

Submission
No 24

INQUIRY INTO HUMAN TRAFFICKING

Organisation: Catholic Women's League Australia NSW

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*Catholic Women's League Australia
New South Wales Inc
A member organisation of CWLA Inc*

Submission from the Catholic Women's League NSW Inc.

NSW Parliament Inquiry into Human Trafficking

February 2017

Learn to do right; seek justice. Defend the oppressed. Isaiah 1:17

1. Introduction

Catholic Women's League NSW Inc. state peak body representing the Catholic Women's League in New South Wales. One of CWLA's four principle aims is to influence legislative and administrative bodies at all levels of government in order to preserve the dignity of the human person.

2. Catholic Social Justice Principles

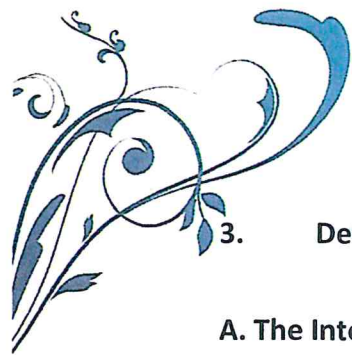
The Catholic faith articulates Catholic Social Justice Principles, which we believe can provide a guiding foundation for best practice in developing laws, procedures and policies and strategies relating to the issue of human trafficking.

One important principle relates to the Dignity of the Human Person. This principle relates to upholding and promoting the dignity of every person and lies at the foundation of Catholic Social Justice teachings. It affirms that no human being should ever have their dignity or freedom comprised and that such life challenges including poverty, hunger, oppression and injustice make it impossible to have a life that is commensurate with this dignity. It is on these grounds that we feel compelled to make a submission to your present inquiry on the issue of human trafficking.¹

¹ For more information on Catholic Social Justice Principles and Teachings please refer to to <<http://www.caritas.org.au/learn/catholic-social-teaching/dignity-of-the-human-person>> last viewed at 18 December 2016.

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3. Definition of Human Trafficking

A. The International Definition of Trafficking

The internationally agreed definition of human trafficking is detailed in UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, often referred to as the Trafficking Protocol, which states the following:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; ... (art. 3).

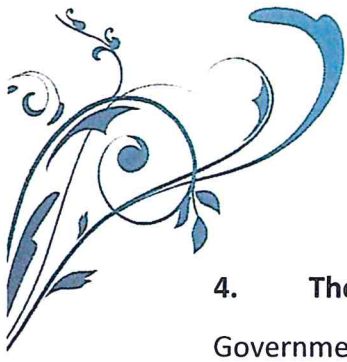
The three key elements that must be present for a situation of trafficking in persons (adults) to exist are therefore: (i) action (recruitment, ...); (ii) means (threat, ...); and (iii) purpose (exploitation).

International law provides a different definition for trafficking in children (i.e., persons under 18 years of age). The "means" element is **not** required in this case. It is necessary to show only: (i) an "action" such as recruitment, buying and selling; and (ii) that this action was for the specific purpose of exploitation. In other words, trafficking of a child will exist if the child was subjected to some act, such as recruitment or transport, the purpose of which is the exploitation of that child².

² < http://www.ohchr.org/Documents/Publications/FS36_en.pdf > last viewed at 27 February 2017.

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4. The Context of Human Rights Trafficking in Australia

Government figures reveal a 57 percent rise in new investigations by the Australian Federal Police into human trafficking and slavery over the past five years. One report states that the Red Cross Support for Trafficked People Program, that focuses on supporting people recovering from human trafficking and forced marriage experiences almost doubled since 2009³. Ann Clark, Program Coordinator of the Red Cross Support for Trafficked People Program, stated the following:

The trafficking organisers change their behavior quite often in response to police enforcement activities. Forced labour, forced marriage, there's a growing awareness of the diversity of trafficking. The number of people referred to the Red Cross program has almost doubled since 2009. You really probably expect them to rise again unfortunately⁴.

The Australian Federal Police manager of victim-based crime Commander Glen McEwen told Parliament that there were 24 separate investigations involving alleged sexual servitude in the previous year, six of which were focused in New South Wales. However, he believed that this constituted but a fraction of the abuse passing under the radar and that the problem of human trafficking was "wide and vast"⁵.

