

BE CAREFUL WHAT YOU PAY FOR: AWARENESS RAISING ON TRAFFICKING IN PERSONS

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ABSTRACT

Raising awareness and educating the public about the causes, consequences, and signs of trafficking in persons are important tools to prevent and detect this heinous crime. A version of this Article was presented as a speech at the UN Convention against Transnational Organized Crime Working Group on Trafficking in Persons in Vienna, Austria, on October 12, 2011 as well as at Washington University School of Law on October 7, 2011. This Article examines international law and best practice guidelines relevant to awareness raising and assesses past campaigns against these standards. The Article then articulates goals, recommendations, and elements for successful awareness campaigns, especially in destinations of trafficking in persons. By way of example, a new Australian awareness campaign entitled “Be Careful What You Pay For” is outlined to demonstrate the practical implementation of these best practice guidelines and research outcomes.

I. INTRODUCTION

Trafficking in persons is a phenomenon not well understood and recognized. Despite greater legislative and law enforcement activity, as well as some acknowledgement of the issue by government agencies and international organisations, the causes and consequences of this crime are

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not well known to wider audiences. Reports about the characteristics and extent of trafficking in persons also vary greatly depending on the source of information.

Raising awareness and educating the public about the causes, consequences, and signs of trafficking in persons are important tools to prevent and detect this heinous crime. In particular, education and awareness-raising play an important role in preventing this phenomenon, promoting recognition of instances of trafficking in persons by law enforcement agencies and the wider public, enabling and facilitating the reporting of cases, and in outlining relevant government initiatives, support systems, helplines, and the like.

This Article examines international law and best practice guidelines relevant to awareness-raising and assesses past campaigns against these standards. The Article then articulates goals, recommendations, and elements for successful awareness campaigns, with a particular focus on campaigns in destination countries. By way of example, a new Australian awareness campaign entitled “Be Careful What You Pay For” is outlined to demonstrate the practical implementation of these best practice guidelines and research outcomes.

II. INTERNATIONAL LAW AND BEST PRACTICE GUIDELINES

Awareness and education campaigns feature prominently in international law and best practice guidelines. The *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children*¹ (“*Trafficking in Persons Protocol*”) is the principal international instrument in the global fight against trafficking in persons. The *Trafficking in Persons Protocol*, one of three supplementary protocols to the United Nations (“UN”) *Convention Against Organized Crime*,² came into force on December 25, 2003.

1. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, *opened for signature* Dec. 12, 2000, 2237 U.N.T.S. 319, (entered into force Dec. 25 2003).

2. Convention Against Organized Crime, *opened for signature* Dec. 12, 2000, 2225 U.N.T.S. 209 (entered into force Sept. 29 2003).

A. Protocol Requirements

Article 3(a) of the *Trafficking in Persons Protocol* defines “trafficking in persons” as:

the recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Article 9 of the *Trafficking in Persons Protocol* seeks to guide Signatories’ efforts to prevent trafficking in persons. Article 9(1) broadly requires States Parties to establish comprehensive policies, programs, and other measures to prevent and combat trafficking in persons as well as protect victims of trafficking. Article 9(2) specifically refers to States Parties endeavoring to undertake research, information, and mass media campaigns to prevent and combat trafficking in persons;³ it is this provision that justifies the need for awareness raising measures.

Article 9(3) and (5) provide some further direction to the content and organization of awareness raising campaigns. Paragraph 9(3) flags that States Parties should, where appropriate, cooperate with non-governmental organizations (“NGOs”), other relevant organizations, and other elements of civil society. Paragraph 9(5) emphasizes that particular attention should be given to educational, social, and cultural measures aimed at reducing the demand that fosters the exploitation of persons that leads to trafficking.

Whilst there is no definition of “demand” in the *Trafficking in Persons Protocol*, it has been suggested that demand can be separated into “consumer demand” and “derived demand.”⁴ People who are active or passive purchasers of products or services of trafficked persons can generate “consumer demand.”⁵ Those seeking to profit generate ”derived

3. See also Convention Against Transnational Organized Crime, *supra* note 2, art. 31(5).

4. Conference of the Parties to the United Nations Convention Against Organized Crime, Working Group on Trafficking in Persons, *International Cooperation in Combating Trafficking in Persons with Respect to: Addressing Supply and Demand; and Capacity-building and Awareness-raising*, ¶ 12, U.N. Doc. CTOC/COP/WG.4/2011/5 (Aug. 2, 2011).

5. *Id.*

demand”: this is typically the exploiters or traffickers themselves who wish to keep labor prices down and profits up.⁶ Awareness-raising campaigns may aim to target either or both these types of demand.

B. International Guidelines and Best-Practice Models

While the *Trafficking in Persons Protocol* sets out the justification for awareness-raising and suggests some basic content, it is clear that there is not much further substantive direction on implementation.

The UN Office on Drugs and Crime (“UNODC”), as the “guardian” of the *Convention Against Organized Crime* and its Protocols, has a mandate to assist States Parties in their efforts to implement these instruments. To this end, UNODC and the UN Global Initiative to Fight Trafficking (“UN.GIFT”) have produced a range of material, such as toolkits and model laws that offer some further guidance.

