

“Trafficking in Children and the Best Interests of the Child”

Vienna, 3 April 2017

CHILD TRAFFICKING: SOME URGENT CONCERNS

Michael Czerny S.J.

*Under-Secretary of the Migrants and Refugees Section
Dicastery for Promoting Integral Human Development*

MESSAGE

It is my honour to begin this keynote with a warm greeting from Pope Francis to the Organization for Security and Co-operation in Europe and to everyone involved in this important Conference:

For the Alliance Against Trafficking in Persons to gather for a 17th Conference in Vienna is a welcome sign of the OSCE’s determination to eradicate what must be among the most shameful dynamics to scar the face of modern humanity.

Most believers of any faith and people of all persuasions are shocked, indeed scandalized, when they discover that trafficking occurs in every country and that it represents a most prosperous business on the planet. It is a form of slavery, a crime against humanity, a grave violation of human rights, an atrocious scourge, and it is all the more to be condemned when it takes place against children.

Therefore I very much welcome your deliberations about “Trafficking in Children and the Best Interests of the Child”. Let us indeed do everything we can to raise public awareness and better coordinate governmental, legal, enforcement and social efforts to rescue millions of children, as well as adults.

Just as urgently, let us do even more to prevent them from being trafficked and enslaved.

I earnestly pray for the successful and fruitful work of the Conference, I invoke upon all the participants, organizers and staff the Blessing of the Almighty, which I also ask you to convey to all those who are engaged in helping the victims of human trafficking and ending this terrible crime in the OSCE countries.

Franciscus

The Vatican, 30 March 2017

These words of Pope Francis are addressed to all people, believers or not, who hold human life precious and want everyone to flourish. Let me add my own gratitude for your welcome to this Conference and for giving the Holy See the opportunity to propose some fundamental terms of reference at the start of our two days of

deliberations.

INTRODUCTION

This 17th Conference aims at enhancing the coherence and synergy of the responses to the challenges posed by child trafficking in the OSCE region, seeking solely the best interests of the child.

When spelling out the mandate of the Section for Migrants and Refugees within the Holy See's new Dicastery for Promoting Integral Human Development, Pope Francis asked that special attention be paid to the victims of human trafficking and, among them, to children. Today's complex migration scenario is sadly characterized by "[...] new forms of slavery imposed by criminal organizations, which buy and sell men, women and children."¹ Accordingly, Pope Francis dedicated his Message for the 2017 World Day of Migrants and Refugees to "Child Migrants, the Vulnerable and the Voiceless." He felt "[...] compelled to draw attention to the reality of child migrants, especially the ones who are alone"² because "[...] among migrants, children constitute the most vulnerable group."³

In 2014, during his pilgrimage to the Holy Land on the occasion of the 50th anniversary of the meeting between Pope Paul VI and Patriarch Athenagoras in Jerusalem, Pope Francis expressed his burning concern for the situation of "great numbers of children [who] continue to live in inhuman situations, on the fringes of society, in the peripheries of great cities and in the countryside. All too many children continue to be exploited, maltreated, enslaved, prey to violence and illicit trafficking. Still too many children live in exile, as refugees, at times lost at sea, particularly in the waters of the Mediterranean. Today, in acknowledging this, we feel shame before God."⁴

This powerful appeal joins those addressed by previous Popes to intergovernmental and international organizations, to civil society, to citizens everywhere. But the tragedy of trafficking persists and is indeed worsening.⁵ We can only conclude, sadly and indeed penitently, that all such efforts have so far proven insufficient.

In some situations, evidence brings one to doubt the real commitment of some important players. This moved Pope Benedict XVI in 2010 to affirm: "While the Convention on the Rights of the Child clearly states that the best interests of the minor shall always be safeguarded (cf. Art. 3, 1), [...] unfortunately this does not always happen in practice. Although there is increasing public awareness of the need for immediate and incisive action to protect minors, nevertheless, many are left to

¹ FRANCIS, Message for the World Day of Migrants and Refugees 2016, 12 September 2015.

