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MARSHALLING THE FORCES OF GOOD: RELIGION AND THE FIGHT AGAINST HUMAN TRAFFICKING

ROZA PATI*

The solemn proclamation of human rights is contradicted by a painful reality of violations, . . . the spreading on a virtual worldwide dimension of ever new forms of slavery such as trafficking in human beings, child soldiers, the exploitation of workers, . . . prostitution. . . . Unfortunately, there is a gap between the “letter” and the “spirit” of human rights, which can often be attributed to a merely formal recognition of these rights.¹

Prelude

This paper finds its inspiration in the Social Doctrine of the Catholic Church that also addresses “the brethren of other Churches and Ecclesial communities, . . . the followers of other religions, as well as . . . all people of good will, who are committed to serving the common good.”² Elated by a sign of our time, the openness for dialogue amongst religions and their understanding of the urgent

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This paper was originally written for the *Caritas in Veritate* Foundation, and it was presented on September 10, 2014 on the Panel “Religions and Slavery: What is the Role of Religions in the Fight Against Contemporary Forms of Slavery?” at the Palace of Nations in Geneva, at a side event of the United Nations Human Rights Council’s Session 27. The panel was moderated by His Excellency Archbishop Silvano M. Tomasi, Ambassador of the Holy See to the United Nations, Geneva, and the concluding remarks were presented by the United Nations Special Rapporteur on Contemporary Forms of Slavery, Ms. Urmila Bhoola.

¹ PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH 158 (2005).

² *Id.* at 12.

need for a joining of their forces to promote justice, fraternity, peace and human development,³ this paper does not aim at praising or blaming one religion over another, but looks at the issues it addresses in a problem-oriented, holistic way, highlighting the avenues where religions converge, rather than the ones in which they diverge from each other.

For starters, if there is one common denominator that all faiths subscribe to, it would likely be the doctrine of social justice and interaction on the basis of common moral values: equality amongst human beings, justice and mercy with a responsibility to care for the underprivileged. If we think of one major common role that all faiths could effectively play for the benefit of global society with respect to human rights, that role would most likely be the engagement of community action to influence legislation and policy inspired by the moral values that foster the dignity of the human person. If we were to focus on one common target for all faiths today to play such a crucial role, that target would be the mobilization to “set free the most oppressed of our brothers and sisters,”⁴ who are living in *de facto* slavery in our modern times. Enslavement and institutions analogous to slavery exist to such an embarrassing extent and in such a magnitude, *inter alia*, because, in the view of this author, religion is a resource that has not been tapped to the fullest of its immense capacity; because we, as a society of faith, have overlooked the incompatibility that exists between faith, violence⁵ and exploitation; because we have been remiss to harness “the force of the soul,” to live a faith that “is not ornamental,”⁶ to make use of the incomparable power of religion to inspire and lead corrective action.

Conceptually and practically, religion can and should be the catalyst that brings forth a unified outcry and a call to action of the

³ *Id.*

⁴ *The Memorandum of Agreement and Joint Statement establishing the Global Freedom Network*, March 18, 2014.

⁵ Pope Francis, *Faith and Violence are Incompatible*, Angelus, VATICAN INSIDER (Aug. 18, 2013), available at <http://vaticaninsider.lastampa.it/en/the-vatican/detail/articolo/angelus-angelus-angelus-27214/>.

⁶ *Id.*

world's seven billion people against human trafficking. Religion and its people of faith are indeed the greatest source of moral strength and determination that is required to end human trafficking. Their contribution can be the dynamo that powers the generator, which works to reduce the vulnerability that sustains the readily available supply of victims; they can confront head-on the sinful human greed that breeds the unbridled demand for everything material, cheap products and services, as well as for adult entertainment; they can be the powerful source of influence on government to restrain zones of impunity for traffickers as well as to close down the safe financial havens for the proceeds of the crime. And, above all, in their own right, religions can and should take a clear and firm public stance against modern slavery.

But how can religion meaningfully perform such a complex function? How can it facilitate the filling of the gap between the "letter" and the "spirit" of human rights that Pope Francis so rightfully laments? A look at the past and an observation of the present might help us elucidate the proper role of religion for the near and the more distant future.

I. Products of the Past, but Not Prisoners of It

A. Il Brutto. There is nothing divine in discriminating against those "in the image of God"

There was a time when religion was invoked to justify slavery. Enslavement was based on false premises and false interpretation of carefully selected religious sources.⁷ These misperceptions and spurious analyses of sacred texts were eagerly applied by the secular world and came to shape everyday life so intensely,⁸ that we still feel the consequences of these engrained

⁷ See generally JIMMY CARTER, A CALL TO ACTION: WOMEN, RELIGION, VIOLENCE AND POWER (2014).