The UNODC *Toolkit to Combat Trafficking in Persons* notes that anti-trafficking campaigns should focus on educating people about the true nature of the crime and its consequences.⁷ To this end, it is important that awareness campaigns are supported by solid research and by verifiable sources. The *Toolkit* further remarks that the purpose of raising public awareness is to mobilize popular concern about the risk of falling prey to these criminals and about the social and human costs of trafficking in persons.⁸ To prevent persons from falling prey to traffickers the *Toolkit* contends that campaigns

should provide potential victims of trafficking with sufficient information about the risks of human trafficking, the possibilities for migrating legally in order to work and earning possibilities to enable them to make informed decisions about migration, to evaluate whether job offers are realistic and to seek help in the case of trafficking. Awareness-raising campaigns should also address the health risks, such as unwanted pregnancies and sexually transmitted diseases, including HIV/AIDS, associated with sexual exploitation.⁹

The *Toolkit* places particular emphasis on creating campaigns that assist victims to identify that they have been victimized, that trafficking is a

6. *Id.* ¶ 13.

7. UNODC, TOOLKIT TO COMBAT TRAFFICKING IN PERSONS 439 (2d ed. 2008) [hereinafter UNODC, TOOLKIT].

8. *Id.*

9. *Id.*

crime and they can seek protection of the law. It is suggested that campaigns should be “formulated in way that will be understood by victims, using materials in appropriate languages adapted for and relevant to the target audience.”¹⁰

In addition to these victim-oriented approaches, the *Toolkit* and the UNODC and UN.GIFT *Model Law against Trafficking in Persons* highlights some of the other possible messages that an awareness campaign may wish to convey to its target audience:

Some other messages to be conveyed include vigilance and public accountability (taking action when trafficking is detected), information about anti-trafficking programs, highlighting criminal penalties for trafficking, discouraging the demand for exploitation and increasing transparency of enterprises’ supply chains.¹¹

Given the range of potential messages, it is important that careful consideration is given to the audience of the awareness campaign and the campaign objectives. While the victim-oriented approach may be potentially effective in source countries, it is arguable whether such campaigns are equally as effective in destination countries. Here, the focus of awareness-raising may be better placed on the consumer demand of the issue; information that allows trafficked persons to identify that they are victims of a crime also plays an important role.

The *Model Law against Trafficking in Persons* further suggests the implementation of a national anti-trafficking coordinating body or inter-agency anti-trafficking task force to, among other things, carry out information and awareness-raising campaigns, in cooperation with the media, non-government organizations, and other relevant actors.¹² This suggestion builds upon Article 9(3) of the *Trafficking in Persons Protocol* in terms of fostering cooperation between government and non-government organizations and other elements of civil society.

The *Toolkit to Combat Trafficking in Persons* offers a useful “checklist” that can assist in the planning and design of anti-human trafficking campaigns.¹³ As a starting point, it is suggested that the campaign is guided by a clear rationale, an aim to build consensus and

10. *Id.* at 437–38.

11. *Id.* at 439; UNODC & UN.GIFT, MODEL LAW AGAINST TRAFFICKING IN PERSONS 83 (2009) [hereinafter UNODC & UN.GIFT, MODEL LAW].

12. UNODC & UN.GIFT, MODEL LAW, *supra* note 11, at 84.

13. UNODC, TOOLKIT, *supra* note 7, at 448–49. It should be noted that while this checklist is reproduced in the *Toolkit to Combat Trafficking in Persons*, it is actually a checklist originally created in relation to the Joint United Nations Programme on HIV/AIDS.

engage potential critics, and be based on stakeholder analysis. Furthermore, from the outset there should be an ambitious and clear goal but with realistic and achievable deliverables. On the basis of the stakeholder analysis there should be defined target groups and settings based on local intelligence and evaluation.¹⁴

In terms of the campaign itself, it is essential that there is a short and simple slogan as well as clear and concise messages. Consideration should be given to whether the campaign will involve active audience participation or action. In terms of the dissemination of the campaign, it is important to identify what range of materials may be used (e.g. video, audio, posters, social media) and whether there are partnerships to be established in production and distribution. If the campaign aims to raise funds and resources it is necessary to consider whether a case for this has been properly articulated in the campaign. It is also essential that thought be given to how the campaign will be monitored and evaluated: will there be qualitative and quantitative research that links to existing statistics? Finally, there should be an end date identified and consideration given to reporting on the outcome of the campaign.¹⁵

III. PAST EXPERIENCES

How an issue is framed shapes not only the way in which a problem is defined but also what solutions are seen as effective in alleviating it.¹⁶ Therefore, the accurate and non-ideological representation of the trafficking in persons phenomenon is critical to fostering a true understanding of the issue and the most appropriate response to it. Importantly, this includes the ability of law enforcement officers and members of the general public to recognize situations of trafficking and its victims where they arise. This principle, however, has been undermined in a number of past campaigns.

The difficulties plaguing the measurement of trafficking in persons in the academic and policy fields have also hampered the ability of awareness and education campaigns to present clear and accurate information about this phenomenon. The lack of reliable data and comprehensive accounts of the true extent and nature of trafficking in persons in Australia, for instance, has been a major impediment to

14. UNODC, TOOLKIT, *supra* note 7, at 448.

15. *Id.* at 449.

16. Robert E. Entman, *Framing: Towards Clarification of a Fractured Paradigm*, 43 J. COMMUN. 51, 54 (1993).

awareness-raising attempts by a variety of government and non-government entities. Anecdotal evidence, media reports, and statistical estimates without proper evidentiary bases have often constituted the main sources of information on which previous awareness campaigns were built.