² FRANCIS, Message for the World Day of Migrants and Refugees 2017, 8 September 2016.

³ Ibidem.

⁴ FRANCIS, Homily in Manger Square, Bethlehem, 5 May 2014.

⁵ E.g., UNODC, *Global Report on Trafficking in Persons*, 2016. "Measuring the total volume of trafficking in persons is not an easy task as any assessment of this crime needs to account for the coexistence of its three defining elements, the act, the means and the purpose" (p. 30). "A total of more than 570 different trafficking flows could be discerned from this data. This is a marked increase from previous editions of the *Global Report*, where 460 flows were detected for the period 2007-2010, and 510 for the period 2010-2012" (pp. 39-40).

themselves and, in various ways, face the risk of exploitation.”⁶

METHOD

Our 17th Conference intends to foster the well-known approach of the three pillars or P’s: to prevent, to protect and to prosecute.⁷ To these dimensions of effective action against trafficking, we add *to partner*. Let us apply these four perspectives in order to *see and understand* the phenomenon of child trafficking and to *judge* the immediate and wider causes, in order to undertake *action* against this continuing scourge.

1. PREVENTION

In 2015, Pope Francis stated that modern slavery is “[...] rooted in a notion of the human person, which allows him or her to be treated as an object. Whenever sin corrupts the human heart and distances us from our Creator and our neighbours, the latter are no longer regarded as beings of equal dignity, as brothers or sisters sharing a common humanity, but rather as objects.”⁸

Our first step, therefore, must be a cultural transformation that restores the human person to the centre. “Benedict XVI reminded us that precisely because it is human, all human activity, including economic activity, must be ethically structured and governed (cf. Encyclical Letter *Caritas in Veritate*, n. 36). We must return to the centrality of the human being, to a more ethical vision of activities and of human relationships without the fear of losing something.”⁹

Where human beings are objectified, children can be trafficked according to a perverse market logic of supply and demand. From the “supply” side, in communities of origin, several factors increase the vulnerability of the child victims, namely endemic poverty, inadequate child protection, ignorance and cultural constraints. It should be acknowledged that very little has been done to address the “why” of many young people being tricked or sold into trafficking and slavery.

From the “demand” side, in the communities of destination of this tragic trade, one cannot but note the evident paradox between the unanimous and absolute condemnation of child trafficking on the one side and, on the other, the increasing demand for children to be enslaved, exploited and abused. This is possibly the nastiest illustration of how modern capitalism at its amoral extremes is able to commoditize absolutely everything, even young lives.

In his 2017 Message, Pope Francis strongly underlines these observations: “[T]he most powerful force driving the exploitation and abuse of children is demand. If more rigorous and effective action is not taken against those who profit from such abuse, we will not be able to stop the multiple forms of slavery where children are the victims”¹⁰

Demand and supply, in turn, are deeply rooted in the three great issues of

⁶ BENEDICT XVI, Message for the World Day of Migrants and Refugees 2010, 16 October 2009.

⁷ Permanent Council Decision No. 557: OSCE Action Plan to Combat Trafficking in Human Beings, 2003.

⁸ FRANCIS, Message for the celebration of the World Day of Peace, 1 January 2015.

⁹ FRANCIS, Address to the Centesimus Annus pro Pontifice Foundation, 25 May 2013.

¹⁰ FRANCIS, Message for the World Day of Migrants and Refugees 2017, 8 September 2016.

conflicts and wars, economic privation and natural disasters, or what the victims experience as extreme poverty, underdevelopment, exclusion, unemployment and lack of access to education. The OSCE, with its 57 well-developed participating States, surely has a unique opportunity to address these root causes of human trafficking. Our response, therefore, should not be “We cannot” nor “We don’t want to”.