⁸ Pope John Paul II, *Encyclical Letter Fides et Ratio of the Supreme Pontiff*, LIBRERIA EDITRICE VATICANA ¶¶ 19-20, 55 (1998), available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-

principles today. It is not the Old or the New Testament, the Qur'an or the Sunnah, or any other holy text itself that sanctions slavery and discrimination. In spirit and substance they are to be seen as abolitionist literature.⁹ It is us, humans, who read and interpret the texts; men, who presented chattel slavery as a mandate of the holy scriptures of various religions, presented an erroneous construction of these texts.¹⁰ Reading certain passages, which ambiguously seem to condone slavery and discrimination, out of the overall comprehensive context of the holy books, and leaving out those verses that condemn slavery and discrimination, became the pragmatic way of assuming that enslavement and discrimination was inherent in human nature, by providential design,¹¹ embedded in religious practice, and thus had to be accepted by the faithful as inescapable truth. This perception, as well as the correspondent rigorous religious sanctions for social life, brought about tangible harm to society: a deeply ingrained racial, sexual and caste discrimination that determined social status and division of labor in society. To this date, we grapple with the paradigm that reflects human-by-human enslavement as conditioned, for the most part, by color, class, gender and sexuality and manifesting itself in two major categories: forced labor and commercial sexual exploitation.

ii_enc_15101998_fides-et-ratio_en.html.

⁹ Richard Reddie, *Atlantic Slave Trade and Abolition*, BBC (2007), available at http://www.bbc.co.uk/religion/religions/christianity/history/slavery_1.shtml.

¹⁰ A good analysis on these matters, particularly as it relates to the status of women in society, can be found in JIMMY CARTER, *A CALL TO ACTION: WOMEN, RELIGION, VIOLENCE AND POWER* (2014).

¹¹ William G. Clarence-Smith, *Religions and the abolition of slavery - a comparative approach*, LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE, available at http://www.lse.ac.uk/economicshistory/research/gehn/gehnpdf/conf10_clarencsmith.pdf (last accessed Sept. 6, 2014).

B. Il Cattivo. Celebrating “mammon” – the idol par excellence:
the Judas within us¹²

When we think of slavery, the first thing that comes to the mind of modern man is the trans-Atlantic slave trade. Indeed, the slave trade and the establishment of the institution of chattel slavery in North America was a result of the demands of emerging capitalism,¹³ which in turn was believed to have been driven by a certain work ethic, fostered by a certain denomination.¹⁴ The aim of wealth accumulation for the purposes of investment gradually led to a profit-oriented society in which *auri sacra fames*¹⁵ became the purpose and the means, the alpha and the omega of earthly life, steadily creating a debilitating alternative to spiritual life. It is the public domination of this alternative that we are left to wrestle with today. Material goods have come to enslave the soul of those who idolize them, and in turn, the latter stop in front of nothing, even ending up enslaving our own kind to provide for us those material goods we worship. It has become a vicious circle, which we have inherited from the past, and have not been able to get rid of to date.

Nowadays, society has mistakenly come to place its trust on the “almighty” market, as the self-regulator of everything in life, a place where everything goes, and everything moves freely, where everything is up for sale and purchase, and nothing has an inherent value, including human beings. The market: the creator and worshipper of a visible god. The molten god!¹⁶ This gluttony and self-indulgence present at the core of what humans have come to

¹² See Father Raniero Cantalamessa, *Good Friday Homily: Judas’ Story Should Move Us to Surrender to Christ*, Vatican Radio, April 18, 2014.

¹³ Cf. the fact that in 1793 the demand for slave labor increased when Eli Whitney invented the cotton gin. See BRIDGETTE CARR ET AL., *HUMAN TRAFFICKING LAW AND POLICY* (2014), at Introduction, x.

¹⁴ Cf. MAX WEBER, *THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM* (1905, tr. by Talcott Parsons, 1930).

¹⁵ Latin for: “*The accursed greed for gold.*” A Latin phrase that reiterates St. Paul’s dictum that the desire of money is the root of all evil (I Timothy 6:10); see also Virgil, *Aeneid* 3,57. Also referenced in Cantalamessa, *supra* note 12.

¹⁶ Exodus 34:17.

value, has created the breeding ground that sustains and perpetuates the enslavement of humans by humans.

*C. Il Buono. Everyone is capable of receiving the light of
God's spirit and wisdom*¹⁷

Institutions and individuals of various denominations within religions were representative of idiosyncratic and inconsistent stances *vis-à-vis* the slave trade and slavery in the larger societal context. In the darker times, when the general trend of religion was accommodative or supportive of slavery, there were also many voices amongst the various religions, scouring the holy books and going up against the grain to support immediate abolition of slavery, and not just the slave trade.¹⁸ Inspired by religious beliefs in a clear distinction between morality and sin, stand-out individuals like William Wilberforce informed and influenced law and policy to bring an end to the “immoral” slave trade, presented as a call by God. For them, everyone was “equal in the sight of God.”¹⁹ It were these fertile seeds that either helped mitigate the rough effects of the slave trade or influenced its abolition altogether. These voices, movements, and even wars, found equality amongst races to be the desirable governing force of co-existence here and now and not only in the hereafter.

It was no wonder to hear President Lincoln, in his Second Inaugural Address to his fellow countrymen, point out that both warring parties “read the same Bible, and pray to the same God.”²⁰

¹⁷ FRANK SMITHA, MACROHISTORY AND WORLD TIMELINE, *From British Colony to Independence: the American Revolution, 1701 to 1791*, available at <http://www.fsmitha.com/h3/h32-rv.htm>.

¹⁸ See David M. Smolin, *The Civil War as a War of Religion: A Cautionary Tale of Enslavement and Emancipation*, 39 CUMB. L. REV. 187 (2008-2009), referring to Rev. John Walker, who transcended the racism of the time and advocated for the full integration of blacks, chosen for salvation by God on equal terms as the white man. *Id.*, at 201-202. See also, Reddie, *supra* note 9.

