

# JUDGES' SUMMIT ON HUMAN TRAFFICKING AND ORGANIZED CRIME

## CUMBRE DE LOS JUECES SOBRE LA TRATA DE PERSONAS Y EL CRIMEN ORGANIZADO



The Pontifical Academy of Social Sciences  
Casina Pio IV • Vatican City • 3-4 June 2016



PASS EXTRA SERIES **18**

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## Contents

Address of His Holiness Pope Francis **7** | Discurso del Santo Padre Francisco **15** | Discurso del Santo Padre Francesco **23** | Introduction **31** | Introducción **35** | PASS Against Human Trafficking: How it Came to Pass **39** | Programme **42** | List of Speakers **45** | Declaration **47** | Declaración **51**



“ As you well know, when we speak of “administering justice”, this does not mean seeking punishment as an end in itself. Punishment must rather be directed to the re-education of wrongdoers, offering them hope for their eventual reinstatement in society. In other words, punishment should necessarily include hope. ”

Pope Francis



# Address of His Holiness Pope Francis

The Pontifical Academy of Social Sciences  
Friday, 3 June 2016

**G**ood afternoon! I offer you a cordial greeting and once more I express my appreciation for your efforts to contribute to the human and social progress which the Pontifical Academy of Social Sciences seeks to promote.

My heartfelt appreciation for this contribution also has to do with the noble service you can offer to humanity both by your analysis of the timely topic of indifference and the extreme forms it takes in our globalized world, and by your proposing solutions aimed at improving the living conditions of the poorest of our brothers and sisters. In fidelity to Christ, the Church is committed to meeting this challenge. The Enlightenment slogan that the Church must not be involved in politics has no application here, for the Church must be involved in the great political issues of our day. For, as Pope Paul VI pointed out, “political life is one of the highest forms of charity”. The Church is also called to be faithful to people and their needs, all the more so in situations of deep hurt and dramatic suffering in which values, ethics, social sciences and faith all enter into play. In such situations, your own

witness as individuals and humanists, together with your expertise, is particularly valued.

In recent years, the Pontifical Academy of Social Sciences, thanks to the efforts of its President, its Chancellor and a number of prestigious external collaborators – to whom I offer my heartfelt thanks – has engaged in important activities in defence of human dignity and freedom in our day. This has been particularly the case with efforts to eliminate human trafficking and smuggling, as well as new forms of slavery such as forced labour, prostitution, organ trafficking, the drug trade and organized crime. As my predecessor Pope Benedict XVI stated, and I myself have repeated on several occasions, these are true crimes against humanity; they need to be recognized as such by all religious, political and social leaders, and by national and international legislation.

The 2 December 2014 meeting of leaders of the world's major religions, and the 21 July 2015 summit of mayors and administrators of the world's major cities, have demonstrated the readiness of the academy to work

for the elimination of new forms of slavery. Together with these two meetings, I also think of the important youth symposiums promoted by the Academy. There are those who believe that the Academy would do better to be involved with pure science and theoretical considerations, which would certainly be consonant with an enlightenment vision of the nature of an academy. An academy must have roots, concrete roots; otherwise, it risks encouraging a free-flowing reflection which dissipates and amounts to nothing. The divorce between ideas and reality is clearly a bygone cultural phenomenon, an inheritance of the Enlightenment, but its effects are still felt today.



As with those meetings, the Academy has now brought you together as judges and prosecutors from around the world, in order to contribute your own practical experience and wisdom to the work of eliminating human trafficking, smuggling and organized crime. You have come here, representing your colleagues, for the praiseworthy aim of promoting a clearer awareness of these scourges. In this, you are manifesting your specific mission with regard to the new challenges posed by the globalization of indifference, in response to society's growing concern and in respect for national and international legislation. Taking responsibility for one's proper calling also entails feeling free, and acknowledging oneself as such. But free from what? From pressure by governments, private institutions and, of course, those "structures of sin" referred to by my predecessor John Paul II, particularly that "structure of sin" which is organized crime. I know that you experience pressure and face threats in this regard, and that being a judge or prosecutor today means risking one's life. The courage of those who strive to maintain freedom in the exercise of their judicial function ought to be recognized. Lacking such freedom, a nation's judiciary is corrupt and corrupting. We all know how justice is caricatured in these cases, don't we? Justice is blindfolded, but the blindfold keeps falling and covering her mouth.

Happily, in carrying out this complex and delicate human and Christian project of freeing humanity from the new forms of slavery and from organized crime – a project that the Academy has undertaken at my request – we can also count on an important and

decisive collaboration with the United Nations. There is a powerful and growing awareness in this regard. I am grateful for the fact that the representatives of the 193 UN member states unanimously approved the new Sustainable Development Goals, and in particular Goal 8.7. That goal is to “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”. We can rightly say that such goals and targets are now a moral imperative for all UN member states.

To this end, there is a need to work together and across boundaries in creating “waves” that can affect society as a whole, from top to bottom and vice versa, moving from the periphery to the centre and back again, from leaders to communities, and from small towns and public opinion to the most influential segments of society. This will call for judges, like religious, social and civic leaders, to take full cognizance of this challenge, acknowledge the importance of their responsibility before society, pool their experiences and best practices, and work together in breaking down barriers and opening new paths of justice for the promotion of human dignity, freedom, responsibility, happiness and, ultimately, peace. Without pressing a metaphor, we could say that judges are to justice as religious leaders and philosophers are to morality, and government leaders and all those who embody sovereign power are to political life. Yet only through the work of judges does justice become seen as the primary mark of life in society.

This is a perception that needs to be revived, for there is a growing tendency to dilute the figure of the judge through the sorts of pressure I mentioned above. Yet judges continue to represent the primary attribute of society. This is seen in the biblical tradition, where Moses creates seventy judges to assist him in judging cases; one has recourse to a judge. When the figure of the judge is diluted, the effects are clear on the life of society. Each people possesses an identity that shapes it, enables it to grow and look to the future, to accept failures and uphold its ideals. But peoples today are themselves experiencing a process of weakening, as their specific identity tends to turn into the mere nominal identity of citizenship. A people is not the same as a group of





citizens. The judge embodies the first attribute of a society that is a people.

In convening this gathering of judges, the Academy seeks only to cooperate, to the extent of its ability, with the UN's stated goal. Here I would express my appreciation to those nations whose ambassadors to the Holy See have not shown themselves indifferent or arbitrarily critical, but instead have cooperated actively with the Academy to make this summit possible. It is our hope that those ambassadors who did not see this need, or washed their hands, or did not consider it sufficiently urgent, will join us for the next meeting. I urge judges to carry out their vocation and their essential mission of establishing that justice without which there can be no order, or sustainable and integral

development, or social peace. Undoubtedly, one of the greatest social ills of the world today is corruption at all levels, which weakens any government, participatory democracy itself and the wheels of justice. As judges, you are charged with administering justice. I ask you to be particularly concerned with justice in the areas of human trafficking and smuggling and, in the face of these evils and of organized crime, to avoid becoming entangled into the web of corruption.

As you well know, when we speak of "administering justice", this does not mean seeking punishment as an end in itself. Punishment must rather be directed to the re-education of wrongdoers, offering them hope for their eventual reinstatement in society. In other words, punishment should necessarily include hope. A narrow form of punishment that would exclude hope is torture rather than punishment. Based on this, I would reaffirm the position of the Church against the death penalty. It is true that, as I have been told, medieval and post-medieval theology considered the death penalty to entail hope: "we are handing them over to God". But times and situations have changed; let us allow God to choose the moment...

With regard to reinstatement in society, I would add that "not even a murderer loses his personal dignity, and God himself pledges to guarantee this" (John Paul II, *Evangelium Vitae*, 9). This subtle interplay of justice and mercy, with a view to reinstatement, applies to those responsible for crimes against humanity as well as to every human being. It thus applies *a fortiori*, and in a particular way, to those victims who, as the

term itself indicates, are more passive than active in the exercise of their freedom, having fallen into the clutches of today's new slave masters. All too often these victims are betrayed even in the most private and sacred aspect of their person, that is to say, in the love they aspire to give and receive. Their family owes it to them, and their suitors or husbands promise it, but then sell them into the forced labour and prostitution market, or the organ trade.

Judges are today, more than ever, called to focus on the needs of the victims. Victims are the first in need of rehabilitation and reintegration in society. Human traffickers must be relentlessly prosecuted. The old adage that certain things have been around from the beginning of time is unacceptable. Victims can recover and in fact we know that they can regain control of their lives with the help of good judges, social workers and society as a whole. We know that a good number of them are now lawyers, politicians, brilliant writers,

or are successfully employed in service of the common good. We also know how important it is to encourage former victims to talk about their experience as something now courageously put behind them, and how they are survivors, or rather, persons enjoying quality of life, their dignity restored and freedom reclaimed.

While on this subject of reinstatement, I would like to share a personal experience: when I go to a city, I like to visit prisons; I have already visited a number of them. Without wishing to detract from anyone, I would say that my general impression is that prisons run by women are better run. This has nothing to do with feminism, but it is interesting. When it comes to reinsertion, women have a particular, almost natural, knack for putting people in the right place; some might think it is because they are mothers. But it is curious. I mention it as a personal experience which may be worth thinking about. Here in Italy, many prisons are run by women. Many of them are young; they are



respected and enjoy a good rapport with the prisoners. Another experience I have is that it is not unusual for wardens to bring groups of prisoners from one prison or another to my Wednesday audiences. These are all gestures of reinstatement.

You are called to give hope and to administer justice. Everyone, from the widow insistently demanding justice (*Lk 18:1-8*) to today's victims, longs for justice, trusting that the injustice so present in our world is not final, that it will not have the last word.

It could help to apply, in a way suited to individual countries, continents and legal traditions, the Italian practice of confiscating the ill-gotten gains of traffickers and criminals and destining them to the needs of society and, in particular, to the rehabilitation of victims. Rehabilitating victims and reintegrating them into society, whenever possible, is the greatest good we can do for them, for community and for social peace. Certainly this is no easy task; it must not end with sentencing, but continue by ensuring that victims and

victimizers alike receive guidance, opportunities for growth, reinstatement and rehabilitation.

If there is anything characteristic of the Beatitudes and the criteria for God's judgement found in the Gospel of Matthew (cf. *Mt 25*), it is the issue of justice. "Blessed are those who hunger and thirst for righteousness, those who suffer for justice's sake, those who mourn, the meek and the peacemakers". "Blessed by my Father are those who treat the neediest and the least of my brothers and sisters as they would me. They – and here I think especially of judges – will receive the greatest reward: they shall inherit the earth, and they shall be called children of God; they shall see God and rejoice for ever with my heavenly Father".

