



The Perpetuation of Human Trafficking: How Public Corruption Erodes the Rule of Law and Facilitates an Industry of Abuse

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Thank you to Bishop Marcelo Sánchez Sorondo and the Pontifical Academy of Social Sciences for the opportunity to speak here today. I am truly grateful to be gathered together with my colleagues from around the world here in Rome to discuss this most important human rights issue.

Today, I bring to you a perspective from my professional career that I believe will be somewhat different than that of my brothers and sisters of the judiciary from around the world. Like my colleagues, I too, have presided over human trafficking trials in my court which is located in Chicago. Also, like some of my colleagues gathered here today, prior to my appointment to the bench, I prosecuted numerous child exploitation cases. Although I have been sitting as a federal judge in Chicago for the past 10 years, my dedication to justice has drawn me far beyond the four corners of my courtroom. In addition to teaching human trafficking to law students at three different law schools, I am blessed to have partnered domestically with bar associations, academia, non-profit organizations, and the state and federal judiciaries to create training programs for judges and task forces throughout the United States. These programs assist these organizations across the US in comprehending the unique victimization of this insidious global human rights violation. I am also honored to have trained the judiciaries of numerous countries throughout the world through the State Department, the American Bar Association, the International Bar Association, and through organizations like Lawyers without Borders and Vital Voices. In all, I have traveled to over 20 countries on anti-trafficking assignments, have studied their laws and have met with their judiciaries, their prosecutors, their law enforcement officers and their NGOs. One goal throughout these efforts has been to better understand why this human rights violation remains so pervasive, so insidious, and so hard to eradicate. It is from this broad perspective that I bring to you a challenge – a call to immediate awareness – of what I believe to be one of the most significant reasons why human trafficking persists – public corruption.

In most illegal trafficking cases, the commodity that has illegal value is fungible – drugs or firearms, for example. Once the product is used up, the trafficker seeks another source of supply. Unlike all other illegal activities that invade our rule of law on a global level, the crime that brought us here today takes a human being as its product, and reuses that life by repeatedly abusing it until that person loses all sense of value to himself and his community. Recognizing this, we have been gathered together here today in a call to be a unified voice to protect the dignity of human life – life with free will and freedom. Life with purpose and aspirations. Life with the ability to truly *live*: unstifled in its potential for growth.

Whether through labor, or its more visible subset sexual exploitation, the trafficker has a valuable commodity that is being sold for material gain. Like any illegal commodity on the market, that product is sold through channels where someone holding a position of public authority abuses that authority to allow the violation to occur. Whether the official agrees to profit himself through the acceptance of a bribe that facilitates the abuse, or more broadly, whether the official abandons his duty to enforce the law or protect the public by turning a blind eye to a violation that inflicts injury upon a class of individuals that the official does not deem worthy of protection – the young, the old, the disabled, the poor, the uneducated, the homeless – this, my friends, is the common thread that ties all of our countries together in the perpetuation of human trafficking: abuse of public authority and the abandonment of one's public duty.

To explain this common link, let me share with you some scenarios from around the world from my studies and my teaching. In Cyprus, for example, I met young women who were sex trafficked in brothels, they described how every two weeks they were brought to a hospital to be tested for sexually transmitted diseases. Of course, these hospital visits were not to ensure the women's health or safety, they were simply not valuable commodities to the traffickers unless they could be sold as clean and without disease. While the traffickers drove them in vans to the back door of a hospital where doctors (doctors who had taken a Hippocratic oath to care for those to the best of their ability and judgment who seek their help) examined them to see if the trafficker's product had been tainted, all under the watchful eye of local police officers who permitted the access to the hospital and made certain that the vans came and went with the efficiency necessary to bring the women back to the brothels to make money. The victims described the close relationship between the traffickers and the police, and as we spoke under the shade of a beautiful lemon tree, the women looked nervously over their

shoulders for the police – not the traffickers – the police, who they said would return them, like property, to the traffickers if they were found.

In Bangladesh in 2013, the world watched in horror as an entire building collapsed in the garment district, killing some 1130 garment workers, a significant percentage of them children. Yet building codes and labor laws were sacrificed in order to sell clothes at rock bottom prices to many markets in the western hemisphere. India's laws require building inspections and prohibit child labor. Yet, the collapse of that one building in that district, just one, killed over 1000 individuals, primarily women and children earning less than \$38 euro per month.

In Egypt, female children are sold to wealthy foreigners as “summer brides” or “vacation brides”. Meanwhile, border inspectors permit the flow of exploited children to cross into wealthy neighboring countries with such regularity that many children are sold three or four times before their sixteenth birthday – all the while passing across borders with documents allegedly supporting that movement. Sadly, many parents profit from the sale of their own children and justify the abandonment of their parental duties by arguing that their child will live a better life.

In Kenya, victims groups describe how local police are paid by offenders not to file a police report on a case of child exploitation; or to delay the victim's care for so long that evidence is lost, court dates are missed, and cases linger on over-burdened dockets for years until victims and their families, many who are suffering from poverty and reside hundreds of kilometers from the closest court, surrender their hope of justice and simply give up.

In Zambia, the copper mines thrive on child labor even though laws exist to protect against such abuse, but when money is available, law enforcement can be bought, sometimes for as little as a day's wage or less.

