



Vertice delle Giudici africane contro la tratta e il crimine organizzato



Summit 12-13 December 2019 | Judges and distinguished colleagues, welcome! Thank you for coming to the Holy See to discuss a topic of profound importance for humanity, the dignity of men and women and their bodies, for the common good and for peace.

We live in an era in which history seems to be going backwards. Even in the context of the revolution in communications and technology brought about by Artificial Intelligence and Robots, justice today seems to be ever postponed and pending. Inequality, marginality, the abandoning of children and the elderly, the migratory crisis, human exploitation, modern slavery, forced labour and organ trafficking are increasing forms of daily suffering that bear a chilling resemblance to tragedies that we thought history had overcome. You are here today to help remedy this deep crisis of values caused by a selfish, unbridled and greedy desire for power and material wellbeing, which does not take into account justice or the common good, and which is even capable of enslaving one's neighbour for one's own satisfaction. In short, we continue to fail to understand that a person cannot be happy without making his or her neighbour happy, without reaching out to the needy and the disadvantaged. You are here to provide a moral compass to help navigate a crisis that is leading the world to exacerbate what Pope Francis has called "the globalization of indifference", with disastrous consequences for the planet and the people who inhabit it, especially the steady increase in trafficking in persons, whether as forced labour, prostitution or organ trafficking.

The most important question from the existential point of view is not only knowing what to do, but knowing how to organise one's life in view of achieving human fulfilment for one's own happiness and for the happiness of one's family and friends, for the city in which one lives, for one's own homeland by birth or by choice, for the natural environment, and before God. The Social Doctrine of the Church confirms that the dignity of the person and the dignity of the human body, as well as justice and fairness, belong to this issue by pointing out, in the Gospel of the Beatitudes, that the outcome of happiness is not perfection in solitude – and, I would add, in friendship – but in the context of the city, the polis, the homeland, the people, the organized community, the world. In this high sense, Politics and Justice, which seek the common good, form the architecture of Ethics. Therefore, the values of justice, solidarity, equity and the integral dignity of the human condition, as well as policies aiming at peace, must conform to such a structure.

We happen to live at a time when phenomenal normative development is paradoxically accompanied by a serious deterioration in the effective enjoyment of rights that were universally won thanks to more than a few bitter social battles. Now, at the beginning of the 21st century, what appears to be most worrisome and problematic is people's effective access to those rights, in terms of a balanced participation in the distribution of market and non-market goods on a global scale. What is affecting most peoples in the world today is the unbearable contrast between equal attribution of rights and unequal distribution of goods. Societies like ours seem doomed to have to pay for increased productivity with a surge in inequality, exclusion, exploitation, discrimination, modern slavery and marginalization. The worst form of indignation concerns the lack of respect for the dignity of the human body, which is jeopardized by forced labour, prostitution and organ trafficking.

Such dignity is increasingly recognized and demanded by all people as the indispensable means for the free exercise of all others rights.

In general, in almost all its branches, law is being replaced by a purely positivist and functional interpretation of facts, to the benefit of the most powerful or arrogant, the so-called “powers that be”. Some even suggest that upholding the dignity of the human body is an “old” or surpassed idea, belonging to another era. Such people claim that this is the time to enjoy the selfish well-being postulated by unrestrained capitalism, which does not take justice into consideration and has no qualms in affirming that good does not exist, let alone the common good.

However, as you, dear Judges, well know, no one should be above the law, or above justice and the common good. “All are equal before the law”, says international law and most constitutions of African countries. Judges today are called to uphold the dignity of each person and their body, enabling them to experience the values that create happiness, such as contemplation, prayer, equity, fraternity, friendship, trust, environmental sustainability, and peace.

We can thus define justice and fairness as follows. At the level of purpose, justice and fairness in relation to another person, to a city, to a country, to a people, and to the international order, are essential to achieve happiness. You can't be happy if another is unhappy. We can't save ourselves without saving the other, our neighbour, our brother and sister. At the deontological level, we identify what is fair with the law, whether natural or positive, as expressed by a legislation that respects the dignity of the person, their body and the common good. Justice at the level of fundamental social wisdom is equated with the specific judgment that a judge determines according to various social situations, both ordinary and extraordinary, of uncertainty or conflict. We could call this specific jurisdictional act unbiased, equitable, or just. Thus, fairness in a concrete situation, as the supreme object of fundamental wisdom to which the legal decision refers, finds in the judiciary its greatest strength. Justice and law are not only regulations, but a sum of good praxis or concrete acts of justice. Therefore, judges are also co-authors of the law, insofar as they establish how it applies to concrete situations.

