



Final Statement on Summit of African Women Judges on Trafficking in Persons and Organized Crime



Human trafficking and smuggling are two aspects of the same complex transnational and global crime that arise from organized crime. We do not hesitate to classify it as a crime against humanity.

The UN included Sustainable Development Goal 8.7 which provides: "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".

The African continent, and especially sub-Saharan Africa, is particularly affected by this crime. Poverty, destitution, lack of education, ignorance, lack of job opportunities, discrimination, gender bias and social exclusion suffered by millions of people, as well as the indifferent or complicit gaze of governments and the international community, continue to worsen this situation. In this regard, Pope Francis, Pope Benedict XVI and other religious leaders have described trafficking as the worst form of exclusion, proof of the "globalization of indifference".

Human trafficking manifests itself through sexual and reproductive exploitation, labor exploitation (through rural work and work for famous international brands in sweatshops); child pornography; organ trafficking, forced marriage and bonded labor.

Those who commit these abhorrent crimes violate the inalienable dignity and integrity of other

people, exploiting those situations of high vulnerability; they conceive them as "instruments" for the satisfaction of their lust; and, consequently, "disposable".

In this sense, His Holiness Pope Francis has argued that "Sadly, our society is tainted by the culture of waste, which is the opposite of the culture of acceptance. And the victims of the culture of waste are those who are weakest and most frail; and this is indeed cruel" (July 29, 2016, Visit to Krakow).

It is imperative that **States make a strong commitment** to combat this crime in a coordinated way and eradicate corruption and complicity from state powers, strengthen judicial independence so that judges can decide without pressure and prosecutors investigate without obstacles.

We insist on the need for states to create a **compensation fund** with money and goods from smugglers and traffickers, aimed to provide full reparation for victims, and provide them with housing and opportunities to lead a dignified life.

In order that each of us can **make our contribution to eradicate these inadmissible scourges**, we African women judges and prosecutors participating in the Summit of African Women Judges and Prosecutors on Human Trafficking and Organized Crime, call for concrete and effective legislative, political and judicial action that will contribute to preventing, punishing and eradicating human trafficking. At the same time, we remind ourselves of our responsibility to use our expertise as judicial officers to promote measures that can ensure victims of trafficking can become full members of society and lead dignified lives.

Legislation and legal measures

In order to combat human trafficking, we stress the need for agile and universal laws that work towards effective prevention of human trafficking; robust and professional investigations into these crimes; fair prosecutions of human trafficking crimes based on strong, credible and reliable evidence; and judgments based on sound and – where appropriate – innovative legal reasoning that ensures fair trial rights for the accused, the rights of the victims and recognizes the serious nature of this crime that may be a crime against humanity.

We seek to guarantee access to free justice for victims, adopt measures to prevent their revictimization, recognize their rights (political, social and economic), restore their freedom and dignity, provide them with tools for their empowerment, their economic independence and the integral reparation of the damage.

We support revisions to existing legislation as well as legal measures that can:

- Implement into domestic legislation all regional and international conventions on human

trafficking;

- Implement specific laws that deal with the prohibition of organ trafficking
- Provide a pro bono/free legal assistance program for human trafficking victims, as well as those accused of human trafficking who cannot afford defence
- Provide for reparation of victims of human trafficking, including monetary awards, access to education, housing, psychosocial counselling, medical treatment, economic independence
- Create safe houses for victims
- Create a special compensation fund for victims
- Create a national and international common registry of offenders (INTERPOL)
- Innovative procedural measures in court that will protect victims and limit re-traumatizing individuals who have suffered so much. Measures could include: allowing for the admissibility of audio or video-recorded statements of victims, testifying under a pseudonym, testifying from behind a curtain, making the courtroom victim-friendly etc.
- Create incentives for victims to speak out and come forward, including in immigration laws
- Create and foster national, international and regional cooperation measures that allow for greater sharing of information, experiences and expertise
- Promote prosecution-led investigations that can respond to the complexities of the crime of human trafficking
- Develop and share guidelines for judicial, border and investigative state actors and civil society actors to promote and foster best practices in investigations and prosecutions
- Create special units (investigations, prosecution)
- Create special courts to address human trafficking
- Conduct speedy trials
- Mainstream a gender perspective among all judicial and investigative actors who deal with these crimes
- Deliver judgments that condemn those who are found guilty, given the seriousness of this crime and the consequences for the victims
- Develop sentencing protocols for these crimes
- Make orders to ensure that assets of the accused are frozen and confiscated, and orders to provide reparations for victims
- Direct confiscated proceeds of crime towards treatment and recovery of the victims, for social awareness campaigns, and for the training and further education of judicial and police officers, in order to fight these crimes more efficiently and effectively.

Social policy/education

- Encourage creative campaigns to raise awareness of the horror suffered by many individuals who are smuggled or trafficked from Africa, especially to Europe and the Middle East, including radio dramas, comic books, town hall meetings;
- Provide trainings of police, prosecutors and judges involved in combatting human trafficking;
- Sensitize and raise awareness among other partners who can help in the fight against human

- trafficking, including employees at railway and bus stations and at airports;
- Promote a gender-sensitive environment.
- Collect relevant data on cases, including prosecutions and convictions;

It is essential to prevent this crime that robs the lives of thousands of human beings all over the world, and the future of entire peoples. For this reason, we recommend the adoption of the "Nordic model", which has already been successfully implemented in several countries, when designing programs to fight prostitution, which we consider a crime against humanity.