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*CONSTRUCTIVE ALTERNATIVE IN A PHASE OF GLOBAL UPHEAVALS
EMPLOYMENT AND THE DIGNITY OF THE INDIVIDUAL IN THE
DIGITAL AGE
INCENTIVES FOR SOLIDARITY AND CIVIC VIRTUE*

Session 2: The fight against human trafficking and economic crime .
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Sardinia Group

Right from the first moments of his pontificate Pope Francis almost daily and using increasingly strong and critical language, has urged everyone, especially the young generations, to fight corruption and crime. On 3 April last, in one of his customary meditations in the Santa Marta chapel, in a re-reading from the Book of Daniel and John's Gospel, the Pope explained that *"The question is why is corruption in people? Corruption is when sin enters ever more deeply, ever more deeply, ever more deeply into your conscience and will not leave you room even to breathe, everything becomes sin: this is corruption. The corrupt believe that things are good as they are, they believe this with impunity"*.¹ The Pope's meditation as always, highlights the deep roots of problems we are very clearly urged to address.

In fact, Pope Francis has described human trafficking, especially trafficking of women and young migrants, as *"a form of slavery, a crime against humanity, a grave violation of human rights, an atrocious scourge and it is all the more to be condemned when it takes place against children"*.² This is done by those who, with the pretext of helping and encouraging migrants to find better living conditions, take advantage of the desperation and hunger of people forced to flee or live in poverty, and so they become the new slaves, exploited by illegal labour or prostitution.

The Holy Father recently expressed the hope that *"those who have responsibilities in government will seriously strive to eliminate the causes of this shameful scourge giving voice to our smallest brethren who are humiliated and deprived of their dignity. And to make every effort*

¹Francis, Morning meditation on Corruption and Mercy, Santa Marta Chapel, 3 April, 2017

²Francis, Message to the 17th Conference against Human Trafficking, 3 April, 2017

to eradicate this shameful and unacceptable crime³ bearing in mind the need to form " a new humanism of work given we are living at a time of worker exploitation, a time where work is not exactly at the service of the dignity of the person, but is slave labour. We have to form people for a new humanism of work where man, and not profit, is the centre; where the economy serves man rather than is served by him."⁴

It is very clear that there is a correlation between what man needs for his survival and his exclusion from the world of free and dignified work, leading to the enforced retreat of the same person into illegal and criminal work. Pope Francis summarised this correlation using, as always, very clear and significant words: *"It is important that these others are not only recipients of some attention, but of real projects. But today there are people who would like to work, but cannot, and are struggling even to eat, so many young people who do not work: these are the new excluded ones of our times. But what does a young man do who does not work? Where does he end up? In addition, in psychological illness, in suicide. This is the drama of the newly excluded of our time"*(5).

In addition to strengthening the tools to prosecute more effectively the perpetrators of these shameful and intolerable crimes, it is also necessary to prevent this exclusion, the "society's rejects."⁵

Recently, the Italian Government and Parliament intervened with two important measures to overcome this critical aspect of the reception system for immigrants: Decree Law no.13 of 17 February 2017, enacted into Law on 12 April. Its purpose is to accelerate proceedings related to international protection as well as to fight against illegal immigration. Decree Law n.1658 B, finally approved by the Chamber of Deputies 29 March 2017, aims to boost security tools and protection for unaccompanied foreign minors. In particular, article 8 of Decree Law no.13 of 17 February 2017 amends the 18 August 2015 legislative decree 142 article 22bis, which states that <<Prefects should promote, in consultation with municipalities, regions and autonomous provinces and even the territorial Councils for immigration referred to in Article 3, paragraph 6 of legislative decree n.286 of 25 July 1998 and successive amendments, any initiative helpful to the

³Francis, Message for the International Day of Prayer and Reflection against Human Trafficking, 8 February, 2017

⁴Francis, Audience to the Christian Workers Movement, 16 January, 2016

⁵Francis, Audience to the Christian Workers Movement, 16 January, 2016

employment of those who have voluntarily requested international protection, in socially useful activities for the benefit of local communities, under the provisions of the current laws>>. The expectation of employment in socially useful activities is certainly a step in the right direction even if there remain strong doubts about the practical implementation of that provision. This is primarily because the institutional bodies who would be the promoters of these initiatives, have different institutional goals and, secondly, because even these initiatives, fitting within the framework of current unchanged labour law regulations, face critical issues which we discussed last year in this same venue. That was when we studied the second level reception for asylum seekers and refugees, which is also characterized in the organisation of public-private projects targeted to include the foreigner in local realities and in building and strengthening "regional networks" that should involve all local actors to support such projects.

These legislative measures are aimed solely at those who have obtained refugee *status* recognition or subsidiary protection or protection for humanitarian reasons or who are awaiting a decision on their application for international protection. They do not apply to those who leave the reception system, are not receiving any kind of assistance and fall into the network of economic crime that feeds on irregular work and the exploitation of prostitutes.

For these people who, for many reasons, are also "in transit", the proposal I made last year to establish by law a new type of contract that could be called "a transitory work contract", would allow for a "regularised" working relationship, without prejudice to the constitutional protections, and would not be subject to labour law requirements. These aim to encourage, even with state funding, the prevailing state of an employment contract for an indefinite period, that is, employment "for life", which by definition is the exact opposite of the provisional *status* which by law are "hiring" rules for foreigners temporarily present in the country.

This new type of contract would guarantee, and this is worth repeating, the chance to have a regular job for those who cannot work regularly within the current legislation. It would not include the protection of minors, as some might think *prima facie*, but would encompass a different type of protection, because the current needs and demands of these people are different and more urgent. For example, it would have its own *ratio*, as well as a strong social usefulness, the contractual provision that guarantees the right to proper housing rather than the

social protection in its current contractual forms. Despite the possibility that if and when the transitional *status* of these people becomes permanent through the maturation of certain legal requirements, such a contract could be converted to another, so that safeguards be tailored to the worker's specific and changing needs and prospects. These would therefore surpass the rigidity of the Italian regulatory work system, which has long been criticised by a more watchful doctrine in favour of greater and more effective flexibility in the labour market. This would look not just to the defence of work but to the protection of the worker, also repeatedly pressed by the European institutions to which we belong and even more as we remember the words of Pope Francis, *"human justice requires access to work for everyone. Divine Mercy also challenges us: faced with people in difficulty and tough situations, high sounding words will not serve, you must instead impart hope, comfort with presence and sustain with practical help"*(6), since only in the *"free, creative, participatory and mutually supportive labour that human being express and enhance the dignity of their lives"*(7).

Cagliari, 20 April 2017

6. FRANCIS, Audience to the Christian Workers Movement, 16 January, 2016.

7. Francis, *Evangelii Gaudium*, n.192

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