



# Trafficking within migrant smuggling operations: Are underage transporters ‘victims’ or ‘perpetrators’?

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## Abstract

This article looks at a case of a juvenile transporter, who ferried asylum seekers from Indonesia to Australia on several occasions, but was arrested and sentenced for his involvement on the last attempt. The reasons for exploring this case in detail are twofold. First, the use of Indonesian child labor in migrant smuggling operations is a prevalent practice. Evidence of this is particularly obvious in the large number of Indonesian children imprisoned or otherwise detained in Australia for their involvement in migrant smuggling. Second, we consider how these people fit into the smuggling-trafficking nexus before discussing the concepts of “victim” and “perpetrator” in a case where justice officials do not agree whether a juvenile transporter should be treated as an active perpetrator, and therefore punishable for migrant smuggling, or whether to treat him as a passive victim of trafficking who was deceived into carrying out the crime.

## Keywords

people smuggling, human trafficking, underage offenders, exploitation, Indonesia, Australia

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