



Human Trafficking: Issues Beyond Criminalization



Pontifical Academy of Social Sciences Plenary Session 17-21 April 2015 – There are two statements that Pope Francis has constantly repeated from the beginning of his Pontificate: that ‘Human Trafficking is Modern Slavery’ and that this practice is a ‘Crime against Humanity’. PASS endorses both without reservation having, in fact, been the first to coin the latter phrase. However, each statement merits closer inspection because they denote rather different issues. Both have been crucial in shaping the leadership that the Catholic Church has assumed and the agenda she has adopted in spearheading a social movement opposing this morally horrendous treatment of human persons.

As many social scientists have noted, today’s digital media make initial protests and demonstrations by new social movements easier to organize than ever before. Conversely, to hold a movement together whilst pushing its agenda forward remains as difficult as ever. The latter is where our Academy (in fact, the two Academies) can make a contribution. We are not ‘beyond moral outrage’; that remains our constant bedrock. However, it also requires a clearer definition of what new social provisions are needed not merely to eliminate Human Trafficking quickly but to restore respect – and self-esteem – to those whose human dignity has been assaulted and battered through the process of being trafficked. It is to this that the first statement points unequivocally.

‘Human Trafficking is Modern Slavery’

Compared with the many and various historic forms of slavery, the current victims of trafficking share three common denominators with those enslaved in the past: subjection to one of the most extreme forms 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, albeit in a distant future. The trafficked cannot; they are moveable, removable and disposable people.

Even though most forms of ‘forced labour’ and ‘sex working’ take their toll whilst the trafficked are relatively young, meaning that their cash value as commodified objects diminishes quite early, what can they do with their lives if they do break free? Without documents, without rights, without any legitimate social network, and probably without the language needed, they are defenceless against assimilation into the local ‘black’ economy, its sweatshops, drug rings, and organized street prostitution. In other words, they join the reserve army of ‘illegal migrants’ and face the prospect of extradition. Alternatively, given certain circumstances and conditions, they may give legal evidence against their traffickers. Yet, usually, after a brief respite in a witness protection programme, they then face the prospect of repatriation.

These contemporary versions of ‘manumission’ require the closest inspection of the data available. In examining it, what becomes clear is that the human story of those trafficked does not end with either their ‘vanishing’ through the holes of the social fabric in the developed world nor with their ‘departure’ after a prosecution case. Criminal conviction of the (proximate) trafficker is necessary and desirable but, in itself, does nothing positive to restore the proper self-esteem, the subjective recognition of their own human dignity, of those trafficked.

This very brief reflection leads us to at least reconsider the quasi-automatic outcome of 'repatriation' after a court hearing, although both the legal cases brought and successful convictions made are a small percentage of the estimated volume of trafficking. Moreover, in terms of carrying the agenda forward, it forewarns us of three issues that need to be confronted:

Firstly, should we not question the conditions that too often have gone hand in hand with national ratification of the ILO 2002 'Palermo Protocol', namely 'repatriation'?

Secondly, should we not be alert to the fact that 'criminalization' by successful prosecution – necessary as it is – works almost exclusively on the suppliers of trafficked persons and does insufficient – if anything – for their victims? Should not this asymmetry be addressed?

Thirdly, if the trafficked are indeed recognised to be 'victims of modern slavery', it must be acknowledged that their victimization can largely be attributed to national and multi-national demands for exploited labour or sexual exploitation. It follows that we need to consider the justice of recompensing the victims of such demand not solely by 'compensation in cash' through confiscation of the traffickers' profits, as endorsed in some national plans. Equally, that reaction should be compared with the more generous responses of voluntary associations, seeking to offer much more humane prospects and projects for Resettlement in the host country for those who wish to remain.

All three questions raise major issues of legal re-thinking that would doubtless meet with resistance, but confronting them is an ineluctable part of being an effective social movement.

Human Trafficking as a 'Crime against Humanity'

To enslave any person – for their labour value, abuse of their bodies, harvesting of their organs and as babies for sale – nullifies their human dignity by reducing subjects to objects. It thus traduces the foundational principle upon which all Catholic Social Teaching rests: the dignity of every human being, without exception, derived from their divine filiation. Since Catholic Social Doctrine, from Vatican II, is always addressed to 'All people of goodwill', collaboration in causes such as the abolition of Human Trafficking is welcomed from those of other faiths and of none. It follows that the social movement now unfurling is both ecumenical and broadly humanistic in its supporters.

Together we can take the next giant step. The criminalization of this trade is the start not the end of 'Abolitionism'. Human rights are upheld by police prosecution and the legal sentencing of traffickers but they are not restored to, much less enjoyed by, their victims. International police action (rightly) condemns those profiting from this illegal trade and is making strenuous efforts to become more effective, but the traffickers are not the sole parties responsible for violating the human dignity of those trafficked. We could say that the Criminalization of trafficking concentrates on reducing and ideally eliminating the 'Supply' side of the equation, but what about the 'Demand', which is 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'.

Certainly, a few countries (Norway and Sweden) are pioneering legislation to penalise the client rather than their prey. Welcome as this is, it works pragmatically on the presumption that 'demand' exists, as is incontrovertible today. However, the criminalization of demand is only one tool to be used and, despite its value, it can convey the assumption that such demand will always be with us in late modernity.

As social scientists, our brief should be bolder. We need to work on the normative attitudes that normalize 'demand', drawing upon evidence of interventions generating radical changes in normativity that have been successful in many other fields: drink-driving, smoking, exercising, adopting environmentally friendly practices and, more slowly, the reduction of discrimination against women, ethnic groups and the handicapped. In many of these examples legal penalties and sometimes economic incentives have backed-up changes in social norms and should be assessed as a composite formula for change. Nevertheless, in those cases where an established practice has been successfully up-rooted – such as smoking – changes in normativity have outstripped penal and fiscal measures in reducing demand. This challenges us to conceptualise a parallel process in which the clients of brothels and the companies using forced labour also become socially stigmatized.

Once again, this will meet with the institutionalized opposition of those with vested interests in sustaining demand – as was the case with the tobacco industry – but the task of a social movement is to harness its cultural resources to promote public censure that overrides such interests.

The ongoing commitment of the Catholic Church

As the world's oldest social movement, our Church has been prominent in initiating, mobilizing and sustaining opposition to Human Trafficking; witness the series of high level meetings promoted during Pope Francis's short Pontificate. On January 1st 2015, the World Day of Peace will take as its theme 'Slaves no more, but brothers and sisters'.

Many agencies of the Holy See have already been harnessed to this end: the Council for Justice and Peace, Delegates to the United Nations and to the EU; a variety of ad hoc meetings, both ecumenical and for young people were held in 2014; and the Academies made a signal contribution through their widely diffused Statement of November 2013 and the foundation of the Global Freedom Network, whose website has fostered others, such as the international 'Liberanos'.

This small sample of activities shows a social movement in statu nascendi. We should not forget that our Academy was there at the beginning, in that brief handwritten note of guidance from Pope Francis to our Chancellor on 13 May 2013. The Plenary meeting of PASS in April 2015 therefore has the (statutory) responsibility not simply of adding our voices in unison but of carrying the movement forward by giving 'moral outrage' new elements of a concrete Agenda for eliminating this Crime against Humanity – in both its causes and its consequences.

Margaret Archer

PASS President