

***Final Statement of the Summit of Women Judges and Prosecutors on
Human Trafficking and Organized Crime***

Casina Pio IV, Vatican City, 9-10 November 2017¹

Human trafficking is an abject crime against the Law of Peoples, which usually involves the acquiescence or negligence of States. It is therefore a serious human rights violation, and should be considered a crime against humanity, with no statutory limitations. This crime is condemned by the United Nations under Target 8.7 of its Sustainable Development Goals.

In November 2011, Pope Benedict XVI said: “The sexual discrimination of women must be tackled. Every person, whether man or woman, is destined to exist for others. A relationship that fails to respect the fact that men and women have the same dignity constitutes a grave crime against humanity. It is time to vigorously put a stop to prostitution, as well as to the widespread dissemination of material with an erotic or a pornographic content, also on the Internet.” (Address to German Ambassador, 7 November 2011).

In September 2015, Pope Francis gave a historic speech to the General Assembly of the United Nations, stating his strong commitment to fight against any form of modern slavery. In his address, as he had done in many other occasions, Pope Francis emphasized that human trafficking and its related systems of exploitation, such as prostitution, the marketing of organs and tissues, surrogacy, and forced labour, are crimes against humanity, as they violate the dignity and the integrity of the human person. These crimes must be recognized and penalized as such to be definitely, and as soon as possible, eradicated from the face of the Earth.

The first thing that we all deserve and demand to have are Executive, Legislative, and Judicial powers, and police forces, that are wise, sensible, honest, responsible, transparent, and credible in their pursuit of the common good, the dignity of people, social justice, and peace. Any complicity of the State, the Judicial System, and the security forces with human trafficking, as

¹ *Il documento è stato approvato nel novembre 2017, in Vaticano, a conclusione del Summit Women Judges and Prosecutor on Human Trafficking and Organised Crime , cui ha partecipato Carla Lendaro, in qualità di esperta.*

it is reported to be the case from many places around the world, means the absolute corruption of state powers. Complicity has also been found to exist in factual powers and other government areas, given the ever-growing pace of international human trafficking for sexual or labour exploitation perpetrated by international human trafficking and drug dealing networks.

The Judicial System must have clear and strong laws, both at a national and an international level, establishing from a legal standpoint the indisputable anthropological and sociological fact that human trafficking is a human rights violation, and an abject crime against humanity, as it gravely violates physically, psychologically, and emotionally the body and the mind of its victims.

We need clear and universal laws having no statutory limitations, as well as agile proceedings to effectively and globally fight against the new challenge of modern slavery, a crime which continues to grow due to well-orchestrated national and international criminal structures, which is becoming more and more threatening to human dignity and peace. Social inequality is based on an economy that depends on fossil fuels, and which only seeks immediate profits and unleashed consumerism; this results in poverty and exclusion, and feeds the pockets of criminal structures profiting from the worst face of globalization and indifference, which is human exploitation and trafficking.

The effective application of the Criminal Law is a must to end this intolerable Human Rights violation. Criminal justice is inherently linked to social justice, and social justice, in turn, is inherently linked to environmental justice.

Bilateral or multilateral agreements among States are welcomed, to the extent they are useful to establish justice in a globalized world, where mafias appear to work better than international justice systems.

Helping the victims must be at the core of all our actions and efforts, including the rehabilitation, relocation, and integration into society of modern slavery and human trafficking survivors. We must aim at restoring their dignity and capacity to be socially and economically independent.

The various forms of human trafficking and exploitation, including prostitution, women exploitation for reproductive purposes, forced labour, and organ trade, are not a matter of consent, but of social justice.

Perpetuating exploitation means perpetuating violence and inequality. Human trafficking entails the sale and purchase of human beings, where both sellers and buyers (the so-called “clients”) are equally responsible for the trading of women, men, boys, and girls.

This is why we strongly support the Nordic Model, which for the first time ever criminalizes the buying but not the selling of sex, thus protecting the victims, and emphasizing the role of the State in order to ensure social cohesion and peace.