In this spirit, I encourage all of you, as judges, prosecutors and jurists, to carry on your good work and to pursue, within the limits of your possibilities and the help of God's grace, worthy initiatives that bring you honour and serve people and the common good. Thank you.







“ Los jueces están llamados hoy más que nunca a poner gran atención en las necesidades de las víctimas. Son las primeras que deben ser rehabilitadas y reintegradas en la sociedad y por ellas se debe perseguir sin cuartel a los traficantes y “carníferos”. ”

Papa Francisco



# Discurso del Santo Padre Francisco

Pontificia Academia de las Ciencias Sociales  
Viernes 3 de junio de 2016

**B**uenas tardes. Los saludo cordialmente y renuevo la expresión de mi estima por su colaboración para contribuir al progreso humano y social del que es capaz la Pontificia Academia de las Ciencias Sociales.

Si me alegro de esta contribución y me complazco con ustedes es también en consideración al noble servicio que pueden ofrecer a la humanidad, ya sea profundizando en el conocimiento de ese fenómeno tan actual, la indiferencia en el mundo globalizado y sus formas extremas, ya sea en las soluciones frente a este reto, tratando de mejorar las condiciones de vida de los más necesitados entre nuestros hermanos y hermanas. Siguiendo a Cristo, la Iglesia está llamada a comprometerse. O sea, no cabe el adagio de la Ilustración, según el cual la Iglesia no debe meterse en política, la Iglesia debe meterse en la gran política porque —cito a Pablo VI— “la política es una de las formas más altas del amor, de la caridad”. Y la Iglesia también está llamada a ser fiel con las personas, aun más cuando se consideran las situaciones donde se tocan las llagas y el sufrimiento dramático, y en las

cuales están implicados los valores, la ética, las ciencias sociales y la fe; situaciones en las cuales el testimonio de ustedes como personas y humanistas, unido a la competencia social propia, es particularmente apreciado.

En el curso de estos últimos años no han faltado importantes actividades de la Pontificia Academia de las Ciencias Sociales bajo el vigoroso impulso de su Presidenta, del Canciller y de algunos colaboradores externos de notorio prestigio, a quienes agradezco de corazón. Actividades en defensa de la dignidad y libertad de los hombres y mujeres de hoy y, en particular, para erradicar la trata y el tráfico de personas y las nuevas formas de esclavitud tales como el trabajo forzado, la prostitución, el tráfico de órganos, el comercio de la droga, la criminalidad organizada. Como dijo mi predecesor Benedicto XVI, y lo he afirmado yo mismo en varias ocasiones, éstos son verdaderos crímenes de lesa humanidad que deben ser reconocidos como tales por todos los líderes religiosos, políticos y sociales, y plasmados en las leyes nacionales e internacionales.

El encuentro con los líderes religiosos de las principales religiones que hoy influyen en el mundo global, el 2 de diciembre del 2014, así como la cumbre de los intendentes y alcaldes de las ciudades más importantes del mundo, el 21 de julio del 2015, han manifestado la voluntad de esta Institución en perseguir la erradicación de las nuevas formas de esclavitud. Conservo un particular recuerdo de estos dos encuentros, como también de los significativos seminarios de los jóvenes, todos debidos a la iniciativa de la Academia. Alguno puede pensar que la Academia debe moverse más bien en un ámbito de ciencias puras, de consideraciones más teóricas. Esto responde ciertamente a una concepción ilustrada de lo que debe ser una Academia. Una Academia ha de tener raíces, y raíces en lo concreto, porque sino corre el riesgo de fomentar una reflexión líquida que se vaporiza y no llega a nada. Este divorcio entre la idea y la realidad es evidentemente un fenómeno cultural pasado, más bien de la Ilustración, pero que todavía tiene su incidencia.

Actualmente, inspirada por los mismos deseos, la Academia ha convocado a ustedes, jueces y fiscales de todo el mundo, con experiencia y sabiduría práctica en la erradicación de la trata y tráfico de personas y de la criminalidad organizada. Ustedes han venido aquí representando a sus colegas, con el loable propósito de avanzar en la toma de conciencia cabal de estos flagelos y, consecuentemente, manifestar su insustituible misión frente a los nuevos retos que nos plantea la globalización de la indiferencia, respondiendo a la creciente solicitud de la sociedad y en el respeto de las leyes nacionales e internacionales. Hacerse cargo

de la propia vocación quiere decir también sentirse y proclamarse libres. Jueces y fiscales libres, ¿de qué?: de las presiones de los gobiernos, libres de las instituciones privadas y, naturalmente, libres de las “estructuras de pecado” de las que habla mi predecesor san Juan Pablo II, en particular, de la “estructura de pecado”, libres del crimen organizado. Yo sé que ustedes sufren presiones, sufren amenazas en todo esto, y sé que hoy día ser juez, ser fiscal, es arriesgar el pellejo, y eso merece un reconocimiento a la valentía de aquellos que quieren seguir siendo libres en el ejercicio de su función jurídica. Sin esta libertad, el poder judicial de una Nación se corrompe y siembra corrupción. Todos conocemos la caricatura de la justicia, para estos casos, ¿no?: La justicia con los ojos vendados que se le va cayendo la venda y le tapa la boca.

Felizmente, para la realización de este complejo y delicado proyecto humano y cristiano: liberar a la humanidad de las nuevas esclavitudes y del crimen organizado, que la Academia cumple siguiendo mi pedido, se puede contar también con la importante y decisiva sinergia de las Naciones Unidas. Hay una mayor conciencia de esto, una fuerte conciencia. Agradezco que los representantes de las 193 Naciones miembros de la ONU, que hayan aprobado unánimemente los nuevos objetivos del desarrollo sostenible e integral, y en particular la meta 8.7. Esta reza así: “Adoptar medidas inmediatas y eficaces para erradicar el trabajo forzoso, poner fin a las formas modernas de esclavitud y la trata de seres humanos, y asegurar la prohibición y eliminación de las peores formas de trabajo infantil, incluidos el reclutamiento y la

utilización de niños soldados, y, a más tardar en 2025, poner fin al trabajo infantil en todas sus formas”. Hasta aquí la resolución. Bien se puede decir que ahora es un imperativo moral para todas las Naciones miembros de la ONU actuar tales objetivos y tal meta.

Para ello, es obligatorio generar un movimiento transversal y ondular, una “buena onda”, que abrace a toda la sociedad de arriba para abajo y viceversa, desde la periferia al centro y al revés, desde los líderes hacia las comunidades, y desde los pueblos y la opinión pública hasta los más altos estratos dirigenciales. La realización de ello requiere que, como ya lo han hecho los líderes religiosos, sociales y los alcaldes, también los jueces tomen plena conciencia de este desafío, que sientan la importancia de su responsabilidad ante la sociedad, y que compartan sus experiencias y buenas prácticas, y que actúen juntos — importante, en comunión, en comunidad, que actúen juntos— para abrir brechas y nuevos caminos de justicia en beneficio de la promoción de la dignidad humana, de la libertad, la responsabilidad, la felicidad y, en definitiva, de la paz. Sin ceder al gusto por la simetría, podríamos decir que el juez es a la justicia como el religioso y el filósofo a la moral, y el gobernante o cualquier otra figura personalizada del poder soberano es a lo político. Pero solamente en la figura del juez la justicia se reconoce como el primer atributo de la sociedad. Y esto hay que rescatarlo, porque la tendencia, cada vez mayor, es la de licuar la figura del juez a través de las presiones, etcétera, que mencioné antes. Y, sin embargo, es el primer atributo de la sociedad. Sale en la misma tradición bíblica, ¿no es cierto? Moisés

necesita instituir setenta jueces para que lo ayuden, que juzguen los casos, el juez a quien se recurre. Y también en este proceso de licuefacción, lo contundente, lo concreto de la realidad afecta a los pueblos. O sea, los pueblos tienen una entidad que les da consistencia, que los hace crecer, y hacer sus propios proyectos, asumir sus fracasos, asumir sus ideales, pero también están sufriendo un proceso de licuefacción, y todo lo que es la consistencia concreta de un pueblo tiende a transformarse en la mera identidad nominal de un ciudadano, y un pueblo no es lo mismo que un grupo de ciudadanos. El juez es el primer atributo de una sociedad de pueblo.

La Academia, convocando a los jueces, no aspira sino a colaborar en la medida de sus posibilidades según el mencionado objetivo de la ONU. Cabe aquí



agradecer a aquellas Naciones que por intermedio de los Embajadores ante la Santa Sede no se han mostrado indiferentes o arbitrariamente críticas, sino que, por el contrario, han colaborado activamente con la Academia en la realización de esta Cumbre. Los Embajadores que no sintieron esta necesidad, o que se lavaron las manos, o que pensaron que no era tan necesario, los esperamos para la próxima reunión.

Pido a los jueces que realicen su vocación y misión esencial: establecer la justicia sin la cual no hay orden, ni desarrollo sostenible e integral, ni tampoco paz social. Sin duda, uno de los más grandes males sociales del mundo de hoy es la corrupción en todos los niveles, la cual debilita cualquier gobierno, debilita la democracia participativa y la actividad de la justicia. A ustedes, jueces, corresponde hacer justicia, y les pido

una especial atención en hacer justicia en el campo de la trata y del tráfico de personas y, frente a esto y al crimen organizado, les pido que se defiendan de caer en la telaraña de las corrupciones.

