



What Will It Take to End the Impunity of Human Trafficking?

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Trafficking in Human Beings: Modern Slavery

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Your Excellencies,

Milords, spiritual and temporal,

Very distinguished participants,

I want to start by thanking the organizers, the Pontifical Academy of Sciences and the Pontifical Academy of Social Sciences for adding their unique voice to the call to end human trafficking or trafficking in persons or trafficking in human beings. This shame of our time also rightly termed “modern-day slavery”. In the words of Colin Powell, former US Secretary of State, “it is incomprehensible that trafficking in human beings should be taking place in the 21st century”, incomprehensible but it’s true, very true, deprived of the most fundamental human rights, subjected to threats and violence, victims of trafficking are made to toil under horrific conditions in sweatshops, on construction sites, in fields and in brothels. We are all aware – or at least have read – the form and modus operandi of transatlantic slavery, where several millions of mostly men and boys, predominantly of African origin were trafficked. Today, we are witnessing something similar and even more sinister in the so-called free world, notwithstanding that slavery has been denounced and abolished for over two centuries. An analysis of human trafficking today reveals a similar trend in the illegal trade in human beings, but perhaps more creative, much larger in scale and sophistication, and disproportionately affecting women and girls, often victims of sex trafficking, domestic servitude, servile marriage and other forms of exploitative labour.

Art. 3 of the UN Trafficking in persons Protocol, otherwise known as the Palermo Protocol, made it clear that exploitation shall include at the minimum the exploitation of the prostitution of others and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. While acknowledging the difficulty and lack of clarity in measuring the scale or quantum of human trafficking there is near unanimity that at least 2.5 million people at any given time are victims of human trafficking. However, when you juxtapose this with a recent ILO survey that shows that 20.9 million people are in a forced labour situation one is bound to shudder and conclude without much hesitation that the problem is far more than we know or care to acknowledge. The 2012 world survey by ILO reveals that of the total number of 20.9 million forced labourers, 18.7, that is 90%, are exploited in the private economy by individuals or enterprises. Out of this 4.5 million, that is 22%, are victims of forced sexual exploitation, and 14.2 million, that is 68%, are victims of forced labour exploitation in economic activities such as agriculture, construction, domestic work or manufacturing. The remaining 2.2 million, about 10%, are instead imposed forms of forced labour, for example in prisons or in work imposed by state military or rebel armed forces.

Women and girls represent the greater share of the total 11.4 million, that is, about 55%, as compared to 9.5, 45%, of men and boys. Adults are more affected than children, 74%, that is 11.4 and victims fall into the age group of 18 years and above, whereas children aged 17 years and below represent 26% of the total child victims.

You will see that although forced labour is closely linked to human trafficking I want to be very clear, because there is always an element of forced labour exacted on trafficked persons, however there is no total coincidence, that is, every case of forced labour is a case of trafficking. In other words, a person may be in a forced labour situation as a result of bonded labour or peonage without being trafficked and while remaining in their place of origin. Nevertheless, this figure is challenging statistical information previously brandished. Although many are migrating freely in today’s globalised world, a significant number of those migrants have fallen victim and become trafficked persons in that migratory process.

The motives of migration today have a shared similarity with why people get trafficked or fall prey at the manipulating hands of sweet-coated tongued traffickers often offering mouth-watering contracts to lure and deceive their victims. In the transatlantic slavery people were forced into slavery but today people walk into it, thereby making it complicated and complex to fight this phenomenon of modern-day slavery.

Trafficking in persons is caused by a wide array of factors, including growing poverty, joblessness, inequality, gender-based violence, social exclusion, displacement that may result from natural disasters or conflict. These root causes of human trafficking, including demand, continue to pose a challenge in combating all forms of human trafficking. The current world economic crisis has further exacerbated the desperation and the quest for human security, access to decent standards of living, survival and development. As I stressed in my 2009 Annual Report to the UN General Assembly, trafficking of human beings and migration pushed by the search for a better life are closely linked. It is often economic circumstances that make people consider the option of migration and it is also poverty that makes them vulnerable to becoming easy targets for traffickers. The current global economic crisis and increasing poverty caused by massive unemployment are likely to lead to an increase in trafficking for the purposes of exploitation of labour.

