

How Australians are exposed to the slave-making systems which operate in the Asia Pacific

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SPEAKER

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INTRODUCTION

Ockham's Razor is about science, evidence and finding the simplest way to comprehend a problem. In this broadcast, the problem is modern day slavery. Slavery is a crime against humanity.¹ It happens when one person, in effect, owns another. It is defined in International Law and Australian Law; so we do know what needs to be stopped.

Some people, who feel compelled to act, do so on the basis of moral outrage or moral panic. Outrage and panic are not reliable guides.² Slavery can be tackled, using evidence about the problem; and evidence about how well the possible responses are found to work. There are links about this on the Ockham web page.³

Some of the evidence comes from the law; some from social sciences like psychology or community development; and some from medicine. From the point of view of medical science, slavery is a health issue. We have evidence about young people who are subject to forced and child marriage. They cannot *consent*. They suffer from sexual assault and early child bearing.

On the other hand, there is evidence that young people can be protected and can recover from forcing.⁵

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1. R v Tang (2008) 237 CLR 1, §24, §28, §32
 2. Roscoe Howell (2014) "Are you wearing a slave?" Address Marking the International Day for the Abolition of Slavery, 3 December 2014, at The Bob Hawke Prime Ministerial Centre, University of South Australia
 3. Roscoe Howell (2011) *Australians and Modern Slavery* (Slavery Links, Melbourne), 300 pp with a Foreword by The Hon Catherine Branson QC
 4. Jain, S. and Kurz, K., (2007) *New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs*, International Center for Research on Women (ICRW), Washington D.C., reported in Governance and Social Development Research Centre (2010) Help Desk Research Report: Child Marriage, GSD-RC, Page 4-5. See document [here](#).
 5. United Kingdom Forced Marriage Unit (2009) *Forced marriage: Multi-agency practice guidelines: Handling cases of Forced Marriage*. Written by Eleanor Stobart on behalf of the Forced Marriage Unit (a joint Foreign & Commonwealth Office and Home Office Unit) in collaboration with the Association of Chief Police Officers, Crown Prosecution Service, Department for Children, Schools and Families, Department for Communities and Local Government, Department for Business, Innovation and Skills, Department of Health, Ministry of Justice and the Welsh Assembly Government. See document [here](#).
 6. ILO (n.d.) *Promoting the Elimination of Bonded Labour in Pakistan (PEBLIB)*. Go [here](#).
 7. Angarita, Ana and OJ Sikes (1987) 'Review and Analysis of Premarital / Newlywed Education Activities in Mexico, Indonesia and the Philippines', in UNFPA (1990), *Review and Analysis of Premarital / Newlywed Education Activities*, The Population Council, 1987. Cited in UNICEF (2001) *Early marriage: Child spouses*, Innocenti Digest, Innocenti Research Centre, Florence, Italy, Page 15

Millions of people in South Asia are trapped in a form of servitude called debt bondage, where open-ended debts can trap whole families, groups or classes of people. Evidence-based work, funded by the Dutch in Pakistan and India, showed that debt bondage could be challenged and overcome by communities⁶ who worked together with their governments.

Likewise evidence-based work has shown that communities can replace forced marriage with respect and consent. Here are five examples that Slavery Links has reported:

1. According to a UNICEF report,⁷ in Indonesia and Sri Lanka, marriages are only registered when there is evidence of consent; and no polygamy.
2. In parts of India, incentives, such as annuities or scholarships, have been introduced, to value girls more highly and to postpone their marriages
3. In Bangladesh, Pakistan and Nepal, young people have been trained to look out for each other and to get help, if an early marriage is planned
4. In Senegal, West Africa, the peoples of 300 villages declared their respect for consent in marriage
5. In India, women sitting on customary courts can bring a fresh view to marriage, divorce and child custody.

There have been cases of forced marriage in Australia.⁸

8. Tina Jelenic and Matthew Keeley (2013) *Draft End Forced Child Marriage Guidelines*, National Children's and Youth Law Centre, Sydney. See document [here](#).

9. Slavery Convention Signed at Geneva on 25 September 1926. Australian Treaty Series Number [1927] ATS 11. Go here. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery Adopted by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 608(XXI) of 30 April 1956 and done at Geneva on 7 September 1956. Australian Treaty Series Number [1958] ATS 3. See document [here](#).

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), Slavery Links provided evidence to the Legal and Constitutional Committee of the Senate and JSCFADT.

10. Slavery Links' submissions to JSCFADT can be found [here](#).

While the Police or Courts might be called to protect an individual girl, Slavery Links is encouraging people to learn from Asia and consider how community-based approaches could be applied in Australia, to uphold marriage according to our civil laws.

