Resolving the conflict between mandatory protection and mandatory drug trafficking laws requires non-prosecution, non-punishment and clemency. The reprieve for Mary Jane is an opportunity for Indonesia to lead ASEAN in protecting victims of exploitation. The way for Indonesia to resolve this and to set an example to the rest of the world is to reprieve Mary Jane Veloso permanently. She has served five years in prison and can be sent home immediately without any humiliation to Indonesia's president as he would be applying Indonesia's own protective principles.

In order to effectively tackle trafficking in human beings (THB), all States need to identify all types of victims and divert them out of criminal justice systems. This includes in cases where there is credible evidence they have been trafficked in order to commit criminal offences on behalf of those who make criminal profit. Decisions need to be taken in every country not to prosecute those people and to release those who have been wrongly convicted. UK CPS Legal Guidance sets out some practical steps:

- Is there a reason to believe that the person has been trafficked?

- If there is clear evidence of a credible defence of duress, the case should be discontinued on evidential grounds; but

- Even where there is no clear evidence of duress, but the offence may have been committed as a result of compulsion arising from trafficking, prosecutors should consider whether the public interest lies in proceeding to prosecute or not.

- Lawyers to bring the issues to the attention of prosecutors and judges and argue that continuation of prosecution is an abuse of process and/or not in the public interest.

For prosecutors this involves decisions not to prosecute criminal offending as it is not in the public interest to further victimise exploited people. For judges this means staying indictments as an abuse of process. The recent decision in English v R [2014] NTSC 38 in the NT demonstrates the power of judges to stay cases which are manifestly foredoomed to fail. This is a small step to stopping cases against trafficked victims which should never be brought. These are not easy or popular decisions but they are the logical solutions for global exploitation, particularly when combined with protective measures and where countries empower their people to make alternative choices.

The complaints by NUPL in Mary Jane Veloso's case identified alleged recruiters who then said they were the subject of some sort of pressure and came forward for 'protection' and were arrested. They are probably pretty low down a long chain of command and there are others in real control. The evidence will probably reveal an international network. The task is to identify those at the top and part of the protective measures for victims is it creates a potential bank of witnesses, providing they are not in danger or too traumatised. This is a concept where we accept people have committed crimes but do not prosecute or punish so in principle there may be evidence against a lot of people but the ones at the bottom are the most exploited and need protection—especially if they have been deceived or manipulated.

Ultimately what this is all about is international cooperation, women's empowerment, effective referral mechanisms, effective MLATs, social not militaristic policing, cooperation between authorities and NGO's and attitudinal change. Mary Jane Veloso's case has highlighted these issues and now it is for all countries to ensure their people are not exploited, whether by eradicating poverty, improving choices or tackling organised crime.

1 Taken from a blog for Civil Liberties Australia here http://www.cla.asn.au/News/trafficked-women-suffer-doubly/ and a paper for Griffith Journal of Law and Human Dignity here http://www.griffithlawjournal.org/#!volume-3-issue-1/c1z2j and an article in Origins Magazine here http://www.felicitygerry.com/felicity-featured-origin-magazine-topic-lawyers-duties-trafficked-victims/ and a paper delivered at the NTBA conference in Dili in 2014 forthcoming in NTLJ.