

Faith Perspectives on Migration and Human Trafficking

Edited by

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AFCAST



The African Forum for Catholic Social Teaching

*Envisioning a more just, peaceful and humane African society
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Introduction

Faith Perspectives on Migration and Human Trafficking: Challenges and Opportunities in Southern Africa

David Kaulemu

AFCAST held its eighteenth workshop, focused on 'Migration and Human Trafficking in Southern Africa', at the Malawi Institute of Management in Lilongwe, Malawi, on 15 November 2011. As is the tradition, AFCAST, collaborating with the Centre for Social Concern, brought together sixty practitioners working in relevant areas of migration and human trafficking to reflect on the realities on the ground, the challenges and opportunities. The reflections were to be guided by Catholic social teaching, but non-Catholics, including Moslems, who were familiar with the topic and working in that field on a day-to-day basis, were also invited, and they participated fully. This booklet is a harvest of those reflections.

When AFCAST decided to hold a conference on migration and human trafficking in Malawi, I was forced to reflect on aspects of my own life. I am, like many of my contemporaries in southern Africa, a child of labour migration. Like many of their generation, my grandparents migrated from what is now Malawi and Zambia during the time of *chibaro* system.¹ At that time, the distinction between voluntary and involuntary migration was very narrow; in fact, *chibaro* was what we would now call human trafficking. However, in those days the colonial governments were deeply involved, while today human trafficking is carried out mainly by non-government agents, especially private individuals and groups, most of whom are criminals.

The distinction between migration and human trafficking is not always clear. Many trafficked people are recorded as migrants, and many migrants are trafficked into countries. Migration is not necessarily a bad thing. It can

¹ *Chibaro* was a system used to recruit workers from the southern African region for the mines and farms in the colonies, especially in South Africa. Coercion was often used, with the complicity of African chiefs.

be a way in which people are able to improve their chances of fulfilling their human potential socially, economically and politically. But human trafficking is a form of migration that many analysts regard as a kind of modern slavery because it involves force, coercion and criminality.

At the time AFCAST decided to hold this workshop, the issue of migration had become topical in eastern and southern Africa following the genocide in Rwanda and Burundi, the xenophobic attacks on migrants in South Africa, the election violence in Kenya that targeted migrants in many rural areas, and the loss of citizenship by many migrants in Zimbabwe.

Holding this seminar in Malawi was significant. Historically, Malawi has been a source of migrants in the region. Malawian migrants, like my grandparents and parents, have contributed tremendously to the history, culture, religion, politics and economics of southern African. The story of the social and economic contributions of migrants from Malawi to mines, farms and urban areas in Zambia, Zimbabwe, South Africa and the rest of the region has yet to be fully told. ChiChewa, the major language in Malawi, is now spoken in most countries in the region as a result of migration of Malawians. Many of the political, labour and social movements in the region were initiated with the active participation of Malawian migrants, whether we talk of Elliot Kamwana, the founder and moving spirit of the Watch Tower movement (Jehovah's Witnesses) in central Africa, or of Clements Kadalie, the architect and leader of the trade union movement in South Africa and later, in the words of George Padmore, 'the uncrowned King of the black masses'.² Today the impact of migrants from Malawi in the region is evident in national governments, national sports, and art and cultural teams of the region, although it has not been systematically analysed and acknowledged. This was brought out dramatically when former Zambian president Chiluba attempted to withdraw Zambian citizenship from former President Kaunda on the grounds that he was a Malawian. In Zimbabwe, many football players, singers, politicians, and business people acknowledge their Malawian origin. Many of them have never been to Malawi, yet their Zimbabwean citizenship was withdrawn from them by the Zimbabwe government.

It is in this regional context that AFCAST decided to focus on migration and human trafficking in its meeting in Malawi. With the support and

² Henry B. Masauko Chipembere, 'Malawi's growing links with South Africa: A necessity or a virtue?', *Africa Today*, Vol. 18, No. 2

facilitation of the Centre for Social Concern, Mrs Noris Kelly Mangulama Chirwa of the Malawi Human Rights Commission was invited to make the keynote address on 'The Situation of Human Trafficking in Malawi'. Dr Gerard Chigona responded from the point of view of Catholic Social Teaching relevant to this expert contribution. We had Fr Peter-John Pearson sharing the South African experience, Mrs Getrude Chimange on Zimbabwe, Sr Lesa Kayula on the Zambian experience, and Fr Elias Omondi on the Kenyan experience. Bishop Method Kilaini gave us a short piece on human trafficking in Tanzania.

This booklet presents a selection of these contributions to that workshop. However, the appreciation of AFCAST booklets shown by those who have used them over the years encouraged us to widen the conversation. It is because of this that, for the first time, we have also included contributions by Catholics working around this topic even though they were not present at the Lilongwe workshop. We are therefore grateful to Fr Joseph Hampson SJ, who made available to us an article he had previously published in the South African journal *Grace and Truth*. We are also grateful to the journal for allowing us to re-publish his article. Sr Melanie O'Connor of the Counter Trafficking in Persons Office in South Africa and Simpson Mwale contributed the research they have been doing on the topic. Ms Constance Shumba provided a special contribution on the health of the girl child and the challenges of migration and trafficking. Fr Simon Kim is a Korean migrant working on the theology of migration in the USA.

Background

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ('Palermo Protocol'), defines 'trafficking in persons' as 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'.³

³ UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, Article 3(a). Available at: <<http://www.unhcr.org/refworld/docid/4720706c0.html>>.

Trafficking in persons, especially of women and children, for commercial sexual exploitation is one of the fastest growing areas of international criminal activity. Trafficking is also carried out for the purposes of labour exploitation, forced marriage, adoption and the inhumane trade in organs. The overwhelming majority of trafficked persons are women and girls. Internationally, trafficking is now considered the third largest source of profits for organized crime.⁴

Migration within and out of Africa displays a wide range of patterns. Some of the push factors of migration include economic and ecological problems, intra-regional disparities in economic well-being, violent conflicts and political instability, and restrictive migration policies. Migration streams within Africa are much larger than those out of Africa. African nations were already harbouring about one-third (three million) of the world's refugees at the end of 2005. The ESA's report, *International Migration and Development: Implications for Africa*, explains African migratory patterns and their social and economic implications, particularly for the attainment of the Millennium Development Goals (MDGs).⁵

The Global Commission on International Migration says that 'Women, men and children should be able to realize their potential, meet their needs, exercise their human rights and fulfil their aspirations in their country of origin and hence migrate out of choice, rather than necessity.'⁶ The net effects of migration must therefore be seen as generally positive. International migration should be seen as a natural resource for Africans, and any other people, as they respond to social, economic and environmental challenges.

