



Modern Slavery, Human Trafficking, and Access to Justice for the Poor and Vulnerable



Final Declaration of the Ethics in Action Meeting

On Modern Slavery, Human Trafficking, and Access to Justice for the Poor and Vulnerable

Casina Pio IV, March 12-13, 2018

The United Nations Sustainable Development Goals (SDGs) call for equal access to justice for all (Target 16.3), and the end of crimes against humanity such as forced labor, human and organ trafficking, child labor, and modern slavery (Target 8.7). For the poor, these fundamental human rights are still not realized. This partly reflects a flawed libertarian mentality that assumes formal consent is all that matters, ignoring issues of power, coercion, and the degradation of human dignity. Unchecked climate change can also contribute substantively to these “crimes against humanity”—especially in light of the displacement of peoples caused by climate change (24 million in 2016).

Ethics in Action met at Casina Pio IV on March 12-13, 2018 to promote new ways to put SDGs 5, 8 and 16 into practice around the world, especially for the world’s poorest and most vulnerable people.

The discussion pointed to the need for a framework of action that engages several types of actions and interventions simultaneously:

Strengthened legal frameworks and law enforcement by government. Prevention of crime through criminal deterrence of predators. Strengthened administrative and regulatory frameworks. Application of UN Guidelines for Business and Human Rights. Real-time measurement and monitoring of abuses and public reporting. Empowerment of the poor and vulnerable (through access to protection and justice, legal defense, trade unions, other organized efforts). Increased social service provision. Mobilizing partners of goodwill. Use of the SDGs and Laudato Si’ as rallying points. Training of trainers and public awareness in legal empowerment. Engagement of the private sector. Training of corporate actors with vulnerable supply chains.

Ethics in Action considered a number of practical ways to implement SDG 8.7 and SDG 16.2:

Better supply-chain management. Combatting modern slavery, prostitution, sex trafficking, and gender-based violence. Systematic management of organ transplantation to prevent organ trafficking and transplant tourism. Criminal justice for the poor, including professionalization of local police, prosecutors and courts and an end to impunity for perpetrators of sexual violence, trafficking, and slavery.

In each of these areas, Ethics in Action heard testimony regarding key initiatives in these five respective areas. EIA will establish a **Legal Access Working Group** to pursue detailed recommendations on best practices and will report back to Ethics in Action in the June 2018 meeting.

In considering the policy approaches, Ethics in Action examined six specific initiatives:

- A. Ending human rights abuses in the **former Katanga cobalt supply chain**.
- B. The **Nordic Model** to combat prostitution and sex trafficking.
- C. The **Mexican Model** of attention and reintegration of victims of human trafficking.
- D. **A New Model of Organ Donations and Transplantation**
- E. The **International Justice Mission Model** of legal protection and justice for the poor
- F. The **Move Humanity Campaign** to mobilize philanthropic funding for SDGs 8.7 and 16.2

Here is a quick summary of key findings.

A. Ending Human Rights Abuses in the former Katanga Cobalt Supply Chain

Congo holds half the world's cobalt reserves and demand for the main mineral component of lithium-ion batteries is set to surge as electric cars proliferate. In 2016, Congo mined 54 percent of the 123,000 tons of cobalt produced worldwide. Yet cobalt mining has led to a social disaster, indeed a vivid and startling case of the "resource curse," characterized by child and forced labor, massive pollution, and extreme poverty in the region. While there is not enough evidence on the exact number of children engaged in the worst forms of child labor in the region, UNICEF estimated 40,000 children working in the mines in 2015.

One highly successful community-based framework in Lualaba Province (in former Katanga) is the "Bon Pasteur Model" implemented by the Good Shepherd sisters in Kolwezi. The Bon Pasteur Model has rigorously demonstrated the feasibility of a low-cost, community-based development strategy to combat child and forced labor in the cobalt region. In the past five years, the Bon Pasteur model succeeded in:

Reducing by 91% child labor in a cobalt mining community where now 1,674 children are in school and have become advocates for children's rights; Raising income, food security and self-confidence for 300 women and girls, through education and alternative livelihoods; Creating community-based safe-spaces for 5,000 people, to report and prevent human rights violations and mobilizing the victims to advocate for change of unjust laws and systems.

