



Supply chains

The underbelly of the global economy is being exposed as part of a new parliamentary inquiry.

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SLAVING AWAY:
Sweatshops producing clothes are just one face of modern slavery



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Slaves are no longer lined up on wharves, shackled at the neck. They don't need to be. There are other ways to detain, control and exploit those trapped by 21st century life.

Slaves today are caught up in modern day supply chains, generating many of the products and services Australians use every day.

Victims are not so different to you and me: women harvesting coffee beans in South America and Africa; children in Uzbekistan picking cotton in a field; or men digging up charcoal that becomes pig-iron used to make cars.

Dr Anne Gallagher has spent two decades working to combat slavery and human trafficking, joining the United Nations in 1992 just as the issues appeared on the fringe of the human rights agenda.

"There are about 20 to 25 million people worldwide in a situation of exploitation that is extremely severe, which they cannot get out of," the human rights lawyer says.

She believes the industry is likely to generate at least \$30 billion a year, with at least half of that wealth generated from industrialised countries like Australia.

Dr Gallagher is now considered a leading global expert on international human trafficking law and says the definition of trafficking in persons has changed over the years as international policies and laws have developed.

"Trafficking in persons is an umbrella term for a range of exploitative practices," she says. "It's not really about 'movement' anymore. I think it is important to understand this big shift because it has huge implications for policy as well as for law."

The United Nations defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of people through the use of threats, force, coercion, abduction, fraud or deception, for the purpose of exploitation. Such exploitation can be sexual, forced labour or services, slavery, or the removal of organs.

Dr Gallagher says Australians are only just starting to find out about human trafficking and forced labour and how it might be linked to the products they consume.



"This whole new movement of exposing trafficking-related exploitation in supply chains is going to change public awareness, but we're right at the beginning," she says. "I think people are absolutely shocked when they find out."

Dr Gallagher is pleased federal parliament's Foreign Affairs, Defence and Trade Committee is conducting an inquiry into the issue, through its Human Rights Sub-Committee.

The committee is focusing on ways to encourage international action to address all forms of slavery, slavery-like conditions and trafficking in persons; international best practice; and Australia's efforts to address trafficking,

including through prosecuting offenders and protecting victims.

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"My wish list months ago would have been for an inquiry like this," says Dr Gallagher. "When I saw the terms of reference I was absolutely thrilled



because it shows a genuine desire to learn and reach to the outside and see what's working and what isn't."

She hopes the inquiry leads to a clear and measurable plan of action in Australia, overseen by a credible and independent national rapporteur.

The Attorney-General's Department is currently drafting a national plan of action to combat trafficking in line with recommendations from the UN Special Rapporteur, which will include benchmarks to measure progress and impact.

But Dr Gallagher admits putting an end to trafficking will not be easy because it involves coordination

Up to 2,000 women come to Australia and are forced to work as sex slaves in Sydney and Melbourne each year.

NO CHOICE:

Thousands of children and young women are facing exploitation

between governments, corporations and individuals, who all have different agendas.

"Trafficking is woven into the fabric of the global economy; it's actually part of what makes our global economy function well," says Dr Gallagher.

"There aren't great incentives for many of those who need to do something about trafficking to do something about it."

"[Countries are] very good at talking ... but in terms of actually affecting the structural factors that feed into this exploitation, they're not very good at all."

This can be because some countries have a vested interest in maintaining an irregular and disposable labour force. The people used are cheap and can be moved on when necessary.

She says there are good reasons some countries are reluctant to stamp out exploitative practices such as forced labour.

Since leaving the UN in 2003, Dr Gallagher has led AusAID's Asia Regional Trafficking in Persons Project (ARTIP), through which Australia has helped to train more than 7,000 police, judges and prosecutors in the investigation and prosecution of human trafficking crimes in all 10 member states of the Association of South-East Asia Nations (ASEAN).

She says Australia's action on the issue is mixed. "Australia's response has demonstrated a level of flexibility and responsiveness that I think is quite exceptional. The best example of this is the bill that's currently before the parliament," she says.

The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 passed the House of Representatives in August and is before the Senate. It

aims to ensure the broadest range of exploitative behaviour is captured and criminalised, including new offences for forced labour, forced marriage, organ trafficking, and harbouring a victim.

But Dr Gallagher says while the amendments are helpful, at some stage there will need to be a thorough rationalisation of Australia's laws.

"Australia's laws are not too narrow now with these latest rounds of amendments and I think they've got good coverage, but the legal framework is incredibly complex. I'd hate to be a prosecutor or a police official, because they're not easy to use," she says.

The way trafficking and slavery are defined in law has a direct impact on the volume and variety of cases police can investigate and prosecute.

There have been about 325 investigations for trafficking-related offences in Australia as at March 2012. Of those, 34 people have been prosecuted, with 14 of those convicted.