In the current context employers tend to seek cheaper labour which allows them to lower their costs and maximize their profits. The demand side of trafficking in persons is a significant factor that contributes to fostering and leading to human trafficking. I've listened, as I do my work as United Nations Special Rapporteur on Trafficking in Persons globally, to victims of trafficking, trafficked persons around the globe and it is always their desire to survive, find a decent livelihood and improve their wellbeing and that of their families that is at the root of their desire to migrate and results in trafficking.

In my recent country mission to Italy, which happened this September, I met X, a 21-year-old Nigerian girl who travelled by plane from Nigeria, transiting through Turkey, Serbia, Hungary and Slovenia before arriving in Italy by train. Not only was she trafficked but was held in debt bondage as her father, back in Edo State, had put up his land as a collateral for the down payment of the 60,000 euro fee demanded to bring her to Europe. The young girl was moved from Turin to Milan and Paris to sell her body in order to repay her debt. She was rescued following a random identification check in Italy and she currently benefits from assistance. However, X has to lie to her parents about her whereabouts, even where she was detained, because they were asking her for money to repay her debt to her traffickers. Traffickers have continued to threaten her family, back in Nigeria, since her disappearance from their radar.

I met with and listened to the sad tales of several victims of sex and labour trafficking across Italy. I vividly recall the traumatised face of a young Asian woman, trafficked for labour exploitation, who was forced to work in a sweatshop, sewing all day. She was a victim of deception and coercion by her so-called boyfriend, whose violence and exploitation caused her to lose her sight and suffer severe hand injuries, for which she underwent surgery and is now recuperating in a shelter run by Sisters of the Catholic Church. Her determination to survive despite her traumatising experience reminds us of our collective responsibility to bring succour to trafficked persons.

Even though trafficking is entwined with other criminal activities such as smuggling, drugs and arms trafficking, I believe strongly that States must refrain from treating trafficking only from a crime and border control perspective or simply as a migration issue. Multilevel and innovative approaches are needed that will focus on various perspectives including human rights, crime control, criminal justice, migration, and labour. Human rights unarguably should be at the core of every effort or any effort to combat or eliminate trafficking in persons. Trafficking is a grave violation of human rights, in particular the right to liberty, human dignity and the right not to be held in slavery or involuntary servitude. As Special Rapporteur on Trafficking in Persons, especially women and children, I have based the fulcrum of my work for the past five years on advocating for the implementation of anti-trafficking responses based on five "P"s, Protection, Prosecution, Punishment, Prevention, Promoting international cooperation and partnerships, three "R"s, Redress, Recovery and Reintegration, and the three "C"s of Capacity, Cooperation and Coordination, guided by international human rights law and standards. A holistic, human-rights based approach and victim-centred perspective is what is needed to effectively and in a sustainable manner combat this heinous crime of human trafficking.

Trafficking in persons results in cumulative breaches of human rights and there is the need to recognise this in any international effort. The Office of the High Commissioner for Human Rights in 2002 developed the principles and guidelines in order to provide practical rights-based policy guidance on the prevention of trafficking and the protection of victims of trafficking.

I will turn to the last segment of my presentation which will attempt to address the topic which I've chosen for this keynote address, that is, what will it take to end the impunity of human trafficking.

Having given an overview of trafficking in human beings, its forms and manifestations, including its causes and consequences, let us now turn to consider this central question. I have posited earlier that the work of combating human trafficking needs to rest on the five Ps, three Rs and three Cs for it to be comprehensive and impactful. Consequently also our proposed solutions hinge on this mantra towards ending human trafficking and are using part of those frameworks that I have mentioned.