This has led, in some instances, to misinformation and exaggerations, much to the detriment of the fight against trafficking in persons. In particular, many past Australian campaigns superimposed information from foreign and international sources onto the domestic setting, thus failing to recognize local dimensions and characteristics of the problem. An example of this is the use of images of children in the print material produced by the Australian Catholic Religious Against Trafficking in Humans,¹⁷ despite claims by some researchers that trafficking in children to or from Australia is extremely rare if it occurs at all.¹⁸ A further example is the use of international, rather than domestic, statistics on the scale of the trafficking in persons phenomenon by campaigners such as World Hope Australia¹⁹ and World Vision Australia.²⁰

The following sections provide an overview of the key issues arising from past campaigns in the Australian context, supplemented by recommendations for future campaigners so as to avoid the perpetuation of these issues.

A. Scale of the Problem

There are no universally agreed upon estimates on the number of people trafficked. This is due to difficulties in identifying victims, the illegal nature of the crime and differences in applying the definition of trafficking.²¹ As such, there is an incredible diversity of irreconcilable,

17. *Resources: Be Informed About Human Trafficking and Modern Day Slavery*, AUSTRALIAN CATHOLIC RELIGIOUS AGAINST TRAFFICKING IN HUMANS (Jan. 18, 2011), <http://acrath.org.au/resources/>.

18. See also Anna Grant, Fiona David & Peter Grabosky, *The Commercial Sexual Exploitation of Children*, 12 CURRENT ISSUES CRIM. JUST. 272 (2000–2001); Annalyce Cuda, *Trafficked or Troubled: Children Involved in Commercial Sexual Activity in Australia* (Univ. of Queensland, Human Trafficking Working Group, Working Paper, June 2011), available at <http://www.law.uq.edu.au/documents/humantraffic/child-trafficking/Cuda-Commercial-Sexual-Activity-of-Children.pdf>.

19. *No More Traffick*, WORLD HOPE AUSTRALIA, <http://www.worldhope.org.au/what-we-do/anti-trafficking/no-more-traffick> (last visited Aug. 9, 2012).

20. *Don't Trade Lives: Campaigning to Combat Human Trafficking and Slavery*, WORLD VISION AUSTRALIA, <http://www.worldvision.com.au/ourwork/solutions/DontTradeLives.aspx> (last visited Aug. 9, 2012).

21. For a discussion of the difficulties facing an accurate assessment of the scale of trafficking in persons specifically in the Australian context, see Kerry Carrington & Jane Hearn, *Trafficking and the*

unverifiable, and often plainly exaggerated statistical figures that appear in various awareness campaigns. In the international context, four figures have been frequently quoted:

- Human trafficking is the third largest and fastest growing criminal industry in the world;²²
- There are 27 million slaves in the world;²³
- There are 2.5 million victims of human trafficking at any one time;²⁴
- 600,000 to 800,000 are trafficked across international borders annually.²⁵

Although these figures may reflect the local reality in other parts of the world, the concern facing Australian campaigns is simply the lack of concrete data in regards to the scale of trafficking in persons in Australia. Figures collated from an array of secondary sources in Australia suggest that there are between 4 and 1000 trafficked persons at any given time.²⁶ These figures are at odds with the statistics provided by the Australian Federal Police (“AFP”). Between January 2004 and June 2010, 270 investigations into trafficking in persons were conducted by the AFP and 155 suspected victims of trafficking were referred to the Australian Government’s Support for Victims of People Trafficking Program during the same period.²⁷ Between July 1, 2010 and June 30, 2011, 29 additional people entered the program.²⁸ While official statistics may under-represent the scale of trafficking in persons, as they can only include identified and

Sex Industry: From Impurity to Protection 4 (Parliament of Australia, Parliamentary Library, Research Paper No. 28, 2002–2003).

22. UNODC, GLOBAL TRAFFICKING IN PERSONS REPORT 9 (2009).

23. *About Slavery*, FREE THE SLAVES, <http://www.freetheslaves.net/Page.aspx?pid=301> (last visited Aug. 9, 2012); *see also* Kevin Bales, DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY (2000).

24. INTERNATIONAL LABOUR ORGANISATION, A GLOBAL ALLIANCE AGAINST FORCED LABOUR (2005).

25. U.S. DEPT OF STATE, TRAFFICKING IN PERSONS REPORT 2007 (2007).

26. Kerry Carrington & Jane Hearn, *Trafficking and the Sex Industry: From Impurity to Protection* 4 (Parliament of Australia, Parliamentary Library, Research Paper No. 28, 2002–2003).

27. ANTI-PeOPLE TRAFFICKING INTERDEPARTMENTAL COMMITTEE, COMMONWEALTH OF AUSTRALIA, TRAFFICKING IN PERSONS: THE AUSTRALIAN GOVERNMENT RESPONSE 1 MAY 2009–30 JUNE 2010 12, 25 (2010).

28. ANTI-PeOPLE TRAFFICKING INTERDEPARTMENTAL COMMITTEE, COMMONWEALTH OF AUSTRALIA, TRAFFICKING IN PERSONS: THE AUSTRALIAN GOVERNMENT RESPONSE 1 JULY 2010–30 JUNE 2011 32 (2011).

investigated cases of trafficking, they are presently the only completely verifiable statistics available in Australia. These figures provide a sharp qualification to the internationally promoted figures of millions and thousands that have often appeared in Australian campaigns.