Cuando decimos “hacer justicia”, como ustedes bien saben, no entendemos que se deba buscar el castigo por sí mismo, sino que, cuando caben penalidades, que éstas sean dadas para la reeducación de los responsables, de tal modo que se les pueda abrir una esperanza de reinserción en la sociedad, o sea, no hay pena válida sin esperanza. Una pena clausurada en sí misma, que no dé lugar a la esperanza, es una tortura, no es una pena. En esto yo me baso también para afirmar seriamente la postura de la Iglesia contra la pena de muerte. Claro, me decía un teólogo que en la concepción de la teología medieval y post-medieval, la



pena de muerte tenía la esperanza: “se los entregamos a Dios”. Pero los tiempos han cambiado y esto ya no cabe. Dejemos que sea Dios quien elija el momento... La esperanza de la reinserción en la sociedad: “Ni siquiera el homicida pierde su dignidad personal y Dios mismo se hace su garante” (san Juan Pablo II, *EV*, n. 9). Y, si esta delicada conjunción entre la justicia y la misericordia, que en el fondo es preparar para una reinserción, vale para los responsables de los crímenes de lesa humanidad como también para todo ser humano, *a fortiori* vale sobretodo para las víctimas que, como su nombre indica, son más pasivas que activas en el ejercicio de su libertad, habiendo caído en la trampa de los nuevos cazadores de esclavos. Víctimas tantas veces traicionadas hasta en lo más íntimo y sagrado de su persona, es decir en el amor que ellas aspiran a dar y tener, y que su familia les debe o que les prometen sus pretendientes o maridos, quienes en cambio acaban vendiéndolas en el mercado del trabajo forzado, de la prostitución o de la venta de órganos.

Los jueces están llamados hoy más que nunca a poner gran atención en las necesidades de las víctimas. Son las primeras que deben ser rehabilitadas y reintegradas en la sociedad y por ellas se debe perseguir sin cuartel a los traficantes y “carníferos”. No vale el viejo adagio: son cosas que existen desde que el mundo es mundo. Las víctimas pueden cambiar y, de hecho, sabemos que cambian de vida con la ayuda de los buenos jueces, de las personas que las asisten y de toda la sociedad. Sabemos que no pocas de esas personas son abogados o abogadas, políticos o políticas, escritores brillantes o bien tienen algún oficio exitoso para servir de modo



válido al bien común. Sabemos cuán importante es que cada víctima se anime a hablar de su ser víctima como un pasado que superó valientemente siendo ahora un sobreviviente o, mejor dicho, una persona con calidad de vida, con dignidad recuperada y libertad asumida. Y en este asunto de la reinserción quisiera transmitir una experiencia empírica, a mí me gusta, cuando voy a una ciudad, visitar las cárceles —ya he visitado varias— y es curioso, sin desmerecer a nadie, pero como impresión general he visto que las cárceles cuyo director es una mujer van mejor que aquellas cuyo director es un hombre. Esto no es feminismo, es curioso. La mujer tiene en esto de la reinserción un olfato especial, un tacto especial, que sin perder energías, recoloca a las personas, las reubica, algunos lo atribuyen a la raíz de la maternalidad. Pero es curioso, lo paso como experiencia personal, vale la pena repensarlo. Y aquí,

en Italia, hay un alto porcentaje de cárceles dirigidas por mujeres, muchas mujeres jóvenes, respetadas y que tienen buen trato con los presos. Otra experiencia que tengo es que en las audiencias de los miércoles no es raro que venga un grupo de reclusos —de tal cárcel, de tal otra—, traídos por el director o la directora, y estén ahí. O sea, son todos gestos de reinserción.

Ustedes están llamados a dar esperanza en el hacer la justicia. Desde la viuda que pide justicia insistentemente (Lc 18,1-8), hasta las víctimas de hoy, todas ellas alimentan un anhelo de justicia como esperanza de que la injusticia que atraviesa este mundo no sea lo último, no tenga la última palabra.



Tal vez puede ayudar el aplicar, según las modalidades propias de cada país, de cada continente y de cada tradición jurídica, la praxis italiana de recuperar los bienes mal habidos de los traficantes y delincuentes para ofrecerlos a la sociedad y, en concreto, para la reinserción de las víctimas. La rehabilitación de las víctimas y su reinserción en la sociedad, siempre realmente posible, es el mayor bien que podemos hacer a ellas mismas, a la comunidad y a la paz social. Claro, es duro el trabajo, no termina con la sentencia, termina después procurando que haya un acompañamiento, un crecimiento, una reinserción, una rehabilitación de la víctima y del victimario.

Si hay algo que atraviesa las bienaventuranzas evangélicas y el protocolo del juicio divino con el que todos seremos juzgados, de Mateo c.25, es el tema de la justicia: felices los que tienen hambre y sed de justicia, felices los que sufren por la justicia, felices los que lloran, felices los pacíficos, felices los operadores de paz, benditos de mi Padre los que tratan al más necesitado y pequeño de mis hermanos como a mí mismo. Ellos o ellas —y aquí cabe referirse especialmente a los jueces— tendrán la más alta recompensa: poseerán la tierra, serán llamados y serán hijos de Dios, verán a Dios, y gozarán eternamente junto al Padre.

En este espíritu, me animo a pedirles a jueces, fiscales y académicos que continúen sus trabajos y realicen, dentro de las propias posibilidades y con la ayuda de la gracia, las felices iniciativas que les honran en servicio de las personas y del bien común. Muchas gracias.





“ *Seguendo Cristo, la Chiesa è chiamata a impegnarsi. Ossia, non vale l’adagio illuministico secondo il quale la Chiesa non deve mettersi in politica; la Chiesa deve mettersi nella “grande” politica perché – cito Paolo VI – “la politica è una delle forme più alte dell’amore, della carità”.* ”

Papa Francesco



# Discorso del Santo Padre Francesco

Pontificia Accademia delle Scienze Sociali  
Venerdì, 3 giugno 2016

**B**uona sera! Vi saluto cordialmente e rinnovo l'espressione della mia stima per la vostra collaborazione nel contribuire al progresso umano e sociale, finalità della Pontificia Accademia delle Scienze Sociali.

Se mi rallegro di tale contributo e mi compiaccio con voi, è anche in considerazione del nobile servizio che potete offrire all'umanità, sia approfondendo la conoscenza di questo fenomeno così attuale, cioè l'indifferenza nel mondo globalizzato e le sue forme estreme, sia nelle soluzioni per affrontare tale sfida, adoperandovi per migliorare le condizioni di vita dei più bisognosi tra i nostri fratelli e sorelle. Seguendo Cristo, la Chiesa è chiamata a impegnarsi. Ossia, non vale l'adagio illuministico secondo il quale la Chiesa non deve mettersi in politica; la Chiesa deve mettersi nella "grande" politica perché – cito Paolo VI – "la politica è una delle forme più alte dell'amore, della carità". E La Chiesa è anche chiamata ad essere fedele alle persone, ancor più se si considerano le situazioni in cui si toccano le piaghe e le sofferenze

drammatiche, e nelle quali sono coinvolti i valori, l'etica, le scienze sociali e la fede; situazioni nelle quali la vostra testimonianza di persone e umanisti, unita alla vostra specifica competenza sociale, è particolarmente apprezzata.

Nel corso di questi ultimi anni non sono mancate importanti attività della Pontificia Accademia delle Scienze Sociali sotto il forte impulso della sua Presidente, del Cancelliere e di alcuni collaboratori esterni di rinomato prestigio, che ringrazio di cuore. Attività in difesa della dignità e libertà degli uomini e delle donne di oggi e, in particolare, volte a sradicare la tratta e il traffico di persone e le nuove forme di schiavitù come il lavoro forzato, la prostituzione, il traffico di organi, il commercio della droga, la criminalità organizzata. Come ha detto il mio predecessore Benedetto XVI, e come ho affermato io stesso in diverse occasioni, questi sono veri e propri crimini di lesa umanità che devono essere riconosciuti tali da tutte le autorità religiose, politiche e sociali, e sanciti dalle leggi nazionali e internazionali.

L'incontro con i capi religiosi delle principali religioni che oggi influiscono sul mondo globale, il 2 dicembre 2014, come pure il vertice degli amministratori e dei sindaci delle città più importanti del mondo, il 21 luglio 2015, hanno manifestato la volontà di questa Istituzione di perseguire l'eliminazione delle nuove forme di schiavitù. Conservo un particolare ricordo di questi due incontri, come anche dei significativi seminari dei giovani, tutti promossi dall'Accademia. Qualcuno potrebbe pensare che l'Accademia debba muoversi piuttosto in un ambito di scienze pure, di considerazioni più teoriche. Questo risponde certamente ad una concezione illuministica di quello che deve essere un'Accademia. Ma un'Accademia deve avere radici e radici nel concreto, perché altrimenti corre il rischio di sviluppare una riflessione liquida, che si vaporizza e non porta a nulla. Questo divorzio tra l'idea e la realtà

è chiaramente un fenomeno culturale passato, proprio piuttosto dell'Illuminismo, ma che ha ancora la sua incidenza.

Ora, ispirata dai medesimi obiettivi, l'Accademia ha convocato voi, giudici e pubblici ministeri provenienti da tutto il mondo, con esperienza e saggezza pratica nello sradicamento della tratta, del traffico di persone e della criminalità organizzata. Siete venuti in rappresentanza dei vostri colleghi con il lodevole intento di progredire nella piena consapevolezza di tali flagelli e, conseguentemente, di manifestare la vostra insostituibile missione di fronte alle nuove sfide poste dalla globalizzazione dell'indifferenza, rispondendo alla crescente richiesta della società e nel rispetto delle leggi nazionali e internazionali. Farsi carico della propria vocazione significa anche sentirsi e proclamarsi liberi. Giudici e pubblici ministeri liberi: da che cosa? Dalle pressioni dei governi; liberi dalle istituzioni private e, naturalmente, liberi dalle "strutture di peccato" di cui parlava il mio predecessore san Giovanni Paolo II, in particolare liberi da quella "struttura di peccato" che è la criminalità organizzata. Io so che voi siete sottoposti a pressioni, sottoposti a minacce in tutto questo; e so che oggi essere giudici, essere pubblici ministeri significa rischiare la pelle, e questo merita un riconoscimento al coraggio di quelli che vogliono continuare ad essere liberi nell'esercizio delle loro funzione giuridica. Senza questa libertà, il potere giudiziario di una nazione si corrompe e genera corruzione. Tutti conosciamo la caricatura della giustizia, in questi casi: la giustizia con gli occhi bendati: le cade la benda e le tappa la bocca.



Fortunatamente, per la realizzazione di questo complesso e delicato progetto umano e cristiano: liberare l'umanità dalle nuove schiavitù e dal crimine organizzato, progetto che l'Accademia persegue rispondendo alla mia richiesta, si può anche contare sull'importante e decisiva sinergia delle Nazioni Unite. C'è una maggiore coscienza di questo, una forte coscienza. Mi congratulo con i rappresentanti dei 193 Paesi membri dell'ONU, che hanno approvato all'unanimità i nuovi obiettivi dello sviluppo sostenibile e integrale, e in particolare la meta 8.7. Essa recita così: "Adottare misure immediate ed efficaci per sradicare il lavoro forzato, porre fine alle forme moderne di schiavitù e alla tratta di esseri umani, e assicurare il divieto e l'eliminazione delle peggiori forme di lavoro infantile, inclusi il reclutamento e l'utilizzo di bambini soldato, e, al più tardi entro il 2025, porre fine al lavoro infantile in tutte le sue forme". Fin qui la Risoluzione. Si può ben dire che adesso è un imperativo morale per tutti Paesi membri dell'ONU attuare tali obiettivi e tale meta.