Global communication networks provide people with the information they need to make decisions about moving from one place to another. Global transportation networks have made it much faster and cheaper to travel. The growth of global social networks and diasporas have made it easier for people to move to and to adapt to new societies.

⁴ *Report of the Expert Group on Strategies for Combating the Trafficking of Women and Children* (London: Commonwealth Secretariat, 2003), 5.

⁵ *International Migration and Development: Implications for Africa* (Addis Ababa: Economic Commission for Africa, 2006), <http://www.uneca.org/eca_resources/publications/migrationreport2006.pdf>.

⁶ *Migration in an Interconnected World: New Directions for Action* (Geneva: Global Commission on International Migration, 2005), 4.

Human trafficking in Malawi

The phenomenon of human trafficking is, by nature, clandestine. Therefore, it is very difficult to get reliable data on the activities. However, a report sponsored by the Norwegian Church Aid (NCA) summarizes the situation of human trafficking in Malawi as follows:

According to the Centre for Social Research (July 2008) between 500 to 1,500 women and children are trafficked within the borders of Malawi annually. ... Out of this figure, 30% are children aged between 14 to 18 years, and about 400 women and 50 children are trafficked outside the country every year. Anecdotal reports from the media have recorded incidences of human trafficking both within and outside Malawi. The Malawi courts have handled cases that touch on human trafficking. However, due to the lack of a law that specifically criminalize[s] human trafficking, the perpetrators were charged with other offences such as abduction. The Child Care, Protection and Justice Act enacted limits itself to only criminalizing child trafficking, and therefore, trafficking of adult persons remains unaddressed by the criminal law.⁷

This report is very useful in understanding human trafficking in Malawi as it is based on one of the latest and most comprehensive studies on the matter in the country. The research is based in the six districts of Karonga, Nkhata Bay, Mchinji, Dedza, Phalombe and Mangochi, and is supported by the participation of people there. What makes this report important for the AFCAST workshop is the fact that the NCA is inspired by Christian social values.

The Norwegian Church Aid (NCA) is an international ecumenical organisation that works to promote the basic rights of women, men, boys and girls. The organisation is rooted in the Christian faith. NCA's mandate is to promote human dignity, participation, equality and social justice, with specific focus on the poor and the marginalized.⁸

AFCAST was therefore grateful to have the participation of Dr Gerard Chigona and Ms Habiba Osman of the NCA. Ms Habiba Osman gave us some background information and a summary of the content of the report.

⁷ R. M. Chizimba, G. T. Malera and C. W. M. Malonda, *Report of the Baseline Study on Human Trafficking in Six Selected Districts of Malawi* (Oslo: Norwegian Church Aid, 2011), 8. <<http://www.kirkensnodhjelp.no/Documents/Kirkens%20N%c3%b8dhjelp/Geografiske%20filer/S%c3%b8rlige%20Afrika/Human%20trafficking%20in%20Malawi%20May%202011.doc>>.

⁸ *Ibid.*, vii.

Dr Chigona, himself a Catholic and former member of the AFCAST working group, contributed through a presentation on Catholic social teaching relevant to the topic. His contribution is included in this collection, as it is useful in interrogating the Christian values and principles that help in reflecting on the human trafficking phenomenon.

The report identifies the legal challenges and responses to human trafficking in the southern African region as follows:

Several countries in the region have not enacted specific laws that address the issue of human trafficking. In southern Africa the following countries have not enacted specific laws to address human trafficking: Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Namibia, Swaziland, and Zimbabwe. These countries use a rubric of national statutes to address issues to do with human trafficking, such as: labour laws that prohibit forced labour and child labour, penal codes that prohibit abduction, kidnapping, prostitution, slave trafficking and pimping; sexual violence statutes. Some of these countries have enacted child protection laws that criminalize child trafficking. ... The four countries of Tanzania, Zambia, South Africa and Mozambique have enacted specific laws that comprehensively address human trafficking. All of the countries in the SADC region have signed and/or ratified (or acceded) to the Palermo Protocol with the exception of Angola and Zimbabwe.⁹

Irregular migration

The term 'irregular migration' is used to describe a variety of different phenomena that involve people who breach immigration laws of the countries they are found in. These include people who enter or remain in a country without authorization. Many of them are smuggled across international borders. Others are unsuccessful asylum-seekers who fail to observe a deportation order or those who circumvent immigration controls through the arrangement of fake marriages. In Africa, borders are porous, ethnic and linguistic groups straddle state borders, some people belong to nomadic communities, and many people do not have proof of their place of birth or citizenship. Many people in Africa have multiple documentation papers which they use depending on need. All these factors facilitate the development of irregular migration.

⁹ Ibid., 7.

Human traffickers and migrants

Human traffickers exploit migrants. Victims of human trafficking are forced into low-paying jobs, or insecure and degrading work with little compensation. Once they are lured into irregular migration, victims are vulnerable and find it impossible to escape or to use their skills and experience. The US State Department has estimated that, every year, between 600,000 and 800,000 women, children and men are trafficked in every region of the world.¹⁰

Women, who constitute a substantial proportion of the many immigrants with irregular status, experience gender-based discrimination and are often forced to accept the most menial informal-sector jobs, especially in the sex industry, where they are exposed to health-related risks, including HIV and AIDS. Migrant children who are separated from their parents and are without appropriate papers are a particularly vulnerable group. Migrants with irregular status find it difficult to seek redress from authorities for fear of arrest and deportation. They cannot easily demand their rights as human beings, nor can they easily access the public social and health services that are available. In some cases, NGOs, religious bodies and other civil-society institutions are obliged to provide assistance to these migrants.¹¹

The police are usually opposed to the organizations that help people without regular status. The Catholic Church in Germany experienced similar hostility from the German police because of its work with African migrants until they lobbied and explained their work, which is inspired by Catholic social teaching, especially the dignity of the human person and the options for the poor. Today, the police have stopped raids on Catholic social centres that help migrants in Germany, and those centres can take sick and irregular migrants to German hospitals for medical attention without either the church or the hospitals being charged or harassed by the police.¹²

¹⁰ *Migration in an Interconnected World*, 34.

¹¹ Participants at the AFCAST workshop were members of both the church and civil society involved in work in human trafficking and migration.

¹² In 2011, the German Catholic Bishops' Conference and SECAM Bishops met in Bonn to discuss the issue of 'African Migration to Europe'. After this meeting, they proceeded to Berlin, where they met the German President and officials of the ministries of Foreign Affairs and of the Interior to engage, lobby and advocate for better treatment of African migrants in Europe. They toured the Africa Centre run by the White Fathers, where they learnt of the positive developments. I was privileged to have accompanied the bishops as a resource person.