¹⁹ FREDERICK W. POWELL, THE POLITICS OF CIVIL SOCIETY: NEOLIBERALISM OR SOCIAL LEFT? 52 (2007).

²⁰ Abraham Lincoln, *Second Inaugural Address*, THE ATLANTIC ONLINE (Mar.

This was the sentiment of the time: a nation divided on the basis of what had to become of that one-eighth of the whole population of the country that was the colored slaves.²¹ For him and all those enlightened forces that rallied behind him, it seemed “strange that any men should dare to ask a just God’s assistance in wringing their bread from the sweat of other men’s faces,”²² and he saw it acceptable that “the wealth piled by the bond-man’s two hundred and fifty years of unrequited toil shall be sunk.”²³ And so it came to pass: the text of the law deleted the initial treatment of human beings as items of property in the original words of the U.S. Constitution, and the basic laws of nations worldwide. So did the Law of Nations. The social context, however, continued to reflect the legacy of slavery, in many respects.

Still, in various parts of the world, some nuanced stances towards slavery and the trading in slaves have remained up to the present time. While slave trading was found abhorrent and fought against by religious and secular intellectual movements alike, and while slave trade was very much the focus of early international agreements as well as the application of such treaties, unfortunately, the same condemnation was not necessarily extended to slavery in all its forms.²⁴ Most people that were not moved from one place to another, or not “traded” across borders, continued to live in slavery within the communities they were born in, sometimes from generation to generation until today: entire lives lived in debt peonage or other forms of bondage.²⁵ In a way, it can be safe to say that slavery really never left us—it just metamorphosed itself into various practices and institutions, even when the word of its abolition

4, 1865), *available at* <https://www.theatlantic.com/past/docs/issues/99sep/9909lincaddress.htm>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Consider, for instance, the 1808 Slave Trade Statute, (9 Cong. Ch. 22; 2 Stat. 426), which was passed in 1803, imposing a federal ban on importing into the United States African slaves, but not abolishing slavery. *See also* the 1820 Missouri Compromise.

²⁵ U.S. Dep’t of State, *Trafficking in Persons Report June 2014*, at 9, *available at* <http://www.state.gov/documents/organization/226844.pdf>.

became a universal law.²⁶ It is these institutions and practices,²⁷ mostly nourished by the preaching of relativism of culture and religion,²⁸ that we should strive to put an end to today, by securing, *inter alia*, the allegiance of religion, at the height of its capacity, to the universal principles of decency. It is religion's banner of commitment to one single community,²⁹ to universal brotherhood and sisterhood that we should raise up high and its indisputable power to move human hearts and minds that, for once, we should mobilize in an authentic way.

II. *A Look at the Present to Inform Our Future*

A. *We have gotten rid of slave societies, but we still remain societies with slaves*

We may safely state that in no part of the world today is slavery at the center of the life of a society, its economy, politics, labor structure, or social identity. Slavery is illegal in every nation-state, but indeed in all parts of the world, we remain societies holding an intolerable number of human beings as slaves. Some recent statistics estimate about 30 million people living in *de facto*

²⁶ Prohibition of slavery has long reached the status of a *jus cogens* norm; see RESTATEMENT (THIRD) OF FOREIGN RELATIONS OF THE UNITED STATES § 702 cmts. d-i, §102 cmt. k (1987), with its abolition by every country on the planet. *See also*, John Sutter, *Slavery's Last Stronghold*, CNN.COM (2012), <http://www.cnn.com/interactive/2012/03/world/mauritania.slaverys.last.stronghold/> (explaining that, in 1981, Mauritania became the last country in the world to abolish slavery).

²⁷ For a list of some of these practices see Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Adopted by a Conference of Plenipotentiaries convened by Economic and Social Council Resolution 608(XXI) of 30 April 1956.

²⁸ A good discussion on the issue of cultural relativism and universalism is found at Jack Donnelly, *Cultural Relativism and Universal Human Rights*, 6 HUM. RTS. Q. 400 (1984). *See also*, Diana Ayton-Shenker, *The Challenge of Human Rights and Cultural Diversity*, in United Nations Background Note, available at <http://www.un.org/rights/dpi1627e.htm>.

²⁹ Qur'an 21:92.

slavery:³⁰ in a status or condition which manifests absolute control of one person over another—a person over whom *any* or all of the powers attached to the right of ownership are exercised.³¹ The word of the law and the states' practice has elevated the prohibition of slavery to a *jus cogens* norm,³² and enslavement has been codified as a crime against humanity.³³ But lamentably, reality has drained this positive legal prohibition of its substance. The social context speaks a different language. Slavery and conditions analogous to slavery have proved to be resilient and have become part and parcel of our everyday lives, without us even properly realizing that, at times, we all seem to be complicit in this exploitation of humans by humans. Victims of modern slavery live amongst us; we consume their labor and their services in many of the products and services we enjoy. Who are these modern-day slaves?