"If you look at the number of investigations and the number of prosecutions, we can talk it up... but it's not really very good at all compared to the acknowledged size of the problem, or even if you compare the results to other serious crimes that may have a similar prevalence.

"I think there needs to be a thorough review of what's actually happened and why certain cases have failed," Dr Gallagher says.

Most trafficking victims identified in Australia are women exploited to work in the sex industry.

A recent University of Queensland and University of Sydney study shows up to 2,000 women come to Australia and are forced to work as sex slaves in Sydney and Melbourne each year.

Study co-researcher Associate Professor Julie Hepworth says



government services need to better coordinate with non-governmental organisations (NGOs) in providing trauma counseling, health services and other services for victims.

“There needs to be increased understanding as to how the women became trafficked to begin with,” she says.

“Many have been forced or tricked into being trafficked in the sex industry from a young age and have no knowledge of anything else. They also fear deportation because they face being ostracised by their home communities.”

Grassroots campaigning movement Collective Shout wants the parliamentary inquiry to recommend the government reframe its understanding of trafficking as a crime largely commissioned by the sex industry.

The group says there are many outward signs that trafficking is a feature of the Australian sex industry, despite official claims to the contrary.

“We urge the committee to understand sex trafficking in Australia as occurring within a legal and policy environment that is welcoming of the sex industry and its activities, despite the risk these activities place women in – both local and foreign – in relation to trafficking,” it says.

“The culture of denial that surrounds sex trafficking in Australia contributes to an environment in which prosecutors bring very few trafficking-related cases to court and achieve very few convictions.”

While 160 of the 199 trafficking victims identified by Australian police since 2004 have been exploited in the sex industry, the Australian Crime Commission says victims are being increasingly identified in the agricultural, construction and hospitality industries.

Professor of criminal law at the University of Queensland, Dr Andreas Schloenhardt, says the experiences of people trafficked for labour exploitation and sexual exploitation are fundamentally different.

“The systems in place to address these different aspects of trafficking must be tailored accordingly,” he says.

“Preventative mechanisms, investigative procedures, prosecutorial systems, and victim rehabilitation must be tailored to specific manifestations of trafficking in persons.”

Slavery Links Australia believes the inquiry needs to make a distinction between trafficking and slavery because the issues, solutions and stakeholders are different.

“Consulting about trafficking will not illumine slavery,” Slavery Link says. “Slavery is about ownership. Ownership is a change of state, from free to unfree. Ownership is what makes slavery a crime against humanity.”

POOR SOLUTION:

Many countries are reliant on cheap labour

Apart from the domestic response to slavery and trafficking, the inquiry will look at international responses and best practice.

Dr Gallagher says Australia has done some really great things to combat trafficking in South-East Asia, especially through AusAID, but it could do even more.

“I think AusAID could take this model and start working in different regions, and internationalise the products that have been generated over the past few years,” she says.

“I really believe that we’re in the middle of a decade when international law, policy and good practice around trafficking are going to be set. It’s clearly beneficial to Australia to actually help shape global policy and laws on this because that’s what we’re actually going to be living under.”

Australian Rules football manufacturer Sherrin was recently made aware some of its footballs were being stitched by child labourers in Jalandhar, India.

Sherrin says it was extremely grateful the matter was brought to its attention, as it considers the use of child labour in the production of its footballs “totally abhorrent”.

Within a day it initiated an immediate review of its relationship with the supplier and the subcontractor involved, and ceased allowing any stitching to be done by subcontractors.

Dr Gallagher says consumers who benefit from shadow economies of exploited workers also have a responsibility to help stop trafficking and slavery.

“It seems to be accepted that it’s in the general interest of our community to secure goods at the lowest possible price. In that respect we are part of this problem of slavery and slavery-like exploitation being woven into the fabric of the global economy,” she says.

“For example, it defies logic to think that you can buy five pairs of thongs for \$10. And it defies logic that someone hasn’t been exploited in making those.

“We should absolutely be questioning things more on a personal level. How were these goods produced? Where were they produced? What information is available about the supply chain?”

Dr Gallagher hopes the parliamentary inquiry encourages Australians to ask themselves these very questions and reflect on their role as consumers

“Whether you call it slavery or trafficking, it’s all about taking away the freedom of another human being and using it to your benefit.

“And as we come to understand that it’s not just the person who does that but also those who benefit further down the line who are complicit, then I think we don’t really have much choice if we actually want to wake up and feel comfortable about ourselves in the morning.” •

FOR MORE INFORMATION on the parliamentary inquiry into slavery, slavery-like conditions and people trafficking, visit www.aph.gov.au/jfadt or email jsctadt@aph.gov.au or phone (02) 6277 2313.