Economic impacts of migration

Migrants make a valuable economic, political, social and cultural contribution to the societies they migrate to and to those they have left behind. The remittances that migrants send to their home countries play an important part in alleviating poverty in their countries of origin. Remittances increase and diversify household incomes, provide an insurance against risk, enable family members to benefit from educational and training opportunities, and provide a source of capital for the establishment of small businesses.

Migration can, however, also result in the departure of a country's brightest, best-educated and most entrepreneurial citizens. This deprives the state of revenue and prevents countries of origin from gaining an early return on the investment they will have made in the education and training of those people. Most seriously, when it involves the departure of professionals in sectors such as health and education, migration can adversely affect the supply and quality of essential services.

Today's challenge is to formulate policies that maximize the positive impact of migration on countries of origin while limiting its negative consequences. To achieve this objective, migration must form part of national, regional and global development strategies. Migration has generally not been considered an integral component of the development agenda in many African countries. Development initiatives in most African countries have not always taken due account of international migration. Many developing countries lack the capacity to make this linkage between migration and development. Developing countries have to adjust to the realities of a competitive global economy, and coherent migration policies are an integral part of this process.

Remittances and household incomes

'Even though sub-Saharan Africa receives the lowest proportion of remittances of all developing regions, they have a very significant impact there. Household incomes in Somalia, for example, are doubled by remittances, while financial transfers provide 80 per cent of the income of rural households in Lesotho.'¹³ 'African migrants contribute to African development through a number of channels. ... In 2004, remittances to Africa amounted to \$14 billion, with Egypt, Morocco and Nigeria being the largest recipients. Based on existing research ... households that receive these migradollars tend to use the proceeds

¹³ *Migration in an Interconnected World*, 27.

primarily for current consumption (food, clothing) as well as investments in MDG-related areas such as children's education, healthcare, and improvement in household food security through investments in agricultural technology.¹⁴

The industrialized states are currently confronted with shortages of personnel in high-value and knowledge-based sectors of the economy such as health, education and information technology. Unable to recruit, train and retain the necessary personnel at home, a growing number of governments and employers are turning to the global labour market in order to meet their human resource needs. Multinational corporations want to move their personnel from one country to another in order to make best use of the talent they have engaged, and are calling on states to make this process easier.

Social impact of migration

International migration is an emotive issue because it raises complex questions about national identity, global equity, social justice, and the universality of human rights. Its challenges are radically different from those that arise in managing the movement of inanimate objects such as capital, goods and information.

Throughout the world, people of different national origins, who speak different languages, and who have different customs, religions and patterns of behaviour are coming into unprecedented contact with each other. As a result, 'the notion of the socially or ethnically homogeneous nation state with a single culture has become increasingly outdated'.¹⁵ Most societies are now characterized by a degree of diversity.

The intermingling of people from different countries and cultures presents both opportunities and challenges. Diverse societies and communities can be socially dynamic, culturally innovative and economically successful as they capitalize on the new trading, investment and business opportunities opened up by the process of globalization. Yet this diversity can also create challenges, especially in the degree of social cohesion and peace. While all societies are characterized by some degree of conflict and social tension, migration sometimes exacerbate these conflicts.

¹⁴ *International Migration and Development*, xvi.

¹⁵ *Community Conversations: Communities Embracing Each Other - 2009* (Johannesburg: Nelson Mandela Foundation, 2009), 18.

Cultural exchanges

In general, migration may lead to an enriching exchange with other cultures. Women who migrate can influence their societies of origin by disseminating new values about the rights and opportunities of women. Women who remain behind when their husbands migrate may experience new decision-making roles with respect to their households. However, when people are unable to deal with their newly found freedom as a result of migration, negative values and practices may also creep into society. Promiscuity, family breakdown, gender violence, alcoholism and the spread of diseases, especially HIV and AIDS, have been some of the negative consequences.

Migration and security

Migration is closely linked to security concerns, at the individual, national, and global levels. Conflicts and violence spurs population movements, while migrants can experience threats to their individual security while in transit, as well as at their points of destination. Some countries are concerned that migrants may constitute a security threat. Importantly, unlike goods and services, the movement of people abroad involves a wide range of social issues, such as human rights, family unification and social integration that would need to be efficiently and appropriately managed, to increase human security, ensure respect for people and human rights, and harness resources for development. ... international migration is increasingly gaining the attention of African leaders. In this regard the African Union (AU) has put in place a policy framework to stem the brain drain through the creation of employment opportunities, and to mobilize the African diaspora for the development of their countries.¹⁶

Political impact of migration

Migration can be an empowering experience that enables people to enjoy a greater degree of human security and freedom. Returning migrants and exiles have assumed important leadership roles in many democracies that are emerging from years of authoritarian rule.

¹⁶ *International Migration and Development*, xvi-xvii.

Impact on media

In many societies, citizens are expressing concerns, both legitimate and unfounded, about the arrival of people from other countries and cultures. Media outlets across the world tend to focus on the more sensational and negative aspects of the issue. Migration has therefore proved to be a politically explosive issue in a significant number of countries, to the extent that it seems to have played an important role in determining the outcome of several elections. The discourse on migration has thus become a highly polarized one at national, regional and global levels. Church media is very weak in Africa. Sometimes articles appearing in church media do not show any difference from the sensationalized stories in dominant media. So even where the church has been deeply involved in receiving and taking care of migrants – regular and irregular – church media has not done much to inform people about the issues and help them deal them in mature ways. This weakness was recognized by the participants at the AFCAST workshop.

Impact on health

In many countries in sub-Saharan Africa, the departure of essential workers has seriously impeded the delivery of health services to local populations, especially those living in remote rural areas. If this trend continues unabated, it is likely to undermine the progress that has to be made in achieving the health-related objectives of the MDGs. The trend is less acute, but is also of concern, in the education sector.

‘In the case of the health sector, where African countries are facing increasing demand as a result of HIV/AIDS and other diseases, several countries experience a net depletion of their health work force. For example, 926 Ghanaian doctors practise in the OECD alone, representing a much-needed 29 percent of the doctors still practising in Ghana.’¹⁷

Conclusion

Human trafficking is an evil that needs to be tackled effectively and urgently. However, in many African countries, human trafficking would be drastically reduced if there was greater employment, good political and economic governance, greater political and cultural peace, and more general economic development.

¹⁷ *International Migration and Development*, xvi.

African countries should learn to co-operate with each other in matters of development. Greater political and economic regional integration would help to deal with human trafficking, take advantage of the political, economic and cultural opportunities created by migration, and reduce the challenges resulting from it. We hope that this booklet will help the process of education, advocacy and policy development on these important matters. We also hope that the Church will continue to take an active role in fighting trafficking and encouraging good policies on migration. We were gratified to see the active participation in the workshop of three bishops and the Secretary-General of the Malawi Catholic Bishops' Conference.