The victims of human trafficking are women exploited in forced prostitution, in forced marriages, the mail-order bride business, sexual exploitation, forced labor – domestic work, the tourist industry, sweatshops, factories, mines. They are boys and men exploited in the commercial sex industry and in forced labor – in construction work, in agriculture, in plantations, fishing, logging, mining, in brick kilns and stone quarries. They are children trafficked for sexual exploitation, bred and sold through illegal adoption, drained and locked in domestic work, mutilated and exploited in begging, in stealing, used as drug mules in the most perverse ways, child brides, youngsters forced in engagement in armed conflict – as mercenaries, child soldiers, service and sex slaves. They are our

³⁰ WALK FREE FOUNDATION, THE GLOBAL SLAVERY INDEX REPORT 2013, at 7, available at <http://www.globalslaveryindex.org/>, referring to a “total estimate of 29.8 million in modern slavery.”

³¹ Slavery Convention (September 25, 1926), art. 1 (*emphasis added*). For more on this issue, see generally Roza Pati, *States' Positive Obligations with Respect to Human Trafficking: The European Court of Human Rights Breaks New Ground in Rantsev v. Cyprus & Russia*, 29 BOSTON U. INT'L L.J. 79 (2011).

³² M. Cherif Bassiouni, *International Crimes: Jus Cogens and Obligatio Erga Omnes*, 59 L. & CONTEMP. PROBS. 63, 66 (1996).

³³ Rome Statute of the International Criminal Court, art. 7(1)(c), opened for signature July 17, 1998 U.N. DOC. A/CONF. 183/9 (entered into force July 1, 2002).

common modern slaves routinely exploited for sex, labor, human body parts and tissue, and, sporadically, also for bizarre ritualistic purposes.³⁴ The list of forms and types of exploitation remains unexhausted.

Our modern-day slaves are of all races, ethnicities and national origins. They do have one thing in common: generations-spanning or newly acquired vulnerability. They are vulnerable individuals born in bonded labor or sold as mandated by culture, others who dare to dream of a better life, migrant workers, internally displaced persons, refugees, or asylum-seekers. In the labyrinth of trafficking, most of the time, they simply disappear—as if they had never existed. This is the darkest and the most complex side of our humanity. This is why it is the greatest human rights challenge we face today.

The perpetrators also come from all countries and all walks of life: they can be rings of organized criminal groups, or single-individual enterprises. They can act clandestinely or hide behind a legal business outfit. They are recruiters, transporters, corporate buyers, fraudulent employers, business owners, business managers, labor procurement agencies, international marriage brokers, subcontractors, clients of commercial sex services, sex tourists, corrupt government officials at all levels, warlords, UN peacekeepers, diplomats, *alas!* at times parents and relatives, – they are men and women at all levels, educated or uneducated, either direct or third-party exploiters and clients.³⁵

The human costs of trafficking are beyond measure. Society in general also has an enormous stake in the problem. Social costs are high, both to our moral fabric and to the fundamentals of our value system as well as to our everyday life. The need for a proper response through prosecution, protection, prevention, but also

³⁴ Human Rights Council, Report submitted by the Special Rapporteur on Trafficking in Persons, Especially Women and Children, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights Including the Rights to Development*, U. N. Doc. A/HRC/10/16 (February 20, 2009), ¶16 (5).

³⁵ See generally Roza Pati, *Trading in Humans: A New Haven Perspective*, 20 ASIA PACIFIC L. REV. 135 (2012).

through rescue, rehabilitation and reintegration also comes with a huge bill of human and financial resources. The fertile ground of trafficking challenges the tenets of the rule of law, yields increased government corruption, distorts the labor market and labor relations, and jeopardizes state and human security.³⁶ It is indeed “an open wound on the body of contemporary society,”³⁷ as The Holy Father, Pope Francis, has most recently put it. It is therefore perfectly apt that Pope Francis is guiding global society with a renewed visionary leadership and passion by engaging all world religions to activate the ideals of faiths and of shared human values to eradicate human trafficking by the year 2020, to liberate victims of modern slavery, and to help them achieve the freedom and power to choose their own destiny. The same goes for the most recent announcement by the Pontifical Council for Justice and Peace of Pope Francis’ theme for his message on the 2015 World Day of Peace: “Slaves no more, but brothers and sisters.”³⁸

B. Religions are already playing a major role in combating human trafficking

The pernicious phenomenon of human trafficking has been addressed with some priority and urgency in the past two decades by governments, civil society, and, more recently, also by the private business sector. However, such movement has only gained momentum and is nowhere near to reaching the finish line. Particularly since the year 2000, robust legislation has been enacted globally (spearheaded by the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Particularly Women and Children, supplementing the Convention on Transnational Organized

³⁶ On the connection between human trafficking, national security and human security, see Roza Pati, *Human Trafficking: An Issue of Human and National Security*, 4 U. MIAMI NAT’L. SECURITY & ARMED CONFLICT L. REV. 29 (2014).

³⁷ Pope Francis, *Address at the Conference on Combating Human Trafficking*, The Vatican, April 9-10, 2014.

³⁸ *Slavery to be Theme of 2015 World Day of Peace*, The Vatican Radio, available at http://en.radiovaticana.va/news/2014/08/21/slavery_to_be_theme_of_2015_world_day_of_peace/1104924.