In light of this, it is questionable whether many Australian awareness campaigns are providing valuable and relevant information in regards to the issue of trafficking as it relates to their Australian responders. This is problematic as the public perception of the scale of an issue significantly influences public evaluation of present government and other efforts to address it. Caution should therefore be taken by campaigners in attempting to make any conclusive statements about the scale of trafficking. One way this may be done is to acknowledge the difficulties in measuring the scale of trafficking in persons by presenting a range of estimates, thereby providing the public with a greater and more accurate knowledge of the issue and avoiding confusion when the public encounter irreconcilable figures.

B. Emphasis on Sex Trafficking

Past campaigns have placed a strong—and often the sole—emphasis on the trafficking of women for the purpose of sexual exploitation. Of the twenty-eight international campaigns that were sampled in research conducted by The University of Queensland Human Trafficking Working Group in 2010, 29% were focused exclusively on the issue of trafficking for sexual exploitation. This percentage was even higher in the Australian context with 50% of sampled campaigns directed solely at trafficking for sexual exploitation. Also contributing to this skewed representation of the issue is the strong media emphasis on trafficking of women and children for sexual exploitation.²⁹ Further, even in campaigns targeting the issue of trafficking in persons generally, the use of suggestive images of female victims often drew strong implied links to trafficking for sexual exploitation.

In the Australian context it may appear that the vast majority of trafficking cases concern exploitation within the sex industry. This perception is supported by the fact that most of the suspected victims of trafficking who have been referred to the Australian Government's Support for Victims of People Trafficking Program were trafficked for

29. Girish J Gulati, *Media Presentation on Human Trafficking in the United States, Great Britain and Canada* 15 (Bentley University, Working Paper Series, 2010).

work within the sex industry.³⁰ However, there exists little research on whether this statistic reflects that there really are few instances of labor trafficking in Australia or whether the low detection rates are instead a result of a self-perpetuating cycle where a lack of public information and governmental attention on labor trafficking has led to it being overlooked.

In light of this lack of research, care should be taken in the choice of images in campaigns so as not to perpetuate the unbalanced emphasis on one manifestation of what is a diverse issue. On a related note, the lurid nature of images of female victims, often seen in campaigns, seem to have been utilized as a marketing tool, that is as a “sex sells” tool).³¹ However, the use of sexualized images can be very insensitive and may contribute to the continuation of exploitation by perpetuating the portrayal of victims as objects of desire rather than individuals with agency. Campaigners should be mindful of this.

C. The Powerless Victim

The issue in relation to representations of victims of trafficking in persons within awareness campaigns concerns the underlying treatment of victims as individuals. For the purpose of audience impact, many campaigns have tended to paint the plight of the victim as highly emotional and heart-wrenching.³² This deliberate portrayal of individuals as purely “victims” disempowers and trivializes victims and their experiences. It also serves to incite unhelpful stereotypes and even create apathy towards their plight as campaign responders are unable to connect with the individuals requiring their assistance.³³

Furthermore, an overly generalized approach to the portrayal of victims can lead to the marginalization of the voice of victims. This may lead to the loss of the opportunity to utilize the most powerful and emotionally

30. ANTI-People TRAFFICKING INTERDEPARTMENTAL COMMITTEE, COMMONWEALTH OF AUSTRALIA, TRAFFICKING IN PERSONS: THE AUSTRALIAN GOVERNMENT RESPONSE 1 MAY 2009–30 JUNE 2010 12 (2010); ANTI-People TRAFFICKING INTERDEPARTMENTAL COMMITTEE, COMMONWEALTH OF AUSTRALIA, TRAFFICKING IN PERSONS: THE AUSTRALIAN GOVERNMENT RESPONSE 1 JULY 2010–30 JUNE 2011 11 (2011).

31. See, e.g., *Luxembourg Government: Human Trading*, COLORIBUS: CREATIVE ADVERTISING ARCHIVE (2009), <http://www.coloribus.com/adsarchive/ambient-casestudy/anti-human-trafficking-human-trading-13326505/>; see also *The Film Sisters in the United Nations: Movie Sisters Trailer*, UN.GIFT SERBIA (2011), <http://www.ungiftserbia.org/>.

32. Girish J. Gulati, *Media Presentation on Human Trafficking in the United States, Great Britain and Canada* 8 (Bentley University, Working Paper Series, 2010).

33. Erica Kotnik, Melina Czimoniewicz-Klippel & Elizabeth Hoban, *Human Trafficking in Australia: The Challenge of Responding to Suspicious Activities*, 42 AUST. J. SOC. ISSUES 370, 370 (2007).

potent aspect of the trafficking in persons narrative—the human factor of the individual victim and their story. Avoiding the simplification or passive portrayal of victim experiences is a powerful tool in upholding the agency of individual victims.

Moreover, this disempowering representation of trafficked individuals is particularly problematic in the context of campaigns that seek to communicate to potential victims. This is because the use of disempowering images may undermine the strength of messages regarding actions that may be taken by victims to escape exploitative situations.

Lastly, disempowered representations of victims may also serve to perpetuate false representations of the trafficking in persons phenomenon. For instance, victims may be presented as “passive” and “acted upon” when in fact they had made the decision to migrate, albeit as a result of the deception in regards to working conditions.³⁴

D. Local Realities

Representations of trafficking in persons, including of victims, should reflect the local realities of the issue. Although many campaigns do effectively represent the local reality of the trafficking in persons phenomenon, campaigners should continue to work to avoid perpetuating trafficking “myths”; for example, that victims are kidnapped from their homes, held at gunpoint, or chained to their beds.³⁵

In the Australian context, many known victims were aware of the nature of the work they would be undertaking in Australia; the exploitation and deception instead arose in regards to the conditions of work and control over personal liberties.³⁶ Furthermore, many campaigns have highlighted that trafficking victims are often coerced through psychological means and debt bondage rather than physical violence. This is crucial to fostering an accurate understanding of trafficking in persons among campaign responders as the behavior of many suspected victims—for instance, not attempting to escape through an unlocked door—may be “inexplicable to the average Australian”³⁷ and thus difficult to identify.

