



Introduction

Judge Susana Medina

On behalf of the International Association of Women Judges, and as President of the Association of Women Judges of Argentina, I would like to thank His Holiness Pope Francis for emphasizing and warning about the serious consequences of the culture of relativism, and for his concern for the protection of the most vulnerable among the vulnerable: the victims of smuggling and trafficking in human beings for sexual and labour exploitation, or both at the same time. I would also like to thank the members of the prestigious Pontifical Academies of Sciences and Social Sciences, and their Chancellor, His Excellency Bishop Marcelo Sánchez Sorondo, for the invitation to take part in this Summit of African Judges and Prosecutors, which offers us a valuable opportunity for reflection, exchange of knowledge and examination of this true human tragedy which affects all regions of the world, and especially the African continent.

I would also like to thank each of the judges who accepted the call from Angola, Benin, Botswana, Cape Verde, Cameron, Côte d'Ivoire, Egypt, Ethiopia, Ghana, Kenya, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria, Pakistan, Senegal, Sierra Leone, Tanzania, Tunisia, Uganda, Zambia and the United States. Sisters in the law, welcome to all of you!

We are here to reflect from the point of view of praxis, with a ius-philosophical vision, on this true universal tragedy that violates the most elementary human rights and challenges us in our role as judges and prosecutors. I wish to quote the words of His Holiness Pope Francis when he says: "One of the most troubling of those open wounds [in our world] is the trade in human beings, a modern form of slavery, which violates the God-given dignity of so many of our brothers and sisters and constitutes a true crime against humanity" (7 November 2016).

Smuggling and human trafficking are two aspects of the same global, transnational, complex and serious crime, which has many varied forms and is part of the informal economy. It takes on new insidious approaches with the help of new technologies and new forms of monetary transactions, such as bitcoin and the dark web, which do not allow the identification of their members.

It is a crime that robs the most vulnerable human beings' of their dignity and life, and steals their future. The shady behaviour of some people leaves deep traces in the soul and in the body of those who suffer it. It is, without a doubt, a crime against humanity, and in this instance we are called to reinforce and examine this concept from our jurisdictional function.

Those of us who exercise the power, or at least a share of it, such as judges and women judges in particular, know that we are doubly responsible: for ourselves and for others, especially for the disenfranchised, the most disadvantaged, the poorest, those who suffer, those who often have nothing except their own life, their own existence, and trust in us to restore their human rights violated by a throwaway culture, by a relativist culture, which His Holiness Pope Francis warns us about in his Encyclical Letter *Laudato Si'*.

In this Encyclical, he exhorts us to work for the construction of a new dialogue that unites us all in the protection of the goods that God has placed on earth – soil, water, air and living beings – and among them the poorest and most mistreated human beings of the planet. Hundreds of thousands of women, girls, boys and young men are displaced every day from their homelands and trafficked for sexual or labour exploitation, or both; used to transport drugs or weapons; sold and purchased for organ trafficking; among other forms of submissions, torture and humiliation.

According to a report released by the UN News Center (13 June 18), in 2016 migrant trafficking affected at least 2.5 million people, and no region of the world was exempt from this lucrative violation of the laws and rights of the people. This crime generated \$7 billion in profits for the traffickers, an amount comparable to the total of the 2016 budgets for global humanitarian aid of both the US and the European Union.

Globalization has brought with it migratory movements. Neoliberal policies, which favour the free circulation of goods and capital between rich and poor countries, have not been sufficient to compensate the labour demand of the poorest countries. In addition, the increase in the demand of cheap labour, and the constant broadening of the economic gap between developed and underdeveloped countries, have contributed to the migration of

people and to more restrictive immigration policies, turning the world, our common home, into an unequal and unfair place.

Transregional flows of trafficking in persons are mainly detected in rich countries of the Middle East, Western Europe and North America, and often affect victims of the “Global South”, the developing countries, East and South Asia and sub-Saharan Africa.

Traffickers’ routes are always the same: from poor to rich countries, from southern to northern countries, from eastern to western countries – in short, where demand is important; and none of this could happen without the complicity and tolerance of vast sectors, mainly governments.

Moreover, it happens as a result of the relativistic culture described by His Holiness Pope Francis in the Apostolic Exhortation *Evangelii Gaudium* (EG 99), in which he noticed that when human beings place themselves at the centre, they give absolute priority to immediate convenience and all else becomes relative. “Hence we should not be surprised to find, in conjunction with the omnipresent technocratic paradigm and the cult of unlimited human power, the rise of a relativism which sees everything as irrelevant unless it serves one’s own immediate interests. There is a logic in all this whereby different attitudes can feed on one another, leading to environmental degradation and social decay” (LS 122). “The culture of relativism is the same disorder which drives one person to take advantage of another, to treat others as mere objects, imposing forced labour on them or enslaving them to pay their debts. The same kind of thinking leads to the sexual exploitation of children and abandonment of the elderly who no longer serve our interests” (LS 123). And continues, “In the absence of objective truths or sound principles other than the satisfaction of our own desires and immediate needs, what limits can be placed on human trafficking, organized crime, the drug trade, commerce in blood diamonds and the fur of endangered species? Is it not the same relativistic logic which justifies buying the organs of the poor for resale or use in experimentation, or eliminating children because they are not what their parents wanted? This same “use and throw away” logic generates so much waste, because of the disordered desire to consume more than what is really necessary.

This “throw away” logic is what causes millions of human beings to be sold to satisfy the excessive ambition, profiteering and greed of some people, and to satisfy the lust of others. These are, no more no less, the sins that inhabit man’s heart and are externalized as crimes, the ones against which we must fight, because they affect the weakest human beings.

And for that, as His Holiness Pope Francis tells us “We require a new and universal solidarity. As the bishops of Southern Africa have stated: “Everyone’s talents and involvement are needed to redress the damage caused by human abuse of God’s creation”. All of us can cooperate as instruments of God for the care of creation, each according to his or her own culture, experience, involvements and talents”. That is why we are here, each of us to work from our own spaces, with our legislation and judicial systems, united for the good of humanity.

His Holiness Francis, in his 2015 visit to the UN, recalled a speech that Paul VI delivered fifty years before, but still of undeniable relevance when he said “The hour has come when a pause, a moment of recollection, reflection, you might say of prayer, is absolutely needed so that we may think back over our common origin, our history, our common destiny. The appeal to the *moral conscience of man* has never before been as necessary as it is today ... For the danger comes neither from progress nor from science; if these are used well they can, on the contrary, help to solve a great number of the serious problems besetting mankind (*Address to the United Nations Organization*, 4 October 1965). Among other things, human genius, well applied, will surely help meet the grave challenges of ecological deterioration and exclusion. As Paul VI said: “The real danger comes from man, who has at his disposal ever more powerful instruments that are as well fitted to bring about ruin as they are to achieve lofty conquests” (ibid.).

As women judges, members of the international legal community, I invite you to pause and reflect on the need to build a new universal, independent, incorruptible, effective, efficient justice. A justice that remains close to the people and respects the most basic human rights, those which are violated by organized crime. We are in the best conditions to do so because we are the ones who interpret and apply the law; we are the ones who judge the others’ behaviour; but we shall keep in mind that someday we are also going to be judged by our actions and our omissions.

May God, source of all reason and justice, protect us!