5th CILS Conference in Jakarta

28th and 29th October 2014

The Theme of this year is International Cooperation

Using technology & the law to combat human trafficking

An introductory Paper for the 5th CILS Conference in Jakarta[1]: By Felicity Gerry QC[2]

"Islamic State radicals gain more than $3 million per day just from oil sales, while also earning huge sums from human trafficking and extortion, report US intelligence officials and experts. They are wealthier than any other terror group in history"[3].

Human trafficking is a highly lucrative industry that extends to all corners of the globe. The phrases human trafficking, slavery and forced labour are used interchangeably but essentially amount to exploitation for profit and power. Developed countries have become the destination for slaves plucked from source countries and people are trafficked within their own states. These are generally the impoverished, the un-empowered, the uneducated and the

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[1] For a full discussion on the legal issues surrounding human exploitation see forthcoming GJLHD journal publication by Felicity Gerry QC: **LET'S TALK ABOUT SLAVES… HUMAN TRAFFICKING: EXPOSING HIDDEN VICTIMS AND CRIMINAL PROFIT AND HOW LAWYERS CAN HELP END A GLOBAL EPIDEMIC**. For a full discussion on the data issues surrounding human exploitation see Felicity's forthcoming paper for the CPDP Conference January 2015 in Brussels http://www.cpdpconferences.org/ under the title **"Understanding the data protection and privacy issues surrounding human trafficking." .**

[2] **Felicity Gerry QC** was appointed Queen's Counsel in 2014 after 20 years at the criminal Bar in England and Wales. She has been recognised in the Legal 500 as a "Fearless and effective advocate" and "Tenacious in court" and "An expert in the field of sex offences" . At the independent Bar, Felicity has prosecuted and defended in numerous cases involving major, serious and complex crime, often with an international element. This has included cross-jurisdictional rape, murder by foreign nationals involving evidence obtained from abroad, conspiracy to import illegal immigrants and international fraud. Her significant trial and appellate experience has also led to an expertise in online offending in the context of online abuse and exploitation, money laundering and online fraud. She has, for example, used data and metadata as evidence in criminal cases. She is co-author of The Sexual Offences Handbook that sets out all the English law, practice and procedure from 1957 to date in this difficult field of law and has a dedicated chapter on indecent images and obscene publications. She regularly publishes in the broadsheet and legal press as well as peer reviewed papers. Since 2013, Felicity has also held a research active post at Charles Darwin University, Australia, focussing on data and rights, particularly in the context of violence against women and girls and the rule of law online. She lectures in crime, evidence, torts and practical advocacy and is Chair of the Research and Research Training Committee in the School of Law at Charles Darwin University. She specialises in vulnerable offenders including women and speaks regularly on gender equality issues including chairing the G20 televised section of the gender equality summit. She recently published a paper in Computer Law and Security on and is currently reporting for ILRS of the ABA on the draft Cyber Law for Cambodia.

[3] Russia Today: ISIS daily profits from oil, theft, human trafficking exceed $3mn – report. Published time: September 14, 2014 18:24 < http://rt.com/news/187720-isis-millions-daily-profit/>

dispossessed and largely women and girls, particularly in the context of sexual exploitation. The urgency with which this issue needs to be tackled nationally and transnationally has recently been fuelled by reports that profits are being used to fund terrorist activity[4]. It makes cooperation between nations imperative.

1. The potential profits from human exploitation are huge when it is considered that the number of human trafficking victims in the world is an estimated 21 million men, women and children[5]:
    - Of the total, an estimated 9.1 million people (44%) moved either internally or internationally.
    - The Asia-Pacific region has the largest number of forced labourers, at almost 12 million (56% of the global total and 89% of those in bonded labour and debt bondage.
    - Women and girls make up about 55 per cent of all forced labour victims, they represent the vast majority of victims exploited for commercial sex work.
    - The estimated total profits made by forced labour each year worldwide was estimated in 2012 at US$150.2 billion per year with profits highest in Asia (US$51.8 billion)
    - Sexual exploitation makes up two-thirds of these profits at an estimated $105 billion a year.
    - Annual profits made per victim range from $4100 to $37,100. This includes construction, manufacture, mining and utilities, agriculture, fishing and domestic work. Profits are highest in forced sexual exploitation[6].