An accurate understanding of the local reality of trafficking in persons is key in the ability to formulate an effective and appropriate response to

34. Laura Augustin, *Forget Victimation: Granting Agency to Migrants*, 46 DEV. 30, 33 (2003).

35. Fiona David, *Trafficking for Sexual Purposes* 39 (Australian Institute of Criminology, Research and Public Policy Series Paper No. 95, 2008) [hereinafter David, *Trafficking*].

36. Andreas Schloenhardt, Genevieve Beirne & Toby Corsbie, *Human Trafficking and Sexual Servitude in Australia*, 32 UNIV. OF NSW LJ 27 (2009).

37. David, *Trafficking*, *supra* note 35, at 39.

it. Campaigners should ensure that research is undertaken in this regard prior to the formulation of any campaign.

E. Ideology and Religion

Many campaigns are driven by political or religious agendas made obvious by their use of political or religious material within the campaign materials.³⁸ However, campaigns against trafficking in persons should not become a forum for the promotion of religious or political objectives. This is because both religion and politics are irrelevant in providing what the victim and the campaign responder need in order to address the issue of trafficking.

Although the use of religious or political elements may serve to more effectively target certain audiences, the use of religious or political overtones also runs the risk of detracting from important practical messages of the campaign, limiting the audience's scope of concern to those victims with whom the religious or political objective is concerned and potentially alienating victims themselves.

F. Actionability and Fund-Raising

Direct actionability permits the audience to more easily transform their concern into a practical outcome. Indeed, the presence of a clear call to action within campaigns can have a unique interplay with the emotional impact of the message.³⁹ According to some research, the effectiveness of campaigns seeking to ignite audience concern in an issue was shown to be much greater where the audience was presented with a direct course of action to alleviate the issue presented.⁴⁰

Many campaigns are motivated by the need to raise funds for certain organizations and their activities. These campaigns are more likely to inflate the true extent of the problem. This may prove particularly problematic from a public awareness point of view, as the size of the

38. See, e.g., *Not for Sale*, THE ABOLITIONIST CHURCH, <http://www.notforsalecampaign.org/action/faith/> (last visited Aug. 9, 2012); *Combat Human Trafficking*, FAITH ALLIANCE AGAINST SLAVERY AND TRAFFICKING, <http://faastinternational.org/#/take-action> (last visited Aug. 9, 2012). For a clear example of this in Australia, see *Resources: Be Informed About Human Trafficking and Modern Day Slavery*, AUSTRALIAN CATHOLIC RELIGIOUS AGAINST TRAFFICKING IN HUMANS (Jan. 18, 2011), <http://acrath.org.au/resources/>.

39. Kim Witte & Mike Allen, *A Meta-Analysis of Fear Appeals: Implications for Effective Public Health Campaigns*, 27 HEALTH EDUC. BEHAV. 591 (2000).

40. *Id.*

'social problem matters in attracting media coverage, donor funding, and attention from policy makers'.⁴¹

While campaign actionability may include a call for donations, two factors must be considered here. First is that a call for donations is not at the expense of providing other actionable advice such as advice regarding the identification of victims and how to report them or allow them to gain assistance. In Australia, for instance, a call for donations was far more prevalent in campaigns than the use of the AFP crime reporting telephone hotline. The second factor that must be considered is that donations are not used only for the perpetuation of the awareness campaign itself. It is important that donations be channeled outside of the realm of awareness raising in order to guarantee tangible outcomes to the issues presented within the campaigns. Accordingly, campaigners should not be hesitant to provide revenue raised from the campaign to other organizations who may be in a better position to utilize it in direct anti-trafficking initiatives.

IV. THE AUSTRALIAN CONTEXT

A. *Levels of Awareness*

Little research has been conducted on community awareness of, and attitudes toward, trafficking in persons. This is problematic for assessing whether past awareness campaigns have succeeded in raising the general awareness of the public about this issue, but also in problem definition for the planning of future campaigns.⁴² If campaigners do not know what information target audiences already have about trafficking in persons, then it is very difficult to strategically pitch the types of information and messages about trafficking in persons to those audiences.

In Australia, only two studies have examined community awareness and attitudes towards trafficking in persons in Australia. A study conducted by Erica Kotnik, Melina Czimoniewicz-Klippel, and Elizabeth Hoban entitled "Human Trafficking in Australia: The Challenge of Responding to Suspicious Activities," analyzed data collected from a small survey conducted in 2002 in Yarra, Melbourne.⁴³ The second study,

41. Ronald Weitzer, *The Social Construction of Sex Trafficking: Ideology and Institutionalisation of a Moral Crusade*, 35 POLIT. SOC. 447, 456 (2007).

