to be recognised in non-sexual contexts*'. Previously the focus had been on the sexual aspect: The Bill recognised that *forcing* is the issue to be dealt with, wherever it occurs

3. Reviews were conducted by the
  - House Standing Committee on Social Policy and Legal Affairs
  - Senate Legal and Constitutional Affairs Legislation Committee
  - Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT)
4. Slavery Links provided evidence to the Legal and Constitutional Committee of the Senate and JSCFADT. Slavery Links' submissions to JSCFADT can be found at: [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committee?url=ifadt/slavery\\_people\\_trafficking/subs.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committee?url=ifadt/slavery_people_trafficking/subs.htm)
5. The JSCFADT Report can be found at: [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committee?url=ifadt/slavery\\_people\\_trafficking/report.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committee?url=ifadt/slavery_people_trafficking/report.htm)

The Bill dealt with other issues, including the historical omission<sup>6</sup> regarding slave-related *trading*, which was mentioned in Section 2.1.3 of this paper. Such other issues, which are beyond the scope of this paper, have been listed in the Text Box below.

This Section 3 is confined to discussing the hierarchy of slavery offences in Australia, and the possibility of category error.

6. Section 270.3 of the Bill also referred to a commercial transaction by which a person is reduced to slavery. Broadly, reference to 'slave trading' was replaced with the term 'slave trading or the reduction of a person to slavery'. This may have resolved the omission that was discussed in Section 2.1.3

### The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012:

#### The Bill amended the following Acts:

- A. Criminal Code Act 1995, to
- insert offences of forced labour, forced marriage, organ trafficking and harbouring a victim; ensure the slavery offence applies to conduct which renders a person a slave, as well as conduct involving a person who is already a slave; extend the application of existing offences of deceptive recruiting and sexual servitude to non-sexual servitude and all forms of deceptive recruiting; increase penalties for debt bondage offences; broaden the definition of exploitation to include all slavery-like practices; and amend existing definitions to provide that the broadest range of exploitative conduct is criminalised;
- B. Crimes Act 1914, to:
- increase the availability of reparation orders to individual victims of Commonwealth offences;
- C. Crimes Act 1914, Migration Act 1958, Proceeds of Crime Act 2002 and Telecommunications (Interception and Access) Act 1979, to
- make consequential amendments.

Documents, transcripts, Explanatory Memoranda and the text of the Bill can be found at:

[http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r4840](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4840)

## 3.2 Hierarchy of offences in the Act

The Bill received assent in March 2013.

The reformed Act created a hierarchy of offences, from forced labour to servitude to the most serious form, slavery (see the Chart below).

- Forced labour was defined in Section 270.6. Forced labour entails coercion, threat or deception in the work place, where the victim does not feel free to cease providing the labour or services, or to leave.
- Servitude was defined in Section 270.4. Servitude goes beyond forced labour. A victim:
  - Does not feel free to cease providing the labour or services, or to leave and
  - Is significantly deprived of personal freedom in respect of aspects of his or her life beyond work.

## Hierarchy of offences in the Criminal Code

### Slavery

= 'the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person'

### Servitude

= coercion, threat or deception  
 + victim not free to cease providing labour or services  
 + victim does not feel free to leave  
 + victim is significantly deprived of personal freedom beyond work

### Forced Labour

= coercion, threat or deception  
 + victim not free to cease providing labour or services  
 + victim does not feel free to leave

- Slavery goes beyond forced labour and servitude: Section 270.1 defined slavery as *'the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person'*.

From the point of view of a prosecutor, the hierarchy of offences created lesser alternatives if a more serious charge could not be proven.

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### 3.3 Category error: When forcing is not recognised

What is a category error? The philosopher Gilbert Ryle thought about categories, and what happens when things that belong to one group are mistakenly placed in another.<sup>7</sup>

The idea of category error can be found in the law. Howell and Evans (2012) considered possible category errors in relation to slavery, servitude and forced labour in Australia. They asked: what would happen if the aspect of forcing was not recognised?

‘Experience shows that slavery can permeate social practices and institutions but remain un-recognised by mainstream society and institutions. Even when a situation of slavery comes to official notice it may be treated as an industrial matter, an issue of work place relations or occupational health.’<sup>8</sup>

The paper gave eleven examples of possible category errors or dilemmas which might arise in relation to slavery and which may have a bearing on the administration of justice in Australia.<sup>9</sup>

The chart over the page summarises the significance of such errors. If forcing is not recognised:

- the case may come before a lower court
- it may be treated as a civil matter
- the criminal aspects may not be heard and
- a victim may be expected to negotiate.

7. Gilbert Ryle (2009/1971) *Collected papers* (London ; New York : Routledge)

Refer to Trove Bookmark:  
<http://trove.nla.gov.au/version/43584736>

8. Roscoe Howell and Robert Evans (2012) “How the Court system might encounter forms of slavery in Australia” © Paper delivered at the Conference of the Australian Institute of Judicial Administration entitled “Doing Justice for Young People – Issues and Challenges for Judicial Administration in Australia and New Zealand”. 23-25 August 2012, Brisbane

9. A summary of the paper can be found on line. Go to:  
<http://library.slaverylinks.org/wp-content/uploads/sites/2/2013/07/How-the-court-system-might-encounter-forms-of-slavery-in-Australia.pdf>

# When forcing is not recognised, survivors may be disadvantaged

## Slavery

= 'the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person'

## Servitude

= coercion, threat or deception  
+ victim not free to cease providing labour or services  
+ victim does not feel free to leave  
+ victim is significantly deprived of personal freedom beyond work

## Forced Labour

= coercion, threat or deception  
+ victim not free to cease providing labour or services  
+ victim does not feel free to leave

What if a court covers only health & safety aspects?

Why would this sort of category error be a problem?

- Usually heard in a Lower Court
- Often treated as a civil matter
- Criminal aspects may not be heard
- Victim may be expected to negotiate

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### 3.4 Case example: Lakeside Packaging

This impact of category error is not theory, as the example of Lakeside Packaging (following over the page) may be taken to show. In that case, two non-English-speaking migrant workers in a suburb of Melbourne, Australia, were subject to over-control and required to keep working despite injuries received at work. The matter was dealt with in a lower court, where it was treated as a workplace relations / occupational health matter.

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### 3.5 Summary

Based on the Slavery Conventions of 1926 and 1956, Division 270 of the Commonwealth Criminal Code refers to slavery offences and to situations where forced labour may develop into slavery.