We are grateful to Misereor for continuing to support AFCAST and to Missio Aachen for joining in the effort.

We thank the Catholic Bishops of Zimbabwe who wrote a pastoral letter which we have included as a sign of their concern for the plight of Zimbabweans who, for one reason or other are living outside their home country.

Trafficking in Human Persons: Perspectives of Catholic Thought

G. L. M. Chigona

Norwegian Church Aid

Mother and Teacher

In recent times human trafficking has gained global attention. Some reports indicate that between 600,000 and 800,000 victims are trafficked throughout the world each year.¹ Victims are subjected to such treatment as forced labour and prostitution. It is no surprise that the practice is referred to as modern-day slavery. In this discussion we would like to see what the Catholic Church thinks and teaches about human trafficking.

The Catholic Church understands itself to be *Mater et Magistra*, i.e. Mother and Teacher. She is the Mother of the faithful and the Teacher of spiritual and moral truths, and this includes human rights to which the human trafficking discourse belongs. But this claim is not without contestation. While its motherhood seems less contestable, the teaching part surely is. There are those who argue that the Catholic Church's position on moral questions is far from being error-free. Perhaps where this is most evident is in the area of human rights. These arguments range from the sincerity of the Catholic Church in terms of putting into practice what it claims to promulgate, to the problematic nature of the human rights language itself in as far as the Church is concerned.

To begin with, talk about human rights in the Catholic Church faces numerous historical problems. Sceptics argue quite strongly about the glaring disparity between, on the one hand, the Church's abundant claims on human rights and, on the other, the meagre yields in actual practice. Critics contend vigorously that the history of the Church – the Crusades, the roasting of

¹ See <<http://www.catholiccharitiesusa.org/Page.aspx?Pid=658>>.

heretics, inquisitions, colonialism and slavery – provides enough proof that that Church has not always been on the side of the oppressed.² Instead, there are traces in her footpath pointing to that fact at times she has been an ardent beneficiary or an actual participant in human rights violations.³

There are many practical examples of this. In America, it was common for Catholic laity, bishops, priests and religious orders to be slave-holders. In this case examples include the Jesuits, the Capuchins and Ursulines. There were also individual bishops who owned slaves. For example, Bishop John Carroll had two black servants – one free and one a slave.⁴ Even after Urban VIII had condemned the slave trade in 1639, something that was repeated two hundred years later by Gregory XVI, this was far from putting a stop to the ‘lucrative’ trade in America. Northern and southern bishops, such as John England in Charleston, South Carolina, continued with the practice.⁵ Even during the war for the abolition of slavery, Church leaders such as Archbishop John Hughes of New York were not supportive.⁶

The list of sceptics continues to grow. The participation of the Church in discussions about human rights faces not only historical problems but also contemporary ones. There are those who argue that the Church has not really changed. It still carries within its structures elements that promote

² In the 19th century, the standard Catholic teaching was that the social, economic and legal institution of slavery was morally legitimate as long as slaves were properly cared for materially and spiritually: Francis Maxwell, *Slavery and the Catholic Church* (Westminster, MD: Christian Classics, 1975), 10–12; Joseph D. Brokhage, *Francis Patrick Kenrick's Opinion on Slavery* (Washington, DC, Catholic University Press, 1955).

³ It is generally accepted that the church is not the ‘original’ champion of human rights. Rather, history proves that, for a long time, the church had been resisting many of the fundamental rights of the human person. For an overview of the documents on human rights since John XXIII, see G. Filibeck (ed.), *Human Rights in the Teaching of the Church: From John XXIII to John Paul II* (Vatican City: Libreria Editrice Vaticana, 1994). See also R. Traer, *Faith in Human Rights: Support in Religious Traditions for a Global Struggle* (Washington, DC: Georgetown University Press, 1991), 33–48.

⁴ Jamie T. Phelps, ‘Caught between thunder and lightning: An historical and theological critique of the episcopal response to slavery’, in Secretariat for Black Catholics, National Council of Catholic Bishops (ed.), *Many Rains Ago: A Historical and Theological Reflection on the Role of the Episcopate in the Evangelization of African American Catholics* (Washington, DC: United States Catholic Conference, 1990), 30. See also George Cummings, ‘Racism in the US from 1492–1992: A Theological Critique of the Context of Contemporary Ministry’, in T. Howland Sanks and John Coleman (eds.), *Reading the Signs of the Times: Resources for Social and Cultural Analysis* (New York: Paulist Press, 1993), 85–6.

⁵ See *The US Catholic Miscellany* (10 Oct. 1840), as quoted in Maria Genoino Caravaglios, *The American Catholic Church and the Negro Problem in the XVIII–XIX Centuries* (Rome: Tipografia delle Mantellate, 1974), 89, cited in Phelps, ‘Caught between thunder and lightning’, 24.

⁶ Marvin L. K. Mich, *Catholic Social Teaching and Movements* (Mystic, CT: Twenty-Third Publications, 1998), 137.

violation of human rights. Mazgebu Kassa observes that, while the Catholic Church authorities denounce general societal abuses including the abuse of power and the oppression of human persons in state and society, the structures of the Church continue to display an authoritarian and oppressive character.⁷ Presently, Kassa contends, the practice of 'obligatory' celibacy and the marginalization of women in terms of priestly ordination and decision-making in the Church clearly display this disparity between words and action.

Added to the above is the language factor. It is strongly argued that the whole human rights language is improper for the Church. For example, Paul Valéry doubts the sanity of including the human rights talk in the language and life of the Church: 'How dare one speak about human rights in the Church? Human rights have to do with torture, barbed wire and blood on the stake.'⁸ Along similar lines, Alasdair MacIntyre contends that rights language operates as both tool and weapon for those seeking to protect their interest and to assert their will in the basically hostile social environment that characterizes post-Enlightenment modernity.⁹

As Julie Clague notes, MacIntyre seems to attribute the phoney nature of human rights talk to the dislocation of the concept itself from its classical locus, and its counterpart, the dislocation of the individual from society.¹⁰ Just like MacIntyre, Ernest Fortin remains unconvinced of the wisdom of integrating the language of human rights into Church statements. His disputation is that the rights talk takes its bearings not from what human beings owe to their fellow human beings but from what they can claim for themselves.¹¹ Thus the two extreme positions, one concerning the lack of harmony between the human rights claims of the Church and its praxis, and the other, concerning the suitability of the human rights language itself, make the human rights discourse in the ambit of the Catholic Church somewhat ambivalent.

