



Accompanying Recommendations

2015 Plenary Session on Human Trafficking: Issues Beyond Criminalization

Navelo:
Cree que sería bueno tratar sobre trato de personas
y esclavitud moderna.
La trato de dignos puede tratarse en conexión con
el trato de personas.
Mucha gracias Francisco

Issues beyond Criminalization

Most national legislation produced after ratification of the United Nations Palermo Protocol (2003) work mainly on the 'supply' rather than 'demand' for trafficked persons; on the criminals providing them rather than on the victims and their human needs. This is why the Pontifical Academy of Social Sciences (PASS) devoted its Plenary meeting (April 17-21) 'Human Trafficking: Issues Beyond Criminalization' to a global examination of both sides of the equation.

Our involvement had a very clear beginning and an equally clear objective. We and our much older sister PAS (the natural scientists) are not part of the Curia – the two Presidents being appointed by the Pope and responsible directly to him – but 'think tanks' where distinguished lay Academicians offer 'the Church the elements which she can use in the development of her social doctrine, and reflects on the application of that doctrine in contemporary society' (Statutes: Article 1).

The clear beginning was the response of Pope Francis to PASS's inquiry about the topics he considered it useful for us to address. His brief handwritten reply on an envelope back contained explicit guidance that we have tried to follow and to develop ever since (see photo above).

[TRANSLATION: I think it would be good to examine human trafficking and modern slavery. Organ

trafficking could be examined in connection with human trafficking. Many thanks, Francis. May 13th 2013]

By the end of the year we had held a Workshop of police chiefs and in the following one produced the ecumenical Declaration of world religious leaders opposing Human Trafficking (November 2nd 2014). Significantly, it endorsed trafficking as 'modern slavery' and a 'Crime against Humanity', phrases Pope Francis used frequently but still contested by some. The Declaration specified its targets: opposition to trafficking for forced labour and prostitution, as well as organ trafficking 'and any relationship that fails to respect the fundamental conviction that all people are equal and have the same freedom and dignity'. Substantively, this broadly tracked the United Nations' Palermo Protocol of 2003, ratified by 166 states at the end of 2014. Significantly, the religious leaders wanted fast action to eliminate Human Trafficking by 2020.

This galvanized PASS into becoming a social movement *in statu nascendi*. We were in a greater hurry to make the 'New Abolitionism' a reality because the UN is to re-designate the original Millennium Sustainable Development Goals at the end of 2015. Our objective was to have the elimination of Human Trafficking inserted within the 'new' ten. Hence, last month's Plenary meeting was intended to culminate in precise recommendations to be put to the UN Secretary General, Ban Ki-moon, one week later, when he came to address both Academies after his private audience with the Pope.

Our recommendations were precise and I spent the intervening week tailoring them to the existing UN draft of Goals. However, they carried the agenda against Human Trafficking further forward and required international recognition, despite the warning that at this stage changing a comma in the draft would encounter resistance. Ban Ki-moon seemed positive, but our step forward is not yet part of the global agenda.

Resettlement not Repatriation

Effectively, our motto is that 'repatriation and return' should never be the default rule, as it is in most countries that ratified the Palermo Protocol, including Britain's recent Act. Instead, the country of destination should bear the burden for the resettlement of victims, since their demand fuelled the trafficking (those trafficked should not be confused with non-trafficked irregular migrants). Criminal law is a necessary condition for abolishing trafficking, but not a sufficient condition for remedying the consequences of being trafficked for either victims or society.

In historical context, the current victims of modern slavery share three common denominators with those enslaved in varied past forms of slavery: subjection to an extreme form of violent social domination; alienation from any legitimate social order; degradation and dishonour, because freedom is necessary to attain any form of status in society except the lowest. Where the trafficked differ, is that historically slaves could look towards some formal process of manumission; the

trafficked cannot; they are moveable, removable and disposable people.

Without a permit to remain and work in the country of destination, without rights, without any legitimate social network, and probably without the language needed, they are defenceless against assimilation into the local 'black' economy. Though the Criminal conviction of the (proximate) trafficker is necessary and desirable, it does nothing positive to restore the proper self-esteem, the subjective recognition of their own human dignity, to those trafficked.