The reformed Criminal Code Act inserted offences of forced labour, forced marriage, organ trafficking and harbouring a victim. The reforms created a hierarchy of offences from forced labour to servitude and slavery.

This Section has discussed the possibility of category error, where a case may come before a lower court with the slavery component not being recognised. Such a case may be treated as an occupational health or workplace relations matter. Further, where the criminal aspect is not recognised, the survivor may be required, indirectly, to negotiate terms with the perpetrator.

The reformed Criminal Code Act also recognised that *forcing* is the issue to be dealt with, regardless of the industry or occupation where the forcing occurs. The Act enabled servitude and deceptive recruiting to be recognised in non-sexual contexts.

The reforms provide a context for the following discussion. It considers how Australians may encounter slavery and what that means for Australia's three levels of government (Section 4).

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## Could forced labour or labour trafficking happen in Australia?

# Hard boss to please

## Men made to work with broken hands

—Natalie Sikora

TWO Chinese nationals working under Federal Government 457 visas were forced to work with broken hands and arms on unsafe equipment at a Cambellfield printing company, a court heard yesterday.

While recovering from work injuries, Zi Hong Fu and Cheng Cai were given jobs that still required them to use both hands, including working on their boss's home erecting steel beams while their hands were in plaster, the court was told.

Just weeks after breaking a wrist falling off a ladder while performing unqualified electrical work, Mr Fu had to erect scaffolding on the unrailed factory roof, despite never having done it before.

Broadmeadows Magistrates' Court heard that while drilling into 8mm thick metal plates with his unbroken left hand using a two handed drill - supported between his chin and right hand - he ended up breaking that wrist too.

Ten days later he was told to come back to work at Lakeside Packaging to disassemble a machine while his left arm was still encased in plaster.

He was given a letter at the end of the day warning him of his job performance. Mr Fu, 50, was in so much pain he returned to hospital, where doctors gave him another three weeks of sick leave.

When he returned with his left arm in plaster and right arm in a splint, his boss Menol (Tom) Najdovski ordered him to do maintenance work on his property, including operating a drill and cutting steel.

Worksafe Victoria prosecutor Nandi Segbedzi said Mr Fu was finally sacked while on another bout of sick leave a week later.

In his victim impact statement, Mr Fu said he suffered nightmares and developed a fear of heights.

Lakeside Packaging pleaded guilty to seven charges including failing to provide a safe workplace and failing to provide information, instruction, training and supervision in a language understood by the employees, between March and September 2006.

Herald Sun, Wednesday, June 18, 2008



**In charge:** Menol (Tom) Najdovski yesterday. Picture: BILL MCAULEY

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Neither of the Mandarin-speaking men could understand English.

It is the first Worksafe Victoria prosecution involving the 457 visas.

The court heard in another incident, Mr Cai crushed his right arm trying to remove incorrectly fed paper in an unguarded printing press.

Mr Cai, 35, who was in hospital for two weeks, required plates and bolts to be inserted to fix the bone and a skin graft. He was told it would be a year before his arm could be used normally again but he would never be able to straighten it.

In his statement, he said he was never told the printing machine had no safety features. He suffered nightmares and regretted ever coming to Australia.

Magistrate Charlie Rozenwajg adjourned the matter until July 2 when he will hand down his decision.



## 4. Local detection needs to be more systematic and better supported

Slavery exists when one person in effect owns another.<sup>1</sup>

1. See Note 1 in Section 1.

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### 4.1 Australians encounter slavery in three ways

Australians encounter slavery in three ways or contexts:

- Within Australia
- When travelling in the region and
- When doing business, when producing or consuming.

Every Australian can respond to slavery at some level, in some way. These possibilities have been considered elsewhere.<sup>2</sup> This paper refers to recent reforms to the Criminal Code Act and how the particular reform regarding ‘forcing’ may require a fresh response from government and non-government organisations.

This Section 4 refers to encounters within Australia. The Text Box over the page summarises some ways or contexts in which an encounter in Australia may occur. The Side Notes to the Text Box indicate where the reforms to the Act in 2013 clarified how a form of exposure could occur or brought it into the purview of the Act.

2. Roscoe Howell (2011) [Australians and Modern Slavery](#) (Slavery Links, Brighton), especially Pp 59-81 and 225 ff
3. Local Government is a creature of the States: it is not a creation of the Constitution and it is in effect dependent on State and Commonwealth funding, often via grants that are tied to a particular purpose
4. Local services and even charities have become accountable to government through service agreements and tied grants which limit discretion and may discourage innovation. See:
  - Paul Smyth (2014) The lady vanishes: Australia's disappearing voluntary sector', Presentation to a lunchtime seminar, Brotherhood of St Laurence, Fitzroy, Melbourne, 14 August, 2014. Go to: [http://www.bsl.org.au/fileadmin/user\\_upload/files/research/conference\\_and\\_seminar\\_papers/Smyth\\_The\\_lady\\_vanishes\\_Australias\\_disappearing\\_voluntary\\_sector\\_paper\\_14Aug2014.pdf](http://www.bsl.org.au/fileadmin/user_upload/files/research/conference_and_seminar_papers/Smyth_The_lady_vanishes_Australias_disappearing_voluntary_sector_paper_14Aug2014.pdf)
  - Mark Considine, Siobhan O'Sullivan and Phuc Nguyen (2014) Governance, Boards of Directors and the Impact of Contracting on Not-for-profit Organizations – An Australian Study, [Social Policy and Administration](#), Vol. 48, No. 2, April

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### 4.2 Cost shifting in Australia's federation

Australia's federation operates with three levels of government. Local government,<sup>3</sup> local services and local policing are the levels at which forcing will likely be detected; but the funds and most anti-slavery responsibilities reside at Commonwealth level. In the current climate of service contracting,<sup>4</sup> many local services have been harnessed to the requirements of government. Some Not-for-profits have become averse to engaging with emerging social issues (such as slavery). Some have become reluctant to take on new roles or responsibilities when that comes without adequate resources – the process known in Australia as ‘cost shifting’.