The Bon Pasteur model's unique approach is based on:

Radical inclusivity – putting the poorest first and designing actions around their basic needs; Integrating human rights and development - providing education and food security, promoting community-based livelihoods in farming; Perseverance in building long term human relationships, uplifting the spiritual value of each human being in an extremely materialistic environment; Focusing on both process and outcomes, resisting the adoption of "pre-packaged" donor driven models of intervention; Adopting a strategic approach to engaging the powerful, leveraging the moral and ethical credibility of religious women, to resist corruption and invest in long-term local capacity development.

B. The Nordic Model to combat prostitution

Prostitution reflects a fundamental disrespect of human dignity and is incompatible with a humane society. The Nordic Model, first implemented in Sweden in 1999, is based on the principle that no human being should ever be for sale. In this legal approach, prostitution is understood as an institution imbued with harm for the person who is bought as a commodity. Following Sweden, several countries have passed legislation that recognizes prostitution as sexual exploitation: South Korea (2004), Iceland, (2008), Norway (2009), Canada (2014), Northern Ireland (2015), France (2016), and the Republic of Ireland (2017). The abolitionist approach to prostitution means that sex buyers are penalized (as are pimps and traffickers) while the individuals used in prostitution are decriminalized and are also provided with exit services and job training. Once prostitution is understood as a form of violence against another human being, this legal approach makes sense.

There are five major pillars of the Nordic model: (1) making the buying of sex a criminal offence, since demand is understood to be a fundamental cause of prostitution; (2) the full decriminalization of those who are used in prostitution; (3) high-quality social services for the victims; (4) strengthening laws against procuring, pimping, and sex trafficking; and (5) addressing all factors that drive poor and vulnerable human beings into prostitution. The Nordic Model calls for a fairer and more equal society, the elimination of the pay gap between women and men, better resources and support for parents and children, and tackling all the other factors that trap people in poverty. This requires a holistic approach, including public information campaigns, education programs in schools, training for police and other civil servants. It calls for the law to be prioritized and coordinated nationally.

According to an evaluation of the Swedish legislation after ten years, street prostitution in Sweden had been halved—and while there had been an increase in prostitution in neighboring Nordic countries, this was not the case in Sweden. The ban on the purchase of sex had also undermined organized crime and surveys showed that the ban had a deterrent effect on prospective buyers. There was no indication that the risk of physical abuse had increased for persons used in prostitution—on the contrary, while nearly 70 women in prostitution have been murdered in Germany since prostitution was legalized in 2002, there has not been a single murder of a woman used in prostitution in Sweden since the Nordic Model was implemented.

C. The Mexican Model of attention and reintegration of victims of Human Trafficking

Efforts are also needed to ensure the reintegration of victims into society. This requires a long-term strategy that includes rescue, shelter, education, legal support, and family and social integration.

Mexican programs are implementing these reintegration strategies. Owing to the trauma suffered by human trafficking victims, they require greater protection and attention. Short-term restoration is not enough. Accordingly, Comisión Unidos vs Trata has advocated for long-term care, accompaniment and social restoration, structured to the individual needs of the victim.

This model puts human dignity at the heart of restoration, as this is exactly what was stripped away. Many victims are dealing with great anger and psychological problems. Every person involved in the victim's care must be trained in restoring dignity from the first moment—in the way she is spoken to, in assuring that she will be taken seriously, in offering patience while she decides to share her story, in ensuring that she will be fed and clothed and offered a dignified place of rest and recuperation. Every step of the way, she must feel that she is being cared for and not exploited.

The model, known as the “virtuous circle”, is predicated on the willingness to accompany the victim by offering her legal, psychological, physical, health, educational, and cultural support for as long as is necessary, all the while providing her with all necessary tools to reach her life's goals. This dignity-centered approach aims at allowing the survivor to obtain a professional or vocational career, a decent job, good health, emotional stability, and dignified housing. It allows her to be proud of what she has accomplished and to become financially and emotionally independent of those who have walked the path with her.