Perciò è necessario generare un moto trasversale e ondulare, una "buona onda", che abbracci tutta la società dall'alto in basso e viceversa, dalla periferia al centro e viceversa, dai capi fino alle comunità, e dai popoli e dall'opinione pubblica fino ai più alti livelli dirigenziali. La realizzazione di questo esige che, come hanno già fatto le autorità religiose e sociali e i sindacati, così anche i giudici prendano piena coscienza di tale sfida, sentano l'importanza della propria responsabilità davanti alla società, condividano le proprie esperienze e buone pratiche e agiscano insieme – è importante, in comunione, in comunità, che agiscano insieme – per



aprire spazi e nuove vie di giustizia a vantaggio della promozione della dignità umana, della libertà, della responsabilità, della felicità e, in definitiva, della pace. Senza cedere al gusto della simmetria, potremmo dire che il giudice sta alla giustizia come il religioso e il filosofo alla morale, e come il governante o ogni altra figura che impersona il potere sovrano sta alla politica. Ma solamente nella figura del giudice si riconosce la giustizia come il primo attributo della società. E questo bisogna rivalutarlo, perché la tendenza sempre maggiore è quella di "liquefare" la figura del giudice attraverso le pressioni e quanto ho menzionato prima. E tuttavia è la prima caratteristica della società. Viene già dalla stessa tradizione biblica, non è così? Mosè ha bisogno di istituire 70 giudici perché lo aiutino, che giudichino i casi: il giudice, a cui si ricorre. E anche in questo processo di liquefazione, la realtà decisiva, la



realtà concreta riguarda i popoli. Ossia, i popoli hanno un'entità che dà loro consistenza, che li fa crescere, avere i propri progetti, farsi carico dei propri fallimenti, dei propri ideali; però stanno anche soffrendo un processo di "liquefazione" e tutto ciò che è la consistenza concreta di un popolo tende a trasformarsi nella mera identità nominale di un cittadino, e un popolo non è la stessa cosa di un gruppo di cittadini. Il giudice è la prima caratteristica di una società di popolo.

L'Accademia, convocando i giudici, non aspira se non a collaborare secondo la misura delle sue possibilità in sintonia con il citato obiettivo dell'ONU. Vanno qui ringraziate quelle nazioni che, tramite gli Ambasciatori presso la Santa Sede, non sono rimaste indifferenti o arbitrariamente critiche, ma al contrario hanno

attivamente collaborato con l'Accademia per la realizzazione di questo vertice. Gli Ambasciatori che non hanno sentito questa necessità, o che se ne sono lavati le mani, o hanno pensato che non era poi così necessario, li aspettiamo per la prossima riunione.

Chiedo ai giudici di realizzare la propria vocazione e la propria missione essenziale: stabilire la giustizia, senza la quale non vi è ordine, né sviluppo sostenibile e integrale, né tantomeno pace sociale. Senza dubbio, uno dei più grandi mali sociali del mondo odierno è la corruzione a tutti i livelli, la quale indebolisce qualunque governo, indebolisce la democrazia partecipativa e l'attività giudiziaria. A voi, giudici, spetta il dovere di fare giustizia, e vi chiedo una speciale attenzione per fare giustizia nell'ambito della tratta e del traffico di persone e, di fronte a ciò e al crimine organizzato, vi chiedo di guardarvi dal cadere nella ragnatela delle corruzioni.

Quando diciamo "fare giustizia", come voi ben sapete, non intendiamo che si debba cercare il castigo per sé stesso, ma che, quando occorrono le pene, queste siano date per la rieducazione dei responsabili, in modo tale che si possa aprire loro una speranza di reinserimento nella società. Ossia, non c'è pena valida senza speranza. Una pena chiusa in sé stessa, che non dia spazio alla speranza, è una tortura, non è una pena. Su questo mi baso anche per affermare seriamente la posizione della Chiesa contro la pena di morte. Certo, mi diceva un teologo che nella concezione della teologia medievale e post-medievale, la pena di morte era legata a una speranza: "li affidiamo a Dio". Ma i tempi

sono cambiati e questo non è più possibile. Lasciamo che sia Dio a scegliere il momento... La speranza del reinserimento nella società: “Neppure l’omicida perde la sua dignità personale e Dio stesso se ne fa garante” (Giovanni Paolo II, Enc. *Evangelium vitae*, 9). E se questa delicata congiunzione tra giustizia e misericordia, che in fondo è preparare per un reinserimento, vale per i responsabili dei crimini di lesa umanità come anche per ogni essere umano, *a fortiori* vale per le vittime che, come indica il loro stesso nome, sono più passive che attive nell’esercizio della loro libertà, essendo cadute nella trappola dei nuovi cacciatori di schiavi. Vittime molte volte tradite fin nel più intimo e più sacro della loro persona, cioè nell’amore che esse aspirano a dare e a ricevere, e che la loro famiglia deve loro o che viene loro promesso da pretendenti o mariti, che invece finiscono per venderle sul mercato del lavoro forzato, della prostituzione o della vendita di organi.

I giudici sono chiamati oggi più che mai a porre grande attenzione alle necessità delle vittime. Sono le prime

che devono essere riabilite e reintegrate nella società, e per loro si deve perseguire una lotta senza quartiere ai trafficanti e ai carnefici. Non vale il vecchio adagio: “Sono cose che esistono da che mondo è mondo”. Le vittime possono cambiare e di fatto sappiamo che cambiano vita con l’aiuto di buoni giudici, delle persone che le assistono e di tutta la società. Sappiamo che non poche di queste persone sono avvocati, politici o politiche, scrittori brillanti o hanno qualche ufficio affermato per servire in modo efficace il bene comune. Sappiamo quanto è importante che ogni vittima trovi il coraggio di parlare del suo essere vittima come di un passato che ha superato coraggiosamente essendo ora un sopravvissuto, o, meglio, una persona con qualità di vita, con dignità recuperata e libertà assunta. E su questo tema del reinserimento, vorrei comunicare un’esperienza vissuta. A me piace, quando vado in una città, visitare il carcere. Ne ho visitati diversi... È interessante – senza voler offendere nessuno – è un’impressione generale: ho visto che le carceri in cui il direttore è una donna vanno meglio di quelle in cui



il direttore è un uomo. Questo non è femminismo! È interessante. La donna ha, riguardo al reinserimento, un “futo” speciale, una sensibilità speciale che, senza mancare di energia, ricolloca queste persone, le riposiziona. Alcuni attribuiscono questo fatto alla radice della maternità... Ma è interessante, lo lascio come esperienza personale; vale la pena ripensarlo. E qui in Italia c'è un'alta percentuale di carceri dirette da donne, molte donne giovani, rispettate e che hanno un buon modo di trattare con i detenuti. Un'altra esperienza che ho è che nelle udienze del mercoledì non è raro che venga un gruppo di detenuti – di questo o quel carcere –, accompagnati dal direttore o dalla direttrice, sono lì... Sono tutti gesti di reinserimento.

Voi siete chiamati a dare speranza nel fare la giustizia. Dalla vedova che chiede giustizia insistentemente, di cui parla il Vangelo (Lc 18,1-8), fino alle vittime di oggi, tutte alimentano un'aspirazione alla giustizia, come speranza che l'ingiustizia che attraversa questo mondo non sia l'ultima realtà, non abbia l'ultima parola.



A volte può essere di giovamento applicare, secondo modalità proprie di ogni paese, di ogni continente e di ogni tradizione giuridica, la prassi italiana di recuperare i beni male acquistati dai trafficanti e dai criminali per offrirli alla società e, in concreto, per il reinserimento delle vittime. La riabilitazione delle vittime e il loro reinserimento nella società, sempre realmente possibile, è il bene maggiore che possiamo fare a loro stesse, alla comunità e alla pace sociale. Certo, il lavoro è duro; non finisce con la sentenza, finisce dopo, facendo in modo che ci sia un accompagnamento, una crescita, un reinserimento, una riabilitazione della vittima e del carnefice.

Se c'è una cosa che attraversa le beatitudini evangeliche e il protocollo del giudizio divino con cui tutti saremo giudicati di Matteo 25, è il tema della giustizia: “Beati quelli che hanno fame e sete della giustizia, beati quelli che soffrono per la giustizia, beati quelli che piangono, beati i miti, beati gli operatori di pace”; “Benedetti dal Padre mio quelli che trattano il più bisognoso e il più piccolo dei miei fratelli come me stesso”. Essi o esse – e qui è il caso di riferirci in particolare ai giudici – avranno la ricompensa più grande: possederanno la terra, saranno chiamati e saranno figli di Dio, vedranno Dio, e gioiranno eternamente con il Padre celeste.

In questo spirito, mi permetto di chiedere a giudici, pubblici ministeri e membri dell'Accademia di continuare la loro opera e realizzare, secondo le proprie possibilità e con l'aiuto della grazia, le valide e benemerite iniziative al servizio delle persone e del bene comune. Tante grazie!



V. MA



S. COPPEDGE

S. COPPEDGE

S. NILL

K. HYLAND

K. HYLAND

V. MA

V. MA



G. A. ZRA

M. ARCHER

G. A. ZRA

M. ARCHER



“ Just as in Greece, in Pythagoras’ time, great thinkers were called “lovers of wisdom” or philosophers, in the Christian era Jesus Christ demands that Christians be and be called “lovers of justice”. ”

Marcelo Sánchez Sorondo



# Introduction

✠ MARCELO SÁNCHEZ SORONDO

As Isaiah prophesied long ago, “Peace is the fruit of justice” (cf. *Is* 32:17). The main task that human society has given its judges since the beginning of time is to establish justice in each particular case: to each his own (*unicuique suum*). Without it, there is no real peace in society. Responding to this call of society, rejecting the ever-present pressure from governments, private institutions and, of course, organised crime, Pope Francis wishes to see judges fully empowered and made fully aware of their irreplaceable mission in dealing with the challenges of the ‘globalization of indifference’.