## How people in Australia may have experienced slavery. How people who come to Australia can be trapped.<sup>5</sup>

Some young Australians are trapped into forced marriage<sup>6</sup> or abducted and taken overseas to marry without proper consent

An Australian may import a marriage partner with a promise of an appropriate arranged marriage, only to trap him or her in some sort of bondage or servile relationship<sup>7</sup>

Criminals may bring workers into Australia with the false promise of good jobs. They may trick and trap (usually) a woman into the sex industry or an adult of either gender into forced labour<sup>8</sup>

People in Australia who are not strictly residents or holders of a visa might become trapped into contract labour gangs or other work in the 'black' economy<sup>8,9</sup>

People who have come to Australia on a visa for one purpose (such as study) are allowed to work a few hours per week. Criminals can trick them into a breach of their visa conditions. Then the visitor can be put to work in the black economy. Their situation gets worse and they become trapped<sup>8</sup>

People who have paid money for a visa to Australia may have a debt in their home country. Such debt can be 'sold' to criminals who can coerce a legitimate visitor into forced labour<sup>6</sup> or some sort of wrong-doing<sup>10</sup>

Refugees may have encountered some form of slavery when they were forced to leave their homes; or on their way to Australia. They may have lost family members to child labour, child soldiery, forced labour or some form of trafficking<sup>11</sup>

Refugees who are desperate to escape harsh conditions may be compromised if they do business with unscrupulous people in order to escape. Refugee policies need to be sensitive and not increase the risk of refugees' exposure to unscrupulous activity<sup>11</sup>

5. Adapted from Howell (2011) *Op. Cit.*, Page 62. See Note 2
6. The Code now defines forced marriage as a crime in Australia
7. This situation was covered by the case of Kovacs. See *R v Kovacs* [2007] QCA 143
8. The reforms enabled servitude and deceptive recruiting to be recognised in non-sexual contexts. The Act recognised that forcing is the issue to be dealt with, regardless of the industry or occupation where the forcing occurs. Section 3 of this paper describes the hierarchy of forced labour, servitude and slavery (ownership)
9. A 2011 review of the Migration Amendment (Employer Sanctions) Act 2007 found evidence of a growing number of illegal workers – not slaves, but vulnerable to being forced. The Press release by Minister Bowen (Immigration): 'Major crackdown on employing illegal workers', Thursday, 21 July, 2011 can be found at: <http://www.minister.immi.gov.au/media/cb/2011/cb168519.htm>
10. Section 2.2.3 above referred to examples from Europe. The ILO report can be found at: [http://www.ilo.org/global/About the ILO/Media and public information/Press\\_releases/lang--en/WCMS\\_106219/index.htm#1](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_106219/index.htm#1)
11. In March 2011 the author delivered a workshop in Adelaide, South Australia for refugees, service providers and public servants to explore how humanitarian entrants may have encountered some forms of slavery before arriving in Australia. The workshop was entitled: 'Humanitarian entry and the experience of modern-day slavery'. Contact Slavery Links if such information may assist you or your organisation

## 4.3 Situations in Australia which relate to the hierarchy of slavery offences

Section 3 described the hierarchy of slavery offences in Australia, from forced labour through servile labour to slavery (ownership). In the Text Box on the previous page, Side Notes 8, 9 and 10 refer to instances where the hierarchy of forcing could apply. The Notes describe circumstances where a criminal may trick or trap a person using the false promise of a job or by manipulating the person into a situation where he or she works in the 'black' economy and fears asking for help from the authorities.

### 4.3.1 Situations of workers who are, in effect, invisible

#### 'Illegal' and 'invisible'

There are people living in Australia illegally and who have been, in effect, 'invisible' from the point of view of authorities and the public. In 2011 a review by Stephen Howells of the Migration Amendment (Employer Sanctions) Act 2007 found:

“strong evidence of a growing number of illegal workers in Australia, with a minimum of about 50,000 and potentially more than 100,000 people working in the country without permission. ... The problem is also associated with other illegal activity, including serious organised crime, taxation and welfare fraud, sexual exploitation and abuse of vulnerable workers.”<sup>12</sup>

Some illegal workers, such as tilers in New South Wales,<sup>13</sup> have been hidden in legal locations. As another example, in Victoria, prostitutes have been presumed to be 'legal' because they work in premises that have been properly zoned as a brothel. However, the 'visible' workforce in properly zoned brothels contains 'invisible-illegal' workers. On 26 November 2011, a representative of the NGO Project Respect gave evidence of this to the UN Special Rapporteur on Trafficking, Ms Joy Ezeilo.<sup>14</sup>

12. Press release by Minister Bowen (Immigration): 'Major crackdown on employing illegal workers', Thursday, 21 July 2011. Go to: <http://www.minister.immi.gov.au/media/cb/2011/cb168519.htm>
13. For example some tilers from Korea have been in effect stranded after working on building sites in New South Wales. Reports began in 2003 and continued for years:
  - [The Guardian](http://www.theguardian.com/world/2003/may/06/worlddispatchaustralia) (2003) The Southern Slave Trade by David Fickling, 6 May <http://www.theguardian.com/world/2003/may/06/worlddispatchaustralia>
  - Construction Forestry Mining and Energy Union, CFMEU (2005) Submission of the Construction Forestry Mining and Energy Union, Construction & General Division, in response to the Productivity Commission Issues Paper "Economic Impacts of Migration and Population Growth", September 2005. Go to: [www.pc.gov.au/data/sets/file/0006/9609/sub013.rtf](http://www.pc.gov.au/data/sets/file/0006/9609/sub013.rtf)
14. Project Respect (2011) Submission in person to the UN Special Rapporteur on Trafficking, Joy Ezeilo, Albert Park, Melbourne 26 November. The representative of Project Respect is not named here, for privacy reasons. Project Respect explained that trafficked women have been found in 'legal' brothels; and that the cost structure of a legitimate brothel business can create pressures for such irregular employment arrangements.

### **'Legal' and 'invisible'**

Labour gangs can pass unnoticed by many people. One labour gang entered Australia legally to work in Adelaide. Their job: to dismantle a factory that had once made Australian cars. They lived in a sort of barrack. Their employer operated outside Australian award conditions, but this was eventually identified:

Sunday Mail (SA) 18 July, 2010

## **Chinese paid \$1.90 an hour to dismantle Mitsubishi factory<sup>15</sup>**

**- Nigel Hunt**

CHINESE labourers were flown in to dismantle heavy machinery at the former Mitsubishi car plant and paid as little as \$1.90 an hour for the backbreaking work, it has been revealed.

The 24 temporary migrant workers were housed in dormitory-style accommodation in the Adelaide Hills while completing the eight-month job, and were allegedly underpaid more than \$131,000 by their employer, a Chinese state-owned company.

The Fair Work Ombudsman has launched Federal Court action against their employer, the Chinese-registered China SANAN Engineering Construction Corporation, alleging two breaches of workplace relations laws.

