

National Access to Justice and Pro Bono Conference - 18-19 June 2015

Panel discussion - The rule of law: a foundation for foreign aid

Australia has recently been criticised for major cuts to its foreign aid programs. How effective is foreign aid in countries still grappling with the rule of law? How important is the rule of law to economic development and what is the role of lawyers in upholding the rule of law in conflict-ridden or authoritarian states?

Hagar's work and challenges in 'frontier' jurisdictions

Definition of slavery

Modern slavery involves one person possessing or controlling another person in such a way as to significantly deprive that person of her or his their individual liberty, with the intention of exploiting that person through her or his use, management, profit, transfer or disposal (Global Slavery Index 2014).

The international community has long recognised the evil of slavery and trafficking in persons, through inter alia:

- The UN Trafficking Protocol (2000)
- The Slavery Convention (1926) and Supplementary Slavery Convention (1956)
- The ILO Forced Labour Convention, (1930 - No. 29)

The vast majority of nations have supported these legal sanctions, and yet the incidence of slavery and human trafficking continues to rise, worldwide.

The scale of the slavery and trafficking business

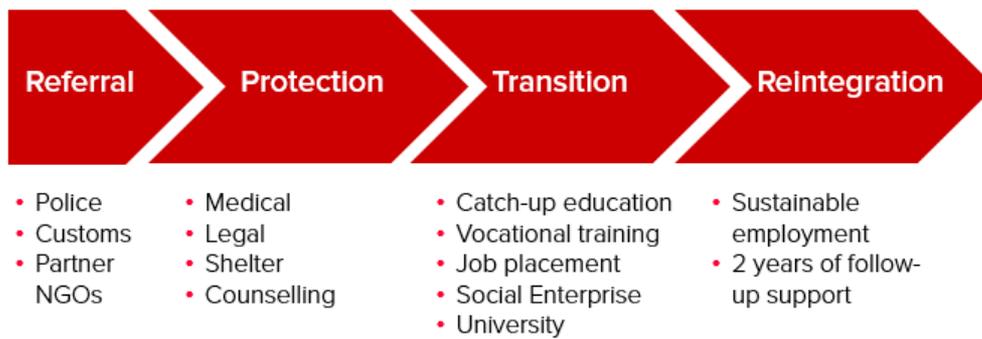
- Globally, there are up to 36 million slaves, > 2.4 million sold annually (1.2 children)
- > 60% of trafficked people are from our near neighbour countries in Asia / SE Asia
- Slavery is estimated to be a \$150 billion criminal trade (US Justice Department)
- Price (median) of a human life today is estimated \$90 (cf. \$40,000 in the 1700s)

Our mission

Hagar is a 20 year-old international NGO committed to the recovery, empowerment and reintegration of children, women and men who have suffered human rights abuses. In particular, Hagar serves people who are victims of domestic violence, human trafficking and sexual exploitation. Hagar takes its work seriously, informed by its motto: *whatever it takes for as long as it takes to restore a broken life.*

The full journey

Hagar's niche work is directed at breaking the cycle of abuse by recovery, restoration, education and reintegration of survivors of trafficking, slavery and associated trauma. It does this by protection, personal transformation, community integration, and economic empowerment, sometimes partnering with others to leverage support for this work. Our grassroots programs in Cambodia, Vietnam and Afghanistan include emergency shelter, medical recovery, expert counselling, catch-up education and vocational support for



employment. The potential for Hagar to also work in Myanmar is currently being explored. Since 1995 Hagar has helped over 15,000 survivors into new lives.

Legal challenges to our work

Statelessness and the client recovery process

Often trafficked people have no official papers, or they are destroyed by traffickers, rendering survivors stateless and unable to access needed recovery and support services

Protecting the protectors

Hagar workers are sometimes exposed to legal threat from corrupt officials, hampering effective representation and access to reliable legal services

Special children's representation

Many countries do not yet have special legal protocols in place to protect minors from exposure to alleged perpetrators during court proceedings

Breaking the pattern of impunity

Without strong legal sanction and enforcement, traffickers and abuse perpetrators quickly return to their criminal activity

Australia's opportunity in regional 'legal mission'

Advancing modern legal systems

Australia has a role in framing, promoting and facilitating implementation of regionally legal process and protection

Practical assistance in capacity-building

Australia's strong capability and track record in legal process and respect for the rule of law can provide a practical resource for jurisdictions with less well-developed systems

Securing flow-on benefits

Australian aid spent on capacity-building in legal services within target countries can deliver long-term national and regional benefits, especially in combatting slavery, for jobs, national welfare and economic stability

Hagar's wish-list for reform

1. Effective legal reform in target jurisdictions to bring an end to human trafficking & slavery
2. Greater financial contribution to local capacity-building for survivor services, police and courts
3. Legal protections for non-government case workers
4. Greater awareness and engagement of Australian legal professionals in Hagar's work in countries where we work