The globalised society seeking profit above all else — producing a ‘throwaway culture’, as Pope Francis denounced it in *Evangelii Gaudium* and *Laudato si’* — has generated innumerable marginalised and excluded people. In a world geared towards profit alone, the informal revenues of international mafia and other organised crime syndicates are responsible for an estimated 10% of global GDP. Although countries do not officially recognise revenues coming from organised



crime, some of them nevertheless do include this data in their GDP.

It is estimated that 40 million people are victims of the modern forms of slavery and trafficking in terms of forced labour, prostitution, organ trade and drug trafficking. The 60 million displaced persons and 130 million refugees created as a consequence of war, terrorism and climate change, are a breeding ground for traffickers. While, for the time being, uncorrupted institutions and international agents do not have the appropriate legal instruments to meet the challenges posed by global indifference to the extreme forms indicated, traffickers and the mafia take advantage of these gaps in international law and governance to juggle globally with national and international “structures of sin”, which are very apt at facilitating the making of money by enslaving the most vulnerable.

Justice has come a long way — but not far enough — in this globalised world. The violence that has become pervasive in contemporary society is proof of this. It is sadly common — but all too superficial —

to reduce violence to pure physical aggression. New forms of slavery, wounded bodies and souls, organ procurement, forced labour, kidnapping, terrorism and wars based on dishonest motives and other spurious interests are all strong manifestations of revenge and prevarication. In other words, violence is born of the presumption of individuals or groups taking the law into their own hands and when human beings possess other human beings as their own property. Essentially, justice combats not only blunt violence, but also the many hidden forms of subtle violence that I have mentioned above. In short, justice combats revenge and prevarication, which are the most dramatic simulations of justice: that is to say, wanting to take the law into one's own hands or the act of considering other people as simply a means to one's own advantage. In this sense, the fundamental act that defines a society grounded on justice is the

virtue by which society impedes the capability and the right of individuals and groups to take the law into their own hands — or better, the act by means of which society empowers judges to apply the law. The great prophet Isaiah had already recognised that the final goal of the act of passing judgment was social peace rather than safety or security. The final goal of social peace reveals something deeper in society — something that has to do with reciprocal understanding, recognition, reconciliation and even love and forgiveness.

The global society needs a new beginning rooted in justice. No instance of justice can tolerate the violence of slavery or of organised crime, and no power must be allowed to corrupt justice. Judges are called to be fully aware of this challenge, share their experiences and work together to open up new paths of justice



and promote human dignity, freedom, responsibility, happiness and peace.

We would like to hear from judges how they deal with the issues of sex trafficking, slave labour, organ trade, drug trafficking and organised crime; how their own judicial systems could better incorporate our humanitarian values; and how capacity-building could enhance Judges' appreciation of the needs of victims and not merely the penalization of traffickers. One question without an adequate answer that keeps coming up in our meetings is: how many human traffickers, pimps, and drug traffickers are caught and how many ill-gotten gains have been confiscated and directed towards former victims and society? Judges will have a few minutes each to present a specific case they have worked on and share their opinion of what will be (or ought to be) required in the future.

Presidents of law courts and lawyers who have addressed this issue are also asked to present a general overview of this distressing problem and suggest possible solutions at the national and international level. We intend to conclude with a collective call to justice in order to save the victims of slavery and organised crime, and thereby further the cause of social peace.

Just as in Greece, in Pythagoras' time, great thinkers were called "lovers of wisdom" or philosophers, in the Christian era Jesus Christ demands that Christians be and be called "lovers of justice": "Blessed are they who hunger and thirst for righteousness; Blessed are they who are persecuted for the sake of righteousness; Blessed are the peacemakers". The reward is worthy of the challenge, "for they will be satisfied; they will be called children of God; they will see God" (cfr Mt 5: 6-9).





“ Así como en la Grecia de Pitágoras los grandes pensadores se llamaban «amantes de la sabiduría», o sea filósofos, en la era cristiana Cristo quiere que los cristianos sean y se llamen «amantes de la justicia. ”

Marcelo Sánchez Sorondo

# Introducción

✠ MARCELO SÁNCHEZ SORONDO

Como ya profetizaba Isaías: «La paz es fruto de la justicia» (cf *Is* 32,17). Desde el comienzo de los tiempos, la tarea principal que la sociedad humana ha encomendado a los jueces es la de establecer la justicia en cada caso en particular: a cada uno lo suyo (*unicuique suum*). Sin ello, no hay verdadera paz en la sociedad. El deseo del Papa Francisco es empoderar a los jueces para que tomen cabal conciencia de su insustituible misión frente a los desafíos de la globalización de la indiferencia, respondiendo a este llamado de la sociedad independientemente de la presión de los gobiernos, de las instituciones privadas y, naturalmente, del crimen organizado.

La sociedad global que busca la ganancia por sobre todas las cosas y que produce la cultura del descarte, como lo ha denunciado el Papa Francisco en la *Evangelii Gaudium* y en la *Laudato si'*, ha generado un número infinito de marginados y excluidos. En un mundo basado en el puro provecho, el producto interno bruto mundial declarado incluye las ganancias informales obtenidas por las organizaciones mafiosas



internacionales y el crimen organizado, las cuales se estima que representan en torno a un 10 por ciento. Últimamente, si bien algunos países no han reconocido en forma oficial esas ganancias provenientes de la actividad mafiosa, sin embargo sí las han considerado en el cálculo de su producto interno bruto. Es sabido que hay 40 millones de personas que sufren de las nuevas formas de esclavitud y de la trata de personas, ya sea en las figuras de trabajo forzado, prostitución, venta de órganos o narcotráfico. Asimismo, como consecuencia de las guerras, del terrorismo y del cambio climático, hay 60 millones de desplazados y 130 millones de refugiados que son el caldo de cultivo de los traficantes. Las instituciones de bien y el sistema internacional no cuentan por el momento con los instrumentos jurídicos adecuados para afrontar el desafío de la indiferencia global ante las formas extremas indicadas. Mientras tanto, el narcotráfico y las mafias se aprovechan de esos vacíos de gobernanza y de leyes internacionales para jugar globalmente con «estructuras de pecado», internacionales y nacionales, muy eficaces y así poder hacer dinero esclavizando a los más vulnerables.

El camino de la justicia ha sido importante pero no suficiente en el mundo globalizado. Para medir el alcance de esta afirmación, basta con tomar conciencia de la extensión del fenómeno de la violencia en la sociedad contemporánea. Nos equivocáramos si redujésemos la violencia a la sola agresión física. Las nuevas formas de esclavitud, las heridas profundas en el cuerpo y en el alma de las personas, el tráfico de órganos, el trabajo forzado, el secuestro de personas, la muerte propiciada, el narcotráfico, el crimen organizado, el terrorismo y las guerras por intereses espurios muestran ulteriormente las manifestaciones más tenaces de violencia: la venganza y la prepotencia, en otras palabras, la pretensión de determinados individuos o grupos de hacer justicia por sí mismos y de poseer al otro o a los otros como cosa propia. Esencialmente, la justicia se opone no solo a la violencia tout court, a la violencia disimulada y a todas

las sutiles formas de violencia a las que hemos hecho alusión, sino también a estas simulaciones trágicas de la justicia que son la venganza y la prepotencia: el acto de querer hacer justicia por propia cuenta y de considerar al otro como un simple medio para el propio provecho. En este sentido, el acto fundamental que define a una sociedad fundada en la justicia es el acto en virtud del cual la sociedad inhabilita la capacidad y el derecho de los individuos y grupos de hacer justicia por sí mismos, o aún mejor, el acto por medio del cual la sociedad empodera a los jueces para aplicar la justicia. Ya el gran profeta Isaías había visto que el horizonte último del acto de juzgar parece ser la paz social más que la seguridad. La finalidad última de la paz social hace aparecer en filigrana algo más profundo en la sociedad que toca al recíproco entendimiento, reconocimiento, y tal vez a la reconciliación, como aun también al amor y al perdón.



Debemos recomenzar desde la justicia en la sociedad global. Ninguna instancia de justicia puede tolerar la violencia de la esclavitud ni del crimen organizado, y ningún poder debe corromper la justicia. Los jueces están llamados a tomar plena conciencia de este desafío, compartir sus experiencias, y actuar juntos para abrir nuevos caminos de justicia y promover la dignidad humana, la libertad, la responsabilidad, la felicidad y la paz.

Quisiéramos saber de los jueces cómo encaran el problema de la trata sexual, del trabajo esclavo, de la venta de órganos, del narcotráfico y del crimen organizado; cómo los sistemas judiciales podrían

incorporar mejor nuestros valores humanitarios; y cómo la formación de capacidades podría hacer que los jueces, además de condenar a los responsables, pongan más atención en las necesidades de las víctimas. Una pregunta, aún sin adecuada respuesta, que surgió en nuestros encuentros es la siguiente: ¿cuántos traficantes, proxenetas, criminales del narcotráfico o colaboradores están presos y cuántos bienes mal habidos han sido recuperados para la sociedad y las víctimas? Cada juez podría exponer en breves minutos un caso concreto que haya tenido que juzgar y compartir su visión de las necesidades futuras en el propio campo.

También sería importante que los presidentes de las Cortes o los abogados que hayan reflexionado sobre este tema tracen un panorama general sobre este angustioso problema y sugieran posibles soluciones tanto a nivel nacional como internacional. Tendríamos que concluir con un llamado común a la acción de la justicia.

Se trata de salvar víctimas de la esclavitud y del crimen organizado, y de obtener la paz social. Así como en la Grecia de Pitágoras los grandes pensadores se llamaban «amantes de la sabiduría», o sea filósofos, en la era cristiana Cristo quiere que los cristianos sean y se llamen «amantes de la justicia»: «Felices los que tienen hambre y sed de justicia; felices los que son perseguidos por practicar la justicia; felices los que trabajan por la paz». La recompensa lo merece, porque «serán saciados, serán hijos de Dios, verán a Dios» (cf Mt 5, 6–9).





“ It was most encouraging to hear Pope Francis insist, very early in his address, that far from the Catholic Church retreating from the public domain into unobtrusive private practice, ‘the Church must be involved in the great political issues of our day’. ”

Margaret S. Archer



# PASS Against Human Trafficking: How it Came to Pass

PROFESSOR MARGARET S. ARCHER, PRESIDENT

It has been an honour for the Pontifical Academy of Social Sciences (PASS) to be entrusted by Pope Francis with promoting his social vision of a global world in which the dignity of every person is respected and no-one is treated as a disposable commodity. It has also been a continuous inspiration because his social thinking keeps developing as we see in the address he presented to the 'Judges' Summit', commemorated in this Volume.