15. [Sunday Mail](http://www.adelaidenow.com.au/news/south-australia/chinese-paid-190-an-hour-to-dismantle-mitsubishi-factory/story-e6frea83-1225893411774) (SA) 'Chinese paid \$1.90 an hour to dismantle Mitsubishi factory', by Nigel Hunt, 18 July, 2010. Go to: <http://www.adelaidenow.com.au/news/south-australia/chinese-paid-190-an-hour-to-dismantle-mitsubishi-factory/story-e6frea83-1225893411774>

Even when working in full view, being in Australia 'legally' on a visa does not necessarily make a worker 'visible' in the sense of being recognised and protected.

"In Melbourne's Chinatown, a dumpling chef worked 13-hour days, six days a week with only five-minute breaks. His only holiday was Christmas Day. A Federal Magistrate found the chef was underpaid and ordered the restaurant to pay out \$200,000. Mr Chang had feared that if he lost his job his visa would be cancelled and he took action only after he had permanent Australian residency, the Magistrate said."<sup>16</sup>

16. 'Chinese dumpling worker underpaid', Herald Sun, 17April 2011

#### 4.4 Workplace inspectors, occupational health and safety officers, local government inspectors, welfare support workers and housing officers have a role in alerting senior managers or Police if it appears that people have been enslaved

Who is likely to come across situations such as those in Section 4.2 and 4.3? Who is in a position to alert Police or Immigration officers that a survivor has been found? Personal or chance encounters are a possibility. For example, the American academic David Batstone became an anti-slavery campaigner after noticing that staff in a local restaurant appeared to have been trafficked.<sup>17</sup>

While chance encounters are possible, a *systematic* response to slavery needs *systematic* case-finding. The roles most likely to come across a person subject to forced labour include:<sup>18</sup>

- Inspectors and Unions, who check compliance with Awards
- Occupational Health and Safety officers
- Local government inspectors, who check business premises, rooming houses and other accommodation
- Welfare support and housing workers who encounter marginalised groups and the informal economy

17. Batstone, D. (2007) Not for sale: return of the global slave trade and how we can fight it, (HarperSanFrancisco)

18. The ILO produced a Handbook for such workers: International Labour Organisation (ILO) (2005) Trafficking for forced labour – how to monitor the recruitment of migrant workers. Go to: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/instructionalmaterial/wcms\\_081894.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/instructionalmaterial/wcms_081894.pdf)

The ILO Handbook (Side Note 18) identified features of forced labour that can be recognised by inspectors, support workers and others. Cases such as the Mitsubishi factory and the Chinese dumpling chef show that *individuals* within Australian systems have been alert, have detected situations of forcing and have reported them.

However, Australia seems to lack the program features to support a *systematic* response at local level, requirements such as:

- Authorisation and encouragement to report
- Information and training to recognise obscure forcing
- Protocols to cover responsibility and follow up
- Systems of relationship between local, state and commonwealth operations
- Systems of information collection, evidence gathering, research and policy development

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## 4.5 Summary

Section 3 described the hierarchy of slavery offences in Australia, from forced labour through servile labour to slavery (ownership).

This Section 4 showed that migrant workers who are in Australia legitimately can experience forcing in full view of the public or other workers. They are 'legal but invisible'. Many thousands of other people are at work in Australia but without valid visas. They are 'illegal and invisible'. They are vulnerable, without access to services, and open to being manipulated and misused by criminals. It is in the interests of the workers, business and civil society to regularise their presence, to protect the 'invisibles' and to limit criminal incursion.

Section 4 has argued that local government and local services are the loci at which such forcing will likely be detected. A viable basis for funding local government and local services needs to be negotiated, to allay fears of cost shifting by the Commonwealth.

The following Section 5 considers the forcing of migrant workers in the region. It finds there is a 'protection gap' in the region which potentially can lead to contamination of Australia's supply chains.

# 5. Labour migrants: forcing and protection in Australia's region

Slavery exists when one person in effect owns another.<sup>1</sup>

1. See Note 1 in Section 1.

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## 5.1 Introduction

Section 5 considers the situations of migrant workers who travel for work in Australia's region. It asks: What is a migrant worker? What contributions do migrants make, as an aggregate, to the world economy? Why are some compelled to leave home? How are they vulnerable? Why do they need protection?

The following discussion gives three examples of what can happen when a person travels to another country in search of work.<sup>2</sup> The examples come from Thailand, but could be found elsewhere in Australia's region, where a vulnerable person may be tricked or trapped into a situation he or she cannot leave and then finds there is no legislation in that country regarding forced labour, or even protection of labour rights for workers generally.

2. This paper is not about trafficking, where a person is induced to cross a border; where so much deception is used that no meaningful consent can be given.

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## 5.2 Labour migration

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### 5.2.1 Definitions

Labour migration – movement for employment – is as old as human records.<sup>3</sup> Yet there are no universal definitions for the term 'migrant' or related terms. The Text Box over the page lists some terms used by the International Organization for Migration (IOM). There is a key difference between :

- Economic migration (to improve quality of life)
- Irregular migration (without authorisation or documents)
- Forced migration (escape from threats to life or livelihood).

Forced and irregular migrants may be especially vulnerable to forced labour and, potentially to servitude or slave making.

3. For example, in the Hebrew Bible, Adam and Eve were required to leave the Garden of Eden, a sort of forced migration. Abram left (perhaps) Ur of the Chaldees in Mesopotamia and moved to Canaan. Jacob reportedly went to Egypt where, after encountering Joseph, he and family made a new life in herding stock. Subsequently, Moses was described as leaving Egypt in search of better circumstances.

## What is a migrant? Extract from the Glossary of The International Organization for Migration (IOM):

### Migrant

At the international level, no universally accepted definition for "migrant" exists.<sup>4</sup> ... The United Nations defines migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate.

4. So says the IOM. The United Nations Convention on Migrant Workers, 1990 does define such terms. See Section 5.4 below.

### Labour Migration

Movement of persons ... for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

### Economic migrant

A person leaving his or her habitual place of residence to settle outside his or her country of origin in order to improve his or her quality of life.

This term is often loosely used to distinguish economic migrants from refugees fleeing persecution.

### Forced migration

A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).

### Irregular migration

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration.

- From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations.
- From the perspective of the sending country, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country.

There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.