42. GERARD HASTINGS, SOCIAL MARKETING: WHY SHOULD THE DEVIL GET ALL THE BEST TUNES? 88 (2007).

43. Erica Kotnik, Melina Czimoniewicz-Klippel & Elizabeth Hoban, *Human Trafficking in Australia: The Challenge of Responding to Suspicious Activities*, 42 AUST. J. SOC. ISSUES 370, 374 (2007) [hereinafter Kotnik, *Human Trafficking*].

entitled “Community Attitudes on Sex Trafficking of Children and Young People Survey Report,” was commissioned in 2010 by ChildWise, an NGO, and the retail chain The Body Shop, for their own awareness campaign.⁴⁴ This study was the first and only Australian-wide research on community attitudes towards child sex trafficking and related issues.

Both studies showed a significant awareness of trafficking in persons amongst respondents. The ChildWise & Body Shop survey showed that of the 18,000 respondents, sourced from all Australian States and Territories, 91% were aware of human trafficking.⁴⁵ Similarly, the study by Kotnik found that of the ten respondents interviewed, 92% had heard of the issue.⁴⁶

There appears to be a significant level of concern about trafficking in persons amongst the Australian public. The Body Shop survey found that 91% of respondents expressed concern about child sex trafficking, while 61% described themselves as “feeling strongly” about the issue.⁴⁷ Data from the survey conducted by Kotnik shows that 48% of residents perceived trafficking in persons as a “significant concern,” while 30% said it was a “moderate concern.”⁴⁸

While the responses in the Kotnik study may have been skewed by extensive media coverage of trafficking in persons at the time the survey was conducted,⁴⁹ both reports suggest that there is already a widespread understanding of trafficking in persons at least at a basic level. Men, however, consistently demonstrated lower levels of awareness than women.⁵⁰ While the gendered variation is not statistically significant, future awareness campaigns may want to consider this variation in their planning.

Both studies overwhelmingly found that there was little awareness amongst the public as to what mechanisms were available to report or combat trafficking in persons. The study by Kotnik found that there was no awareness of federal anti-trafficking initiatives or legislation,⁵¹ though it has to be noted that government policy on trafficking in persons was

44. THE BODY SHOP AND CHILD WISE, COMMUNITY ATTITUDES ON SEX TRAFFICKING OF CHILDREN AND YOUNG PEOPLE (2010) [BODY SHOP, COMMUNITY ATTITUDES].

45. *Id.* at 9.

46. Kotnik, *Human Trafficking*, *supra* note 43, at 375.

47. BODY SHOP, COMMUNITY ATTITUDES, *supra* note 44, at 11.

48. Kotnik, *Human Trafficking*, *supra* note 43, at 376.

49. *Id.* at 373. It was noted in the study that the trial of Mr. Gary Glazner, a Melbourne brothel owner accused of trafficking, was underway at the time research was conducted. See *DPP v Glazner* [2001] VSCA 204.

50. BODY SHOP, COMMUNITY ATTITUDES, *supra* note 44, at 9.

51. Kotnik, *Human Trafficking*, *supra* note 43, at 376.

only marginally developed at that time. The more recent ChildWise & Body Shop survey, however, made similar observations.⁵²

The Body Shop campaign also asked respondents who had prior knowledge of trafficking in persons to identify where they gained information about the issue. The media proved to be the most common source of information (48%), followed by the ChildWise & Body Shop campaign itself (20%). Notably, not-for-profit awareness campaigns were identified by only 10% of respondents. Of those who learned of trafficking in persons through the media, the most common sources were television, newspapers, magazines, and the Internet.⁵³ This information may prove useful in the planning of awareness campaigns.

The survey conducted by Kotnik also examined community perceptions of victims of trafficking in persons. Sixty percent of survey participants considered trafficked women to be “desperate, poor and vulnerable women who had been deceived about the type of employment or conditions in which they would be required to work”⁵⁴—arguably the picture that many awareness campaigns have tried to project. The same study have also revealed that some members of the public remain suspicious as to the immigration motives of victims: 40% of the survey sample viewed trafficked women as illegal immigrants who were not in fact held in conditions of forced labor. Thirty percent of respondents further held the view that trafficked women were seeking an Australian husband in order to secure permanent residency.⁵⁵

These attitudes towards trafficking in persons are symptomatic of the prevalence of depictions of the issue in the media—and in many awareness campaigns—that rely on myth and stereotype. While these studies are valuable in efforts to construct future campaigns, it is clear that further research into the impact of awareness campaigns is required. In particular, larger research samples are needed to more accurately verify the impact of campaigns.

B. Purpose of Awareness Campaigns

Against this background, and in light of the available knowledge about trafficking in persons in Australia, any campaign designed to raise greater awareness and provide more accurate information on the full spectrum of

52. BODY SHOP, COMMUNITY ATTITUDES, *supra* note 44, at 14.

53. *Id.* at 10.

54. Kotnik, *Human Trafficking*, *supra* note 43, at 376.

55. *Id.*

trafficking in persons in Australia should serve three separate, but equally important, goals:

1. The first goal is to demystify the phenomenon of trafficking in persons. Research has shown that much of the contemporary understanding of this issue is impaired by inaccurate reporting and the resulting stereotypes. Awareness campaigns should dismantle common clichés by providing accurate information on the issue.
2. As a consequence of the more accurate depiction of the issue, effective awareness campaigns should have the ability to correct public perceptions and change commonly held views towards trafficking in persons, breaking some of the taboos and stigma associated with the issue. Awareness campaigns should explore the full spectrum of trafficking in persons into Australia including, *inter alia*, labour trafficking and exploitation, sex trafficking, trafficking in children through bogus adoptions schemes, *et cetera*.
3. For a country that is primarily a destination for trafficking in persons, campaigns should aim to change consumer behaviour by better informing the public of the demand aspect that drives trafficking in persons. Reducing the demand for trafficking in persons—and thus taking away its profitable aspects—has the potential to minimise the problem in a more durable fashion.

