



Opening remarks of H.E. Archbishop Ivan Jurkovič, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at 22nd International Humanitarian & Security Conference
“Upholding Refugee Protection, Human Rights and Humanitarian Law: The Role of Geneva in International Humanitarian Action”
Webster University, 16 February 2017

Human trafficking: a shared strife for dignity

1. Overview and statistics

Against a backdrop of sustained global population growth, affordable telecommunication and persistent economic inequalities, human mobility has increased. In 2015, the United Nations estimated that there were some 244 million international migrants across the world; an increase of more than 40 per cent since the year 2000 (173 million)¹. Many people are escaping war and persecution. In 2016, the United Nations High Commissioner for Refugees (UNHCR) reported that, at the end of 2015, more than 65 million people were forcibly displaced worldwide as a result of persecution, conflict, violence or human rights violations; an increase of 6 million compared to just 12 months earlier.

The estimates of human trafficking and prostitution are staggering. Precise statistics are impossible, given the hidden and criminal nature of these abuses but it is estimated that globally, despite the Palermo Protocol, there are about 21 million men, women, children trafficked, sold, coerced or subjected to conditions of slavery in various forms and in various sectors: from agriculture to domestic service, from prostitution, to forced marriage, or cases of child soldiers, organ trafficking and sale of children. An annual increase of around three million people must be added to this

¹ United Nations, Department of Economic and Social Affairs, Population Division (2016). International Migration Report 2015: Highlights (ST/ESA/SER.A/375). United Nations Development Programme (2009). Additionally, the 2009 Human Development Report by the United Nations Development Programme (UNDP) estimated that there are some 740 million internal migrants, moving within their countries Human Development Report 2009 – Overcoming barriers: Human mobility and development

figure². It is obvious that women, girls and children are the most affected by violence and discrimination in education and in the workplace and are disproportionately represented in the informal sectors of employment. This makes them especially vulnerable and subjected to huge economic uncertainty and, therefore, more likely to migrate, usually irregularly, despite the risks and implications entailed. Those who suffer repeated acts of physical or psychological aggression generally fall into a state of depression, loss of self-esteem or situations of extreme vulnerability that put them at greater risk of becoming victims of abuse, mistreatment, cruel or degrading behaviour particularly in the case of children or adolescents. Technological progress has enabled us to comprehend the extent of these problems and the many forms they take globally.

Despite the efforts of many, trafficking in human beings, the most extensive form of slavery in the twenty-first century, is a plague on a vast scale in many countries across the world. Victims are hidden away in private homes, in illegal establishments, in factories, on farms, behind closed doors, in families, houses and other places in the cities, villages and slums of the world's richest and poorest nations. This situation is not improving but, on the contrary, is probably deteriorating. According to the United Nations, trafficking in persons generates an annual income of roughly \$32 billion -- behind only the trade of arms and drugs. Despite new efforts to protect and reintegrate victims, the danger of women's exploitation is ever present, with the risk of victims falling into slavery and submission due to their vulnerability and lack of alternative opportunities. Criminal mafias constantly change their strategies to ensure and protect the enormous financial earnings they reap.

As is well known, all the cases described are not a new phenomenon, what is new is the development of a global and complex trade which exploits the extreme poverty and vulnerability of so many women and minors. Trafficking of human beings has developed into a global market, involving countries of origin, transit and destination. In the United Nations Office on Drugs and Crimes (UNODC) Global Report on Trafficking in Persons³, sexual exploitation was noted as by far the most commonly identified form of human trafficking (79%) followed by forced labour (18%). Because it is more frequently reported, sexual exploitation has become the most documented type of trafficking, in aggregate statistics⁴.