It is also vitally important that every aspect of the criminal justice system be trauma-informed and victim-friendly. Police, prosecutors, judges, courtroom personnel, and social service officials should be trained and supported in such approaches

D. New Model to Regulate Organ Transplants

SDG 8.7 offers an additional tool to combat organ trafficking. SDG 8.7 supports existing global protocols, including the Declaration of Istanbul (2008); the WHO Guiding Principles on Cell, Tissue, and Organ Transplantation (2010); and the Council of Europe Convention against organ trafficking (2015). Most recently on September 8, 2017, the UN General Assembly adopted Resolution 71/322 to direct countries to establish best practices, including regulations that organ transplants:

occur only in authorized centers,with proper regulatory oversight,with specific procedures for authorizing every organ removal and transplant procedure,and with national registries to ensure the transparency of practices, traceability and the quality and safety of human organs.

Ethics in Action endorses the development of a WHO task force to work with governments in implementing these principles as requested by member states at the last World Health Assembly in 2017. Ethics in Action also recommends that the work of such a task force be addressed in the 2018 World Health Assembly, because the World Health Organization (WHO) has estimated that 10 percent of the total number of transplants performed annually involve an organ sale. There are six WHO regions geographically designated worldwide and each of these regions has member states in which media reports and professional communications have raised concerns of organ trafficking. These media reports indicate thousands of individuals have recently sold organs in India and Egypt.

Ethics in Action acknowledges the reform that has been accomplished in China prohibiting the use of organs from executed prisoners, and the prohibition of foreign patients undergoing organ transplantation in China (transplant tourists). This reform is illustrative of the WHO Guiding Principles of equity, transparency, and fairness.

The China model has the following features:

The China State Council promulgated “Regulations on Human Organ Transplantation” in 2007 and National People Congress promulgated “Eighth Amendment of Criminal Law” in 2011, which serve as the legal foundation for criminalizing all organ related crime in China. China established a single mandatory national organ allocation computer system (China Organ Transplant Response System-COTRS), which is interconnected with four transplant registries (for liver, kidneys, heart, and lung) to ensure the traceability and fairness of organ distribution. The Government of China authorizes the transplant hospitals by licensing policy, which is enforced with unannounced field audits conducted by national authorities. China is now implementing a national anti-organ trafficking surveillance system by the joint effort of health and legal authorities. This big data system may serve as an example of an operational mechanism to combat organ trafficking for the rest of the world, empowered by information integration between health and legal authorities. An essential feature of the China Model is the resolve of the Government of China to sustain reform, effectively driven by the cooperation of professionals and exemplified the leadership of Professor Jiefu Huang.

These developments in China represent a “New Era of Organ Donation and Transplantation” that is compliant with SDG 8.7 and emphasizes the need for strong government support to accomplish such sustainable development goals. More than 900,000 individuals in China will require kidney replacement treatment of either transplantation or dialysis in the near future; thus, expanding the source of organs from deceased individuals or by ethically proper live donation (that does not involve an organ sale) will require government monitoring of transplant practices.

E. The IJM Model of Legal Empowerment for legal empowerment

The International Justice Mission (IJM) empowers the poor and vulnerable by interventions to ensure that local law enforcement systems protect communities and hold perpetrators to account. IJM notes that the public justice system is the “sole service provider of criminal accountability and physical restraint of the aggressor.” IJM interventions are based on the following principles:

- I. A national and global commitment to strengthen local public justice professionals.
- II. Mentorship and accompaniment of local criminal justice officials to bring relief to individual victims, diagnose infirmities in the existing system, and build will and capacity to address them.
- III. An evidence-based and case-based diagnosis of public justice system gaps.
- IV. Local and national implementation of capacity-strengthening mechanisms.
- V. Measurable, case-based improvements to public justice system functioning.
- VI. The measurement of impacts in the prevalence of the crime.
- VII. Community-based and survivor-based advocacy.
- VIII. Community justice workers to assist victims and to hold local authorities accountable.
- IX. Information and communications technologies (ICTs) to assist the identification and rescue of victims and the collection and analysis of crime data for policy response.

