

# Discussing the Human Trafficking Dilemma

*Expert Panel reflects on the realities of human trafficking in Australia*

By Philippa Ross

Every year, innocent men and women are brought into Australia under false pretences and are forced into situations of exploited labour. These realities of human trafficking were highlighted during the Human Trafficking Forum, an event co-hosted by the Castan Centre and the Law Institute of Victoria's Young Lawyers' Section. This global crime is particularly pertinent to Australia as our nation is a destination country for many trafficked people, especially women from South East Asia.

The forum's moderator, Jennifer Burn, a senior lecturer at the University of Technology Sydney and the Director of the UTS Community Law Centre & Anti-Slavery Project, headed the group of distinguished panellists who discussed immigration, protection, rehabilitation and reintegration issues confronting victims of trafficking. Many of the victims are forced into the sex industry in order to pay off a 'debt' for their passage under a debt-bondage agreement.

As presiding judge in the high profile human slavery case *R v Wei Tang*, County Court Judge Michael McInerney provided a fascinating insight into the dynamics of the case including the details of the arrangements under which the five Thai women involved came to Australia. Ms Burn questioned Justice McInerney about the lack of respect shown in the courtroom noting among other things that the women were described using demeaning stereotypes. Justice McInerney explained that there were great difficulties involved with educating the public and the legal profession as to the women, their circumstances and backgrounds. He likened trafficking and human slavery cases to rape trials where victims are often humiliated and shown a severe lack of sensitivity towards their plight.

As Castan Centre Deputy Director Susan Kneebone pointed out, the women who are trafficked to Australia are often not the most exploited and indeed possess some level of education. This adds to the challenge of presenting their situations in a sympathetic way. With all this in mind, Justice McInerney praised the "intelligent jury" who had been able to see the reality of the human slavery situation and its inherent illegality. Justice McInerney's decision was overturned by the Court of Appeal, however the Director of Public Prosecutions is currently seeking leave to appeal to the High Court of Australia.

Sharon Watts, the Director of the Cancellations and People Trafficking Section of the Department of Immigration and Citizenship gave an up-

date on the current visa system and the policies behind the Australian Government's response to human trafficking. One objective of the Australian Government is to stop the problem of human trafficking at its source. To this end, it has created two additional compliance officer positions in Manila and Beijing. Additionally, close to 15 Witness Protection visas and over 50 Criminal Justice Stay visas have been issued throughout Australia to ensure that human trafficking victims are able to assist in the criminal prosecution of traffickers.

Following on from this, Monash University Criminology lecturer Maree Segrave stressed the need for more attention to the repatriation of trafficking victims. At present the formal process for repatriation centres on the prosecution of traffickers rather than the needs of victims who are culturally shamed and seen as failures to their families. Ms Segrave suggested that the Australian Government should work in close conjunction with NGOs in Thailand and other return destinations to facilitate a more harmonious return. In response to this Sharon Watts confirmed that the Australian Government is attempting to co-ordinate with NGOs in order to provide more support for repatriated trafficking victims.

Finally Christine Carolan from the Sisters of the Good Shepherd Social Justice Network and Executive Director of the Australian Catholic Religious Against Human Trafficking spoke of the needs of rescued trafficking victims. She noted that the Government was seeking a new tender for the care of trafficking victims in Australia. There are strict requirements for service providers, however in the long run it is hoped these guidelines will guarantee appropriate care for trafficking victims in Australia.

Following the panellists' presentations, a question time provoked further enlightening dialogue. The Human Trafficking Forum provided an excellent opportunity to explore the continuing fight against trafficking in persons which deprives so many of their basic human dignity. Certainly there are many hurdles to overcome in order to eradicate this terrible crime which leads to serious human rights abuses. However increasing public awareness and a focus on the situation and rehabilitation of the victims will hopefully ensure a more sympathetic environment for respecting their rights.



Deputy Director Susan Kneebone introduces the forum.



Forum Panellists (from left to right) Marie Segrave, Judge Michael McInerney, Christine Carolan, and Sharon Watts