First I want to start with the issue of protection, in legal and policy frameworks. I want to clearly state that States have the primary responsibility to protect their citizens, to prevent and combat trafficking in persons on the international level by enacting and enforcing legislation, criminalizing trafficking and forced labour, imposing proportionate punishment on perpetrators. Therefore all countries must criminalise as a starting point trafficking in human beings in their penal code and provide protection for the rights of victims. United Nations member states should ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, which is supplementary to the UN Convention on Organised Crime, that was adopted in Palermo in 2000 and came into force in 2003. They should also ratify related international treaties, including but not limited to the ILO Convention 29, the Labour Convention 182 and also the Convention 189 on domestic workers. The Convention on the Rights of the Child fortunately has near universal ratification except that the Protocols that relate to the sale of children, child prostitution and child pornography don't have equivalents as stated. Again, the Convention on the Elimination of All Forms of Discrimination Against Women and the Human Rights of Migrant Workers Convention require urgent ratification. The universal ratification of the UN Protocol is paramount in promoting zero tolerance to human trafficking. It will reinforce the global partnership and cooperation required to end human trafficking. Today 157 countries are state parties to the Palermo Protocol I mentioned. I urge remaining non ratifying states to urgently do so as a clear commitment to the global fight to end modern-day slavery. Member states examine the most utilized legal and policy frameworks at international, regional and subregional levels implementing measures to eliminate all forms of trafficking in persons in a concerted manner.

Another pillar that I want to talk about is prevention. Prevention work, including monitoring and evaluation of anti-trafficking initiatives is crucial in ending human trafficking. Strategies aimed at preventing trafficking in persons must address underlying factors that render people vulnerable to trafficking, such as poverty, lack of employment opportunities, sex discrimination, inequalities, restrictive immigration laws and policies, war and conflicts. Demand for exploitative labour and services, particularly demand by employers and all parties involved in trafficking should be addressed also as a root cause of trafficking. In preventing trafficking in persons the participation of trafficked persons, including children, in the design is very essential. We need to listen to the voices of the victims, because are the ones who have been trafficked and they can bring back their experience to help prevent human trafficking. In raising awareness the media must be involved. We must deploy new technologies. In fact, new technologies have also contributed to the trends of human trafficking, especially child trafficking for cybersex and for pornography.

Last year I did a mission to the United Arab Emirates as part of the way that I do my work. There in UAE I met two victims, one met her trafficker in Georgia through a website advertising jobs in a beauty salon, while a second victim, a university graduate from Colombia, responded to job offer online and was even interviewed by Skype by her trafficker. Once she landed in Dubai she became enslaved for three years until she was found by police. Increasingly people are getting trafficked without any physical contact just through cyberspace, between them and their computer and no third party. And now it's e-visa, e-ticket and one can just travel and fall prey to human trafficking.

The Victim-Centred Approach

The importance of rights-based, victim-centred approach to trafficking in persons has been well established and the parameters of such fleshed out in detail in my report to both the Human Rights Council and the General Assembly, based on the three Rs, Redress, Recovery and Reintegration. Identification, protection and assistance to victims are crucial in finding traffickers and punishing them appropriately. Again, adequate and effective remedies are often out of reach of trafficked persons, despite the egregious human rights violations they've suffered. Trafficked persons are rarely known to have received compensation, as they do not have access to information, legal assistance, regular residence status and other assistance necessary to seek compensation. At worst, many trafficked persons are wrongly identified as irregular migrants, detained and deported, even without having a chance to consider seeking remedies.

Let us visit the issue of broader security versus restrictive immigration policies. A security approach without the incorporation of development and a human rights perspective, including entering into a cooperation agreement with source countries will be ineffective, and I repeat, ineffective, in dealing with human trafficking. There is an urgent need to create safe migration options as well as open migration information centres in source countries to counsel and provide information to would-be migrants and potential victims of human trafficking and smuggling. The heartrending October incidents in the Mediterranean Sea, by the corridors of Italy, where hundreds lost their lives in the desperate search for a better life in Europe call for urgent and multifaceted actions to avoid a recurrence. As rightly observed by my colleague, the Special Rapporteur for the Rights of Migrants, currently migrants themselves, often with the help of smugglers, are crossing borders, regardless of State policies, so the restrictive immigration policy is not working. I reiterate the fact that people migrate irregularly due to a lack of regular channels of migration and largely in response to unrecognised labour needs in destination countries.

