

Influencing policy to help stop human trafficking

By Dr Julie Debeljak

In November 2009, Deputy Directors Dr Julie Debeljak and Professor Susan Kneebone organised a Workshop entitled *Legal and Criminal Justice Responses to Trafficking In People: Obstacles, Opportunities and Best Practice*. This Workshop was convened under the auspices of an Australian Research Council ("ARC") Linkage Grant entitled *Australia's Response to Trafficking in Women: A Model for the Regulation of Forced Migration in the Asia-Pacific Region?* (with fellow Chief Investigator Professor Bernadette McSherry). Each of the collaborating organisations under the ARC Grant actively participated in the Workshop, with the Australian Human Rights Commission and Cardno ACIL Ltd presenting numerous papers at the Workshop, and the Commonwealth Attorney-General's Office and World Vision Australia providing guidance on the program and attending the Workshop. The Workshop was also generously supported by an Attorney-General's Department Grant to the Castan Centre under its "Grants to Australian Organisations Program, 2009-2010".

As Julie and Susan compiled their research across the ARC Grant period, it became apparent that, although there had been vast improvements and achievements in the detection and investigation of trafficking in persons for sexual exploitation in Australia, this did not translate into the successful prosecution of the traffickers or adequate compensation for the victims of trafficking (whether that be under victims of crime schemes, compensation orders pursuant to sentencing legislation, contract law or tort law). Moreover, in relation to trafficking in persons for (non-sexual) labour exploitation, there were significant gaps in knowledge about best practice methods of detection, investigation and prosecution.

In order to address these gaps, Julie and Susan convened a multi-sectoral Workshop to explore the obstacles, opportunities and best practices with respect to criminal justice and labour regulatory responses to trafficking in Australia. The Workshop addressed four

broad themes:

- How to improve legal and criminal justice responses to human trafficking, particularly in the area of prosecutions and judging.
- How to utilise the criminal justice, civil justice and labour regulatory systems to respond better to human trafficking, with particular emphasis on learning the lessons from the criminal justice response to trafficking for the purpose of sexual labour exploitation.
- How to use the criminal justice, civil and labour regulatory systems to improve outcomes for victims of trafficking, particularly through civil claims under victims of crime compensation and sentencing legislation schemes, and compensation claims under contract and tort law.
- How to ensure better coordination between criminal justice, civil justice and labour regulatory regimes to maximise prosecutorial, deterrence and compensation efforts.

Speakers included Judge McInerney, Ms Elizabeth Broderick (Sex Discrimination Commissioner for the Australian Human Rights Commission), two technical advisers to the AusAID program "Asia Regional Trafficking in Persons Project" (Dr Anne Gallagher and Albert Moskowitz), Assoc Prof Jennifer Burn, the Australian Federal Police, and Commonwealth prosecutors. Sixty people from a range of stakeholders (including judges, tribunal members, prosecutors, police, federal and state public servants, non-government organisations, and academia) participated in a highly engaging and interactive workshop.

For more information on the Workshop, please visit www.law.monash.edu.au/castancentre/projects/trafficking.html

Where are they now?

Castan Centre alumnus Simone Cusack is Strategic Policy Coordinator at the Public Interest Law Clearing House (PILCH) in Melbourne, and an independent consultant to the World Health Organization's project on advancing sexual health and human rights. During her Arts/Law degree at Monash, Simone undertook Castan Centre-facilitated placements with the Australian Red Cross and the Australian Delegation to the UN Commission on Human Rights in Geneva. She recently said of the experiences "Mentorship by human rights leaders and access to internships, including those facilitated by the Castan Centre, were key to establishing my career in human rights."

After graduation, Simone worked as a lawyer at Blake Dawson before doing a

Masters of Law at the University of Toronto in 2006. Her thesis examined States' obligations to eliminate gender stereotyping under the *UN Convention on the Elimination of All Forms of Discrimination against Women*. Simone then undertook a variety of work as a Fellow in the International Reproductive and Sexual Health Law Programme at the University, including writing amicus briefs for the European and Inter-American human rights courts.

In her current role at PILCH, Simone is responsible for the organisation's policy, advocacy and law reform work. In her role with WHO, she is examining how Western Pacific states have applied human rights norms and standards to advance sexual health.

Simone recently co-authored (with Professor Rebecca J. Cook) *Gender Stereotyping: Transnational Legal Perspectives*, which considers how gender stereotypes might be eliminated through the transnational legal process. "Co-authoring a book on gender stereotyping has been the most enjoyable experience of my career thus far", said Simone. "The opportunity to think critically about an under-developed area of international human rights law and develop a legal methodology to identify and redress wrongful gender stereotyping has challenged me intellectually."

For more information about Simone's book please visit www.upenn.edu/pennpress/book/14658.html

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