In seeking to establish justice, men and women judges, prosecutors, and their assistants, must pursue the restoration of human dignity and the freedom of victims, whether from forced labour, prostitution, organ trade, or women exploitation for reproductive purposes. At the same time, there should be more severe punishments, in line with the characterization of these crimes as crimes against humanity, on traffickers, dealers and their accomplices, pimps, and clients or consumers, who are the driving force behind these criminal practices. These crimes, which continue to grow due to the negligence and even the acquiescence of government sectors, are severe human rights violations that should always be exempted from any statutory limitation. And under no circumstance should the victims ever be punished.

As a result, we support the following objectives:

1. Comprehensive long-term support to all victims, with no limitations or conditions. Support initiatives provided by the State and the judicial system should bear in mind the specific needs of victims and the restoring of minimum legal requirements which are sufficient for their relocation.
2. Dissemination of information to raise the awareness and understanding of the hardships endured by victims. This could be better achieved using videos and other modern formats to be displayed in educational institutions and other meeting places.
3. Recognition of a person as a victim for the human rights violation he/she has suffered, instead of requiring formal complaints to be filed in court or his/her collaboration with Justice.
4. Creation of a national and international Common Registry of offenders.
5. Recognition of the civil, political, social, and economic rights of trafficking victims: their right to physical and moral integrity, to stay in their country of destination, to education, health, housing, work, children care, citizenship, and their right to be free from any kind of discrimination, violence, and exploitation.

6. The Justice system must ensure that housing and educational opportunities are made available to victims as part of their restoration process, including safe houses and any other assistance required in their new country, in line with their personal needs and without any standard formula as to the legally authorized days of stay.

7. Access to universal and free legal assistance as well as the promotion of a pro bono legal assistance program for human trafficking victims. Judicial procedures must provide support and should be a part of the victims' restoration process instead of revictimizing them.

8. Creation of a system ensuring that all of the victims' rights are protected, including not only their physical and moral recovery, but also the reparation and compensation of the damage they suffered. Together with the Government, the justice system must implement mechanisms for the victims to have access to such reparation. States and their judicial powers must ensure that the assets of those involved in human trafficking crimes are confiscated for the benefit of their victims.

9. In the process of liberating the victims and penalizing the offenders or slavers, the seizure of the criminals' assets should be very well considered, as well as the dismantling of their criminal structures and economic base, for the social reutilization of such assets, and especially for the reparation of the damages suffered by victims. This confiscation of illegal assets is absolutely essential, as the experience in Italy and other countries has shown, as it is the only effective way to undermine these criminal structures at their source, as well as to obtain the indispensable resources for victim reparation purposes. To that end, the administration of justice must pursue human trafficking investigation proceedings and money laundering and illegal profit recovery proceedings at the same time, ensuring efforts are made to dismantle organized criminal networks, their leaders and their ultimate beneficiaries.

10. Adoption of procedural steps to ensure audio-recorded statements of victims (including contradictions) are allowed in court as reconstituted evidence, to avoid revictimizing victims and threats to victims and relatives, and having to provide their testimony again at the oral phase of the proceeding.

11. Recognition of the rights the victims have to stay in their country of destination regularizing their administrative status in the territory, as well as their right to a fair and safe return to their countries or origin if the victims choose to do so.

12. Creation of a Special Compensation Fund for the victims, in order to ensure their damage is fully repaired in all cases.

13. Implementation of on-going awareness, training, and education programs for all State agencies, specialized Ministries, and Judicial Power members, so that they are properly trained and up-to-date with the information they need to adequately identify human trafficking cases, and to avoid any abuse of rights in their investigative.

14. Promotion of policies to ensure access to the justice system to women and victims, through the creation and consolidation of information centres, legal assistance offices, and free representation initiatives.

15. Human trafficking crimes must be included in money laundering proceedings to effectively fight this crime. Being money the driving force behind criminal structures and mafia organizations, trafficking family networks and other criminal networks, money flows must be tracked, as difficult as they are to trace, as well as bank and card transactions or traffickers, pimps and their accomplices.