Crime, and with 161 states parties so far),³⁹ *regionally* (such as the 2005 Council of Europe Convention on Action Against Human Trafficking) and *domestically* in most countries through various laws criminalizing sex and labor trafficking. Numerous initiatives, programs, and partnerships have come forth; millions of dollars have been dedicated to the cause. Nevertheless, while social scientists estimate that about 30 million people are being held in modern slavery at any given time, in the year 2013, throughout the world, there were only about 44,758 victims that were formally identified by the various legal systems.⁴⁰ This clearly evidences the limited effect our work has yielded to date. As accurately indicated in the U.S. State Department's Trafficking in Persons Report, which monitored pertinent efforts made by 188 nation states, "the need for further innovation is clear."⁴¹ So is the need to lift the "ethical minimum" that the law reflects to the "ethical optimum" that human beings need, and that religion is meant to provide.

Part of this anti-trafficking movement, religions of all faiths have already been doing some great work in combating human trafficking. If we were to put religions' contributions into certain categories, they would mostly fall under one or more of these four types of activities: (a) education and awareness; (b) advocacy; (c) training and technical assistance; (d) identification, rescue and assistance to survivors. This is not to assume that this is a clear-cut categorization of their work. This classification is based generally on what some of the most active religious institutions and groups identify their efforts by.

Religious institutions as well as educational institutions affiliated with a religion have come to play an active role in

³⁹ United Nations Treaty Collection, Status of Ratification Databases, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12-a&chapter=18&lang=en.

⁴⁰ U.S. Dep't of State, *Trafficking in Persons Report 2014*, Global Law Enforcement Data, at 8, available at <http://www.state.gov/j/tip/rls/tiprpt/2014/226647.htm>.

⁴¹ U.S. Dep't of State, *Trafficking in Persons Report 2013*, *Victim Identification: The First Step in Stopping Modern Day Slavery* (June 2013), available at <http://www.state.gov/j/tip/rls/tiprpt/2013/210542.htm>.

combating human trafficking. Surely, there is no uniformity in the work they do, and several ways and means they employ differ greatly from country to country, from faith to faith. Intensity, magnitude and effectiveness of their work also depends on the availability of resources as well as on the respective location of a religious institution, whether it is in a developed country or a developing one, whether it is in a secular state or a religious one, whether it happens in a democratic state or in a monocratically or oligarchically governed community.

Despite such variables, there are also commonalities in their work. The various approaches, procedures and tools that religious institutions have adopted to address human trafficking, range from establishing days of prayer to gathering people to talk about human trafficking, to raise awareness about its faces and consequences, and about the ways people can help identify a victim or help a survivor;⁴² from educating audiences as to how they can be ethical consumers, investors or employers to the devising of modules and curricula to inform and teach the young generation as well as vulnerable communities about the dangers of human trafficking;⁴³ from training community educators, that would in turn train others, to fundraising for victims' shelters and reintegration programs;⁴⁴ from support for the physical, emotional and spiritual healing of survivors to working with policy and law makers in drafting good laws, to monitoring and evaluating their implementation.⁴⁵

They have set up programs, projects, agendas, clubs, interest groups, etc., but most of this work has come in campaigns in

⁴² Carol Glatz, *Women religious ask pope for world day of prayer against trafficking*, CATHOLIC NEWS SERVICE (Nov. 4, 2013), <http://www.catholicnews.com/data/stories/cns/1304628.htm>.

⁴³ Peter Jesserer Smith, *Human-Trafficking Report Shows Opportunity for Catholic Action*, NATIONAL CATHOLIC REGISTER (July 17, 2014), <http://www.ncregister.com/daily-news/human-trafficking-report-shows-opportunity-for-catholic-action/>.

⁴⁴ *Tools for Service Providers and Law Enforcement*, POLARIS, <http://www.polarisproject.org/resources/tools-for-service-providers-and-law-enforcement> (last accessed Sept. 6, 2014).

⁴⁵ *How We Help*, POLARIS, <http://www.polarisproject.org/what-we-do/client-services/how-we-help> (last accessed Sept. 6, 2014).

sporadic places, on an *ad hoc* basis, and in an often interstitial way with a distinct lack of coordination of work and resources. It is a piece-meal approach to confronting this phenomenon. Most of the time, such initiatives are part of a specific policy focus such as the one on providing immigration and refugee services, or combating prostitution. Many a time, even organizations of the same faith in the same general location, are so un-coordinated that they barely know what their sister institutions are doing. This has led to either overlapping activities or issues and areas left untouched.

The efforts overall lack central and unified guidance in terms of policy, doctrine and process. It might sound utopian, but since there is a common thread of morality that permeates all religions, generally speaking, there can potentially be invented, by religions cooperating *inter se* and in consensus, a specific common goal, a message, that would guide the modern abolitionist efforts of all religions, one that would specifically be oriented towards the aim of truly, and for good, eradicating modern slavery. The March 2014 initiative by global faiths to eradicate human trafficking by the year 2020 is an excellent point of departure. It has the potential to turn religion into a most powerful and proactive participant in the struggle against human trafficking as the most egregious violation of all human rights and the worst affront to human dignity—lifting the goal of its eradication to the top of the hierarchy of values.

Freedom from slavery encapsulates virtually every individual human right. Its violation distorts the balance of a well-ordered society of people belonging to the same moral and civic world. Religions have played a role in establishing states based on morality and the law, in recognizing universal human rights based on moral principles and natural law, in inspiring some of the greatest modern documents of human thought, in inculcating human rights, in invoking them against their violators, and in advocating that human rights be seen not merely as a parts of a positivist universal legal code, but as deeply rooted in the very nature of humanity respecting the dignity of every human being independent of the earthly political and social systems.⁴⁶

⁴⁶ For more on this issue read the address of the Archbishop of Canterbury,

It is for religions again to unite the world community of people of faith, and all people of good will, around the moral universalism on the basis of which so sublimely lies the transcendent recognition of all men and women created in the image of God, and it is for the policy and decision makers to take heed of the undeniable moral leadership of religion even in the face of the ever more aggressive secularism of our modern global society.