For the complete Glossary on migration, Go to:

<http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#Labour-migration>

## 5.2.2 Remittances are a significant contribution

Many migrants leave home to seek work, then send money back home to support their families. Such money is called a remittance. Dilip Ratha of the World Bank concluded that:

"The true size of remittances received by developing countries is believed to be in excess of \$300 billion. Compare that with the size of official development assistance of about \$100 billion a year. Remittances are the largest source of external financing in many developing countries... Remittances reduce poverty. Remittances also finance education and health expenditures, and ease credit constraints on small businesses."<sup>5</sup>

People who send remittances home are often temporary migrant workers, often the ones in relatively precarious circumstances.<sup>6</sup>

## 5.2.3 Attempts to manage migration in the region

In South East Asia two international organisations are supposed to assist governments in managing labour migration — the International Labour Organisation (ILO) and the International Organisation for Migration (IOM). These organisations have different origins and mandates. A recent study considered how to reconcile and harness these differences, to facilitate international dialogue around migration issues, especially in the Mekong basin.<sup>7</sup> The study concluded that the current arrangements are consensual and non-binding; that there is a 'protection gap' in these approaches; and that greater efforts are required to incorporate human rights in treatment of migration issues.

## 5.3 Labour migration and the need for protection

Forced migrants experience an element of coercion, including threats to life and livelihood. Others are so poor or oppressed<sup>8</sup> that they have no option but to leave home and seek work under any condition. Such migrants are not slaves, but they are a vulnerable group who may be trapped into slavery, or trafficked.<sup>9</sup>

5. Dilip Ratha (2008) 'Migration, Remittances and Development: Policy Options', Speech to the Lowy Institute, Sydney, July 16, 2008 (Migration and Remittances Team, Development Prospects Group, World Bank)

6. Ratha's data appear to say that the poorest workers with the least stable jobs were the ones likely to be sending money home

Remittances featured in the Australian slavery case of Kovacs, where a Filipina bride was re-deployed to Weipa to work in a shop and perform home duties. The woman was deterred from leaving because her ailing mother in the Philippines was dependent on money sent as remittances. See *R v Kovacs* [2008] QCA 417

7. The study of ILO's and IOM's performance was described in Kneebone, S. (2010) The governance of labour migration in Southeast Asia, in *Global Governance*, Vol. 16, pp 383 - 396

8. "... poor or oppressed ...". To comprehend why people feel compelled to leave home, see the video about Nepali migrant workers by Anti slavery International at: <http://www.migrant-rights.org/2011/04/13/nepali-slaves-in-the-gulf-short-film-by-anti-slavery/>

9. This paper is not about trafficking, which involves movement across a border.

### 5.3.1 Rohingya die escaping Burma

Consider the Rohingya people of western Burma's Arakan State. They are an oppressed minority. They are Moslems who have lived in Buddhist Burma for centuries. In 2006 the BBC reported<sup>10</sup> that the Rohingya were forbidden to marry or travel without permission. They had no legal right to own land or property. They were also denied citizenship. A large but unknown number of Rohingya have had to leave Burma to seek a new life.

10 BBC, 11 March 2006. [http://news.bbc.co.uk/2/hi/asia\\_pacific/4793924.stm](http://news.bbc.co.uk/2/hi/asia_pacific/4793924.stm)

The document was found and copied in 2011. It was no longer to be found in 2014.

BBC Report, 17 January, 2009

## A shocking story is unfolding in Thailand

Migrants and refugees who turn up on its shores have testified that they are being sent back to sea in boats without engines, their hands tied, left to their fate.<sup>11</sup> Hundreds are thought to have suffered this treatment — among them many Rohingya people of western Burma — and many have died. The BBC's Jonathan Head in Bangkok has been investigating what has been happening.<sup>12</sup>

11 "Left to their fate ...": In March 2011 thousands of migrant workers from Bangladesh and elsewhere were abandoned as conflict developed in Libya. Go to: <http://www.migrant-rights.org/2011/03/02/international-companies-abandon-migrant-workers-in-libyan-crisis/>

12 BBC News (2009) Thailand's deadly treatment of migrants, 17 January. Go to: [http://news.bbc.co.uk/2/hi/south\\_asia/7834075.stm](http://news.bbc.co.uk/2/hi/south_asia/7834075.stm)

"Third day at sea - still no sign of my cheque book."



### 5.3.2 Enslavement of male migrant workers

The Rohingya are not the only people who venture into the Bay of Bengal and the Andaman Sea in search of work. Many of these migrant workers are vulnerable, as the following example shows. The story came from the Thai Human Rights Commission:

#### The Nation, Thailand 14 May, 2007<sup>13</sup>

The Commission reported that in 2003, six fishing trawlers with about 100 crew sailed from Samut Sakhon province to fish Indonesian territorial waters. Most of the crew were migrant workers and four were younger than 16. None were allowed home leave for three years. The trawlers returned... in July last year.

Thirty-eight never returned, dying on the job. Two were buried on one of Indonesia's myriad islands and the rest unceremoniously dumped at sea. One more crew member died shortly upon his return ...None have been paid. Yet, they are not considered to be victims of human trafficking.<sup>9</sup>

13 [The Nation](#) (Thailand), 14 May 2007. Thailand's Human Rights Commission reported that male migrant workers were trafficked and apparently enslaved.

## 5.4 The Migrant Worker Conventions

It is clear that migrant workers have been exposed to risk and need protection. In 1990 the United Nations developed a Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 (CMW, see the extract over the page).

Many countries, including Australia, rely on migrant workers. However, few countries have signed or ratified the Convention.<sup>14</sup>

The above examples from Thailand indicate that the failure to sign leaves migrant workers carrying appreciable risks, while States in the region get the benefits (see Section 5.5 below).

14 According to the United Nations Treaty Collection, the Convention on Protection of Migrant Workers Families, 1990 came into force on 1 July 2003, in accordance with article 87(1). In October 2014 there 38 Signatories and 47 Parties including, from the Asia Pacific, Bangladesh, Cambodia, Indonesia, Palau, Philippines, Seychelles, Sri Lanka and Timor Leste. Go to: [https://treaties.un.org/pages/viwdetails.aspx?src=treaty&mtidg\\_no=iv-13&chapter=4&lang=en](https://treaties.un.org/pages/viwdetails.aspx?src=treaty&mtidg_no=iv-13&chapter=4&lang=en)

## International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Adopted by General Assembly resolution 45/158 of 18 December 1990

### Article 2

1. The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.
2.
  - (a) The term "frontier worker" refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week;
  - (b) The term "seasonal worker" refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year;
  - (c) The term "seafarer", which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national;
  - (d) The term "worker on an offshore installation" refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national;
  - (e) The term "itinerant worker" refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation;
  - (f) The term "project-tied worker" refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer;
  - (g) The term "specified-employment worker" refers to a ...
    - (i) ... a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or
    - (ii) ... a restricted and defined period of time in work that requires professional ... or other highly specialized skill; or
    - (iii) ... a restricted and defined period of time in work whose nature is transitory or brief; and who is required to depart ... at the expiration of his or her authorized period of stay ...;
  - (h) The term "self-employed worker" refers to a migrant worker ... working alone or together with members of his or her family ...

