

**CONTRIBUTION FROM THE MILAN CHAPTER**

**" FIGHTING TRAFFICKING IN HUMAN BEINGS AND CORRUPTION: BUILDING ON RESPONSIBILITY"**

An analysis of the thematic treatment of the subject must start from an examination of the Universal Declaration of Human Rights, from that UN document on individual rights, signed in Paris on 10 December 1948 following the two world wars.

**1) The Universal Declaration of Human Rights**

The Universal Declaration of Human is a fundamental document of the United Nations, alongside its own Statute of 1945. The Declaration of Human Rights is a "code of ethics" of paramount historical importance, being the first document to universally sanction (that is, in every period of history and in all parts the world) the rights due to the human being.

**In the past human rights have always been "trampled on"(or rather: diminished)**

The Universal Declaration of Human Rights and in particular art. 1 proclaims the following fundamental principle: **"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"**. Art. 4 of the Universal Declaration of Human Rights bans slavery and trafficking in human beings: **"no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."**

**2) Analysis of the phenomenon of trafficking in human beings**

Trafficking in human beings is defined in the UN Protocol against trafficking in persons in the forms *"the recruitment, transportation, transfer, housing, or reception of persons by the threat to use force, or actual use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having authority over another for purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal*

of organs." Unlike the smuggling of migrants, **trafficking of people takes place without the consent of the person concerned** and is not intended to transport a person to another country, but to exploit the person.

### **3) A case in point: corruption in the Italian legal system**

A corruptive element common to the cases referred to in Articles. 318-322 of the penal code (p.c.) is **the agreement between a public and private entity** under which the former accepts from the latter payment for the exercise of his duties that is not due to him.

Compensation is represented by any material advantage, moral, economic or other, to have value for the public subject.

### **4) Corruption between individuals: a further step to overcome this phenomenon**

Corruption is a crime, usually committed within the public administration (Arts 318, 319 and also art. 319 *ter*, 320, 321 and 322 of the penal code), which has a fairly complex structure. This occurs when *administrators, general managers, managers responsible for preparing corporate accounting documents, auditors and liquidators who, as a result of tariffs or promise of money or other benefits for themselves or others, commit or omit acts in violation of the obligations inherent to their office or duties of loyalty, causing harm to Society.*

### **5) Legislative Decree n. 231 of 8 June 2001**

The Legislative Decree n. 231 of 8 June 2001, exceeds the Latin maxim *societas delinquere non potest*, adapting the Italian legislation to the provisions on liability of legal persons contained in certain international conventions signed by Italy, particularly the Brussels Convention of 26 July 1995 on the protection of the financial interests of the European Community, the Brussels Convention of 26 May 1997 on combating bribery of public officials within the European Community and the Member States and the OECD Convention of 17 December 1997 on combating bribery of foreign public officials .

### **6) Conclusion**

Based on these considerations, it should be emphasised that both the issue of corruption (even moral)

and the issue of trafficking have **a common denominator, namely man's inherent weakness.**

Trafficking in human beings comes from human corruption and today we are experiencing the consequences! The same corruption that constantly destroys society and peoples leads inexorably to what we are all now living and experiencing, namely the steady weakening of the political-economic system and the financial systems understood in their globality.

These forms of evil that are taking hold of man will destroy our communities down to the last line of defence: the family! What example do we give the family?

To avoid reaching the sad conclusion that, as in the great wars, corruption and trafficking in human beings cannot be beaten today and therefore we lose everything together, what is needed is to put forward models of political planning that are examples of culture and life within a system that offers confidence and hope.

On the one hand, the Agency of the United Nations (Organization for Cooperation and Economic Development - [www.oecd.org](http://www.oecd.org)) offers a series of rules of *compliance* on traceability and on the principles of responsible *business* and *global compact* ([www.unglobalcompact.org](http://www.unglobalcompact.org)).

The Church is continually fighting the phenomena being discussed; it should be noted that recently, at a meeting with representatives of the judiciary, Pope Francis said: **“trafficking in persons, drug trafficking, prostitution, organ trafficking are real crimes against humanity and should be recognized as such and sanctioned by laws”**.