C. *"We ourselves must walk the path."*⁴⁷

In Search for a Holistic Approach to Human Trafficking

The world of good done by religious institutions worldwide against human trafficking is at times marred by negative impacts of actions that can be both incidental and inadvertent. Mahatma Gandhi has been quoted as saying: "It is healthy to be reminded that . . . the wisest might err."⁴⁸ That goes hand in hand with the popular parlance that the ones who make no mistakes are only those who are not doing anything. But, what is going wrong, if anything at all?

The fact of the matter is that despite efforts through centuries to end slavery, and more recent initiatives to end human trafficking, launched in the last two decades or so, we still often seem to be going around in a circle. We still talk about 30 million modern slaves, though we are rescuing a few now and then worldwide. Would it be fair to say that more people are routinely falling prey to traffickers and are entering into the hell of modern-day slavery? We still seem to miss the exit and not know how to sustainably solve this seemingly intractable problem. Clearly we, as a society, the clergy, the lay faithful and non-believing people of good will, the leaders

Rowan Williams, *Human Rights and Religious Faith*, at the World Council of Churches Ecumenical Centre, February 28, 2012, Geneva, *available at* <http://rowanwilliams.archbishopofcanterbury.org/articles.php/2370/human-rights-and-religious-faith#sthash.YTZiZZpS.dpuf>.

⁴⁷ Gautama Buddha, *Sayings of Buddha*, *available at* <http://www.goodreads.com/work/quotes/4161250-sayings-of-buddha>.

⁴⁸ Mahatma Gandhi, *The Wisest Quotes on Wisdom*, *available at* <http://www.psychologytoday.com/blog/evolution-the-self/201204/the-wisest-quotes-wisdom>.

and the *polis*, the market, the state and civil society, are somehow missing something. Leaving aside considerations of the past, today's religions might also have their share, no matter how big or small, in the delay that the society is experiencing in eradicating modern slavery. So does government. Let us for a moment make an effort to evaluate, as we look through a critical prism, the performance of religions in tackling human trafficking and their relations with the government. Overall, it can be said that some faith communities, or sub-entities thereof, focus on segments of the problem, rather than addressing all of its aspects holistically. By way of example, let us look only at a few issues:

1. Some religious groups would focus only on immigrants as trafficking victims.⁴⁹ From this perspective, at the heart of the issue is the foreign victim from a developing country trafficked into a country of the industrialized world through force, fraud or coercion. Of course, this is a legitimate focus, but if this were to be the only angle from which we deal with the trafficking phenomenon, we would ignore the fact that human trafficking does not necessarily entail movement across borders, and that the greatest number of modern slaves have never left the place or the country where they were born. Actually, many of them have been born in bonded labor and they are passing this debilitating status on to future generations. Having said that, it is important that these groups continue influencing policy for a more humane management of migration to help that one billion of people that is on the move⁵⁰ at any given time, and to counter the policy that focuses on border and immigration control as the solution to

⁴⁹ Jenny Yang, *Human Trafficking, Immigration and Unaccompanied Children: What's the Connection?*, CANON & CULTURE, CHRISTIANITY AND THE PUBLIC SQUARE (2014), available at <http://www.canonandculture.com/human-trafficking-immigration-and-unaccompanied-children-whats-the-connection/>.

⁵⁰ Peter D. Sutherland, *A Time for Action at the UN Summit on Migration and Development*, INTERNATIONAL ORGANIZATION FOR MIGRATION, available at <http://www.iom.int/cms/en/sites/iom/home/news-and-views/opinions/opinion-listing-area/a-time-for-action-at-the-un-summ.html> (last accessed Sept. 7, 2014).

the problem.

2. Other groups would focus almost exclusively on commercial sexual exploitation, and identify human trafficking overwhelmingly with what they call “sex slavery.”⁵¹ Indeed, exploitation in the sex trade is one of the worst forms of enslavement, but it is not the only form, and arguably, I would maintain, it is not the form that enlists the largest number of victims either. The limitation of this approach lies in ignoring, or paying less attention to, other forms of trafficking in humans, mostly forced labor in all its manifestations. This approach has manifested itself in specific policies and laws adopted by the states, and also in some treaties on an international scale, which criminalize only commercial sexual exploitation, or which take a more tolerant legal stance towards industries and practices that entail labor trafficking and other types of non-sexual slavery including abhorrent forms of exploitation.
3. Another deficiency in the work of some faith communities is their focus solely on women and children⁵², particularly girls. This approach has left aside men, who constitute a very large number of the victims of trafficking, whether they are toiling in forced labor or soldiering in asymmetrical warfare, or being commodified in the sex trade. This partial approach impacts policy and law, as well as the funding of anti-trafficking work. Religious groups influence power through faithful voters; power reacts to support the cause that important religious groups champion. Such reaction

⁵¹ Melissa Gira Grant, *The Truth About Trafficking: It's Not Just About Sexual Exploitation*, THE GUARDIAN (Oct. 24, 2012, 11:20 AM), <http://www.theguardian.com/commentisfree/2012/oct/24/truth-about-trafficking-sexual-exploitation>.