Isn't justice supposed to emerge at the end of a trial? And isn't the sentence the voice of practical wisdom, which upholds the law here and now? So allow me to say that a judge is to justice what a priest or a philosopher is to morality, and what a ruler – or any other personalized figure of the sovereign power of the people – is to policy. But it is only in the person of the judge that justice is recognized as the first attribute of an organized community. Judges who follow their vocation to be fair and meet out justice, committing themselves humanly and morally to social duties, liberate, create justice and are a credit to the judiciary.

In the Encyclical *Laudato Si'*, Pope Francis suggests that our interrelatedness obliges us to have a common plan for the world. Providentially, immediately after the Pope's address at the UN headquarters on 25 September 2015, world leaders unanimously adopted a set of Global Goals to eradicate poverty, hunger and thirst, promote education, protect the planet and ensure prosperity for all as part of a new Sustainable Development agenda. In particular, they adopted Target 8.7, which demands the eradication of modern slavery, defined by Benedict XVI and Francis as a crime against humanity.

As leaders of justice, it is now up to you, Judges of Africa, to join and commit to achieving the Global Goals, and in particular Target 8.7, adopted by governments and demanded by the people for the present and future good of humanity. This is a sacred enterprise, an imperative deriving from the Gospel of the Beatitudes and from reason or practical wisdom. You should not feel that you are alone in defending the dignity of the human body. For this reason, systems of coordination and organization must be established among those judges who are worthy of their profession.

I therefore ask you to commit and act together to achieve the following goals.

In the act of establishing justice, judges, prosecutors and their associates must first seek to restore vulnerable populations to equitable social conditions, corresponding to the dignity of every person and their body.

Without general and unrestricted access to the economic, social, cultural and environmental rights of every person, there can be neither order nor integral sustainable development.

The poor and vulnerable who suffer slavery due to being in forced labour, prostitution or organ trafficking must be part of the solution, not the problem. They must be allowed to take part in a real process of integration, not in a merely formal one.

The civil, political and economic rights of all people, particularly the disenfranchised, must be acknowledged, including the right to education, health care, housing, employment, childcare, citizen participation and freedom from any form of human trafficking, discrimination, violence and exploitation.

The justice system must ensure that education, housing and employment opportunities are available to all modern slavery survivors, including shelters, if necessary, and aid in their countries of birth or destination countries, in accordance with their own needs.

The judicial system has the inevitable duty of guaranteeing access to justice for vulnerable populations, so that they can litigate for the recognition of the dignity of their own bodies, when other public authorities have not been able to or were not willing or did not know how to guarantee.

A clear guarantee of the independence of judges and prosecutors is necessary, and this implies not allowing any kind of interference (political, economic or by the judicial system itself).

Each religious faith, within itself and collectively with other faiths, must promote awareness and ecumenical and interreligious actions to promote and defend the dignity of every person and of the human body, especially vulnerable populations and women.

The state must have an effective, permanent presence in precarious human settlements and must implement adequate public policies to achieve the social inclusion of the most unprotected sectors.

Bilateral or multilateral agreements between states are welcome, to the extent that they serve to establish justice for victims of modern slavery in a globalized world, where multinational lobbies are more coordinated in their actions than international justice systems.

In short, I would like to conclude with a wish and a prospect for today and the future. Just as in Pythagoras' Greece great thinkers were called "lovers of wisdom", which is the meaning of the word "philosopher", the Pope, following Jesus Christ, would like judges, Christians and people of good will to be "lovers of justice": "Blessed are those who hunger and thirst for righteousness; Blessed are those who are persecuted because of righteousness, Blessed are the peacemakers". The reward is worth it, because "they will be filled, they will be called children of God, theirs is the Kingdom of Heaven" (cf Mt 5, 5-9).

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