⁷ Mazgebu Kassa, *Human Rights in the Church: A Matter of Credibility and Authenticity* (Leuven: Katholieke Universiteit Leuven, Seminar Paper, 16 Dec. 2004), 1.

⁸ Paul Valéry, quoted in *ibid.*

⁹ Julie Clague, 'A dubious idiom and Rhetoric: How problematic is the language of human rights in Catholic social thought?', in J. S. Boswell, *et. al.*, *Catholic Social Thought: Twilight or Renaissance?* (Leuven: Leuven University Press, 2000), 125.

¹⁰ *Ibid.*

¹¹ Ernest Fortin, *Human Rights, Virtue, and the Common Good: Untimely Meditations of Religion and Politics: Collected Essays* (Lanham, MD: Rowman & Littlefield, 1996), 304.

The teaching and learning Church: An anthropological view

The human person as the Imago Dei

Critics of the Church are important on this matter. They confirm the mystery of the Church as divine and human. Mother and Teacher she really is, but this certainly carries no presuppositions of monopoly over truth. Precisely for this reason, the Church is open to new trusts. Not only is she a teacher, she is also a learner. In its humanity the Church continues to learn, just as in its humanity she exclaims, like the Psalmist, *in iustitia tua libera me* (deliver me in your righteousness). The Church is not an island of holiness. She is a pilgrim, equally looking forward to and dependent upon God's grace for salvation. Therefore, despite the reservations, the Catholic Church has a legitimate mandate to participate in the human rights discourse. Primarily, this stems from its revealed truth about the nature and identity of the human person.

To understand the stance of the Catholic Church on human rights and the question of trafficking in human persons, the only solid starting point is the Church's conception of the human person, his very nature and identity. In the course of the Second Vatican Ecumenical Council (1962–65), deep and intensive reflections were made on the nature of the human person.¹² In these reflections we find profound insights regarding what the Catholic Church understands and confesses about the human person, his dignity and rights, and about his vocation in the World.¹³ The human person is created in the image of God,¹⁴ with the capability to know and love his creator, and

¹² These reflections started with the recognition of the almost unanimous opinion of believers and unbelievers alike, that all things on earth should be related to the human person as their centre and crown. Vatican II, *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World), (Nairobi: Paulines Publications Africa, 1992), para. 12.

¹³ It is in this way that organs of the Church, particularly those that promote human rights like the Justice and Peace Commissions, can distinguish themselves from other 'pure' civil society organizations.

¹⁴ The designation of the human person as 'image' and 'likeness' of God has always raised controversial theological and biblical hermeneutical discussions. Scholars like Roger Burggraeve say that a careful reading of the Genesis text (Gen. 1: 27) shows that the human person is created only according to God's image, not in God's likeness. The distinction between image and likeness is usually attributed to Irenaeus in his *Against Heresies*. The 'deficiency' in God's creative act is also pointed out by Origen (*Peri Archon*, III, 6, 1). Basil of Caesarea draws our attention to it more explicitly and extensively in his work *On the Origin of Humanity* (I: 15–16). According to Basil, God's 'image' is what humans possess through creation, i.e. as God's gift, while we acquire God's 'likeness' of our own initiative. In other words, Burggraeve says, 'creation is about a double work, namely the work of God, on one hand, and the work of humans, on the other: Together, both the acts of God and the acts of humanity comprise the creation according to God's image and likeness.' Roger Burggraeve, *To Love Other-Wise: Essays in Biblical Thought and Ethics* (Leuven: Katholieke Universiteit Leuven, Faculty of Theology, 2004), 57.

was appointed by Him as master of all earthly creatures that he might subdue them and use them to God's glory.¹⁵ The human person is, first and foremost, a creature of God,¹⁶ but, quite unlike the rest of the created order, he is distinctively created in the image and likeness of God.¹⁷ This likeness with God reveals that the essence and existence of the human person are constitutively related to God in the most profound manner.¹⁸ This relationship with God can be ignored or even forgotten or dismissed, but it can never be eliminated. Indeed, among all the world's visible creatures, only man has a 'capacity for God' (*homo est Dei capax*).¹⁹

The human person as relational

From the profound understanding that the human person is the image and likeness of God flow many aspects about him. The human person, the Church declares, is not a solitary being but 'a social being, and unless he relates himself to others he can neither live nor develop his potential'.²⁰ The relationship that the human person has with God is equally reflected in the relational and social dimension of human nature. As a matter of fact, it is inalienable to the very foundation of social institutions, including the state itself.

This 'relationality', so imbedded in human nature, expresses itself even more profoundly in the sexual difference. According to Burggraeve, this confession has four implications regarding the sexual difference. In the first place, the sexual difference expresses a radical difference between individuals in terms of sexuality and procreation. Second, it shows the non-omnipotence of individuals. Third, the sexual difference opens up a perspective on dialogue. And, finally, it stands as a symbol for fruitfulness.²¹

¹⁵ This statement is one of the products of the Second Vatican Council (1962-65), although this understanding has always been in the Church, even before the Council.

¹⁶ Cf. Ps. 139: 14-18.

¹⁷ Gen. 1: 27; 2: 7.

¹⁸ Cf. *Catechism of the Catholic Church*, paras. 356, 358.

¹⁹ *Compendium of the Social Doctrine of the Church*, para. 109.

²⁰ Vatican II, *Gaudium et Spes*, para. 12. On this point it is argued in very clear terms that: "The human person may never be thought of only as an absolute individual being, built up by himself and on himself, as if his characteristic traits depended on no one else but himself. Nor can the person be thought of as mere cell of an organism that is inclined at most to grant it recognition in its functional role within the overall system." *Compendium of the Social Doctrine of the Church*, para. 125.

²¹ Cf. Gen. 1: 27; 2: 23. See also: *Catechism of the Catholic Church*, paras. 2334; 371; John Paul II, *Evangelium Vitae* (Encyclical Letter, 25 Mar. 1995), para. 19; Burggraeve, *To Love Other-Wise*, 46.