Cooperation

I want to underline that cooperation and partnerships among all stakeholders are imperative to fighting trafficking in persons. Trafficking in persons requires a multidisciplinary and multi-stakeholder response. Coordination should be at national, regional and international levels. The United Nations Global Plan of Action to combat trafficking in persons, as well as the UN Protocol on Trafficking in Persons, promote international cooperation in combating trafficking in persons, which is often committed transnationally and requires cooperation of source, transit and destination countries. Without international cooperation and collaboration, effective investigation and prosecution of the crime of human trafficking, including prevention, would be hindered. All member states and other stakeholders should strengthen their partnership and cooperation at bilateral, regional and international levels. The trafficking protocol clearly recognises the role of bilateral and multilateral cooperation in alleviating factors that make people vulnerable to human trafficking. Ancillary to cooperation is the need for continuing public-private partnerships to end human trafficking.

Business Supply Chains

I have analysed the question of trafficking in persons in business supply chains, including corporate responsibilities to prevent and combat human trafficking in their supply chains. I noted that in today's globalised world the risks of human trafficking in business supply chains are significant in many business sectors and have not been adequately dealt with by States or by businesses themselves. Challenges remain in integrating a human rights based approach in addressing the demand-side of trafficking in persons, including obstacles such as ensuring labour rights, ensuring respect and implementing children's rights and other fundamental human rights while conducting business.

Funding of Anti-Trafficking Initiatives

Resources are important if we have to end the impunity of human trafficking. Funding is crucial to enhance capacity, providing training for relevant law enforcement agencies including police, immigration and labour inspectors, social workers to especially identify trafficked persons quickly and accurately, and also to make reference to appropriate services, particularly when minors are involved. Adequate funding will ensure greater coherence in combating human trafficking and importantly will bring succour to trafficked persons. While the political will exists to fight human trafficking, the economic will to do is doubtful and continues to hamper progress. Everyone knows that the illegal trade in human beings is a multimillion-dollar business with traffickers reaping huge profits. Nevertheless, we have less than one billion dollars to combat it. The UN Voluntary Trust Fund for victims of trafficking in persons, especially women and children, in its over three years of existence is yet to raise even one billion dollars. The UN Slavery Fund, that was earlier in time, lacks the crucial funding to continue to support grassroots, and I mean important grassroots work, around the world. States in most cases do not even pay or support civil society organisations, faith based organisations providing services, including shelter, psycho-social, medical-legal and livelihood support services.

Today we have more money in wildlife conservation initiatives, which I have nothing against, than in programmes to combat human trafficking. Why is it so? And what a shame to humanity! Are we not seeing the clear, present and continuing danger of human trafficking? I want to reiterate that we are mutually vulnerable if we don't act to end impunity of human trafficking now. Until we free every enslaved person we are not free ourselves. We need to galvanise urgently necessary political and economic will, including leadership to end this modern-day slavery. We need a movement far stronger than the one that ended slavery in the olden days. Unlike the transatlantic slavery, today's slavery in the form of human trafficking knows no border and affects every country, either as a source, sending, transit, or destination – that is, receiving – country. This is an added impetus for all to get on board since no one country is immune from its devastating consequences.

Tackling the root causes of human trafficking

Trafficking of migrant workers, we know the cause is poverty, unequal access to employment, social exclusion, discrimination, inequalities, people are seeking better lives, better futures for themselves and their families. These are always the overarching goals for people to become vulnerable to trafficking. Consequently, human development, including access to education and decent work and income are central to addressing the root causes of human trafficking.