The United Nations Convention can be found at:

<http://www2.ohchr.org/english/bodies/cmw/cmw.htm>

The UN Convention on Migrant Workers 1990 refers to situations relevant to Australia (see the above Text Box). These include:

- "seasonal workers": In Australia, fruit picking is dependent on seasonal conditions and is performed only during part of the year;
- "seafarers" which includes fishers and workers employed on board registered vessels;
- "workers on an offshore installation": Australian companies employ migrant workers offshore;
- "itinerant workers", such as Fly-in-Fly-out staff who travel to Australia for short periods;
- "project-tied workers", admitted to Australia for a defined period to work solely on a specific project.

The Convention relates to Australian circumstances. Australia has not signed. Why not? The reasons are not clear.

#### 5.4.1 ILO Convention: Migration for employment (Revised), 1949

The UN Convention developed from ILO precursors. The need to facilitate migrant labour became apparent following World War II. The ILO negotiated the Migration for Employment Convention (Revised), 1949 (No. 97). The Convention, *inter alia*:

“required States to apply treatment no less favourable than that which applies to their own nationals in respect to a number of matters, including conditions of employment, freedom of association and social security. It includes provisions on appropriate medical services for migrant workers and the transfer of earnings and savings.”<sup>15</sup>

Enabling the transfer of earnings and savings was a significant provision, given the importance of remittances. Yet there have been only 49 ratifications of Convention No 97.<sup>16</sup> In 1975 the Convention was supplemented to extend the scope of equality between legally resident migrant workers and national workers. The Philippines is the only country in the Asia Pacific to have ratified the Supplementary Provisions, 1975 (No. 143).<sup>17</sup>

- 15 For this and other summaries regarding International Labour Standards on Migrant workers. Go to: <http://ilo.org/global/standards/subjects-covered-by-international-labour-standards/migrant-workers/lang--en/index.htm>
- 16 Malaysia - Sabah, New Zealand and the Philippines are the only ratifying countries in the Asia Pacific for the Migration for Employment Convention (Revised), 1949 (No. 97) Go to: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100\\_ILO\\_CODE:C097:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C097:NO)
- 17 For ratifications of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Go to: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:::NO:P11300\\_INSTRUMENT\\_ID:312288](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:::NO:P11300_INSTRUMENT_ID:312288)

## 5.5 Negotiated protection through ILO and other initiatives

In effect, there is an absence of regulatory power at national and international levels. This leaves the ILO to use influence or soft power, to encourage and negotiate protection and promote change based on recognition that migrant workers bring benefit:

“Today, there are an estimated 232 million migrant workers around the world. Globalization, demographic shifts, conflicts, income inequalities and climate change will encourage ever more workers and their families to cross borders in search of employment and security. Migrant workers contribute to growth and development in their countries of destination, while countries of origin greatly benefit from their remittances and the skills acquired during their migration experience.”<sup>18</sup>

Take the example of Thailand, where the ILO asserted that:

“In 2007, migrant workers in Thailand totaled [sic] 1.8 million, comprising 5 per cent of the Thai labour force. They are mainly from Myanmar, Cambodia and Lao PDR, and are employed mostly in agriculture and fisheries, construction, manufacturing, and services such as domestic workers. They are primarily young workers, in the age group that typically pays taxes rather than receives tax-supported services. The report estimates that, in recent years, migrants have made a net contribution of about US\$53 million annually to the Thai economy. The report proposes changing migration policy to make it more flexible, with separate registration procedures for different economic sectors, and placing recruitment and deployment under Memoranda of Understanding with migrant sending countries. Labour migration is a process to be managed and not a problem to be solved, argues the report. By recognizing the contributions of migrant workers to the economy and following the proposed adjustments to migration policy, the Thai government could better manage labour migration while protecting migrants.”<sup>19</sup>

18. The ILO web page regarding protection for migrant workers can be found at: <http://www.ilo.org/global/topic/s/labour-migration/lang--en/index.htm>

19. On the web page for Phillip Martin's study of Thailand (see below) which can be found at: [http://ilo.org/asia/whatwedo/publications/WCMS\\_098230/lang--en/index.htm](http://ilo.org/asia/whatwedo/publications/WCMS_098230/lang--en/index.htm). See:

- Philip Martin (2007) [The economic contribution of migrant workers to Thailand: Towards policy development](#), ILO Subregional Office for East Asia, ILO/EU Asian Programme on the Governance of Labour Migration /ILO/Japan Managing Cross-border Movement of Labour in Southeast [sic] Asia. Go to: [http://ilo.org/wcmsp5/gro-ups/public/--asia/--ro-bangkok/documents/publication/wcms\\_098230.pdf](http://ilo.org/wcmsp5/gro-ups/public/--asia/--ro-bangkok/documents/publication/wcms_098230.pdf)

## 5.6 Do gaps in protection for Migrant Workers in the region expose Australian supply chains to risk of forced labour, servitude or slavery?

Apparently supply chains have been contaminated by forcing.

The report below refers to allegedly contaminated product being sent from Thailand to the European Union. It illustrates what can happen when there is a gap in statutory protection. Reportedly, migrant workers suffered. The person who reported the problem was subject to legal proceedings, for supposed defamation.

This particular product line was being sent to Europe. However, Australia imports fruit from Thailand, and so care is needed.

### Labour-rights activist Andy Hall on trial in Thailand: 'I've done nothing wrong'<sup>20</sup>

British labour-rights activist Andy Hall is facing eight years in prison and a \$13m (£8m) fine for defamation after writing a report alleging labour abuses in the Natural Fruit Company, a large Thai pineapple wholesaler that supplies the EU. ...

In the 10 years he has worked in Thailand and neighbouring Burma, Hall – who speaks both Thai and Burmese – has made impressive gains steering migrant workers' groups in the two nations; advising Burma's intelligence services on migration issues and policies; helping to develop passport systems so that migrant workers can be regularised; and organising personal friend Aung San Suu Kyi's hugely publicised visit to Thailand in 2012 to meet with thousands of Burmese migrant workers in the fishing and canning industries.

20. The Guardian newspaper (2014) Labour-rights activist Andy Hall on trial in Thailand: 'I've done nothing wrong', 7 September. Go to: <http://www.theguardian.com/world/shortcuts/2014/sep/07/labour-rights-activist-andy-hall-natural-fruit-company>.