They may give legal testimony against their traffickers, although UNODC shows the conviction rates to be small as a percentage of the ILO's estimated volume of 21 million trafficked persons, with profits from this trade rivalling those of drugs. In most countries, after a brief respite in a witness protection programme, they then face the prospect of repatriation directly back to their families. Why do we find this unacceptable?

First, qualitative research by the European Commission reveals half of the subjects had been introduced to their trafficker by 'family and friends'. Repatriation is not staging happy family reunions. Return must be voluntary and we recommend that it should be assisted by support systems in countries of origin to obviate automatic return to a context that may expose them to re-trafficking.

Second, these survivors know too much. They can name names, even if not the local Mastermind. Thus, they are in double jeopardy.

Third, it must be acknowledged that the victimization of the trafficked should be attributed to national and multi-national demands for exploited labour or sexual exploitation. It follows that an obligation for their resettlement is incurred by countries of destination whose costs can partly be defrayed by a fund for victim rehabilitation from confiscation of the traffickers' profits.

In short, when voluntary repatriation is sought, much must be done to ensure that those returning will have full civil rights and a temporary secure environment, which are probably best underwritten by bilateral inter-governmental agreements.

Requirements of Resettlement

Assuming that the (majority) choice to remain rather than return should be voluntary, it must be based upon informed choice with procedures established in every country of destination for identified victims, including making further sources of reliable information available. National Embassies should be encouraged to develop resource centres and assist in obtaining the necessary documentation. Correspondingly, concerted efforts are needed in the country of destination to reduce delays in receiving benefits and entitlements, residence permits giving access to the job market and clear guides detailing their rights and responsibilities, both

immediately and in the longer term. All of these are predicates for restoring a life, but alone are simply necessary bureaucratic processes.

Existing prototypes for resettlement come in all shapes and sizes: from the quasi-corporate model of the evangelical International Justice Mission dealing with tens of thousands worldwide; through the more familiar network of Catholic Religious spearheaded by Sr Eugenia Bonetti; to the small, pro-active, and savvy 'Unseen' started by Kate Garbers in Bristol and working with anyone of goodwill. What all recognize is the range of services needed after the trauma of being trafficked to the country of destination: medical care, counselling, language learning, residence and work permits, legal assistance, life-skills, job training, accommodation and, above all, local social integration. The list is forbidding, but coordinated help from Voluntary Associations goes a long way in developed countries. So does the contribution of ordinary people; no credentials are needed to take someone round a supermarket or introduce them to public transport, but the value of the befriending at least equals that of the practical information acquired.

The aim of resettlement and re-integration for trafficked people is to become economically and social independent; no longer at risk of being re-trafficked or resorting to illegal, risky or humiliating activities, but contributing positively to the host society.

Reducing the Demand

What then about the 'demand', the motor sustaining this trade? It is the demand for cheap labour, for prostitution, for organs, where rich people's wants nullify poor people's right to work in physical safety, to protect their own bodies against abuse and to value their own vital body parts as necessary to life itself. This demand is growing, not decreasing and it fuels 'internal trafficking' within countries: the 'grooming' of young girls, the sequestration of the desperate as 'domestic slaves', the detention of 'captive workers'. How can this demand be reduced?

The criminalization of demand is one tool; Norway and Sweden have pioneered legislation penalising the clients of brothels rather than the prostitutes and recent Norwegian evaluations indicate that this diminishes pro-attitudes towards the practice. Equally, exemplary actions are influential and the most moving moment of our Plenary was discovering we had an Indian priest with us who had donated one of his kidneys to a Hindu neighbour, in urgent need of a transplant but let down by his promised supplier. Most quail at emulating his heroism, but if the Churches would reinforce the carrying of Organ Donor Cards – in case of brain death – the demand stoking 'organ tourism' could be drastically reduced by voluntary supply.

However, one size of recommendation does not fit all cases. As social scientists, we need to work on the *normative attitudes* that normalize 'demand' for trafficking, drawing upon evidence of successful interventions in other fields: drink-driving, smoking, exercising, adopting environmentally friendly practices and, more slowly, the reduction of discrimination against

women, ethnic groups and the handicapped. This challenges us to conceptualise parallel processes in which the end-users exploiting trafficked human beings for any of the purposes discussed also become socially stigmatized.

Professor Margaret S. Archer (President)

Director: Centre for Social Ontology, University of Warwick, G.B.