16. Together with judges, all professionals are called to work for a society that is fair and slave-free, in particular medical doctors, who should never be involved in or collaborate with human trafficking networks, especially organ trafficking organizations.

17. New legislation should be passed where corporate social responsibility is clearly specified, penalizing national or international companies using third-party workforces involving forced or child labour in any part of their chain of production, or simply containing forced or child labour.

18. The owners of hotels, motels, and other forms of temporary housing should be held responsible so as to avoid their direct or indirect participation in or collaboration with any form of human trafficking.

19. The owners of clinics, health centres, and hospitals must ensure that they shall never allow any form of human trafficking or exploitation in their institutions, in particular organ trafficking, and that they shall always treat victims with dignity and respect, without involving the trafficker in the process.

20. To eradicate human trafficking, its causes must be removed, mainly: poverty; lack of education and ignorance; patriarchal and misogynous patterns, i.e. the belief that men have rights over the bodies of women; unemployment; social inequality; weakness, compromise, and corruption of government powers; war and growing climate change leading to forced migrations; and other similar causes.

21. Further research should be made on the causes, nature, seriousness, and consequences of violence against women and all extreme forms of human trafficking, as well as on the effectiveness of actions taken to prevent this violence and crimes and to repair their damage, including periodic reports of results obtained.

22. Everybody, and particularly men, should be educated since childhood on, and college and university curricula should include education programs about the importance of female sexuality and women's dignity, and the historically-rooted thinking that the bodies of women can be bought or sold by men should be eradicated. Re-education programs should be put in place for men exercising violence against women and buying sex.

23. New legislation should be passed condemning women exploitation for reproductive purposes, including surrogacy, illegal adoptions and the buying and selling of boys and girls. In particular, trade in fraudulent adoptions based on false information and deception to birth families to induce them into handing over their children and false information to adoptive families that "their child" is a genuine orphan should be eradicated. The practice of holding women in captivity to be used as production factories where they are raped to "produce" children for adoption or for organ harvesting or other illegal practices should also be condemned. Officials, courts and governments must be alert to this practice and investigate, prevent and punish this injurious and malicious deception and practice.

24. Obligation of States to invest in training and awareness programs for judges, prosecutors, lawyers, health professionals, and education professionals in the fight against human trafficking, prostitution, women exploitation for reproductive purposes, and any other form of slavery.

25. The independence of judges and prosecutors should be preserved, and no interferences should take place (whether political, economic, or judicial).

26. Judges should not be persecuted or removed in order to stop any on-going investigative relating to human trafficking crimes.

27. Sufficient resources should be allocated to court investigative of human trafficking crimes.

28. Gender equality and the empowerment of all women and girls must be attained (as per SDG 5). Economic assistance programs need to be in place for the self-validation of women. Community assistance programs are required to support women self-validation strategies. Policies should be promoted for the restoration of social and labour bonds of women who have

suffered or are suffering violence.

29. Minimum curricular contents should be included in all education programs covering gender equality, tolerance and fraternity values, respect of freedom in interpersonal relationships, democratization of family relationships against all forms of paternalism, human rights effectiveness and the delegitimization of violence against women.

30. There should be procedures in place for NGOs to easily appear in court as Plaintiffs in cases involving new forms of slavery, avoiding the exposure of victims to subsequent retaliation.

31. Steps should be taken to increase awareness and to design action programs, both ecumenical and interreligious, within each religious faith and as a collective whole, for the defence and promotion of the human dignity, especially women's dignity, justice and peace.

32. The adequate use of new mechanisms of cosmopolitan cooperation included in International Agreements should be fostered, such as spontaneous exchange of information, joint investigation teams, and centralization in on country of parallela investigatine, among other actions.

33. States should commit to move towards a legislation similar to the Nordic legislation, which has proven to be the best approach to ensure victims' rights are protected and to fight against human trafficking. All States and Governments, local, provincial, and national, should promote implementation of this model at all levels, which for the first time in history criminalizes offenders instead of human trafficking victims.

* *Per l'elenco delle firmatarie:*

http://www.pas.va/content/accademia/en/events/2017/women_judges.html