

Human lives for sale and trade:

a discussion forum on human trafficking



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Human lives for sale and trade: a discussion forum on human trafficking, was held at Baker & McKenzie on Tuesday, 23 August. The event, which was booked out, aimed to raise awareness of human trafficking and sex slavery, and is expected to culminate in the establishment of an informal lawyer's network in the area.

With an estimated 600,000-800,000 people trafficked across international borders each year at an approximate industry value of US \$7-10 billion (estimate by the United Nations), human trafficking has become a major global issue. Given the underground nature of the industry, many believe trafficking is not a problem faced by Australia.

Unfortunately, Australia is among those countries regarded as a destination for victims of trafficking.

Although the Australian government committed to a \$20 million package in 2003, targeted at combating human trafficking in Australia, there is still much work to be done in bringing an end to this industry. Much of this work may be undertaken by lawyers.

The forum

The forum was moderated by Melbourne barrister Georgina Costello, with the panel consisting of Anne Gallagher (a Team Leader of the Asia Regional Cooperative to Prevent People Trafficking, based in Bangkok) and Jennifer Burn (head of the Anti Slavery Project, based at the University of Technology, Sydney).

The forum looked at the nature of trafficking, how it operates and, importantly, what lawyers can do to help prevent it.

Not to be confused with people smuggling, Anne commented that people trafficking is a crime that essentially involves:

- the movement (across or within borders) of persons;
- through coercive or deceptive means; and
- for the purpose of exploitation.

Although, to demonstrate the complexity of this crime, even this definition was subject to some debate from an attendee.

The panellists provided insight into the operation of the trafficking industry. Jennifer discussed how two Asian females (including a tertiary educated victim) responded to an advertisement for international employment in the tourism and hospitality sector. After attending interviews, the women were flown to Australia, and then imprisoned in a house, their only contact with the outside world being their journeys back and forth to the brothel where they were forced to work. Both females were advised that if they tried to escape, their families back home would be tortured and killed.

It also came as a surprise to the audience to learn that not all victims of trafficking wanted to be saved. For instance, in Asia, trafficked victims were forced to work in a "sweatshop" until they had paid off their sale price. On being "rescued", many of the victims preferred to remain under such conditions, as returning home to their villages would subject them to "greater poverty".

Both panellists discussed how authorities enforce anti-trafficking laws, including the use of protection visas for victims, and where the primary focus of law enforcement should lie, i.e., with the trafficker and/or the



"purchaser" of the victim. The final part of the evening was spent discussing the path forward.

Given the legislative framework, the need for reform and legal support that victims require, both for criminal advice and for civil advice (such as visa applications, personal remedies and victims of crime applications), the legal community has a strong part to play in preventing the successful operation of this global industry.

Looking ahead

In 2006, the Young Lawyers' Section Community Issues Committee (CIC) will conduct a series of seminars, aimed at raising awareness of various aspects of human trafficking including:

- the legal and enforcement regime;
- immigration and visa issues;
- victim support; and
- international responses.

Informal lawyers network

The CIC is currently in the process of establishing an informal network of lawyers which will be dedicated to providing pro bono legal assistance and research in the area of human trafficking. The CIC will administer the database and liaise with the network lawyers, organisations (such as UTS) and individuals requiring pro-bono or research assistance.

Please contact Sanjula Weerasinghe sanjula.weerasinghe@malleasons.com.au or Gareth Clark gareth.clark@bakernet.com if you would like further information on how the network will operate or if you are interested in joining the network. At the very least, joining will enable you to receive information on human trafficking in Australia, and at the very most, it will allow you to play an active part in preventing this abuse. ■