The human person as unity and open to transcendence

The Church further teaches that the human person is created as a unity of body and soul.²² This soul, it is said, is spiritual and immortal and, quite fundamentally, is the principle of that unity whereby the human person exists as a whole – *corpore et anima unus*. It is by the unity of body and soul that the person is the subject of his own moral acts.²³ Through his corporeity, it is observed, the human person unites in himself elements of the material world while, through his spirituality, he moves beyond the realm of mere things and plunges into the innermost structure of reality.²⁴ Unique to the human person, therefore, is this twofold distinctive characteristic: he is a material being, mediated to this world by his body, and he is also a spiritual being, open to transcendence and to the discovery of ‘more penetrating truths’.²⁵ In other words, being human entails constitutive openness to the infinite-God, as well as to others.²⁶

The human person as unique and unrepeatable

The human person exists as a unique and unrepeatable being. This quality constitutes his being the subject of history. In the created order only man is capable of being consciously historical. Yes, he alone exists as an ‘I’ capable of self-understanding, self-possession and self-determination. It is from this stance alone that the human person must always be understood, i.e. in his unrepeatable and inviolable uniqueness:

In fact, man exists as a subjective entity, as a centre of consciousness and freedom, whose unique life experiences, comparable to those of no one else, underlie the inadmissibility of any attempt to reduce his status by forcing him into preconceived categories or power systems, whether ideological or otherwise.²⁷

The uniqueness of the human person and the freedom that he inherently possesses makes him historic. It is in freedom that the human person realizes his being: ‘man can turn to what is good only in freedom, which God has given him as one of the highest signs of his image’.²⁸ For God has willed that

²² Cf. *Compendium of the Social Doctrine of the Church*, para. 259.

²³ John Paul II, *Veritatis Splendor* (Encyclical Letter, 6 Aug. 1993), para. 48.

²⁴ Vatican II, *Gaudium et Spes*, para. 14.

²⁵ *Compendium of the Social Doctrine of the Church*, para. 129.

²⁶ *Ibid.*

²⁷ *Compendium of the Social Doctrine of the Church*, para. 131.

²⁸ *Catechism of the Catholic Church*, para. 1705.

man remain 'under the control of his own decisions' (Sir. 15: 14), so that he can seek his Creator spontaneously, and come freely to utter and blissful perfection through loyalty to Him.²⁹

Respect of human dignity

The natural law

The above constitutive characteristics of the human person are the non-negotiable premises upon which his inherent dignity rests. Again, it is on this that the stance of the Church against dehumanizing trends, including human trafficking, is founded. The Catholic Church affirms the inviolability of human dignity.³⁰ This dignity is discernible and known through natural reason, also called natural law, and revelation. It is the case that, more than ever before, neo-Thomism and the natural-law doctrine have become contested. The apparently harsh environment is largely due to the waxing and waning of neo-Thomism and the natural-law doctrine in popular discourse under post-modernism that has ushered in the era of relativism.³¹ Nevertheless, for the Catholic Church, the natural law remains fundamental to the determination of moral questions.

A historical account of some sort might be useful here. In the 16th century, Grotius, in his work *De Jure Belli*, defined natural law as 'a dictate of right reason indicating that an act, on account of its conformity or lack of conformity with rational nature, has in it a quality of moral turpitude or moral necessity, and that consequently such an act is either commanded or prohibited by God, the author of nature'.³² Natural law denotes binding obligations for the rational and free human person. This stems from the essence of what it is to be human. The history of this law is quite long. It is

²⁹ *Compendium of the Social Doctrine of the Church*, para. 135.

³⁰ *Ibid.*, para. 107.

³¹ Staf Hellemans, 'Is there a future for Catholic social teaching after the waning of ultramontane mass Catholicism?', in Boswell, *et. al.*, *Catholic Social Thought*, 24. To appreciate the seriousness of this moral or ethical relativism, one just has to study works such as these: T. Deidun, 'The Bible and Christian ethics', in B. Hoose (ed.), *Christian Ethics: An Introduction* (London: Continuum, 1998), 3-46; Richard Gula, *Reason Informed by Faith: Foundations of Catholic Morality* (Mahwah, NJ: Paulist Press, 1989), 43-59, 165-184; Charles E. Curran, *Catholic Moral Theology in Dialogue* (Notre Dame, IN: University of Notre Dame Press, 1972), 24-64; J. Gustafson, 'The place of Scripture in Christian ethics: A methodological study', *Interpretation* (1970), 24: 430-55; Joseph Fuchs, 'Is there a specifically Christian morality?', in C. Curran and R. McCormick (eds.), *The Distinctiveness of Christian Ethics* (Ramsey, NJ Paulist Press, Readings in Moral Theology 2, 1980), 3-19.

³² Quoted in Brian Tierney, *The Idea of Natural Rights* (Grand Rapids: Eerdmans, 1997), 327.

traceable in the New Testament tradition (Rom. 1: 18-22; 2: 14-16; 12: 17; 1 Cor. 10: 32). We find it also in the great theologians of the 1st century such as Augustine and Ambrose. The natural law theory contains some elements from the ancient Greek philosophers, mainly Plato and Aristotle, as well as the Roman Stoics. In the 13th century, Thomas Aquinas made efforts to integrate the ideas of the Greek world into Christian philosophy and theology. Others who, at various moments in history, have grappled with this theory are Cicero, Gaius, Epictetus, Ulpian, Duns Scotus and Francisco de Suarez. In recent times the Catholic Church has strongly articulated this law in *Gaudium et Spes* (1965).

Human dignity is also known through revelation. It is in revelation that the fullness of human dignity is known. Natural reason approximates it, but it is only through revelation that the fullness is known. We read:

When, further we consider the human person's dignity from the standpoint of divine revelation, inevitably, our estimate of it is incomparably increased. By the blood of Jesus Christ, human persons have been ransomed, and by grace are made sons and friends of God, and heirs to the eternal glory.³³

The Catholic Church does not see a contradiction between the natural law and revealed truths. In fact, the natural law is taken as the beginning of God's self-revelation in Christ. What this means is that the natural law is an analogous participation in the universal law of Christ that governs the world. The law of Christ presupposes logically the natural law antecedent to itself. In the 'new law of Christ', the primary element of which is the 'grace of the Holy Spirit',³⁴ the new law of Christ signifies, as it were, the medium in which the grace of the Holy Spirit gives expression to itself in this world.

The law of Christ and human dignity

Traditionally, the inherent dignity of the human person is said to derive from his being the image and likeness of God (Gen. 1: 27 *et seq.*), but, in the light of Vatican II, this does not seem to be immediate and exhaustive. There is something apparently troubling here. In *Gaudium et Spes*, the Catholic Church delves deeper into the mystery of the human person and his relation to God. This is what is said:

³³ John XXIII, *Pacem in Terris* (Encyclical Letter, 11 Apr. 1963), para. 10.

³⁴ Thomas Aquinas, *Summa Theologiae*, I-II: 106-8.