According to The Guardian, Hall wrote that the passports of migrant workers were confiscated and there was violence against employees.

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## 5.7 Do gaps in protection from forced labour expose Australian supply chains to risk?

In brief: 'Yes'. If Australia imports from a country whose people are not protected from forced labour, then there is a risk that Australia's supply chains will be contaminated. If Australia exports to a country whose people are not protected, then there is a risk that Australia's profit will derive from forced labour.

According to the ILO, the following Members have not ratified the Abolition of Forced Labour Convention, 1957, or have denounced it:<sup>21</sup>

- Brunei Darussalam
- China
- Japan
- Korea, Republic of
- Lao People's Democratic Republic
- Malaysia: Denounced on 10 Jan 1990
- Marshall Islands
- Myanmar
- Palau
- Singapore: Denounced on 19 Apr 1979
- Timor-Leste
- Tuvalu
- Viet Nam

21. Ratifications of C105 - Abolition of Forced Labour Convention, 1957 (No. 105) can be found at: [http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312250](http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312250)

Several of Australia's major trading partners are on the list.

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## 5.8 Summary

Australia and other countries in the region benefit from the exertions of migrant and other workers. Australia is one of many States in the region which have not ratified the Migrant Worker Convention, leaving migrant workers without formal protection. Moreover, Australia trades with countries which do not protect even their own citizens from forced labour. There is an appreciable risk that Australia's supply chains are exposed to contamination by forced labour of migrant and or citizen workers.

## 6. Concluding summary

Slavery exists when one person in effect owns another.<sup>1</sup>

1. See Note 1 in Section 1

Slavery goes beyond everyday violence, abuse and exploitation. The change from free to unfree is what makes slavery a crime against humanity. The change can be measured, with eleven tests or *indicia* describing the point at which the powers of ownership come to be exercised; the point where one person becomes enslaved and the abuser becomes a slave owner (see Section 1).

Eleven tests of 'ownership' and enslavement were:

- Control of movement
- Control of environment
- Psychological control
- Control of escape
- Force
- Threat of force or coercion
- Durance (duration)
- Assertion of exclusivity
- Subjection to cruel treatment and abuse
- Control of sexuality, and
- Forced labour

Three international treaties refer to slavery and situations where forced labour may develop into slavery (Section 2). These are:

- The Slavery Convention 1926
- The Forced Labour Convention 1930, updated in 1957
- The Supplementary Convention 1956

The slavery conventions are founding documents in the history of human rights. For reasons that are not understood, slavery is not subject to formal supervision by a treaty monitoring body at the UN. Section 2 discussed two possible stop-gap measures:

- The recently created Universal Periodic Review (UPR)
- The use of ILO coercive powers regarding forced labour.

Section 3 referred to Australian law. It described the hierarchy of offences in Australia, from forced labour to servitude to the most serious form, which is slavery. The emphasis is on the *forcing*, not on the precise form of work being performed, and not on the occupation or industry where the forcing happens. However, there is a possibility of category error and Section 3 discussed the implications for survivors. If forcing is not recognised:

- the case may come before a lower court
- it may be treated as a civil matter
- the criminal aspects may not be heard and
- a victim may be expected to negotiate.

Section 4 considered where and how Australians might come into contact with these forms of slavery. Such encounters have implications for practitioners, service providers and government. Detection that happens locally needs to be supported.

Section 5 considered labour migration in the region. It described a ‘protection gap’ in treaty arrangements and local laws covering migrant workers in the region. The consequences have been serious and, for some forced migrants, have been lethal.

## 6.0.1 Implications

Specific actions to be taken have been indicated within each Section – the need for treaty monitoring, avoidance of category error, support for local detection and action and closing the ‘protection gap’ for workers in the region. Each of these actions is important, but taken singly or together they will not address the underlying problem of slavery in the region. Slavery Links has identified the forces which enable systems of slavery to persist in the Asia Pacific. It describes the four ‘engines’ of slavery:<sup>2</sup>

- poverty, plus
- powerlessness, plus
- crime / corruption, plus
- conflict

Changing systems of slave-making requires these forces to be addressed at source – in the communities where slavery happens.

2. Roscoe Howell (2011) [Australians and Modern Slavery](#) (Slavery Links, Melbourne)

## 7. References

- Allain, Jean (2009) R v Tang: Clarifying the Definition of 'Slavery' in International Law, Melbourne Journal of International Law, Vol 10, Case Notes. Go to: <http://www.law.unimelb.edu.au/files/dmfile/download19b61.pdf>
- Bales, Kevin and Peter Robbins (2011) 'No one should be held in slavery or servitude: a critical analysis of international slavery agreements and concepts of slavery' Human Rights Review, 1 January, 2011
- Batstone, David (2007) Not for sale: return of the global slave trade and how we can fight it, (HarperSanFrancisco)
- BBC News (2009) 'Thailand's deadly treatment of migrants', 17 January, 2009. Go to: [http://news.bbc.co.uk/2/hi/south\\_asia/7834075.stm](http://news.bbc.co.uk/2/hi/south_asia/7834075.stm)
- Considine, Mark, Siobhan O'Sullivan and Phuc Nguyen (2014) Governance, Boards of Directors and the Impact of Contracting on Not-for-profit Organizations – An Australian Study, Social Policy and Administration, Vol. 48, No. 2, April
- Construction Forestry Mining and Energy Union (CFMEU) (2005) Submission of the Construction Forestry Mining and Energy Union, Construction & General Division, in response to the Productivity Commission Issues Paper "Economic Impacts of Migration and Population Growth", September 2005. Go to: [www.pc.gov.au/\\_data/assets/file/0006/9609/sub013.rtf](http://www.pc.gov.au/_data/assets/file/0006/9609/sub013.rtf)
- Davis, David Brion (1984) Slavery and Human Progress, (Oxford University Press: New York, Melbourne)
- Gallagher, Anne (2009) Human Rights and Human Trafficking: A Quagmire or Firm Ground? A response to James Hathaway, Virginia Journal of International Law, Vol 49, No 4
- Howell, Roscoe (2011) Australians and Modern Slavery (Slavery Links, Melbourne)
- Howell, Roscoe and Robert Evans (2012) 'How the Court system might encounter forms of slavery in Australia', Paper delivered at the Conference of the Australian Institute of Judicial Administration entitled "Doing Justice for Young People – Issues and Challenges for Judicial Administration in Australia and New Zealand". 23-25 August 2012, Brisbane. Go to: <http://library.slaverylinks.org/wp-content/uploads/sites/2/2013/07/How-the-court-system-might-encounter-forms-of-slavery-in-Australia.pdf>
- International Criminal Justice Project. Go to: <http://www.qub.ac.uk/schools/SchoolofLaw/Research/ResearchProjects/SlaveryasthePowersAttachingtotheRightofOwnership/>
- International Criminal Tribunal for the Former Yugoslavia: see Allain, Jean; Gallagher, Anne
- International Labour Organisation (ILO) Abolition of Forced Labour Convention 1957. Go to: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C105>
- International Labour Organisation (ILO) Convention on Protection of Migrant Workers and their Families, 1990. Go to: [https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg\\_no=iv-13&chapter=4&lang=en](https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-13&chapter=4&lang=en)