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AUSTRALIA'S HISTORY OF ANTISLAVERY ACTION

Australia is not a newcomer to the subject of slavery. In 1926, under Prime Minister Bruce, Australia was one of the first countries to sign the Slavery Convention at the League of Nations.⁹

In 1956, under Foreign Minister R. G. Casey, Australia signed the Supplementary Convention¹⁰ at the United Nations. The 1956 Convention was supplementary in the sense that it added servile forms of child trading, debt bondage, forced labour, forced marriage and peonage (or serfdom) to the traditional form of chattel slavery.

Next year, 2016, will be the ninetieth anniversary of the Slavery Convention and the sixtieth anniversary of the Supplementary Convention. Slavery Links has encouraged the Attorney General to consider how Australia might celebrate these anniversaries. We have also written to the Australian Archives to ask for the records of Australia's anti-slavery role to be collated, published and promoted. There are facts to be put on the table.

The Forty-Third Parliament, which ended in 2013, conducted three inquiries into aspects of modern slavery.¹¹ In 2012 and 2013, three Committees heard evidence about social policy regarding slavery, and about options for legislation and "best practice" ways of responding. Evidence from the hearings found its way into reforms which were signed into law by the Governor General on 7 March 2013.

The reforms strengthened Division 270 of the Commonwealth Criminal Code.

The reforms created a hierarchy of offences, from forced labour through servitude to slavery. They created an offence of forced marriage. They also put sex into perspective.

In the legal language of the Bill, it 'enabled servitude and deceptive recruiting to be recognised in non-sexual contexts'. This has a simple meaning: forcing is the issue to be dealt with, whether it occurs in the sex industry, the

11. [Report of the 2010 Review of the Migration Amendment \(Employer Sanctions\) Act 2007](#), prepared by Stephen Howells for the Minister for Immigration and Citizenship, Department of Immigration and Citizenship PO Box 25 Belconnen ACT 2616. Commonwealth of Australia, 2011

building industry, agriculture or elsewhere.

Forcing is more widespread than many realise. In 2011 Immigration Minister Chris Bowen accepted a report¹² which found strong evidence of a growing number of illegal workers.¹³ The report estimated there were at least 50,000 illegal workers in Australia, and potentially more than 100,000.

Illegal workers can be associated with organised crime and exposed to exploitation.

In turn, this breeds corruption. That is why forcing needs to be addressed in Australia.

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SLAVE OWNERS USE EXTREME FORMS OF CONTROL

Slave owners use extreme forms of control. In the Balkans War, during the 1990s, slavery was used, systematically, as a weapon of war, against the Moslem population. Bosnian Moslems called on the world community and they were protected through international law, humanitarian and criminal law.

The world community established the International Criminal Tribunal for the Former Yugoslavia. Some of the leading perpetrators were brought to trial.

The Tribunal identified eleven indicia – indicators or tests for the presence of slavery, namely:

- 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

12. [Australian Financial Review 'Australia to crack down on illegal workers](#), 21 July 2011.

13. R v Tang (2008) 237 CLR 1

These tests were used by Australia’s High Court, in the slavery case of R v Tang.¹⁴

The essential point for Australians to understand is that chains are no longer the typical marker for enslavement: obscure and indirect forms of control need to be understood by police, service providers and the public.¹⁵

Lack of awareness can be a problem. The Australian cases of Tang¹⁶ and Kovacs¹⁷, each heard in 2008, involved women brought from Asia.

They were not enslaved in a war. They were not trafficked; they were enslaved after arriving in Australia. Their enslavements happened in full view of Australians, but were not recognised as slavery by members of the public. These cases illustrate the importance of community education, for public awareness and for the education of potential jurors.

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HOW DO SYSTEMS OF SLAVERY OPERATE?

How can whole groups or classes of people come to be swept up into a slave-making system?

Slave systems place at risk the most vulnerable groups of people. Groups become vulnerable by virtue of exclusion from the mainstream. The evidence¹⁸ identifies whole groups or classes of people who are excluded based on gender, race, religion, caste or disability.

Australians who have travelled in Asia may have seen this for themselves. The charity Slavery Links has researched how slave systems operate. It identifies four “engines” that enable systems of slavery to persist.

These engines have operated, all together, for many generations:

- + Poverty and
- + Powerlessness and
- + Crime / corruption and
- + Conflict

= These add up to four engines that work together to keep slave-making systems operating

14. Roscoe Howell (2013) *“How families and practitioners may encounter slavery in Australia”* © Address at the Australian Institute of Family Studies (AIFS) Level 20, 485 La Trobe Street, Melbourne; 14 March 2013. For a summary of the address, go [here](#).