Despite the problem being "wide and vast" research into this issue and conviction rates in Australia are relatively low. One report states that "there is a lack of international and Australian research about offenders who have been convicted of human trafficking, slavery and slave-like practices"⁶. The report goes on to state that "in Australia, between 1 January 2004 and 30 June 2012, 15 offenders (involving at

³ www.nsw.redcross.org.au/trafficking-on-rise.aspx last viewed at 27 February 2017.

⁴ *ibid*

⁵ www.smh.com.au/action/printArticle?id=1000351181 last viewed at 27 February 2017.

⁶ "Human Trafficking and Slavery Offenders in Australia", Trends and Issues in Crime and Criminal Justice no.464, Frances Simmons, Brynn O'Brien, Fiona David and Laura Beacroft, Canberra: Institute of Criminology, November 2013.

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least 37 victims and 9 schemes) have been convicted of trafficking in persons, slavery and slavery-like offences."⁷
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Other statistics reveal that between January 2004 and June 2011:

- * 305 investigations and assessments of trafficking-related offences were conducted by the AFP's Transnational Sexual Exploitation and Trafficking Teams;
- * 184 victims of trafficking had been provided with assistance through the government funded Office for Women's Support for Trafficked Persons (STP) Program; and
- * 13 people convicted for people trafficking-related offences (9 of the 13 defendants were convicted of slavery offences, 3 of sexual servitude and 1 of people trafficking)⁸.

Thus, it is evident that trafficking in this country remains a major problem with little research or statistics available to reveal the true extent of the problem.

5. Recommendations

As strong advocates for the protection of women and children the Catholic Women's League of New South Wales urgently encourages the NSW State Parliament to take steps to ensure that trafficking in New South Wales is prevented, stopped, that offenders are prosecuted and that the victims/survivors of trafficking are supported and assisted to the greatest extent possible. Bearing this in mind we request that you adopt the following recommendations, which have been also largely suggested by the US Department of State Trafficking in Persons Report 2016⁹:

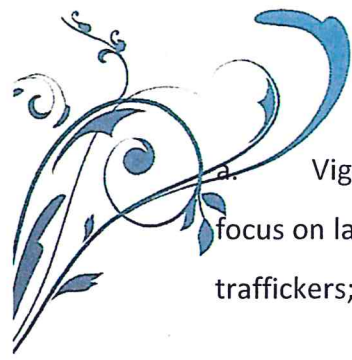
⁷ Ibid.

⁸ < <http://aic.gov.au/publications/current%20series/tandi/441-460/tandi441.html>> last viewed at 28 February 2017.

⁹ < <https://www.state.gov/documents/organization/258878.pdf>, page 80> last viewed at 27 February 2017.

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a. Vigorously investigate and prosecute trafficking offenses, with increased focus on labor trafficking and convict and stringently sentence sex and labor traffickers;

b. Increase efforts to train police and other front-line officers to recognize indicators of trafficking and respond to suspected cases of both sex and labour trafficking;

c. increase training for prosecutors and judges on Australian trafficking laws;

d. strengthen efforts to proactively identify trafficking victims among vulnerable groups, such as undocumented migrants or workers filing civil grievances;

e. require social service providers to be present when conducting initial screening interviews with potential victims and ensure such interviews are conducted in a safe and neutral location;

f. continue efforts to expedite visas for victims;

g. sustain and increase funding to NGOS for robust victim protection services;

f. consider establishing a national compensation scheme for trafficking victims;

g. continue to implement or fund awareness campaigns, particularly among rural communities and migrant populations;

h. increase efforts to prosecute and convict Australian child sex tourists; and

i. develop a targeted campaign to raise awareness among clients of the legal commercial sex industry about the links between prostitution and trafficking;

j. Create a Human Trafficking Commissioner to help combat this crime in New South Wales; and

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k. Set up a human trafficking help line which victims/survivors can use if they find themselves in a situation of being trafficked.

We wish the Committee well in its deliberations.

Yours sincerely,

Ann Pereira

President

CWL NSW Inc.

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