The IJM model of strengthening justice systems has contributed to the protection of the poor, decreased prevalence of violent crime, improved performance of criminal justice systems, and victim restoration in multiple contexts.

Since 1997, IJM has collaborated with local authorities to bring relief to approximately 14,200 victims of bonded labor, 3,200 victims of commercial sexual exploitation, and 700 victims of child sexual assault. Since 1997, IJM has collaborated with local authorities on more than 1,200 cases in which suspects were charged through local criminal justice systems. A 2010 study documented a 79 percent reduction in the availability of minors being sold for sex in Cebu, Philippines since IJM began working with local authorities in 2006. In 2016, studies in Manila and Pampanga, Philippines, documented a 75 percent to 86 percent reduction in the availability of minors being sold for sex since IJM began work in 2009 and 2012 (respectively). A study found a 73 percent reduction in the availability of minors being sold for sex from 2012 to 2015 in the target areas in Phnom Penh, Cambodia where IJM worked. In 2017, 92 percent of IJM clients who were freed from bonded labor achieved full restoration.

F. The Move Humanity Campaign to help fund equal access to justice of the poor

Starting in 2018 and continuing through 2030, the Move Humanity Campaign will call upon all billionaires (those with more than \$1 billion in net worth) to direct at least 1 percent of their net worth each year towards the SDGs. Move Humanity will appeal for voluntary giving, but will also call on all UN member states to introduce a 1 percent SDG levy no later than 2023 on billionaires who do not give voluntarily for the SDGs.

The Move Humanity Campaign will be organized around 12 guiding (see table below). These principles establish the overriding priority of the SDGs, such as the end of poverty (SDG 1), universal health coverage (SDG 3), universal basic education (SDG 4), gender equality (SDG 5), universal access to renewable energy (SDG 7), the end of modern slavery (SDG 8), biodiversity conservation (SDGs 14, 15), and access to justice for all (SDG 16). Philanthropic funds will close the SDG financing gap of the low-income countries and lower-middle-income countries.

One target for new philanthropic funding will be access to justice for the poor. One possibility would be a new global fund to allocate new financial resources to end human trafficking, forced labor, organ trafficking, prostitution, child labor, and modern slavery.

Next Steps

Ethics in Action, supported by the United Nations Sustainable Development Solutions Network, will establish a Working Group on Modern Slavery, Human Trafficking, and Access to Justice for the Poor and Vulnerable. The Working Group will report back to Ethics in Action with recommendations at the October 2018 Ethics in Action meeting. The Working Group will seek out additional partners including the Responsible Cobalt Initiative, the OECD, the Columbia Center on Sustainable Investment, and the Amazonas Sustainability Foundation, among others.

Move Humanity's Guiding Principles

1. The 17 SDGs are the world's global development priorities, constituting the globally agreed framework for the years 2015-2030.
2. The Low-Income Countries (LICs) and some Lower-Middle-Income Countries (LMICs) require development assistance, both public and private, to achieve the SDGs.
3. Development assistance should be complementary with domestic financing, and conditional on strong national financing efforts.
4. Development assistance should be directed to LICs and LMICs in order to close the SDG financing gap.
5. Official Development Aid (ODA) by each donor country should reach the long-standing target of ODA of at least 0.7 percent of GNI.
6. Private Development Aid (PDA) should reach at least 0.3 percent of donor GDP, with giving by UHNWI's constituting the largest portion of PDA.
7. PDA by UHNWI's should equal at least 1 per cent of their net worth per year, with extra giving in one year carrying over for later years. They should demonstrate SDG leadership by publicly committing to the 1 percent annual SDG goal, consistent with other commitments such as the Giving Pledge.
8. UHNW development assistance should be monitored and reported annually.
9. UHNWI funding should be directed largely towards pooled SDG Funds that support national SDG strategies and ensure rigorous monitoring and evaluation of all funding.
10. Ultra-high-net-worth giving should be based on voluntary giving supplemented by national SDG levies on high-net worth individuals for those who do not contribute voluntarily.