There is a link to a Millennium Development Goal that I also explored in my paper. Some of the MDGs are of particular importance to combating trafficking. It is not simply a coincidence that the first three factors that are always mentioned when discussing vulnerability, namely poverty, gender discrimination and education, corresponded to the first three MDGs. By addressing different aspects of poverty, the MDGs are intrinsically linked to the factors increasing vulnerability to trafficking. As such, when States express their commitment to the MDGs and adopt policies towards implementation, States are taking social and economic initiatives and

measures, including bilateral and multilateral, to end human trafficking and also in line with the UN Protocol Provisions in article 9 paragraphs 2 and 4.

Corruption and bad governance

I also want to mention quickly that corruption and bad governance, especially in source countries, are undoubtedly roadblocks to tackling the root causes. Source sending countries most of the time act like hapless victims. When I go to countries I hear governments very eager to have me visit because they think they are victims: "Oh, we are source countries, our people are being trafficked!" and then I say, "Let us look at the root causes. You are not the victims here, you're not hapless victims, it is bad governance and corruption that lead people to being trafficked". I hope world leaders impose 2015 MDGs and show real commitment for a better world.

In addressing what it would take to end the impunity of trafficking, it is vital to demystify our collective notions about who is the trafficker or who these human traffickers are. Sometimes, when we think of traffickers we think of them as non-humans or strangers or foreigners, bad guys, criminals, traders... It is important to know that modern-day traffickers have many faces and are members of our different communities, not people from another planet. Traffickers are men and women that entrap others in situations of slavery, they live amongst us, and sometimes include decent, civilised individuals such as diplomats who import domestic workers and hold them in isolation and forced labour in their homes. They could be members of organised criminal networks that move people into forced prostitution. Some of them are men who import foreign-born women, ostensibly for marriage, but in reality for the purpose of holding them in servitude and subjecting them to sexual abuse. Others are families that import men, women and children to work in forced labour situations in their offices, factories and homes, and subject them to sexual and physical assaults. Traffickers then are our next-door neighbours. Their victims are all around us. They force their victims to cook our food in neighbourhood restaurants or in their homes, sew our clothes or pick today's fresh vegetables. They could be the foreign-born wife of a co-worker, or the woman held in isolation in forced prostitution in a quiet neighbourhood.

Because trafficking is so lucrative, many people are drawn into this business. Undoubtedly we need to end impunity for the heinous crime of human trafficking, ensuring that traffickers get their just deserts for this crime against humanity. The just deserts idea will go down well with the Church but being a criminal law teacher has got the better of me and we must ensure that punishments are effective to destroy the criminals.

I look forward to continuing with relevant stakeholders, including the Vatican, the United Nations member states, UN agencies, international, regional and subregional organisations, private sectors, including civil society, furthering action to end human trafficking. It takes a collective to end trafficking in persons, and working together we shall win the fight against this modern-day slavery. Importantly we should remember it is zero tolerance for all forms of trafficking. No form or manifestation of human trafficking is less inhuman or less degrading, therefore we should fight against sex trafficking, trafficking for labour exploitation, for domestic servitude, trafficking for illegal adoption, servile marriage, begging and for removal of organs with equal emphasis and resources. Slavery is slavery and should be abolished and rejected in whatever form it manifests.

My final take to the key and burning question, what does it take to end the impunity of human trafficking, will be real action, with strategy in place, concerted efforts, cooperation, community education and awareness, global good governance, broader security and promotion of safe migration, not restrictive migration policies or criminalisation of irregular migrants by favoured countries. In the end it will take political and economic will, respect for human rights and human dignity, an equal, safer and better world, where everyone's right to survival and development is guaranteed de jure and de facto. We can all contribute in making this happen. I am extremely grateful for His Holiness Pope Francis' leadership on this and for his visit to Lampedusa that supports the plight of irregular migrants and victims of human trafficking. Furthermore, I appreciate the role of the Catholic Church especially in providing assistance and support services towards victim recovery and empowerment necessary to avoid being re-trafficked.

I want to thank you for listening and may God help us as we fight this very good cause to end the impunity of human trafficking.