However, it was also a challenge to PASS because serving our supreme Pontiff entails courageous improvisation; serving is not servility, nor is his guiding hand micro-management. From his first hand-written note (May 2013), requesting us 'to examine human trafficking and modern slavery', it was clear to me as his newly appointed President that PASS was being asked to leave its comfort zone of abstract theoretical discussions, at best tenuously related to reality. Yet, were we being encouraged to become a global social movement and to spearhead a 'new abolitionism' as regards 'modern slavery', rather than debating the appropriateness of this term or the justification

for calling the trafficking of persons a 'Crime Against Humanity'?

My own conclusion was an unequivocal 'yes'. Thus, it was most encouraging to hear Pope Francis insist, very early in his address, that far from the Catholic Church retreating from the public domain into unobtrusive private practice, 'the Church must be involved in the great political issues of our day'. Moreover, instead of confining ourselves to personal acts of charity, we were called to be 'humanists', which meant joining hands with 'all people of goodwill' to rid the world of this violent, degrading and yet increasingly profitable scourge.

Three tasks then confronted PASS. First, building consensus inside the Academy, second, the formation of external alliances and third, where and how to exert effective political pressure. Prior to all three, we needed to educate ourselves: about the 30 million trafficked people (as estimated by the UN), about forced labour and enforced prostitution, organ harvesting and domestic servitude. Hence, our initial



Workshop (November 2013) was spent learning from leading representatives of the UN, ILO, EU, Interpol and police chiefs charged with apprehending traffickers. We learned much from these generous experts. Nevertheless, their focus was consistently upon detection, criminalisation, and prosecution; that is, upon the 'supply' and the suppliers rather than the 'demand' that fuelled it, about the villains not the victims and about the 'repatriation' of survivors as the default judgement in many cases and places.

As social scientists our horizons were broadened by collaborating with the natural scientists in our older sister academy PAS; together we tackled the theme of 'Sustainable Humanity; Sustainable Development' (April 2014) and gained our own rudimentary appreciation of 'integral ecology'. Specifically, the loss of livelihoods, through environmental degradation and climate change generated in the Anthropocene, induced homelessness and joblessness, especially among the poorest and increased their susceptibility to exploitation by traffickers and drug dealers alike. Alliance building

had begun at home, but already by the end of that year 'humanistic' consensus enabled world religious leaders to meet and sign a Joint Declaration condemning human Trafficking (December 2014).

The PASS Plenary meeting (April 2015) represented our coming of age. Our Recommendations were forceful and were victim-centred. Whilst we fully agreed that the 'criminalisation' of traffickers was a necessary condition for eliminating trafficking, we stressed that it was not a sufficient condition for eradicating its consequences for the survivors. Little was done, apart from the efforts of voluntary agencies and Religious Orders, to restore their human dignity and to reintegrate them into the social fabric as free beings. Thus, PASS's views were gaining in precision; if our Recommendations had a motto, it was 'Resettlement not Repatriation' – and all that reintegration involves for each survivor.

As a nascent social movement, PASS had clarified its ends but not its means; we lacked a strategic road map, much less a GPS. However, the UN was to renew the Millennium Goals in the August of that same summer and we again drew on our internal consensus with PAS to pursue conjointly the reduction of carbon emissions and the elimination of human trafficking, instead of them becoming two single-issue movements. When the UN Secretary General, Ban Ki-moon, visited the Academies several days later (28th April 2015) he responded warmly to both causes, whilst forewarning that changing a comma in the Draft of the new Sustainable Development Goals was a

near-impossibility. Attempting to dislodge this log-jam, our indefatigable Chancellor proposed and organized a meeting of the Mayors of big cities 'who would have to cope', 60 of whom signed up in support of both issues.

However, storm clouds were not merely gathering but shedding a deluge in the form of the 'migration crisis'. This further confused public understanding of the differences between trafficking, smuggling and economic migration, thanks largely to the media. Simultaneously, support grew for ultra-right wing political parties and movements, deaf to the humanitarian emergency.

What prevented the drowning too of PASS's hopes? Only the perfectly timely publication of Pope Francis's Encyclical Letter, *Laudato Si'* (18th June 2015), which insisted on care by all for our 'common home' on planet Earth, but also stressed that social well-being in the globalized world was utterly incompatible with any toleration of 'disposable people'. This social Encyclical is probably more widely read and cited by secularized intellectuals than any of its predecessors.

The long day in New York and even longer night in Europe dawned eventually (1st September 2015) on the final text of the UN Sustainable Development Goals, including the crucial Goal 8.7 '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...'.  
'

We met it with exultation, but also recognised that no piece of paper changes anyone's life. Where could PASS usefully go next? Instead of becoming 'tepid' and distasteful to the Almighty, we pursued two routes mentioned at the beginning: building external alliances, to which this meeting of international Judges, those most proximately involved not just with sentencing but also with provisions for survivors, eloquently testified when 103 signed the final Declaration. Conversely, for internal consensus building, the Catholic Church indubitably has the best infrastructure in our globalized world – our network of Parishes, which in my own view can be galvanised much further. After all, social teaching is not an optional extra but an integral part of the Magisterium.

I end with two prayers: first, for the resettlement of trafficked survivors; may there be no such thing as a 'passive' parish, but let them be salt and light wherever they are. Second, with deep thanksgiving for your guidance Pope Francis on this rough journey towards a better one-world society; may PASS never be unresponsive to your promptings. Please pray for us as you unfailingly ask us to do for you.



# Programme

## FRIDAY, 3 JUNE

- 8:30 Word of Welcome • **H.E. Msgr. Marcelo Sánchez Sorondo** PAS and PASS Chancellor  
 8:35 Introduction • **Prof. Margaret Archer** PASS President | **MP Gustavo Vera** Civil Law | **Prof. John McEldowney** Common Law • *Justice as Mercy*  
**Prof. Jeffrey Sachs** UN • *Emerging Law and Global Agreements on Human and Drug Trafficking*  
**Valeria Mazza** MASTER OF CERIMONY (Posibl. Foundation)

## HUMAN TRAFFICKING

- 9:20 **Susan Coppedge** USA • *Judicial Perspectives on Trying Human Trafficking Cases in the US: The Victim-Centered Approach, Trial Issues, and Restitution*  
 9:40 **Leslie J. Abrams | Richard W. Story | Beverly B. Martin** usa *Judicial Perspectives on Trying Human Trafficking Cases in the United States: Victim-Centered Case Management, Trial Issues, and Restitution*  
 10:25 **Edgar Elías Azar** MEX • *El esfuerzo de los tribunales mexicanos en el ataque a la trata de personas*  
 10:40 **Margarita Popova** BGR • *Together for the Defence of Human Dignity*  
 10:55 **Rodolfo Fernando Ríos Garza** MEX • *Combatir la trata de personas en México*  
 11:10 **Yves Charpenel** FRA • *Human Trafficking: A Crime Against the Dignity of Persons*  
 11:25 **Miguel Ángel Aguilar López** MEX • *Delito de trata de personas en México (Análisis fáctico legal en la procuración y administración de justicia)*  
 11:40 **Carlos H.B. Haddad** BRA • *Confronting Human Trafficking in Brazil: Accomplishments and Challenges*  
 11:55 **Virginia M. Kendall** USA • *The Perpetuation of Human Trafficking: How Public Corruption Erodes the Rule of Law and Facilitates an Industry of Abuse*  
 12:10 **Rosario López Wong** PER • *El abordaje de las víctimas de trata de personas en el Perú: un gran desafío a vencer*  
 12:25 **Santiago Inchausti** ARG • *Desafíos actuales en la investigación del delito de trata de personas*  
 12:40 Lunch at the Casina Pio IV  
 14:00 **Kevin Hyland** UK • *A Holistic Approach to Anti-Trafficking Efforts: From Rule of Law to Upstream Prevention*  
 14:20 **Alison Saunders** UK • *Protecting Victims and the Prosecution Process*  
 14:35 **Elizabeth Butler-Sloss | Christopher Prince** UK • *The Judicial Implications of the UK Modern Slavery Act 2015*  
 14:55 **Philip Norton of Louth** UK • *The Modern Slavery Act 2015: Evaluating the Effect*  
 15:10 **Susana Medina de Rizzo** ARG • *La ley es un solo paso. El rol de los Jueces en los casos de Trata*  
 15:25 **María Teresa Paredes Hernández** MEX • *La justicia para las víctimas de los delitos de trata y formas de explotación de personas en México*  
 15:40 **Eber Omar Betanzos Torres** MEX • *Retos y perspectivas del combate a la trata cibernética. El caso mexicano*  
 15:55 **José Luis Vegas Roche** VEN • *Grooming; Cuando tu depredador está a sólo un clic...*  
 16:10 **Corinne Dettmeijer-Vermeulen** NLD • *Human Trafficking and the Importance of Situational Awareness for Human Trafficking Judges*  
 16:30 **Anna Skarhed** SWE • *The Swedish Example: Stopping Prostitution and Trafficking Where it All Begins*  
 16:45 **Ulrich Nachtlberger** AUT • *The Difficulties of Prosecuting and Trying THB Cases in Respect of Labour Exploitation*  
 17:00 **Julio Piumato** ARG • *La Justicia, los trabajadores y la lucha contra el trabajo forzoso (Trabajo esclavo)*  
 17:15 **Zélia Luiza Pierdoná** BRA • *Fighting Human Trafficking in a Brazilian Scenario*  
 17:30 **Jorge Chavarria Guzmán** CRI • *Trata de Personas. La experiencia de Costa Rica*  
 17:45 **Luis Alberto Petit Guerra** VEN • *La trata de personas en la experiencia de Venezuela*  
 18:00 **Susumu Honda** JPN • *Protecting the Victim: Japan's Criminal Justice System (Saiban-in)*  
 18:15 **Jonas Christoffersen** DNK • *Human Trafficking and Human Rights – Local and Global Cooperation*  
 18:30 Papal Address | Group Photo  
 19:25 **Christos Naintos** GRE • *Fighting Human Trafficking – The Experience of Greece*  
 19:40 **Antonios R. Liatsos** CYP • *Human Trafficking – Cyprus Experience*  
 19:55 **Michael B. Gerrard** USA • *Climate Change and Human Trafficking After the Paris Agreement*  
 20:10 **Richard S. Moultrie, Jr.** USA • *Domestic Servitude Prosecutions: A Paradox for Fact-Finders?*  
 20:25 Dinner at the Casina Pio IV