² International Labor Organization, Profits and Poverty: The Economics of Forced Labour, Geneva, 2014. Available online http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf However, the latest edition of the Global Slavery Index, released in October by the Walk Free Foundation, put the figure at almost 30 million for a broader category including forced labor, trafficking, and other forms of servitude such as child marriage. <http://www.globalslaveryindex.org>

³ http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

⁴ In comparison, other forms of exploitation are under-reported: forced or bonded labour; domestic servitude and forced marriage; organ removal; and the exploitation of children in begging, the sex trade and warfare.

2. Response of the International Community

Looking at this phenomenon, the first question that could raise is what is the response of the International Community? A quick review of the global response to trafficking in persons needs to begin with an analysis of the legislation that countries use to criminalize this activity. The laws are assessed according to their compliance with the definition of trafficking as stated in the United Nations Trafficking in Persons Protocol. Few international legal instruments have been as rapidly and globally endorsed as the UN Trafficking in Persons Protocol. The Protocol entered into force in December 2003 only three years after its adoption by the General Assembly in 2000. As of early October 2016, 170 countries have ratified the Protocol⁵.

In addition to the Trafficking in Persons Protocol, international law includes a number of international legal instruments that identify, define and describe different forms of exploitation⁶. The Convention on the Elimination of All Forms of Discrimination against Women requires States to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women. The exploitation of the prostitution of others is also the subject of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949). Forced labour or services are the subject of the International Labour Organization's (ILO) Forced Labour Convention (Convention No. 29 of 1930), which defines forced or compulsory labour, and also by the ILO Abolition of Forced Labour Convention (Convention No. 105 of 1957). The Slavery Convention (1926) defines slavery, and its Supplementary Convention helpfully describes 'practices similar to slavery', including debt bondage, and institutions and practices that discriminate against women in the context of marriage⁷.

⁵ http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf

⁶The Office of the High Commissioner for Human Rights (OHCHR): D. Weissbrodt and Anti-Slavery International, *Abolishing Slavery and its Contemporary Forms*, UN, New York and Geneva, 2002. Most of the purposes of trafficking in persons listed in article 3 of the Trafficking in Persons Protocol are the subject of specific instruments. In addition, article 7(2)(c) of the Rome Statute of the International Criminal Court (1998) characterizes "enslavement" as a crime against humanity falling within the jurisdiction of the Court, saying that "'Enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children". The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) defines four institutions and practices similar to slavery: serfdom, debt bondage (also known as 'bonded labour': the practice of requiring someone to work to pay off a loan when the value of their work greatly exceeds the value of the loan), servile marriage and the transfer of children for exploitation by third parties. The World Health Assembly adopted guidelines in 1991 establishing international standards in relation to organ transplants and the possibility of commercial trafficking. The guidelines prohibit trafficking in human organs for commercial gain.

⁷ Article 1(c), for example, prohibits "Any institution or practice whereby: (i) a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) the husband of a woman, his family,

The Convention on the Rights of the Child, and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000), prohibits trafficking in children for any purpose, including for exploitive and forced labour. Additionally, the International Labour Organization's (ILO) Worst Forms of Child Labour Convention (Convention No. 182 of 1999), prohibits for all children under 18 years of age, all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, as well as the use, procuring or offering of all children for the purpose of prostitution. Several other human rights treaties prohibit certain practices linked to experiences common to trafficked persons, including ethnic, racial and gender-based discrimination⁸. The various treaty monitoring bodies have further developed the interpretation on the different forms of exploitation⁹.

At present, there is only limited awareness of how courts at national and regional levels are interpreting State obligations under the Trafficking in Persons Protocol. To date, efforts to collect and consolidate relevant case law have been limited, and comparative analysis even more so. However, recognizing the difficulties in fighting this phenomenon the International Community in 2015 relaunched her will to fight Human trafficking through the Sustainable Development Goals. Analysing SDG 16, and in particular, its Target 16.2, there is a clear call for the *"end of abuse, exploitation, trafficking and all forms of violence against and torture of children"*. The Human Trafficking is also addressed in Target 5.2, and in Target 8.7.¹⁰ This full international recognition of the importance and complexity of the phenomenon shows that is possible to create consensus and engagement, advancing in the struggle to affirm that each human being is a free person, whether man, woman, girl or boy, and is destined to exist for the good of all in equality and fraternity. Any relationship that fails to respect the fundamental conviction that all people – men, women, girls and boys – are equal and have the same freedom and dignity constitutes a grave crime against humanity. Our activity at national and international level should aim at the cooperation for eradicating this grossly inhumane practice of our times.

or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) a woman on the death of her husband is liable to be inherited by another person..."

