



FEDERAL MAGISTRATES COURT OF AUSTRALIA

4 August 2008

Chief Federal Magistrate Pascoe delivers speech on trafficking unborn children

In a paper delivered this morning on 'Trafficking in unborn children', Mr John Pascoe, Chief Federal Magistrate of the Federal Magistrates Court of Australia, highlighted the vulnerability of the unborn and newly born child to trafficking across international borders. This movement of pregnant women violates the basic human rights of the unborn child. This is an area which international law has, to date, failed to address effectively.

Mr Pascoe noted that people trafficking is now estimated to be a \$5–7 billion dollar industry annually.

Children who are not registered at birth are particularly vulnerable to traffickers. 'South Asia is the area where there is the greatest number of unregistered children – approximately 22.5 million children were unregistered in the year 2000 alone,' Mr Pascoe said.

Unborn children are moved across international borders so that they can be born in a country where the birth is not registered; the child can then be moved elsewhere and disappear. The motives for such trafficking include using the child for:

- sexual exploitation
- forced labour or slavery
- illegal international adoption
- the removal of organs not for transplant but for the use of foetal tissue for restorative or 'health' purposes, especially anti-ageing
- child soldiers
- begging or as athletes.

Children should certainly not be prevented from migration in search of a better life; however, the use of means such as illegal adoption does not necessarily facilitate the chances of a better life and increases the susceptibility of the child to exploitation. After all, 'a child is not a handbag to be ordered at random, picked up and discarded at will,' Mr Pascoe added.

Mr Pascoe concluded by saying that 'trafficking in unborn or newly born children is one of the most blatant abuses of the human rights of those who are most vulnerable. It is also one of the most difficult to expose and eliminate.' He called upon the Australian Government to explore ways in which it could play a greater role in eliminating the exploitation of unborn and newly born children. 'In doing nothing when the rights of others, especially those who have no voice, are debased, we debase ourselves,' he said.

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Media note: A copy of the speech is available from the Federal Magistrates Court website at:
<http://www.fmc.gov.au>

Details of the International Conference on Child Labour and Child Exploitation is available at:
<http://www.childjustice.org>