



## Final Recommendations of the Pontifical Academy of Social Sciences



### **From the 17-21 April 2015 Plenary Session on 'Human Trafficking: Issues beyond Criminalization'**

"Human Trafficking, in terms of forced labour, prostitution, organ harvesting, domestic servitude and other forms of modern slavery, fundamentally fails to respect that all people share the same freedom and human dignity and that trafficking should thus be recognized as a Crime against Humanity." Joint Declaration of Religious Leaders Against Modern Slavery (2 Dec. 2014). The effective application of criminal law is a necessary condition for its abolition but it is not a sufficient condition for remedying the consequences for victims and society.

#### **1. PREVENTION AND CRIMINALIZATION**

- a) International collaboration to make decisive steps towards the creation of a world Anti-Trafficking Agency (WATA).
- b) At the national level, the model of an Independent Commissioner for Anti-Trafficking and Slavery should be introduced with powers to enhance good practice in the prevention, detention, investigation, prosecution and punishment of traffickers.
- c) Each state is encouraged to increase resources and international police collaboration in order to raise low prosecution and conviction rates for traffickers.
- d) All nations having ratified the 1957 ILO Convention and the 2000 UN Protocol Against Trafficking in Persons, to make human trafficking and forced labour a penal offence with commensurate penalties.
- e) Punishment commensurate with the seriousness of the offence, including programs for reform, should be statutorily enforced for all convicted traffickers and deployed by every party to the Palermo Protocol and in line with ILO Convention no. 29, 1930).
- f) Assets seized from convicted traffickers to be devoted to victim rehabilitation and the establishment of a victims' compensation fund.
- g) Victim interaction and engagement with the criminal justice system should be (where possible) encouraged and properly supported.
- h) Development of Global benchmarks for victim support including: civil legal aid, secure witness protection, medical and trauma assistance, support for individuals from social service agencies.

- i) Creation of effective and collaborative mechanisms by government authorities and international agencies to ensure that data collection and recording define and demarcate trafficked persons from non-trafficked irregular migrants.
- j) All personnel working in any capacity with trafficked persons must have proper training that is appropriate to treating them with dignity and respect.

## **2. NO INVOLUNTARY REPATRIATION (NON-REFOULEMENT INVOLONTAIRE)**

The country of destination should bear the highest burden for the resettlement of victims, including identification, documentation and humanitarian services. Trafficked persons must not be confused with non-trafficked irregular migrants.

- a) Repatriation and return should never be the default rule.
- b) When voluntary repatriation is sought, it must be ascertained that those returning will have full civil rights, negotiated through bilateral governmental and non-governmental agreements.
- c) Temporary residence permits should be issued in the country of destination for those wishing to remain there, irrespective of their legal status in that national territory. This permit should allow access to necessary support, such as compensation, effective access to relevant courts and tribunals as well as access to legal assistance, free of charge.
- d) Concerted liaison with Voluntary Associations and IGOs should be promoted at all times and in all regions to foster resettlement.
- e) Increased Public awareness about Human Trafficking should be a priority for all Governments.

## **3. RESETTLEMENT**

Criminal justice is intrinsically tied to social justice. Resettlement and re-integration aim for trafficked people to become economically and socially independent; no longer at risk of being re-trafficked or resorting to illegal, risky or humiliating activities, but contributing positively to the host society.

- a) Procedures to be established in countries of destination promoting informed choice (remain or return) by identified victims with contacts made available for further reliable information.
- b) Assistance and benefits to victims should not be conditional upon co-operation with the criminal justice system.
- c) A flexible and voluntary Resettlement Plan to be developed in every country of destination covering: medical care, language learning, life-skills, access to job training, accommodation, and community integration, making maximum use of help from Voluntary Associations.
- d) For victims remaining in the country in which they were identified, a form of residence permit should be issued allowing access to the job market.
- e) Concerted efforts must be made to reduce delays in receiving benefits and entitlements, as well as accessing legal support for those identified as trafficked persons. Clear printed guides should be provided detailing victims' rights and responsibilities, both immediately and in the longer term.
- f) National Embassies in countries of destination to develop resource centres dedicated to assisting survivors who choose to remain, especially in obtaining the necessary documentation.
- g) Promotion of adult fostering programs via Voluntary Groups and faith communities.
- h) Encourage those who have been helped to volunteer their own help with Resettlement Programs once they have become established in a locality.
- i) Establish accredited programs and support systems in countries of origin to which significant numbers elect to return. Trafficked persons must not automatically be returned to their families; their expressed preference should first be ascertained.

## **4. REDUCING THE DEMAND**

Criminalization works with a given supply of trafficked persons that is ultimately determined by the demand for them, which makes Human Trafficking profitable. A complementary approach, is to work on reducing the demand, the profits and hence the supply.

- a) The practice of human trafficking for procurement of organs from the poor, refugees, ethnic minorities, prisoners and other marginalized persons is based on exploitation and should be considered as a serious criminal offence and a crime against humanity.
- b) The buying, selling, brokering, and implanting of organs and tissues from trafficked persons should be prohibited in all countries.
- c) We suggest that all religious communities encourage and promote voluntary organ donation through the signing of Organ Donor Cards in case of road accidents or other incidents resulting in brain death.
- d) We ask the Catholic Church actively to bless and promote this last act of free giving to one's neighbour – be it of kidneys or corneas – by distributing Donor Cards throughout Parishes worldwide.
- e) A tightly monitored “icon-mark” to be displayed on goods sold (e.g. clothing and electrical devices) whose documented supply chain is clean of forced, underage, or trafficked labour.
- f) Link up associations working on supply chain transparency to mount national publicity campaigns about personal responsibility to trafficked persons in consumer behaviour or services procured.
- g) Prosecution of clients of commercial sexual services should become an integral part of anti-trafficking legislation in all states.
- h) Normative emphasis in educational institutions stigmatizing production and consumption activities that entail trafficking.
- i) Establish the Feast of St Josephine Bakhita (8 February) as a national day devoted to increasing awareness about all forms of human trafficking in order to reinforce normative opposition to it.

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