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Mr Owen Walsh
Secretary
Legal and Constitutional
References and Legislation Committees
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

Inquiry into the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004

Thank you for your letter of 10 February 2005 inviting a submission to the above Inquiry.

As you will be aware, various agencies within the Catholic Church in Australia are actively involved in various ways in assisting victims of people trafficking.

At this stage, we do not seek to make a substantial submission to your Inquiry for two reasons:

- 1) The timeframe of the Inquiry does not allow us to consolidate relevant information from our agencies around Australia in order to provide an appropriate response.
- 2) Some of the matters identified by the Committee as being of particular interest are matters about which our Office does not have a specific position.

The 2004 Report of the Parliamentary Joint Committee on the Australian Crime Commission Inquiry into the Trafficking of Women for Sexual Servitude made a number of recommendations that were welcomed by those seeking to assist victims of this despicable trade. Accordingly, we would welcome the inclusion of those recommendations in the Bill now being considered.

We share with all other right thinking people an abhorrence of this industry. We endorse all practical measures that can be taken to suppress it while counselling that great care must also be taken to protect and to care for the victims of this trade.

Concern for this trade of course extends well beyond Australia. I attach for your information a copy of a letter by His Holiness Pope John-Paul II in which he refers to this trade as 21st Century Slavery, a view that we all share.

Within the very tight time constraints of this Inquiry, we have sought comments from a number of our colleagues who work directly with the victims of this trade. They daily see the human damage that this trade inflicts. They strongly endorse the recommendations of the Parliamentary Joint Committee's report on Trafficking of Women for Sexual Servitude.

The main comment of the experts about that report is that, while the recommendations are welcome, more could be done. Of particular note is a need to regard the women caught up in this trade as victims, rather than as simply illegal immigrants or possible witnesses in criminal prosecution. The complexities of border control are acknowledged. But it is suggested that current arrangements do not focus sufficiently on assisting these victims. In the words of a nun who works closely with these women, "Australian men are the ones who treat these women like chattels and knowingly abuse them in brothels. Surely it is the responsibility of Australian society to assist them to recover from their ordeals".

A specific request from our workers on the ground is that women victims be given more time to decide whether or not to assist in the prosecutions and that they be allowed to stay in Australia while they decide.

In summary, we endorse the intent of the Bill. We see it as another step towards expressing society's revulsion at the trafficking of people. We look forward to further initiatives to deal with those who profit from this trade and to assist the victims in real and tangible ways.

We acknowledge the short time frame within which you must work for this Inquiry. If, at a later stage, your Committee has more time, we could arrange for people working directly with victims of this trade to discuss their perspective with members of your Committee.

Again, thank you for the invitation to contribute to your Inquiry. You will appreciate the brevity of our submission in these circumstances. I wish the Committee well in their deliberations on this important issue.

Yours sincerely,

Fr John Murphy
Director

**LETTER OF JOHN PAUL II
TO ARCHBISHOP JEAN-LOUIS TAURAN
ON THE OCCASION OF THE INTERNATIONAL CONFERENCE
"TWENTY-FIRST CENTURY SLAVERY -
THE HUMAN RIGHTS DIMENSION
TO TRAFFICKING IN HUMAN BEINGS"**

*To Archbishop
Jean-Louis Tauran
Secretary for Relations with States*

On the occasion of the International Conference "Twenty-First Century Slavery - The Human Rights Dimension to Trafficking in Human Beings", I ask you kindly to convey to all present my warm greetings and the assurance of my close personal interest.

The trade in human persons constitutes a shocking offence against human dignity and a grave violation of fundamental human rights. Already the Second Vatican Council had pointed to "slavery, prostitution, the selling of women and children, and disgraceful working conditions where people are treated as instruments of gain rather than free and responsible persons" as "infamies" which "poison human society, debase their perpetrators" and constitute "a supreme dishonour to the Creator" (*Gaudium et Spes*, 27). Such situations are an affront to fundamental values which are shared by all cultures and peoples, values rooted in the very nature of the human person.

The alarming increase in the trade in human beings is one of the pressing political, social and economic problems associated with the process of globalization; it presents a serious threat to the security of individual nations and a question of international justice which cannot be deferred.

The present Conference reflects the growing international consensus that the issue of human trafficking must be addressed by promoting effective juridical instruments to halt this iniquitous trade, to punish those who profit from it, and to assist the reintegration of its victims. At the same time, the Conference offers a significant opportunity for sustained reflection on the complex human rights issues raised by trafficking. Who can deny that the victims of this crime are often the poorest and most defenceless members of the human family, the "least" of our brothers and sisters?

In particular, the sexual exploitation of women and children is a particularly repugnant aspect of this trade, and must be recognized as an intrinsic violation of human dignity and rights. The disturbing tendency to treat prostitution as a business or industry not only contributes to the trade in human beings, but is itself evidence of a growing tendency to detach freedom from the moral law and to reduce the rich mystery of human sexuality to a mere commodity.

For this reason, I am confident that the Conference, while treating the significant political and juridical issues involved in responding to this modern plague, will also explore the profound *ethical* questions raised by trafficking in human beings. Attention needs to be paid to the deeper causes of the increased "demand" which fuels the market for human slavery and tolerates the human cost which results. A sound approach to the issues involved will lead also to an examination of the lifestyles and models of behaviour, particularly with regard to the image of women, which generate what has become a veritable industry of sexual exploitation in the developed countries. Similarly, in the less developed countries from which most of the victims come, there is a need to develop more effective mechanisms for the prevention of trafficking in persons and the reintegration of its victims.

With encouragement and hope I offer cordial good wishes for the work of the Conference. Upon the organizers and all taking part I cordially invoke an abundance of divine blessings.

From the Vatican, 15 May 2002.

JOHN PAUL II

http://www.vatican.va/holy_father/john_paul_ii/letters/2002/documents/hf_jp-ii_let_20020515_tauran_en.html