Previous campaigns have been hampered by the relative paucity of accurate information regarding trafficking in persons in Australia. They also have been affected by agenda-driven messages, marketing techniques, or ideological or religious bias. This, in turn, explains the need for an informed, unbiased awareness and education initiative. Moreover, there is a need for a campaign that is not tied to any fund-raising activities and, consequently, is not hampered by any desire to inflate the problem.

V. “BE CAREFUL WHAT YOU PAY FOR” CAMPAIGN (2011)

By way of example, a campaign launched by the University of Queensland Human Trafficking Working Group, in conjunction with the AFP and the Queensland Law Society in June 2011,⁵⁶ is based on the

56. The complete campaign material and background information can be viewed at *Awareness Raising & Education: Be Careful What You Pay For*, UNIV. OF QUEENSLAND, <http://www.law.uq.edu>

premise that trafficking in persons is a crime that is demand driven. Like other forms of organized crime, trafficking in persons involves the delivery and offer of an illicit service that responds to a demand in a given consumer population. As other research has shown, perpetrators engage in trafficking in persons with profit as their primary goal.⁵⁷ This campaign aims to convey the message that consumer decisions are the principal factor determining the extent of trafficking in persons in Australia.

This campaign distinguishes itself by referring consistently to verifiable open-source documentation in order to maximize its effectiveness and truthfulness. Based on extensive academic research and consultation with key stakeholders and experts, this campaign develops a set of informed, balanced, and evidence-based awareness and education tools. Furthermore, this campaign is not led by ideology or by a desire to raise funds or revenue. It also explores the full spectrum of trafficking in persons as manifested in documented cases.

A. Key Message

In line with the consumer focus of the campaign, the title and theme chosen for this campaign is “Be Careful What You Pay For,” a title that builds on song lyrics written by Melbourne singer and song-writer Paul Kelly. His song, “Be Careful What You Pray For,” performed by Vika and Linda Bull, features prominently in the campaign texts and, in particular, the campaign short film.

The use of the second person (“you”) in the campaign title directly addresses the target audience and thus personalizes the messages conveyed in this campaign. Rather than addressing a more vague aggregate audience, the language used specifically targets individual viewers and readers in order to draw their attention more effectively.

The suggestion created by the slogan that the consumer should be “careful” is also engaging in a more conscientious regard. Audience members are immediately confronted by the suggestion that their decisions might contribute to the problem of trafficking in persons and are thus more likely to be interested in discovering ways to avoid it.

.au/awareness-and-education (last visited Oct. 2, 2012).

57. Jini Robya et al, *U.S. Response to Human Trafficking: Is It Enough?*, 6 J IMMIGR. REFUG. STUD. 508, 510 (2008); Susan Tiefenbrun, *Sex Sells but Drugs Don't Talk: Trafficking of Women Sex Workers and an Economic Solution*, 24 T. JEFFERSON L. REV. 161, 161 (2001); Thanh-Dam Truong, *Human Trafficking and Organized Crime* 2 (The Institute of Social Studies, Working Paper No 339, 2001).

The campaign title is supported by three supplementary messages: “See the hidden costs,” “Always read the fine print,” and “Not everyone gets a bargain.” These messages alert the viewer to the harms, downsides, and implications of trafficking in persons, using language and vocabulary that reflects the demand aspects of this phenomenon and that highlights the consumer focus of this campaign.

B. Content

The content of this campaign revolves around the commodification of human beings and emphasizes the fact that trafficking in persons is demand driven, thus involving a consumer population and the sale of goods and services.

To that end, the campaign depicts persons as products, using images of every day household items to reflect or insinuate cases of trafficking in persons and the exploitation of human beings for sexual purposes, forced labor, domestic servitude, and illegal adoptions.⁵⁸

The individual “products” displayed in the campaign are based on real cases that occurred in Australia. The cases featured in this campaign include:

- *Fryer v Yoga Tandoori House Pty Limited* [2008] FMCA 288 (unreported, Cameron FM, March 13 2008); *R v Yogalingham Rasalingham* (2007) NSWDC (unreported): A labor trafficking case involving a man who was brought to New South Wales from India to work in the kitchen of an Indian restaurant.
- *R v Kovacs* [2009] 2 Qd R 51; *R v Kovacs* [2007] QCA 143; *R v KO* [2006] QCA 34: A case of domestic servitude and sexual abuse in which a woman from the Philippines was brought to Far North Queensland under a sham marriage arrangement.
- *R v Dobie* (2009) 236 FLR 455; *R v Dobie* [2010] QCA 34: A case involving two women who were lured to Australia from Thailand under false promises. They were deceived about their working hours and the money they could earn as sex workers on the Gold Coast.

58. This concept of commodification of persons is in part inspired by an awareness campaign running in Luxembourg in the year 2000. This campaign, which took a strong anti-prostitution stance, depicted women as pieces of meat on sale in supermarkets. This campaign was only aimed at local audiences and did not tackle the wider issues relating to trafficking in persons.

