

UN expert on human trafficking speaks out

By Rachel Loftus

Slavery was formally abolished by the UK and its colonies in 1807, yet 204 years later it still exists; albeit in a different form. While far less visible, it is no less harmful to its victims. In fact, its consequences are much more extensive and far-reaching. Human trafficking has become a huge issue in international human rights law over the past decades. Indeed, it affects every single country in the world. Ms Joy Ezeilo, the UN Special Rapporteur on trafficking in persons, especially women and children, has been working tirelessly over the past three years to increase States' awareness of the implications of this crime, and to encourage them to take proactive steps towards not only preventing trafficking, but also providing support to those who are trafficked.

One of the three protocols that supplement the United Nations Convention against Transnational Organised Crime is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Australia ratified the Protocol in 2005, and there are currently 147 States who are party to the Protocol.

Late last year, Ms Ezeilo delivered the Castan Centre/Mallesons Stephen Jaques (now King & Wood Mallesons) annual lecture at the State Library of Victoria. Throughout her presentation, Ms Ezeilo frequently referred to human trafficking as a form of modern slavery. Vulnerable individuals are often lured by false promises of a better life and a respectable job to deal with traffickers voluntarily, but their consent to travel is vitiated the moment they are coerced or deceived. Victims often remain trapped indefinitely by the debt they owe to the traffickers, whether real or artificial, and are treated as commodities rather than human beings. Article 3 of the Protocol broadly defines human trafficking to include any form of movement for the purpose of exploitation, such as forced prostitution or labour, removal of organs and domestic servitude.

A large problem faced by the UN is that many countries are still in denial about the existence of human trafficking within their borders, or do not see it as their responsibility. Consequently they take no preventative action. Furthermore, most States that actually criminalise trafficking do so within a very limited scope, reflecting widely-held beliefs that men cannot be victims and that trafficking is limited to the sex industry. There is therefore a need for States to comprehensively define trafficking, in line with Article 3 of the Protocol. For example, trafficking for the purpose of harvesting organs is not readily recognised, even though it is a lucrative and thriving business for traffickers who have clients in wealthy Western nations. Domestic servitude is also commonly ignored, largely because some States do not recognise such a form of slavery as a crime, with domestic matters considered the private domain of individuals.

Ms Ezeilo focused on Article 6 of the Protocol in her presentation, which imposes obligations on States to provide assistance, protection and information to victims of human trafficking. These obligations include facilitating their right to effective remedies and to shelter, medical treatment, counselling and language support.

While awareness of the crime of human trafficking is growing, most responses are focused on prosecuting those responsible and ignore the independent needs of victims. Those who are trafficked are often afraid of their traffickers. It is counter-productive to ambush victims immediately and demand they testify against their traffickers. Even if authorities manage to secure a conviction, this will not redress the harm suffered by victims, nor ensure their



Ms. Joy Ezeilo shares her expertise on human trafficking.

reintegration into society.

Australia is no stranger to human trafficking, with traffickers enticing vulnerable and desperate people in our neighbouring Asian countries through false promises of a better life. Victims of human trafficking are often confused with refugees, even when they have no intention to seek asylum. Human trafficking victims are tricked into thinking they will be able to enter and work legally in Australia, but find themselves exploited, confined and forced into dangerous and illegal work to pay off the debts they incur along the way.

There have been many media reports on illegal brothels being run in Melbourne, full of young Asian women who are forced to live in cramped and unhygienic conditions, and to work long hours without being able to keep any of the proceeds. Yet the focus is still on prosecuting those responsible, with relatively little attention paid to what is being done to assist victims and ensure they are not exiled to the outskirts of society, both geographically and socially. Currently, according to the Special Rapporteur, Australia is in violation of its international obligations to victims of human trafficking. Our government needs to modify its responses to this crime so that they are culturally appropriate to the region and take into account the differing needs of victims. Stereotypes of 'ideal' victims of trafficking must be broken down, and responses need to be personalised.

The presence of the UN Special Rapporteur on trafficking in persons in Australia has highlighted the fact that the Federal Government can do more to help victims of human trafficking. Ms Ezeilo's powerful and moving presentation shocked the audience, but it was also a spur to action. The standing of Ms Ezeilo's UN Office, not to mention her own incredible knowledge and experience, left the audience in no doubt that our Government can no longer ignore its responsibilities to the victims of trafficking.