The Pope said that *“The mission of judges is to fight crime free from pressures (...) from the globalization of indifference and the current tendency to weaken the figure of the judge through undue pressure: to take personal responsibility for their vocation also means to feel free and to proclaim this freedom. Magistrators and public prosecutors free: from what? From the pressures of governments, free from private institutions and, of course, free from the 'structures of sin' mentioned by my predecessor Saint John Paul II, in particular - free from organized crime - as structures of sin. I know you are under pressure, subjected to threats and all that; and I also know that being judges, attorneys and public prosecutors today means risking your life! ”*.

And again at a religious service in Santa Marta, Pope Francis took a position on corruption in these

terms: "Attachment to wealth is **the beginning of all kinds of corruption** everywhere: personal corruption, corruption in business, even the small commercial corruption, those who take 50 grams from the correct weight, political corruption, corruption in education ... Why? Because those who live attached to their own power, their own wealth, believe they are in heaven. They are blind, they have no horizon, they have no hope and in the end they will have to leave everything.

The Church's social teaching offers a clear view for the building of society, being aware of all the elements of ethics, sustainability, solidarity and responsibility for human behaviour.

In the final analysis, we are required to be promoters of the social doctrine of the Church, working towards the production of models of real life and corporate *governance* inspired by ethical *standards* that meet the needs for justice, truth and beauty that link all men.

But what is the role of governments? What is the role of international institutions such as the European Union, the World Bank, the International Development Fund and other organizations?

There seems to be a lack a real coordination, it seems that what is happening before our eyes does not cause reactions, it seems that everyone is committed to seeing only what concerns themselves and not notice the epochal tragedy that is afflicting the entire world and at the same time is insinuating itself into our societies and communities destroying them inexorably!

But is this level of indifference possible, this disregard for others, of wanting to ignore the misfortunes of the world, the absolute lack of awareness of the human tragedy and refusal to act directly on the causes of the problem.

It seems we are witnessing what has already been seen and already described in the Scriptures, as if ignoring them or doing something charitable such as giving donations would ease consciences !!!!!

It is not like this! One must realize that the Western world, Europe and Italy in particular, cannot accommodate these people, millions of people cannot all be included in the productive activities of the various countries concerned.

We are looking at the building of walls, of every type of segregation, of slavery within the same slavery that those fleeing from wars and destruction find at the end of their journey. The all they

find is exploitation of humanity through trafficking in people and endless corruption that is inherent in human weakness.

So what can we do? Help these peoples to grow in their native lands, help these peoples to develop in their countries of origin, help these people to integrate in the world.

How?

Let us examine what are the most important elements afflicting underdeveloped countries and plagued by corrupt governments, where the law is an optional.

The essential elements are:

### **Hunger, health, school.**

One must start from these elements!!! What actions today are going in this direction? Let us enumerate and coordinate them.

### **Hunger**

One must find solutions to these problems and not make on the spot interventions just to ease our consciences, pretending not to see problems in their entirety. A project organised to exploit the natural resources of these countries leading to the development of agricultural activities. Today science and technology allow us to produce water in the desert, to make seawater into fresh drinking water using techniques and technologies that only 10 years ago were science-fiction.

Why do we not use them? Why do we not teach these people how to exploit their own territories restoring their dignity through work, their work?

This could be a possible start to seeking a solution to the problem.

### **Health**

Helping to put together activities that could produce medicines locally. Clearly this does not interest large pharmaceutical companies as it does not create profit for shareholders, but coordination between governments and pharmaceutical companies through favourable tax advantages for these specific humanitarian actions, might be the start of a series of actions that could lead to the

production of medicines locally.

And consequently by building hospitals to treat these people, to monitor their health, keeping their health in conditions that allow them to live and work, and, as we know, work is dignity.

These peoples must regain their dignity, they must re-find the values of life and the will to think about their future and the future of their children.

### **The school**

To achieve all this requires knowledge.

The knowledge that develops human dignity, which enables people to read, to write, to think, to study, to learn and apply what one has learned.

We must focus our attention not with a torrent of words, but through actions targeted specifically at these three fundamental elements:

### **HUNGER, HEALTH, SCHOOL**

How?

Check what is currently in place, put together a team of scientists and experts in the fields of economics, medicine, education, culture, etc. and quickly put together a *master plan* that allows each specific country, through small adjustments, to support the targeted projects and create new ones.

In conclusion, just as the good father of family uses common sense for his community, so with equal good sense, effective actions can be taken to help save peoples.

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