- *R v Tang* (2008) 238 CLR 1; *R v Wei Tang* [2009] VSCA 182: A case in which the owner of a Melbourne brothel “purchased” several Thai women from an agent and kept them in a debt-bondage situation in her brothel.
- A case of trafficking of Indian children through and adoption agency to Australia, first reported by Rory Callinan in an article entitled “Stolen Children,” *Time Magazine*, August 21, 2008.⁵⁹
- The case of Ms. Kwang Suk Ra who, after serving time in an U.S. jail for sex trafficking, opened a brothel in Sydney where she kept ten or more Korean women in slavery-like conditions.⁶⁰
- *R v Sieders and Yotchomchin* [2006] NSWDC 184; *Sieders v R; Somsri v R* (2008) 72 NSWLR 417: A case involving two brothel owners in Penrith, Sydney who were involved in the employment and sexual exploitation of several women from Thailand.
- *R v McIvor and Tanuchit* [2008] NSWDC 185; *McIvor v R, Tanuchit v R* [2009] NSWCCA 264: The couple in this case owned and co-managed a legal brothel in Fairfield, NSW, and brought at least five women from Thailand to Australia between July 2004 and June 2006. The women were treated harshly and forced to work seven days a week for very little pay.
- *Inspector Robert John Hartle v Aprint (Aust) Pty Ltd & Anor* [2007] FMCA 1547 (Unreported 10 Sep 2007, O’Sullivan FM): In this case, four men were brought from China to Australia to work in a printing business but received very little pay during their time of employment.

59. Rory Callinan, *Stolen Children*, TIME MAG. (Aug. 21, 2008), <http://www.time.com/time/magazine/article/0,9171,1834535.00.html>.

60. Kara Lawrence, *Brothel Slave Case Against Kwang Suk Ra Collapses*, THE DAILY TELEGRAPH (Dec. 3, 2008), available at <http://www.law.uq.edu.au/documents/humantraffic/news/2008/2008-dec-03-brothel-slave-case-against-kwang-suk-ra-collapses.pdf>; AUSTRALIAN FEDERAL POLICE, ANNUAL REPORT 2007–2008 34 (2008); Simon Kirby, *NSW: Brothel Madam Lied to Sex Slaves About Debts: Court*, THE WEST AUSTRALIAN, Mar. 7, 2008.

Each product relates directly, and is referenced to, the facts of the relevant case, thus avoiding unverifiable statements. The core elements of the campaign are based on true stories that are documented in open source material including official case reports, government documents, academic literature, and media articles.

C. Media & Method

The message of this campaign is distributed through a variety of media. A short film was created in conjunction with Changing Directions Films LLC, Portland, Oregon, in both a ten-minute original cut, as well as a one-minute condensed trailer version. The short film conveys the story of a supermarket or shopping centre, as consumers choose the products explained earlier. Two lead characters purchase the products described above. Each product is prominently displayed before being placed in a shopping trolley. After selecting a range of these products, the lead characters move to the check-out to complete her or his purchases at which point the background and true story of each product is revealed in spectacular fashion.

Posters and postcards used in the campaign display one of the products as the central object, together with the “Be Careful What You Pay For” slogan. This image is accompanied at the bottom of the poster (and the reverse side of the postcard) with a summary of the case to which the product refers. Design of the material employs a minimalist, eye-catching approach.

The posters and the short film are strongly intertwined in both message and content, featuring the same products, slogan, and real-world examples.

D. Audience

The campaign is aimed at general audiences aged 15 years and over in Australia with no prior special knowledge relating to the topic of trafficking in persons. In accordance with the consumer-centered approach of this campaign, this audience has been identified as having a particularly prominent influence on the level and occurrence of trafficking. Unlike other campaigns that focus largely on reducing the supply of persons to be trafficked, this campaign focuses on demand reduction. It focuses on efforts to change the consumer behavior that creates the market for trafficked persons. Therefore, this campaign is not specifically aimed at audiences with expert knowledge, victims of trafficking in persons, law enforcement personnel or at others occupying official functions.

E. Outcomes & Assessment

Monitoring and evaluation of the effectiveness of the campaign throughout its duration is acknowledged as an important part of the overall campaign strategy. To that end, UNODC also includes “monitoring and evaluation” as part of its *Toolkit to Combat Trafficking in Persons’* “campaign checklist.”⁶¹

The assessment of this campaign is complicated by the fact that the campaign outcomes are not immediately tied to the apprehension of victims, any rates of investigations, prosecutions, convictions, or any other quantifiable aspect of trafficking in persons. Assessing the effectiveness of any awareness campaign presents difficulties due to the need to divert crucial resources away from the campaign itself.

For these reasons, the assessment methods for this campaign gauges effectiveness through a variety of means, such as measurement of website hits, quantity of disseminated material, and audience attendance.

VI. CONCLUSION

Efforts to raise awareness about trafficking in persons are crucial to the fight against this global crime. Indeed, prevention is recognized as one of the core pillars of the *Trafficking in Persons Protocol*. This Article has highlighted international law and best practice guidelines along with past experiences relating to awareness-raising on the topic of trafficking in persons, especially in destination countries. It has been shown that many past campaigns have tended to inflate, distort, or otherwise misrepresent the many issues associated with trafficking in persons, much to the detriment of local, national, and global efforts to prevent and suppress this heinous crime more effectively. It is hoped that these experiences, together with the elements of successful campaigns outlined in this Article will help others in their efforts to shape their awareness and education campaigns and thus contribute to the fight against trafficking in persons.

61. UNODC, TOOLKIT, *supra* note 7, at 448–49.