⁵² See generally *Missions to Stop Human Trafficking* (outlining various religious-based missions and ministries which focus mainly on women and children), available at <http://www.missionfinder.org/stop-human-trafficking-resources/>.

manifests itself in pertinent legislation, and in appointments of persons to key leadership positions who, in turn, channel funding to specific anti-trafficking programs and to specific groups, as favored by politics and politicians. People of faith truly believe in change for the better and they walk the talk to make it happen; they shine light on the issues that need to be out in the open; so it is important that they get it right. If they look at the problem holistically, they would be the social force that improves social order, that influences and reforms governments and social institutions.

4. In certain parts of the world, faith groups focus their work exclusively on rescuing victims, providing shelter, food and other necessities for them, but they do not go deeper into the issues of understanding and addressing the cultural, social and economic push factors of this phenomenon, or into issues of self-analysis and reflection that would in turn advise some faiths, which have yet to be vocal, to make clear and explicit statements condemning modern slavery. This approach minimizes the role of religion to that of any other civil society member, while indeed religion's role could and should be much broader. Religions are the most likely group to address the issue also from another perspective: target and help the traffickers, the ones identified and those not in plain sight, so that they can regain "amazing grace."⁵³ Religions can help them understand that their acts of "slavery, prostitution, the selling of women and children. . . do more harm to those who practice them than those who suffer from the injury," and that such acts "are a supreme dishonor to the

⁵³ Al Rogers *Amazing Grace: The Story of John Newton*, AWAY HERE IN TEXAS (July-August 1996), <http://www.reformedreader.org/rbb/newton/amazingrace.htm>. See also, *The Creation of Amazing Grace*, THE LIBRARY OF CONGRESS (Feb. 27, 2007), <http://lcweb2.loc.gov/diglib/ihis/loc.natlib.ihis.200149085/default.html>; Marie Mortera, *Ex-Pimp Says New Tools to Help Recruit for Oldest Profession*, MY NEWS 13 (July 30, 2013, 10:37 AM), <http://www.mynews3.com/mostpopular/story/SEX-TRAFFICKING-INVESTIGATION-Ex-pimp-says-new/RtCSmRJzi0muX3Ua5-W1AQ.csp>.

Creator.”⁵⁴ Religions have the ability to come up with concrete measures to reach into the internal world of the trafficker, and to “heal” the trafficker or at least to affect his/her behavior, help their *lost souls to get found* again.

5. Secular-religious cooperation is routinely happening on a micro-level, and it has yielded some good results. However, while this work is worthy of praise, it is inadequate. Reality shows that at higher levels of cooperation, religion becomes timid, and as one author has observed “the results [of such cooperation] seem rather modest.”⁵⁵ It seems that in an unvoiced, but mutual, understanding religion shies away and the government avoids anything that would seem to compromise the separation of church and state.⁵⁶ This approach, on the macro-level, harms the cause of eradication of modern slavery. Religion should be invited to the table as an active partner, and also be asked to assemble all of its intellectual, spiritual and human resources, locally and globally, to lead communities to become aware of the existence of, and to understand the repulsiveness of human trafficking. Governments and international organizations alike should not consider the mentioning of religion as a taboo,⁵⁷ when policy is made. In the eyes of governments, the

⁵⁴ Pope Paul VI, *Gaudium et Spes*, Dec.7, 1965.

⁵⁵ See B.C., *Religion and Human Trafficking: Freedom for the Captives*, The Economist, Erasmus: Religion and Public Policy, April 19, 2012, addressing the policy document with recommendations from President Obama’s Advisory Council on Faith-Based and Neighborhood Partnerships, and calling it as almost devoid of “any particular moral or metaphysical sensibilities that faith-based bodies might bring to the issue of trafficking.” *Ibid*.

⁵⁶ Thomas Jefferson, Letter to the Danbury Baptists, (Jan., 1, 1802) Library of Congress, <http://www.loc.gov/loc/lcib/9806/danpre.html>; *God in the White House: From Washington to Obama – The Presidents’ Religious Beliefs and Their Impact on Politics*, PBS WPBT2, available at <http://www.pbs.org/godinamerica/god-in-the-white-house/>.

⁵⁷ Marie Juul Petersen, *International Religious NGOs at The United Nations: A Study of a Group of Religious Organizations*, THE JOURNAL FOR HUMANITARIAN ASSISTANCE (Nov., 17 2010), <http://sites.tufts.edu/jha/archives/847>.

role of religions should not be confined to reducing the demand for commercial sex.⁵⁸ Religions worldwide and in every community have “the pulpit and the microphone,”⁵⁹ they have the personal touch in the most important phases of an individual’s life from birth to death, and they are uniquely positioned to influence those personal decisions that individuals make day to day, and can steer them effectively towards rejecting the human-by-human exploitation. Religions could indeed be the greatest partner of governments and inter-governmental organizations in this fight.