In the depths of his conscience, man detects a law, which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience can when necessary speak to his heart more specifically: do this, shun that. For man has in his heart a law written by God. To obey it is the very dignity of man; according to it he will be judged.³⁵

Here, undoubtedly, we are confronted with a very subtle but extremely crucial point. It levels, quite unequivocally, a radical critique on, and transcends, the mere createdness in the image of God as constitutive of human dignity. Instead, it radicalizes human dignity by connecting two movements: the inherent law of God and obedience to it. Thus, at a deeper level, human dignity derives not only from his being in the image of God but also his intrinsically constitutive personal relation to God based on obedience to this inherent law in knowledge and freedom. The Church further states:

Man's dignity demands that he acts according to a knowing and free choice that is personally motivated and prompted from within, not under blind internal impulse nor by mere external pressure.³⁶

A quick and critical analysis of this reveals a trajectory towards the *theosis* tradition, a two-way movement. Through creation, we possess God's image as God's gift, whereas, by our creative act, made possible by the creating activity of God, we ourselves, in obedience and freedom, substantiate our likeness with God.³⁷ As Emmanuel Levinas strongly puts it:

The 'yes' that needs to be given takes place without further ado and is done directly. Nevertheless, this 'yes' is not stupid or infantile, since it is based on a cognizant surrender that arrives at the knowledge and truth of that which is demanded in the surrender of doing.³⁸

³⁵ Vatican II, *Gaudium et Spes*, para. 16. Here the primacy of obedience to God relativizes all other forms of obedience or allegiances. It puts to question all forms of absolutization that tend to make the human person subservient to systems and institutions.

³⁶ *Ibid.*, para. 17. The concept of obedience here goes beyond hearing. In the biblical tradition it means doing the law, obeying the law, fulfilling the law, and this means practising the good; in short, love. In the Jewish Talmudic tradition, 'doing is immediately and unconditionally, without preceding introspection and reflection, demanded of the person' (Burggraeve, *To Love Other-Wise*, 31).

³⁷ Burggraeve, *To Love Other-Wise*, 57. Burggraeve says that, in the Christian Orthodox tradition, this is called 'theosis', the process of 'divinization'.

³⁸ Quoted in *ibid.*, 31.

Implications of human dignity

Trafficking in human persons

Human dignity is the foundation, the core of the Church's teaching and action in relation to trafficking in human persons. The Catholic Church regards human trafficking to be a shocking offence against human dignity and a grave violation of fundamental human rights.³⁹ The confession of the dignity of the human person has political and societal, individual and institutional, as well as Trinitarian and eschatological implications. At state and societal level, it means that the social political order and its development must invariably work to the benefit of the human person, since the order of things is to be subordinate to the order of persons.⁴⁰ It means that every political, economic, social, scientific and cultural programme must be inspired by the awareness of the primacy of each and every human being over the state and society:⁴¹

A just society can become a reality only when it is based on the respect of the transcendent dignity of the human person. The person represents the ultimate end of society ...⁴²

At the level of individual and social institutions, the confession of human dignity implies a duty to ensure its defence and promotion.⁴³ In *Gaudium et Spes*, it is further stated that

whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where men are treated as mere tools for profit, rather than as free and responsible persons; all these things and others of their like are infamies indeed. They poison human society, but they do more harm to those who practice them than those who suffer the injury. Moreover they are a supreme dishonour to the creator.⁴⁴

³⁹ John Paul II, Letter to Archbishop Jean-Louis Tauran on the Occasion of the International Conference 'Twenty-First Century Slavery - The Human Rights Dimension to Trafficking in Human Beings', 15 May 2002.

⁴⁰ Vatican II, *Gaudium et Spes*, para. 26.

⁴¹ Cf. *Catechism of the Catholic Church*, para. 2235.

⁴² *Compendium of the Social Doctrine of the Church*, para. 132 This means in no way should the human person be manipulated for ends that are foreign to his own development, or be treated as means for carrying out economic, social or political projects.

⁴³ John Paul II, *Sollicitudo Rei Socialis* (Encyclical Letter, 30 Dec. 1987), n.47; *Catechism of the Catholic Church* paras. 1929; 2158; 2235; 2238; 2267; 2279; 2284; 2304; 2402; 2407; 2479; 2494; 2521; 2526.

⁴⁴ Vatican II, *Gaudium et Spes*, para. 27.

The trafficked Jesus

A sermon that sparked fury

On 4 September 2010, a South African preacher, Pastor Xola Skosana, stunned his congregation in Cape Town's Khayelitsha Township and the world at large. His deep reflection on biblical thought led him to dare to say, 'Jesus was HIV-positive'. Naturally, that generated divisions. In many parts of the Bible, he argued, Jesus puts himself in the position of the destitute, the sick and the marginalized. Perhaps, in relation to trafficking in human persons, we could equally dare to say that Jesus is being trafficked today, in this age and in this century. The self-identification of Jesus with the destitute and the victims find firm ground in the Gospel of Matthew (Matt. 25: 31-46). From the Jubilee vision laid out in the book of Leviticus through the passionate proclamation of the Hebrew prophets and Jesus' own identification of his vocation as bringing good news to the poor, and proclaiming the year of God's jubilee,⁴⁵ people in poverty have been at the heart of the Judeo-Christian social vision.

According to the words of Jesus, says Burggraave, this preferential love for people in need goes even to the extent that God commits Himself to them in a special way, as is indubitably apparent from Jesus' story about the establishment of God's reign during the end times in Matthew 25. God not only takes the side of the naked, the hungry, the thirsty, the sick, the poor and prisoners, Burggraave argues, but He identifies with them. God commits Himself directly to the suffering other, and, stronger still, the suffering other is, according to Jesus' proclamation, the presence of God Himself. In this sense, says Burggraave, we can even state that the humiliated other is the first Eucharist, meaning to say the first transubstantiation or 'real presence,' which precedes the liturgical and sacramental Eucharist and grounds it as well. To see the naked other, he concludes, is to see God Himself, who has committed Himself radically to the fate of the other. In other words, Matthew 25 expresses, in an unparalleled way, the core of the Beatitudes, namely that God's rule and greatness consists in the linking of His own fate to that of the poor, the weeping, the persecuted, the desperate and the weak.⁴⁶

Precisely because human dignity ultimately concerns the intimate transcendental relationship the human person has with God, anything that violates

⁴⁵ Luke 4: 16-19.

⁴⁶ Burggraave, *To Love Other-Wise*, 69f.

it, and this includes trafficking in human persons, turns out to be a direct attack on God himself. Hence, the groaning of the victim of such violations is a cry in vengeance to God.⁴⁷ Again human dignity has Trinitarian and eschatological implications: 'The person is called to be a child in the Son and living temple of the Spirit, destined for eternal life of the blessed communion with God.'⁴⁸ Jesus Christ, the true God and true human person, by his death and resurrection has once and forever opened and assured entry for humanity into the triune life of God. Through and in Jesus Christ, there is 'humanity' in Trinity; a piece of humanity and human history has become an integral part of the triune life of God. It is precisely because of this bond that any harm to the human person turns out to be harm against God.