2. PROTECTION

The second pillar is “to protect”. It is increasingly difficult nowadays to protect children from well-organized and unscrupulous criminal networks. Situations of great vulnerability have multiplied dramatically in recent years, partly as a result of forced massive displacement that have affected some regions of the world. In 2007, referring to unaccompanied children, Pope Benedict XVI pointed out that “[...] these boys and girls often end up on the street abandoned to themselves and prey to unscrupulous exploiters who often transform them into the object of physical, moral and sexual violence.”¹¹ In 2016 Pope Francis added that “[...] the dividing line between migration and trafficking can at times be very subtle.”¹²

There are many remarkable initiatives, undertaken both by States and by civil society organizations, to ensure better protection of child victims of trafficking. In line with the title of this conference, let me emphasize the ultimate objective: the best interests of the child, in which the family dimension occupies a place of greatest importance. Protection of children requires the protection of families; therefore, policies and programs must provide families with the essential tools to protect and nurture their children in situations of vulnerability. Among these essentials – all well within reach of the OSCE participating States – are decent housing, healthcare, the opportunity to work and education.

In this regard, an appropriate international legal framework has been established by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

3. PROSECUTION

As for “prosecution”, the complexity of the global human trafficking scenario makes prosecuting traffickers very difficult. The nefarious action of international criminal organizations, motivated by the lure of lavish profits, begins through underhanded trickery and kidnappings in the victims’ home communities, The action then continues in the countries of transit and countries of destination, thanks to corruption that ensures invisibility and impunity for traffickers.

This is so serious that Pope Francis has stated: “[S]ince it is not possible to commit so complex a crime as human trafficking without the complicity, by action or omission, of States, it is evident that, when efforts to prevent and combat this phenomenon are insufficient, we are again facing a crime against humanity. Moreover, should it happen that someone who is appointed to protect people and guarantee their freedom, instead becomes an accomplice of those who trade in human beings, then, in

¹¹ BENEDICT XVI, Message for the World Day of Migrants and Refugees 2008, 18 October 2007.

¹² FRANCIS, Message for the World Day of Migrants and Refugees 2017, 8 September 2016.

such cases, the States are responsible before their citizens and before the International Community.”¹³

While acknowledging the efforts of some countries to punish those responsible for such crimes, we must sadly note that there are still too few cases where “consumers” have ended up in prison. While perhaps not the masterminds, the consumers, they are definitely the real authors responsible for such heinous crimes.

4. PARTNERSHIP

The establishment of effective networks to prevent the trade, protect victims and prosecute traffickers is a real key to success, as Pope Francis stated in 2016: “It is important that ever more effective and incisive cooperation be implemented, based not only on the exchange of information, but also on the reinforcement of networks capable of assuring timely and specific intervention; and this, without underestimating the strength that ecclesial communities reveal especially when they are united in prayer and fraternal communion.”¹⁴

Here the Holy Father is pointing towards “partnership” as an important addition to the conventional 3 P’s of prevention, protection, prosecution. This suggestion has arisen from experience in the field.

The formation of partnerships to fight trafficking must be based on recognition of the contribution that each partner can offer according to its abilities and skills, coupled with deep respect for the principle of subsidiarity. Let us not forget that different partners have distinct attributes. Many victims turn to civil society and religious organizations because they have learned to mistrust public institutions or are afraid of being punished (retribution). That is why it is important that the governmental and inter-governmental institutions collaborate regularly with such organizations, civil society and religious organizations, in the formulation and implementation of effective programs and the provision of the necessary tools. Encounter, networking, social media and spirituality are among the useful means of exercising partnership.

CONCLUSION

At Bethlehem, Pope Francis expressed this vision: “Today too, children are a sign. They are a sign of hope, a sign of life, but also a ‘diagnostic’ sign, a marker indicating the health of families, society and the entire world. Wherever children are accepted, loved, cared for and protected, the family is healthy, society is more healthy and the world is more human.”¹⁵ Let this be our firm purpose during this 17th Conference and in the courageous actions to which it subsequently leads.

Thank you.

¹³ FRANCIS, Address to the Delegates of the International Association of Penal Law, 23 October 2014.

¹⁴ FRANCIS, Message for the World Day of Migrants and Refugees 2017, 8 September 2016.

¹⁵ FRANCIS, Homily in Manger Square, Bethlehem, 5 May 2014.