2. The 2014 International Labour Office report (the ILO report), "Profits and Poverty" concludes that the 21 million victims are a "vast nation of men, women and children…virtually invisible, hidden behind a wall of coercion, threats and economic exploitation". Socio economic factors for global forced labour include lack of

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[4] Islamic State says it is buying and selling Yazidi women, and using them as concubines. Sydney Morning Herald: <http://www.smh.com.au/world/islamic-state-says-it-is-buying-and-selling-yazidi-women-and-using-them-as-concubines-20141014-115kp0.html#ixzz3GTDM2y8X>

[5] 2014 International Labour Office report, "Profits and Poverty: The economics of forced labour" <http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm>

[6] Ibid n3

education and literacy, poverty and other wealth and income shocks all of which need to be addressed to empower people to avoid exploitation[7]. The ILO report concluded that "there is an urgent need to address the socio-economic root causes of this hugely profitable illegal practice if it is to be overcome[8]. In 2013 the UN's Office on Drugs and Crime reported on transnational organised crime in East Asia and the Pacific (the UNDOC Report)[9]. The UNDOC Report identified human trafficking as a major issue and found that human trafficking is on the rise in a quarter of countries around the world.

> *"Many experts now believe that big data is the most important new weapon in the fight against modern slavery. When it comes to fighting human trafficking, technology is key. Law enforcement agents need constant access to a stream of big data in order to cross check and reference stolen and lost travel documents, background check suspected criminals, and reveal patterns in criminal behaviour. Old fashioned police and detective work is no longer sufficient to fight criminals who are using smartphones and bitcoins. Police now have to crack codes to access information saved on password-protected devices and analyze large quantities of data in order to monitor the fluid and ever-changing activities of criminals who have proven themselves capable of adapting to new methods and utilizing new tools to turn a profit."*[10].

3. We traditionally think of organised crime in the context of fraud, money laundering and drug trafficking. Meanwhile there is a massive global trade in people, particularly women and girls. According to the United Nations Office on Drugs and Crime, the sectors most frequently associated with human trafficking are agriculture or

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[7] 2014 International Labour Office report, "Profits and Poverty: The economics of forced labour" <http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm>

[8] 2014 International Labour Office report, "Profits and Poverty: The economics of forced labour" <http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm>

[9] UNDOC Report "Transnational Organised Crime in East Asia and the Pacific: A threat Assessment" < http://www.unodc.org/documents/data-and-analysis/Studies/TOCTA_EAP_web.pdf>

[10] How Technology is turning the tables on human traffickers: By Christina Maza 25th December 2013 < http://mic.com/articles/77303/how-technology-is-turning-the-tables-on-human-traffickers>

horticulture, construction, garments and textiles under sweatshop conditions, catering and restaurants, domestic work, entertainment and the sex industry[11]. Women and children are by far the main victims of sex trafficking[12]. Human trafficking has been identified as a major transnational crime in the Asia-Pacific[13]. It is often mis-understood due to concern over migration[14] but trafficking is a booming and secretive industry based on modern slavery. It has been called the crime of the 21st Century[15].

4. Taking a focus on Australia and Indonesia, this paper will consider exploitation of people to include recent reports in relation to ISIS kidnappings, international cooperation and how law and data can help to end a global slavery epidemic through financial reporting, modern policing and corporate responsibility.

[11] United Nations Office on Drugs and Crime. Human Trafficking frequently asked questions: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>
[12] Ibid n 5
[13] United Nations Office on Drugs and Crime. Human Trafficking frequently asked questions: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>
[14] UNDOC Report: "Smuggling of Migrants: A Global Review" < http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf>

[15] http://www.sbs.com.au/news/article/2013/06/07/human-trafficking-crime-21st-century