6. We noted above that, early on, certain religions, intentionally or inadvertently, have lamentably tended to marginalize certain groups in society, such as women, children, racial or ethnic minorities, thus creating fertile ground for increasing their vulnerability to trafficking—an effect felt to the present day. However, at times, their work is presently mostly focusing on groups such as women and children and this approach is leading to a misidentification of the true nature of modern slavery as a complex and all-embracing social phenomenon. Its victims are women, men, children of all races, nationalities, religions. The problem thus warrants a holistic approach in order to properly address it in all its manifestations and directions.

Above all, we will not be able to eradicate modern slavery only by using the long arm of the criminal law, even in the best case scenario of a good law inclusive of all trafficking manifestations, with strict sanctions commensurate to the gravity of the crime, and with an effective and uncorrupted justice system in operation. It is

⁵⁸ U.N. Office on Drugs and Crime, *Human Trafficking: An Overview* at 29, http://www.ungift.org/doc/knowledgehub/resource-centre/GIFT_Human_Trafficking_An_Overview_2008.pdf.

⁵⁹ Rabbi David N. Young, Temple Sinai, North Miami Beach, featured in the video: *Human Trafficking and Faith-Based Communities*, of the HUMAN TRAFFICKING ACADEMY, available at <http://www.youtube.com/watch?v=uHzON4n08Xo&feature=youtu.be>.

not enough to call it a crime, or a crime against humanity in its legal meaning *stricto sensu*. It is more than a crime. It is a malignant phenomenon deeply ingrained in our societies, thriving because of (a) dire poverty worldwide and the insatiable thirst for everything material; (b) unchecked globalization with the concentration of capital in ever fewer hands, and its flow to places far away from production; (c) our attachment to a certain custom and culture, not necessarily mandated by religion, but not openly condemned by religion either; (d) and the detachment that our modern world feels toward the moral underpinning of human relatedness, the feeling of essentially belonging together and of solidarity.

Laws that condemn slavery and situations analogous to slavery have been with us for a long time; so has slavery. Laws alone cannot put an end to modern slavery. In order to uproot it, once and for good, we need to address the original root cause that effectuates the readily available supply and the increasing demand. We need to build a society based on equality of genders, a socially just society, “a society of free work,” a society that commands appropriate control of the *market* by the *civil society* and by the *State*,⁶⁰ as a system operational at all three levels in order to ensure a fair distribution of the wealth accumulated by the toil of all the seven billion people⁶¹ of the world. The three powerful actors, if they so choose, can, in turn, “guarantee that the basic needs of the whole society are satisfied,”⁶² and, in public-private partnership, will be able to contribute to the common good by addressing the root causes that make people vulnerable to human trafficking, and by creating the means for sustainable development of men and women alike, of North and South. Globalization, technological development and the free movement of people do not have to be a curse. As Pope Emeritus Benedict XVI has observed: “[l]abor and technical knowledge are a universal good. Yet it is not right to export these things. . . , without making a real contribution to local society by helping to bring about a robust productive and social system, an

⁶⁰ Pope John Paul II, *Centesimus Annus* (1991), ¶35.

⁶¹ UNITED STATES CENSUS BUREAU, <http://www.census.gov/popclock/> (last visited Sept. 7, 2014).

⁶² *Ibid.*

essential factor for stable development.”⁶³ It is such development that would reduce vulnerability, and genuinely fill the gap between the “letter” and “the spirit” of human rights law and policy, with the State complying with its positive obligations⁶⁴ under this law and the people reaching sustainable human development.

The experience of religious institutions against human trafficking so far has built some solid stepping stones that will help religion go outside its comfort zone and into the challenging arenas of the world,⁶⁵ where they would come up with creative ideas for a more unified, more intense and more comprehensive work toward the common goal of eradicating human trafficking. Without impinging upon the *differentia specifica* of each faith, representatives of the various religions should unite *inter se* and with their believers around this common goal, and move toward its realization through certain common measures to be taken not only at grassroots but also at the United Nations, regional or state levels, where religion has a formal or strong informal voice in influencing prescriptive action and the application of the laws, in shining the light on state practice, and in applying pressure for appropriate restrictions on the private sector as well.

The role of religion, as the moral leader of civil society, remains center-stage: it is best suited to deal with all of the above-mentioned causes of trafficking, by either directly effectuating change, or indirectly, but powerfully, impacting policy at the local, regional and global levels.⁶⁶ For governments and international organizations to neglect this historic and unique function of the leadership role of religion would not only be imprudent, but also counter-productive.

⁶³ Pope Benedict XVI, *Caritas in Veritate* (2009), ¶ 40.

⁶⁴ Pati, *supra* note 31, at 126.

⁶⁵ My suggestion goes to representatives of all faiths, in line with The Holy Father’s call to the faithful to reach all the peripheries of the world. Pope Francis, *Evangelii Gaudium* (2014), ¶ 20.

⁶⁶ See this notion clearly stated by Pope Benedict XVI in his Encyclical Letter *Deus Caritas Est* (2005), and reiterated by Pope Francis: “If indeed ‘the just ordering of society and of the state is a central responsibility of politics,’ the Church ‘cannot and must not remain on the sidelines in the fight for justice.’” Pope Francis, *Evangelii Gaudium* (2014), ¶ 183.

This is just the beginning, and as we will soon hear the year 2020 knocking on our door, we, all seven billion humans on the face of this Earth, should pledge to the thirty million people held in slavery today that we do all we can do to free them before this decade is out. No lesser effort can meet the sacred obligations of our faith and the commitment of our society to a world order of human dignity.