⁸ Most importantly, the prohibition on discrimination has been explicitly spelled out in the aforementioned treaties as well as in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the Convention on the Rights of Persons with disabilities; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture; the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; and in the International Convention on the Elimination of all forms of Racial Discrimination

⁹ CEDAW, General Comment, N. 19.

¹⁰ http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf

3. Activity of the Holy See

As in the past Pontificates as well as that of Pope Francis, the Holy See has always shown its firm condemnation of these crimes and continues to draw international attention in this regard. There are numerous statements given by the Permanent Observers at the United Nations and the many other international organizations, in particular, those present in Geneva, New York and Vienna.

This commitment is witnessed in the legal norms of the Vatican City State. The Holy See has ratified the UN Convention against Transnational Organized Crime (2000) and the Optional Protocol on the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography (2000). It is also worth noting that the Holy See has ratified the UN Convention against Corruption (2003), crimes which are well known to facilitate and promote the trafficking and exploitation of migrants.

Regarding migrants, it is important to know that Pope Francis has chosen, in the creation of the new Dicastery for the Service of Integral Human Development, to reserve to himself the department that deals specifically with migrants and refugees.

The Church, furthermore, has an important role in the promotion of the role of women in society and in promoting the values and the respect for the dignity of every human person. The Church has a clear cultural, formative and communicative action, separate from cultural impositions, always oriented to protecting human dignity.

Many organizations in the Catholic Church are concretely involved, at times collaborating fruitfully with other institutions and churches, religious and non-religious organizations, in the prevention of human trafficking, by way of practical assistance, rescue and recovery and reinsertion of victims back into society. One should call to mind the international network of women's institutions (the European named *Renate*, and the global one named *Talitha Kum*) that offer their special assistance, to women, girls and children in a way array of services: psychological, health care, work and spiritual assistance, helping people find again their sense of self-worth. *Talitha Kum*, started in 2009, after only five years has 24 networks in 79 countries with over 1100 men and women religious with over 240 religious communities involved in the commitment to end the trafficking of persons. As a response to this initiative, the Catholic Church now celebrates the World Day for Victims of Trafficking on February 8th, the feast day of St. Giuseppina Bakita, a saint who herself was a victim of slavery.

Conclusions

In conclusion, as often stated by Pope Francis, there is an urgent and compelling need to put an end to trafficking in human beings and all forms of exploitation, particularly prostitution, forced labour, the harvesting of human organs and the use of children especially on the Internet.

Traffickers should be prosecuted on the basis of clear international and national laws, including the confiscation of the profits derived from their illegal activities, and the victims ought to be fully compensated from such funds.

All stakeholders, at all levels, have a moral and legal duty to eradicate this grave violation of human rights and strive to ensure that all human beings co-exist in freedom, equality, harmony and peace, in accordance with the values common to our shared humanity. The cooperation of the academics with moral and religious leaders, together with the influence of a global movement and social networks could represent a *unique* opportunity for exposing these hidden crimes by using today's technology and working through good and just national and international institutions.

Dear all,

let me conclude by saying that one of the challenge in our activity in Geneva is to "make ours the last generation that has to fight the trade in human lives"¹¹.

¹¹ STATEMENT ON TRAFFICKING IN HUMAN BEINGS, Vatican City, November 2013
<http://www.casinapioiv.va/content/accademia/en/events/2013/trafficking/traffickingstatement.html>