In Croatia, Latvia and Lithuania, women are lured for jobs through internet ads that offer them salaries as household help, restaurant workers, or models only to be coerced into the sex trade while local law enforcement turns their backs on what they believe to be the woman's personal choice as opposed to the breaking of her will.

Even at home in Chicago, girls are sexually trafficked through small opportunistic groups that glorify pimp culture. Girls lured by gangs or branded like animals with the pimp's name in order to claim his right to her as property. In spite of both state and federal laws prohibiting the crime, local police often allow hotels to operate as brothels for the sex trade and instead focus on “bigger issues” or crimes that have been prioritized by higher authorities and are more likely to be prosecuted.

These are just a few examples from around the world where the abuse of public trust or the abandonment of public duty plays a critical role in perpetuating the abuse of humanity. At its most basic, public corruption comprises the taking of money for an official act – accepting a false identification document, allowing the passing of a border without immigration documents, not performing one's official duty – such as inspections of buildings, facilities, schools; not arresting offenders for violating the established laws, and facilitating the sale of humanity. When viewed more broadly, it is also the refusal of our elected officials to prioritize the already existing laws to protect the weakest in our society. By failing to enforce trafficking laws, public authorities are sending the very real message to the victims, the weakest of our society, that they are not worthy of protection. Today, in my country, each of the 50 states has its own human trafficking law, as does the federal government. Yet, the number of prosecutions of the crime pales in comparison to the numbers of trafficked victims. Why?

I believe there are four main reasons. First, each year when countries are required to report the work they are doing to combat human trafficking in their annual TIP reports, they are not required to report their efforts in charging and prosecuting public officials who facilitate the crime. By focusing on prosecution of traffickers without also prosecuting the bribe takers, the facilitators, we have failed to address a key component in this illegal pipeline of human degradation.

Second, there remain certain archaic practices worldwide that perpetuate public authority abuse. One such practice is to allow authorities to pay a fine and have their crime erased; rather than face prosecution or jail time. In one African country this past summer I was told that this is the appropriate way to eradicate public corruption. Yet, anyone can see that for the trafficker, this simply becomes the cost of doing business, like a tax or toll that must be incurred along the supply chain.

Even our judiciaries around the world suffer from lack of transparency and accountability. In a significant majority of Tier 2 and Tier Two Watch List Countries, there is no permanent record of a trial or court proceeding other than that which is written in long hand by the judge herself. Aside from the immense delay caused by this inefficiency, imagine the potential for abuse of the record.

Third, the highest leaders on a global level rarely address the magnitude of this human rights violation, and as such, they send the inherent message that it is less important than other issues addressing a country, or worse, they send the message that the victimization is less real. A skeptical public cannot be a partner for change. To be here today and to have judges from around the globe gathered together to address this international

crisis is exactly what is needed to inspire immediate change. Recognizing that the problem is real and requires proactive participation is the first step towards protecting the dignity of human life.

Throughout history, we have witnessed regular and horrific human rights violations. Usually, over time, we learn from these violations and we learn reform in part due to our collective shame – that this should not have occurred had our leadership stood up to this moral challenge. Yet human trafficking occurs daily, consistently, persistently leaving a pile of broken humanity in its wake, while often our world leaders sit back and relegate the discussion of it to the lowest priority on an endless list of issues.

Fourth, those in positions of authority must understand that the victimization of this crime is very different from that of other crimes; that the psychological manipulation involved equates to the breakdown of human will; that the injury is that of depriving our next generation of millions of potential leaders, parents, educators, scientists, academics – because the injury is so great that the victims barely survive, let alone thrive, we as a civilized and spiritually enlightened community must sound the alarm that we are discarding 30 to 40 million individuals yearly. We have an obligation to educate them and an obligation to be merciful to the victims.

There is hope for reform. That reform, however, must come from the top – from our elected and appointed leaders. I propose to all of you today four concrete ways to save those who are imprisoned globally.

First, add public corruption crimes to the list of requirements that each country must show when reporting its annual TIP report, elevating those crimes to the spotlight where they must remain. Train public authorities to recognize that facilitating human trafficking is aiding and abetting the erosion of a human's will. Putting money in one's pocket at the expense of a person's humanity is not only illegal; it is immoral.

Second, work together as a global community to enforce international laws and domestic laws by providing effective and cooperative mutual assistance in promptly gathering evidence and arresting offenders through both formal treaties and informal cooperative efforts.

Third, educate the judiciary about the unique victimization of this crime against humanity so that their rulings are enlightened and informative and can thereby be a beacon to survivors while educating the general public. And provide the judiciary with the necessary services to create and maintain an open and accessible court record through court reporting and a public docket there's instilling faith in the people that the rule of law exists and protects the people.

Fourth, recognize that businesses profit from forced and child labor and as such must be held accountable to keep the supply chains free of human rights violations. Corporate social responsibility in turn encourages the consuming public to demand products that are made without the sweat and blood of forced or child labor. Similarly, encourage institutions such as the World Bank to debar companies that use World Bank Funds to finance trafficking activities – companies that are largely located in the developing world – companies that face debarment for engaging in bribery must also be faced with debarment for engaging in human trafficking.

I am inspired by all of you who have gathered here today to protect those who are not in a position to protect themselves. I humbly join you in our united voice to eradicate this crime against humanity. It is the morally correct thing to do and it must be done now.