- International Labour Organisation, ILO Convention Concerning Decent Work for Domestic Workers, 2011. One hundredth Session, Geneva, Item 15A. Go to:  
[http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_157836.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_157836.pdf)
- International Labour Organisation (ILO) Fundamental Principles and Rights at Work. Go to:  
<http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>
- International Labour Organisation (ILO) Migration for Employment Convention (Revised), 1949 (No. 97). Go to: <http://ilo.org/global/standards/subjects-covered-by-international-labour-standards/migrant-workers/lang--en/index.htm>
- International Labour Organisation (ILO) Worst Forms of Child Labour Convention 1999 No 182. Go to: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312327](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312327)
- International Labour Organisation (ILO) (1998) Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organisation to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29). Geneva, 2 July 1998. Go to:  
<http://www.ilo.org/public/english/standards/reIm/gb/docs/gb273/myanmar5.htm>
- International Labour Organisation (ILO) (2005) Trafficking for forced labour – how to monitor the recruitment of migrant workers. Go to: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/instructionalmaterial/wcms\\_081894.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/instructionalmaterial/wcms_081894.pdf)
- International Labour Organization (ILO) (2007) Prevention of child recruitment and reintegration of children associated with armed forces and groups: Strategic framework for addressing the economic gap, (Geneva, International Labour Office). Go to:  
<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=6965>
- Joseph, Sarah and Joanna Kyriakakis (2010) 'The United Nations and human rights' in Sarah Joseph and Adam McBeth (eds) *Research Handbook on International Human Rights Law* (Edward Elgar)
- Kneebone, S. (2010) The governance of labour migration in Southeast Asia, in *Global Governance*, Vol. 16, Pp 383 - 396
- Martin, Philip (2007) *The economic contribution of migrant workers to Thailand: Towards policy development*, ILO Subregional Office for East Asia, ILO/EU Asian Programme on the Governance of Labour Migration /ILO/Japan Managing Cross-border Movement of Labour in Southeast Asia. Go to:  
[http://ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_098230.pdf](http://ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_098230.pdf)
- Maxwell, Justice Chris (2005) 'Human Rights: A View from the Bench' , Address to the Annual General Meeting of the Administrative Law and Human Rights Section of the Law Institute of Victoria, 26 October 2005. Go to: [http://assets.justice.vic.gov.au/supreme/resources/09d0bb49-97ce-4348-b912-733927e20314/speech05\\_humanrightsviewfrombench.pdf](http://assets.justice.vic.gov.au/supreme/resources/09d0bb49-97ce-4348-b912-733927e20314/speech05_humanrightsviewfrombench.pdf)
- Parliament of the Commonwealth of Australia (2013) *Trading Lives: Modern Day Human Trafficking*, Report of the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT). Go to:

[http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=jfadt/slavery\\_people\\_trafficking/report.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=jfadt/slavery_people_trafficking/report.htm)

Mishra, L., (2002) Annotated Bibliography on Forced / Bonded Labour in India, Declaration Working Paper No 11, ILO Region Office for Asia and the Pacific (International Labour Office, Geneva December)

R v Kovacs [2007] QCA 143

R v Tang (2008) 237 CLR 1

Ratha, Dilip (2008) 'Migration, Remittances and Development: Policy Options', Speech to the Lowy Institute, Sydney, July 16, 2008 (Migration and Remittances Team, Development Prospects Group, World Bank)

Ryle, Gilbert (2009/1971) Collected papers (London ; New York: Routledge)

Slavery Links (2012) Submissions to the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT). Go to:

[http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=jfadt/slavery\\_people\\_trafficking/subs.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=jfadt/slavery_people_trafficking/subs.htm)

Smyth, Paul (2014) 'The lady vanishes: Australia's disappearing voluntary sector', Presentation to a lunchtime seminar, Brotherhood of St Laurence, Fitzroy, Melbourne, 14 August, 2014. Go to: [http://www.bsl.org.au/fileadmin/user\\_upload/files/research/conference\\_and\\_seminar\\_papers/Smyth\\_The\\_lady\\_vanishes\\_Australias\\_disappearing\\_voluntary\\_sector\\_paper\\_14Aug2014.pdf](http://www.bsl.org.au/fileadmin/user_upload/files/research/conference_and_seminar_papers/Smyth_The_lady_vanishes_Australias_disappearing_voluntary_sector_paper_14Aug2014.pdf)

The Guardian newspaper (2003) The Southern Slave Trade by David Fickling, 6 May

<http://www.theguardian.com/world/2003/may/06/worlddispatch.australia>

The Guardian newspaper (2014) Labour-rights activist Andy Hall on trial in Thailand: 'I've done nothing wrong', 7 September. Go to: <http://www.theguardian.com/world/shortcuts/2014/sep/07/labour-rights-activist-andy-hall-natural-fruit-company>

The Herald Sun newspaper (2011) 'Chinese dumpling worker underpaid', 17April

The Sunday Mail newspaper (South Australia) (2010) 'Chinese paid \$1.90 an hour to dismantle Mitsubishi factory', by Nigel Hunt, 18 July. Go to: <http://www.adelaidenow.com.au/news/south-australia/chinese-paid-190-an-hour-to-dismantle-mitsubishi-factory/story-e6frea83-1225893411774>

United Nations, Office of High Commissioner for Human Rights (OHCHR) Fact Sheet 14, OHCHR Working Group on Contemporary Forms of Slavery. Go to:

<http://www.ohchr.org/Documents/Publications/Factsheet14en.pdf>

Weissbrodt, David (2002) 'Abolishing slavery and its contemporary forms', Report from Anti Slavery International and David Weissbrodt to UN High Commission for Human Rights, HR/PUB/02/4.







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