## SATURDAY, 4 JUNE

## ORGANIZED CRIME

- 8:30 **Ricardo Luis Lorenzetti** ARG • *El rol de la Corte Suprema de Argentina en materia de narcotráfico*
- 8:45 **Eduardo Daniel Adler** ARG • *Lo ordinario y lo extraordinario en el crimen organizado*
- 9:00 **Sebastián Casanello** ARG • *La colaboración internacional en materia de criminalidad organizada: del dicho al hecho*
- 9:15 **Marcelo Colombo** ARG • *Una dogmática penal para el crimen organizado, o cómo imputar penalmente a las organizaciones criminales*
- 9:30 **Julián Ercolini** ARG • *Vulnerables y crimen organizado: un gran desafío de nuestro siglo*
- 9:45 **María Romilda Servini de Cubría** ARG • *El narcotráfico: el asecho a la democracia*
- 10:00 **Sergio Gabriel Torres** ARG • *Narcotráfico y lavado de activos: Necesidad de una visión integral*
- 10:15 **Zunilda Nirempenger** ARG • *Narcotráfico y corrupción*
- 10:30 **Carlos Alberto Vera Barros** ARG • *Narcotráfico y corrupción institucional*
- 10:45 **Miguel Eugenio Abásolo** ARG • *Propuestas para mejorar la investigación en los delitos de narcotráfico y trata de personas*
- 11:00 **Diego Sebastian Luciani** ARG • *La inclusión social como herramienta de prevención del crimen organizado*
- 11:15 **Mari Heidenborg** SWE • *Organized Crime – A Threat Against our Welfare System*
- 11:30 **William S. Duffey, Jr.** USA • *Organized Crime Cases: Balancing Justice and Mercy*
- 11:45 **Vladimir Aras** BRA • *International Cooperation in the Fight Against Corruption*
- 12:00 **Branko Hrvatin** HRV • *Joint Actions and Cooperation of the Judiciary – Answer to Organized Crime*
- 12:15 **Sang-jin Oh** KOR • *Judicial Efforts to Prevent Organized Crime in South Korea*
- 12:30 **Sandra Patricia Ramírez Montes** COL • *En búsqueda de la eficacia en la lucha contra el crimen organizado nacional y transaccional – una propuesta de investigación*
- 12:45 Lunch at the Casina Pio IV
- 14:00 **Rômulo de Andrade Moreira** BRA • *La Organización Criminal – Tratamiento Penal y Procesal en Brasil*
- 14:15 **Aurelijus Gutauskas** LTU • *The Globalization of Organized Crime and Trafficking in Human Beings*
- 14:30 **Marcel Lemonde** FRA • *The Dangers Faced in Fighting Against Terrorism and Organized Crime*
- 14:45 **Claudio Rodolfo Kishimoto** ARG • *The Fight Against the Cultural Model of Drug Trafficking*
- 15:00 **Ariel Oscar Lijo** ARG • *La sociedad como panóptico del crimen organizado*
- 15:15 **Giovanni Salvì** ITA • *Le organizzazioni criminali ed il traffico di migranti*
- 15:30 **Franco Roberti** ITA • *Mafie e corruzione*
- 15:45 **Antonio Ingroia** ITA • *La experiencia italiana de la lucha judicial contra la mafia: nuevos tipos de delitos y la confisca de bienes de la mafia para destinar al uso social*

## HUMAN TRAFFICKING

- 16:00 **Maria Grazia Giammarinaro** ITA • *Migration, Trafficking and Conflict: Protecting Human Rights and Human Hopes*
- 16:15 **Mynor Rolando Pinto Sánchez** GCA • *Avances y desafíos en la persecución penal estratégica del delito de trata de personas en Guatemala*
- 16:30 **Gabriel Bustamante Peña** COL • *Buenas prácticas para combatir la trata en el mundo*
- 16:45 **David W. Rivkin** USA • *Human Trafficking, Corruption and Human Rights*
- 17:00 **Francisco Javier Díaz Verón** PRY • *Trata en Paraguay: transito y reclutamiento*
- 17:15 **Maria Monteleone** ITA • *Tratta di persone: le vittime donne e minori*
- 17:30 **Guillermina Cabrera Figueroa** MEX • *Buenas prácticas para combatir la trata en el mundo*
- 17:45 **Janet Tello Gilardi** PER • *La realidad de la trata en el Perú*
- 18:00 **Syed Mansoor Ali Shah** PAK • *Climate Change and Human Displacement – A Case for Climate Justice*
- 18:15 **Yonette Sam-Buchanan** USA • *Human Trafficking and Advances in Technology – A Prosecutor's Perspective*
- 18:30 **Teresa Martínez Acosta** PRY • *Particularidades de la trata de personas en el Paraguay*
- 18:45 **Antonio Herman Benjamin** BRA • *Planetary Crisis, Human Trafficking and Organized Crime*
- 19:00 Conclusions and Signing of Final Declaration
- 20:30 Dinner at the Casina Pio IV



“ We the undersigned have assembled at the Pontifical Academy of Social Sciences to address how representatives of the Judiciary can best face this daunting challenge. ”

# List of Speakers

Miguel Eugenio Abásolo  
Leslie J. Abrams  
Daniel Eduardo Adler  
Miguel Ángel Aguilar López  
Syed Mansoor Ali Shah  
Vladimir Aras  
Margaret Archer  
Antonio Herman Benjamin  
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Rosario López Wong  
Ricardo Luis Lorenzetti  
Diego Sebastián Luciani  
Beverly B. Martin  
Teresa Martínez Acosta  
John McEldowney  
Susana Medina de Rizzo  
Maria Monteleone  
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Christos Naintos  
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Zunilda Nirempferger  
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José Luís Vegas Roche  
Gustavo Vera  
Carlos Alberto Vera Barros



“ In accordance with the Magisterium of Pope Francis, the declarations of the leaders of the main religions and of the mayors of the major cities of the world, we affirm that modern slavery in terms of human trafficking, forced labour and prostitution, and organ trafficking are Crimes against Humanity and should be recognised as such. ”



# Declaration

In accordance with the Magisterium of Pope Francis, the declarations of the leaders of the main religions and of the mayors of the major cities of the world, we affirm that modern slavery in terms of human trafficking, forced labour and prostitution, and organ trafficking are Crimes against Humanity and should be recognised as such. Organized crime that aims directly or indirectly at expanding modern slavery in its abovementioned forms must also be considered a Crime against Humanity.

We the undersigned have assembled at the Pontifical Academy of Social Sciences to address how representatives of the Judiciary can best face this daunting challenge.

Today, the elimination of modern slavery is a new moral imperative for the 193 Member States of the United Nations, according to the Sustainable Development Goals (SDG 8.7) approved in September 2015.

The effective application of criminal law is a necessary condition 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” (SDG



8.7), and to help remedy its consequences for victims and society. Criminal justice is intrinsically linked to social justice, which in turn is linked to environmental justice. The Encyclical *Laudato si'* affirms that, “Today we have to realize that a true ecological approach *always* becomes a social approach; it must integrate questions of justice in debates on the environment, so as to hear *both the cry of the earth and the cry of the poor*” (§ 49). Rehabilitation, resettlement and re-integration aim to free the victims of modern slavery and human trafficking and restore their human dignity, enabling them to become socially and economically independent. Only when they are no longer at risk of being re-trafficked or compelled to resort to illegal and humiliating activities, can they contribute positively to society.

To this end, we endorse the following 10 goals:

1. To encourage each state to increase resources and international judicial and police collaboration in order to raise low prosecution and conviction rates for criminals, strengthening supranational

institutions for the fight against traffickers and the protection of human rights.


2. Having approved the UN Sustainable Development Goals and ratified the 2000 UN Protocol Against Trafficking in Persons (Palermo Protocol), all nations must recognize modern slavery, human trafficking, and forced labour and prostitution as Crimes against Humanity with commensurate sentences.
3. Assets seized from convicted traffickers and criminals must be devoted to victim rehabilitation and compensation, and making reparations to society. The crime of money laundering must be severely prosecuted, because it is the process of transforming the proceeds of crime and corruption into ostensibly legitimate assets.
4. Advocate the provision of adequate victim support including civil and legal aid, secure witness protection, medical assistance and support for individuals from social service agencies, especially in the case of undocumented victims. Encourage collaboration of the victims with the judicial system as witnesses, offering safe, professional witness protection by means of international protection programs.
5. In the case of undocumented victims, the issuing of temporary residence permits in the country of destination, for those wishing to remain there, regardless of their legal status in that national territory and including effective access to relevant courts and tribunals, access to free legal assistance, and job training aimed at reinsertion into the labour force.
6. Encourage concerted efforts to reduce delays in accessing legal support for identified victims of modern slavery.
7. Organ trafficking, as defined and condemned in *The Declaration of Istanbul on Organ Trafficking and Transplant Tourism* (2008), must be recognized as a crime in all countries and be effectively legally prosecuted at the national and at the international level. As well as being illegal, this activity must also be recognised as prevalent among international criminal organizations.
8. Prosecution of clients of commercial sexual services should become an integral part of anti-slavery and anti-trafficking legislation as should the knowing employment of forced labour.
9. Trafficked persons should never be confused with non-trafficked irregular migrants, nor being smuggled with being trafficked.
10. Repatriation of undocumented foreigners should never be the default judgement upon victims, in order to avoid the risk of their being re-trafficked or resorting to illegal and humiliating activities.

