



Summit of African Women Judges



Summit of African Women Judges on Human Trafficking and Organized Crime

Casina Pio IV, Vatican City, 12-13 December 2018

Concept note

This meeting is the continuation of the 2017 Summit of Women Judges on Human Trafficking and Organized Crime, where we realised the need to focus on the specific problems of the African continent.

Following numerous requests and definitions by Pope Benedict XVI and especially Pope Francis, modern slavery, in terms of forced labour, prostitution and organ trafficking, is a crime against humanity and must be recognised as such. As Chancellor of the Pontifical Academies of Sciences and Social Sciences, I am honoured and grateful that, through outstanding efforts by the United Nations, Goal 8.7 was included amongst the Sustainable Development Goals. This was the result of a meeting that took place at the Casina Pio IV between Pope Francis and then UN Secretary General Ban Ki-moon. Goal 8.7 states: "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms".

The universal adoption of the Sustainable Development Goals, including Goal 8.7, immediately followed a memorable and historic address by Pope Francis to the UN General Assembly in September 2015. The 193 countries of the United Nations are obliged to follow this moral imperative which aims to eradicate all forms of modern slavery as quickly and efficiently as possible.

Pope Francis and Pope Benedict XVI have rightly defined human trafficking as a serious crime against humanity, because its victims suffer the worst form of exclusion, referred to as "the globalisation of indifference".

To fully grasp such rejection, despair, and ultimately exclusion from a minimum of human dignity, it is necessary to understand that this form of violence against humanity consists not only in physical abuse (torture, repeated sexual abuse, forced organ harvesting, forced labour, including child labour) but also involves violence to the survivor's soul. The latter creates wounds that are deeper and more complex than those already caused by the physical violence.

Friends, those who share mutual affection, affirm each other and each other's existence. Victims cannot have true friends, since they lack the affirmation that makes friendship the "unique good" defined by Simone Weil, inspired by Aristotle. The humiliation of the victim, perceived as the withdrawal or rejection of that affirmation to exist, harms, first and foremost, at a pre-judicial level, that "being with" others that characterizes any friendship. The humiliated person feels looked down on or, worse, completely unappreciated. Deprived of that essential existential approval that is friendship reduces personhood as if the victim did not exist. The

humiliation of forced labour, prostitution, involuntary organ harvesting, in addition to bodily violation, from this point of view, consists in the victim's perception of non-being, of not being considered as an end, but as a simple means or property of another: the person becomes a thing, an object.

In the case of prostitution, there is something still worse than the complete annihilation of human identity: it is a betrayal of love, something of crucial importance to a young woman. When a family sells or gives their daughter away to prostitution, as often happens in cases of extreme poverty and in promiscuous environments, they betray her in the love that they owe her, and that she must receive from them. Likewise, when a young woman's partner or boyfriend promises her the moon, the earth and the stars too, and then sells her into prostitution, she is also betrayed in a most intimate sense: in the relationship of love as mutual approval and "bond of perfection" (### #####, # ##### #####µ## ### #####, St. Paul, *Col* 3:14). Unfortunately, this betrayal is the most common and effective method among traffickers, who use young men to capture teens through promises of love. "We will get married and have children", they tell them. This destroys a person's most intimate trust. The victims then feel worse than if they had been rejected, and therefore, the rehabilitation process usually starts from rebuilding their self-confidence and trust in others, in a kind of public acknowledgement of the betrayal and trafficking they suffered. This betrayal by someone they trusted and loved, is often perceived as worse than death.

Two solutions are required to effectively implement the moral imperative of Goal 8.7 to eradicate these extreme forms of exclusion: human trafficking and modern slavery. First, it is necessary to get the best possible estimate of the extent of this phenomenon in Africa, and the places and regions that are most affected by it. Secondly, it is necessary to propose models and best practices that are effective for these purposes, tailored to the African situation.

Current estimates suggest a figure of 50 million victims per year, with a very high percentage coming from Africa. What is more concerning is that these numbers continue to grow. It is, of course, our task to refine these estimates and to pinpoint the location of the victims as accurately as possible.

In relation to the models and best practices, these vary according to the type of crime. A detailed analysis cannot be provided here. We would simply like to mention that we consider the so-called Nordic model – which for the first time in history criminalizes the consumers and not the victims – to be exemplary. It is incomprehensible that in our 2000 years of Christianity there has never been a social and collective rebellion – as it happened in the fight for human rights, for example – to clearly condemn the discrimination suffered by women through the buying and selling of their bodies. St. Paul had stated that "the body is the temple of the Holy Spirit",^[1] but then St. Augustine formulated the doctrine of the lesser evil, at a time when prostitution was in some way regulated by the State, and this doctrine unfortunately had a great influence on the West and the Church, and did not contribute to the understanding of the specific anthropology. Today, there are activists who belong to the private sector who devote their lives to the societal rehabilitation of these victims, creating a successful model which, besides giving them spiritual and psychological support, helps them find a home, a decent job, friendship and acknowledgement.

As for the delicate issue of organ trafficking, in our last trip to China we launched a very promising model for the eradication of this terrible evil, which includes increased awareness of organ donation. In fact, an increase in organ donations is recognised to reduce trafficking. To encourage organ donation, the Chinese consider donors and their families to be heroes, and they are buried in special cemeteries reserved to such exceptional human beings. In addition, the State offers its decisive collaboration, without which it would be very difficult to comply with the short times required for transplants and to perform them safely.

The judges and prosecutors participating in this important summit are gathered here to share their experiences, propose new models and assess existing ones. We trust that these women, with their unique sensitivity, kindness and gentleness, combined with their experience and principled justice, will play a decisive role in examining each case fairly and proposing best practices. It is no coincidence that Justice is always represented as a woman; it is commonly acknowledged that women are more capable than men of assessing each individual on a case-to-case basis. Their vocation for justice in society – giving each what is theirs – is a further manifestation of this disposition.

Without justice there is no human society. It is only thanks to the figure of the judge that societies can be recognized as just and free. This must be reaffirmed, because there is an increasing tendency to dilute the figure of the judge through pressures from above and below, from the State and from the private sector, from recognized social structures and from the "structures of sin", which, like powerful mafias, relentlessly pursue their aim of vitiating society, corrupting its justice and its people.

Unfortunately, this process of dissolution affects people and their most sacred institutions. A nation is not only the sum of its individuals at a given moment, but is constituted of permanent values, ethics, institutions

and especially rule of law embodied by the judiciary. “Salt is good, but if it loses its saltiness, how can you make it salty again? Have salt among yourselves, and be at peace with each other” (*Mk 9:50*). Such is Christ’s message, which resonates particularly with judges and prosecutors. We have summoned this Summit in the hope of providing a moral compass to navigate the stormy ocean of modernity in which we all live. Africa, the cradle of the human being, is the most promising continent today for the future of humanity, because of its natural and human wealth. According to Pope Paul VI, “Development is the new name for peace”, and its achievement is intrinsically related to the values of the dignity of the human person, justice and love.

+ Marcelo Sánchez Sorondo

[1] “Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own” (*1 Co 6:19*).