15. R v Tang (2008) 237 CLR 1

16. R v Kovacs [2008] QCA 417

17. Roscoe Howell (2011) *Australians and modern slavery* (Slavery Links, Brighton)

By defining slave-making systems, the Supplementary Convention directs attention to system change and the social development that is required to address slavery. Antislavery programs need to address poverty, overcome powerlessness, strengthen justice and get better access to decision making.

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ENCOUNTERS WITH SLAVERY

In a global economy, Australians may encounter modern slavery in three ways:

- 6. Firstly, slavery has been found within Australia
 Sometimes people are married too young or trapped into forced marriage.
 Criminals bring workers into Australia with the false promise of good jobs. They trick and trap women and or men into forced labour.
 People from Afghanistan, Burma, Congo, Sudan, Sri Lanka or the Gulf may have direct experience of child labour, child soldiery or forced labour.
- 7. When travelling
 Secondly, Australians who travel overseas may encounter child labour or forced labour or sex trafficking or debt bonded labour or organ trafficking (through medical tourism for example).
- 8. Thirdly, Australian business and purchase decisions affect economies in our Region. Businesses may contribute to slave-like working conditions, perhaps without realizing what is happening. Individual consumers may contribute to some form of slavery, perhaps by seeking a lowest-cost product where a low price is achieved by un-fair trade or employment practices.

18. Hugh Thomas (1997) *The Slave Trade. The History of the Atlantic Slave Trade 1440-1870* (London, Picador)

Two hundred years ago, slavery was embedded in the world economy.

In Europe people built slave ships and sailed on them as crew. They invested in shipping companies which transported slaves and the products made by slaves, they invested in the firms who made the chains, they bought the sugar and cotton that was produced from slave labour.¹⁹

In the same way, slavery can be embedded in modern economies.

Australia had a recent example when the Russell Corporation was found to have used Asian children to make the Sherrin Footballs that Australian children used to learn how to kick a football.²⁰

However the problem is bigger than Sherrin Footballs. We are the problem, you and I.

Australia trades with Asia. We sell iron ore and gas to China, Japan and Korea in return for merchandise, and access to oil.²¹

In 2013, nearly half (43 per cent) of our merchandise imports came from countries that have not ratified the Convention for the Abolition of Forced Labour, 1957.

Around two thirds (65 per cent) of our merchandise exports went to countries that have not signed that Forced Labour Convention. So the risk of forced labour is embedded in our economy today, just as it was embedded in the world economy 200 years ago.

You and I are the beneficiaries, because the possibility of forced labour is what has kept down the price at the cash register for chocolate, clothes and seafood.

The price is low, but the costs remain, the costs for occupational health, worker safety and so on, do not go away.

Every time we Australians outsource production to Asia, we push those costs and risks onto the poorest and most vulnerable people in the world.

Two hundred years ago, the British decided to end sugar slavery. There was cost to the sugar industry and a 20 million pound payout from the budget in 1833. The British paid the price because they chose to end slavery.

The money cost of ending sugar slavery was offset by the improvement in general welfare for all.

Slavery today is not about other people who do naughty things. Not about naughty Indians or naughty Chinese or other Asians who mistreat their workers or exclude whole groups or classes of people.

You and I will end slavery when we choose to pay the price to get rid of it.

19. Sydney Morning Herald (2012) 'Ball back-down as Sherrin ends child labour' by Ben Doherty. Source:

ABS Table 5368014a and Table 5368014b

FURTHER INFORMATION CAN BE FOUND AS FOLLOWS:

1. Read the book *Australians and modern slavery*. An on-line Order Form can be found [here](#).
 2. Roscoe Howell's public address for the United Nations Day, 2 December 2014, at the University of South Australia, can be read [here](#).
 3. Roscoe Howell (2013) "*How families and practitioners may encounter slavery in Australia*" © Address at the Australian Institute of Family Studies (AIFS) Level 20, 485 La Trobe Street, Melbourne; 14 March 2013. A summary of the address can be viewed [here](#).
 4. Listen to Roscoe Howell's address on ABC '*Big Ideas*' [here](#). Or download the MP3 [here](#).
 5. Interviews
 - Radio Adelaide interview (on Ewart Shaw's program) can be heard [here](#).
 - SBS Radio – Interview: *7 Minutes with Karen Ashford* can be heard [here](#). Video from Wheeler Centre, Melbourne
 6. Lunch time Soap Box 19 July 2012: *Australians and modern slavery* can be heard [here](#).
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