## Initial Signatories

**Pope Francis** | **Miguel Abásolo** Argentina | **Guido Acquaviva** Italy | **Daniel Adler** Argentina | **Miguel Ángel Aguilar López** Mexico | **Syed Mansoor Ali Shah** Pakistan | **Vladimir Aras** Brazil | **Margaret Archer** UK | **Edgar Elías Azar** Mexico | **Yanina Soledad Basílico** Argentina | **Antonio Herman Benjamin** Brazil | **Eber Omar Betanzos Torres** Mexico | **Sr. Eugenia Bonetti** Italy | **Alberto Buriani** Repubblica di S. Marino | **Gabriel Bustamante Peña** Colombia | **Elizabeth Butler-Sloss** UK (with reservations on articles 2 and 8) | **Guillermina Cabrera Figueroa** Mexico | **Sebastián Casanello** Argentina | **Yves Charpenel** France | **Jorge Chavarría Guzmán** Costa Rica | **Jonas Christoffersen** Denmark | **Marcelo Colombo** Argentina | **Jacqueline Corbelli** USA | **Juan Pablo Curi** Argentina | **Krzysztof Czarnecki** Poland | **Péter Darák** Hungary | **Barbara de Muro** Italy | **Gabriel de Vedia** Argentina | **Antonio del Moral García** Spain | **Tonio Dell'Olio** Italy | **Francis Delmonico** USA | **Francisco Javier Díaz Verón** Paraguay | **Julián Ercolini** Argentina | **Jaroslav Fenyk** Czech Republic | **Marcos Arnoldo Grabivker** Argentina | **Aurelijus Gutauskas** Lithuania | **Gloria Guzmán Duque** Colombia | **Carlos Henrique Haddad** Brazil | **Mari Heidenborg** Sweden | **Branko Hrvatín** Croatia | **Elias Huerta Psihas** Mexico | **Kevin Hyland** UK (with reservations on articles 2 and 8) | **Santiago Inchausti** Argentina | **Antonio Ingroia** Italy | **Marisa Jaramillo Cuenca** Mexico | **Salim Joubran** Israel | **Claudio Rodolfo Kishimoto** Argentina | **Jaroslav Kowalsky** Poland | **Luciano Homero Lauria Paz** Argentina | **Antonis J. Liatsos** Cyprus Republic | **Ariel Oscar Lijo** Argentina | **Irma Encarnación Llano Pereira** Paraguay | **Rosario López Wong** Peru | **Ricardo Lorenzetti** Argentina | **Diego Sebastian Luciani** Argentina | **John McCaffrey** Ireland | **Francesco Mandoi** Italy | **Lucas Manjon** Argentina | **Teresa Martínez Acosta** Paraguay | **Valeria Mazza** Argentina | **Susana Medina de Rizzo** Argentina | **Jose Midas P. Marquez** Philippines | **Michal Mikláš** Czech Republic | **Maria Monteleone** Italy | **Emanuele Montemarano** Italy | **Madai Morales Albino** Mexico | **Noemí Lara Muñoz** Mexico | **Christos Naintos** Greece | **Zunilda Niremperger** Argentina | **Philip Norton of Louth** UK (with reservations on articles 2 and 8) | **Sang-jin Oh** South Korea | **Rosi Orozco** Mexico | **María Teresa Paredes Hernández** Mexico | **Agnieszka Pawlowska** Poland | **Luis Alberto Petit Guerra** Venezuela | **Zélia Luiza Pierdoná** Brazil | **Valeria Pierfelici** Repubblica di S. Marino | **Mynor Rolando Pinto Sanchez** Guatemala | **Julio Piumato** Argentina | **Margarita Popova** Republic of Bulgaria | **Christopher Prince** UK (with reservations on articles 2 and 8) | **Sandra Ramirez Montes** Colombia | **Rodolfo Fernando Ríos Garza** Mexico | **Gillian Rivers** UK

(with reservations on articles 2 and 8) | **David W. Rivkin** USA | **Franco Roberti** Italy | **Giovanni Russo** Italy | **Jeffrey Sachs** USA | **Giovanni Salvi** Italy | **Alison Saunders** UK (with reservations on articles 2 and 8) | **Lucas Schaerer** Argentina | **Giusto Sciacchitano** Italy | **María Romilda Servini de Cubria** Argentina | **Ottavio Sferlazza** Italy | **Anna Skarhed** Sweden | **Steven Sprague** Italy | **Fumarulo Stefano** Italy | **Janet Tello Gilardi** Peru | **Sergio Torres** Argentina | **Adolfo Vannucci** Italy | **José Luis Vegas Roche** Venezuela | **Gustavo Vera** Argentina | **Carlos Alberto Vera Barros** Argentina | **Federico Hernan Villena** Argentina | **Agnieszka Wozniak** Poland | **Juan Pedro Yllanes Suárez** Spain



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10. La repatriación de los extranjeros no documentados nunca debe ser una respuesta sin el acuerdo de las víctimas a fin de evitar el riesgo de las recaídas y de las actividades ilegales y deshumanas.
- Francisco

“ De acuerdo con el Magisterio del Papa Francisco, con las declaraciones de los líderes de las principales religiones y de los alcaldes de las más importantes ciudades del mundo, afirmamos que la esclavitud moderna, la trata de personas, el trabajo forzado, la prostitución y el tráfico de órganos humanos, son crímenes contra la humanidad y deben ser reconocidos como tales. ”

# Declaración



De acuerdo con el Magisterio del Papa Francisco, con las declaraciones de los líderes de las principales religiones y de los alcaldes de las más importantes ciudades del mundo, afirmamos que la esclavitud moderna, la trata de personas, el trabajo forzado, la prostitución y el tráfico de órganos humanos, son crímenes contra la humanidad y deben ser reconocidos como tales. Asimismo, el crimen organizado que mira directa o indirectamente a expandir la esclavitud moderna en sus formas antes descriptas, también debe ser considerado un delito de lesa humanidad y reconocido por tal.

Los abajo firmantes nos hemos reunido en la Pontificia Academia de las Ciencias Sociales para abordar del mejor modo posible por parte de los representantes de la justicia este dramático reto.

La eliminación de la esclavitud moderna hoy es un nuevo imperativo moral para los 193 Estados miembros de las Naciones Unidas, según rezan los recién aprobados (septiembre de 2015) *Objetivos de desarrollo sostenible* (Meta 8.7).

La aplicación efectiva del derecho penal es una condición necesaria para “erradicar el trabajo forzoso,

poner fin a las formas modernas de esclavitud y la trata de seres humanos y asegurar la prohibición y eliminación de las peores formas de trabajo infantil, incluidos el reclutamiento y la utilización de niños soldados”. Esto implica asimismo ayudar a remediar las consecuencias sea para las víctimas sea para la sociedad. Es evidente que la justicia penal está intrínsecamente ligada a la justicia social, y a su vez la justicia social a la justicia ambiental. Como afirma la Encíclica *Laudato si'*, “hoy no podemos dejar de reconocer que *un verdadero planteo ecológico se convierte siempre en un planteo social*, que debe integrar la justicia en las discusiones sobre el ambiente, para escuchar *tanto el clamor de la tierra como el clamor de los pobres*” (§ 49). Rehabilitación, reasentamiento y reintegración tienen por objeto liberar a las víctimas de la esclavitud moderna y de la trata de personas, como asimismo restaurar su dignidad humana y su capacidad de ser social y económicamente independientes. No corriendo más el riesgo de recaer en la trata o de recurrir a actividades ilegales y deshumanas, los sobrevivientes pueden contribuir así positivamente al bien de la sociedad.

Con tal propósito, suscribimos los siguientes 10 objetivos:

1. Promover en cada estado el incremento de los recursos y de la colaboración judicial y policial nacional e internacional con el fin de aumentar las bajas tasas actuales de procesos y de condenas para los criminales con el fortalecimiento de los organismos supranacionales de la lucha contra los traficantes y de la tutela de los derechos humanos.
2. Habiendo sido aprobados los *Objetivos de desarrollo sostenible* de las Naciones Unidas y ratificado el Protocolo de Palermo del año 2000 contra la trata de personas, todas las naciones tienen que reconocer la esclavitud moderna, la trata de personas, el trabajo forzoso y la prostitución como crímenes de lesa humanidad con penas proporcionadas.
3. Los bienes incautados a traficantes y criminales ya condenados deben ser utilizados para la rehabilitación y compensación de las víctimas, y para la reparación de la sociedad. El delito de lavado de dinero debe ser intensamente perseguido, porque consiste en hacer que los fondos o activos obtenidos a través de actividades ilícitas aparezcan como el fruto de actividades legales.
4. Abogar para proporcionar un apoyo adecuado a las víctimas que incluya la asistencia civil y legal, una protección segura de los testigos, la asistencia médica y el sostén a las personas por parte de las agencias de servicios sociales, especialmente en el caso de las víctimas indocumentadas. Favorecer la colaboración con la justicia de las víctimas como testigos, también a través de la protección segura y profesional de los mismos con programas de protección organizados a nivel internacional.
5. En el caso de víctimas indocumentadas, emanar autorizaciones de residencia temporal en el país de destino para los que deseen permanecer en éste, independientemente de su situación legal. Garantizar el acceso efectivo a los tribunales pertinentes, a la asistencia jurídica gratuita, y el acompañamiento hasta la reinserción laboral efectiva.
6. Alentar esfuerzos concertados para reducir las prórrogas al acceso a la asistencia legal por parte de las víctimas reconocidas de esclavitud moderna.
7. El tráfico de órganos, definido y condenado por la *Declaración de Estambul* (2008), debe ser reconocido como delito en todos los países y perseguido eficazmente por la justicia en los ámbitos nacionales e internacionales. Asimismo junto con ser ilegal tal actividad debe ser también reconocida como típica de las organizaciones criminales internacionales.
8. La sanción de los clientes de servicios sexuales debe constituir parte integral de la legislación para una eficaz lucha contra la esclavitud y la trata, al igual que quien emplea a sabiendas trabajo forzado.

9. Las víctimas de trata no deben confundirse con los inmigrantes irregulares, ni con las personas objeto de tráfico.
10. La repatriación de los extranjeros no documentados nunca debe ser una respuesta sin el acuerdo de las víctimas a fin de evitar el riesgo de las recaídas y de las actividades ilegales y deshumanas.

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THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES | [CASINA PIO IV](#) | V-00120 VATICAN CITY  
Tel: +39 0669881441 | Fax: +39 0669885218 | [pass@pass.va](mailto:pass@pass.va) | [www.pass.va](http://www.pass.va) | [www.endslavery.va](http://www.endslavery.va)

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“ Agradezco que los representantes de las 193 Naciones miembros de la ONU, que hayan aprobado unánimemente los nuevos objetivos del desarrollo sostenible e integral, y en particular la meta 8.7. Esta reza así: “Adoptar medidas inmediatas y eficaces para erradicar el trabajo forzoso, poner fin a las formas modernas de esclavitud y la trata de seres humanos, y asegurar la prohibición y eliminación de las peores formas de trabajo infantil, incluidos el reclutamiento y la utilización de niños soldados, y, a más tardar en 2025, poner fin al trabajo infantil en todas sus formas”. ”

Pope Francis