Following this line of thought, victims of trafficking belong the poor, the destitute and the vulnerable. They share the common fate of the deprived. They share what Engelbert Mveng calls anthropological poverty. This form of poverty, Mveng observes, is 'when persons are deprived not only of goods and possessions of a material, spiritual, moral, intellectual, cultural, or sociological order, but everything that makes up the foundation of their being-in-the-world and the specificity of their "ipseity" as individuals, society, and history - when persons are bereft of their identity, their freedom, their thought, their history, their language, their faith universe, and their basic creativity, deprived of all their rights, their hopes, their ambitions ... when they are robbed of their own ways of living and existing'.⁴⁹ Undoubtedly this is what happens to the victims of trafficking in human persons. Therefore, it is not strange that it is usually referred to as modern-day slavery.

Trafficking in human persons reveals the failings and shortcomings of our social systems. At the same time, the practice, from the side of the victims, implies a call for the more just systems of social life to which God is calling the human community.⁵⁰ The biblical tradition demonstrates God's option

⁴⁷ John Paul II, *Christifideles Laici* (Post-Synodal Apostolic Exhortation, 30 December 1988), para. 37. Time and again, we see this cry in vengeance to God expressed in the Bible. Whenever the oppressed raise their eyes to God and cry, that is the beginning of the end of the reign of those who oppress them; it marks the beginning of the liberation of the victims from their oppressors.

⁴⁸ Robert Sirico (ed.), *The Social Agenda: A Collection of Magisterial Texts* (Vatican City: Libreria Editrice Vaticana, 2000), 22.

⁴⁹ Engelbert Mveng, 'Impoverishment and liberation: A theological approach for Africa and the Third World', in R. Gibellini (ed.), *Paths of African Theology* (Maryknoll, NY: Orbis, 1994), 156.

⁵⁰ Edward P. DeBerri, et al. (ed.), *Catholic Social Teaching: Our Best Kept Secret* (Maryknoll, NY: 4th edn, 2003), 29.

for the poor. He chooses the weak to confound the strong and the foolish to show up the wisdom of the wise, etc.⁵¹ Seen through the Church teaching, the practice of human trafficking reveals three things: first, that the victims are not just numbers or figures but are concrete individuals who belong to particular families, groups, communities or nations. Second, that their basic existential condition is that of deprivation of dignity by the institutions and systems that deny them their rights. Finally, individuals, groups, organizations, Church and government, all are under an obligation to ensure that this form of injustice, like any other injustice that mars human dignity, is fought against.

Victims of trafficking constitute the ‘other’ of the Matthew’s Gospel. In Burggraeve’s words, on the part of the Church, and others, he arouses a sense of heteronymous responsibility, something arising from the epiphany of the other, from the outward radiation of the other towards me on being-on-my-own way (Jericho–Jerusalem).⁵² The same point is referred to by Emmanuel Levinas as ‘an-archaic and pre-original event, something which does not commence from personal freedom.’⁵³ This is about being touched by the sight of the other which constitutes a call for action. It is seeing oneself in the destitute other. It is a seeing that implies protest against injustice and call to action.

The position of the Catholic Church is that human persons, irrespective of race, gender, social status, etc, are all equal in dignity as creatures made in the image and likeness of God.⁵⁴ In the Christ’s event is also demonstrated the equality of all people with regard to dignity: ‘there is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus.’⁵⁵ Thus the dignity of every person before God is the basis of the dignity of the human person before others.⁵⁶

Some thoughts on the role of the Church

It has been confirmed by various studies that human trafficking is real and that the Church has an inherent mandate and role to play in the fight against it. As stated above, this mandate and role stem from the Church’s own understanding about the nature and identity of the human person. The human person is created in the image and likeness of God. In Christ Jesus, the human

⁵¹ 1 Cor. 1: 27–28.

⁵² Burggraeve, *To Love Other-Wise*, 96.

⁵³ *Ibid.*

⁵⁴ Acts 10: 34. Cf. Rom. 2: 11; Gal. 2: 6; Eph. 6: 9.

⁵⁵ Gal. 3: 28. Cf. Rom. 10: 12; 1 Cor. 12: 13; Col. 3: 11.

⁵⁶ Vatican II, *Gaudium et Spes*, para. 29.

person is a child of God. Thus, whatever affects the human person affects God as well (Matt. 25: 31–46). Therefore, in her pastoral ministry the Church cannot turn a blind eye to human trafficking; it has to be engaged. Some of the strategies that could be used follow.

First, whatever the Church does falls within the broad understanding of pastoral work. In this regard, the Church can

- a) issue public condemnation of human trafficking through Church documents, pastoral letters and sermons;
- b) establish institutions/safe houses for victims;
- c) establish special pastoral ministries with a focus on counselling of the victims of human trafficking;
- d) explore practical ways of including human trafficking issues in the ongoing clergy and Christian formation;
- e) promote increased general awareness on human trafficking through existing spaces within the Church, such as Catholic women's organizations, Young Christian Students, Young Catholic Workers, etc.;
- f) explore practical ways of strengthening the family and the local community as the primary spaces of safety and security;
- g) review the role of the small Christian communities and empower them with knowledge and skills about how to fight against human trafficking.

In addition, the Church need to focus on socio-economic empowerment approaches as well. It is the case that the majority of victims of trafficking come from poor socio-economic conditions. Unless this is dealt with, the situation cannot improve significantly. Included in these strategies could be:

- a) promotion of vocational skills development and training for vulnerable groups, particularly girls, through Church technical institutions;
- b) exploration and provision of linkages between the vulnerable groups and micro-credit institutions;
- c) promotion of the education of girls.

Finally, the Church need not work in isolation in its campaign against human trafficking. As we have learnt, the phenomenon is so complex that no single organization has all the human, material and financial resources to deal with it and make a meaningful difference in both the short and long term. Therefore, the Church could also embrace lobbying and advocacy approaches that entail:

- a) establishing and strengthening networks on prevention, protection, rescue, rehabilitation, repatriation and reintegration of victims;
- b) advocating and lobbying for the enactment or strengthening of the enabling legal and policy frameworks and subsequent enforcement;
- c) promotion of research for purposes of evidence-based interventions;
- d) promotion of peace and security in actual and potential troubled parts of the local community.

Migration and Human Trafficking: The Zambian Experience

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Migration is one of the notable features that characterize the 21st century. Official reports from the International Organization for Migration (IOM) estimate that there are about 214 million international migrants today worldwide. This is a huge increase from 150 million in 2000. The IOM also reports that one out of thirty-three people in the world today is a migrant. International migrants in Africa are estimated at 19.3 million, with three countries hosting huge numbers of migrants: Ivory Coast (2.4 million), South Africa and Ghana (1.9 million each).¹

Within Southern Africa, poverty, liberation struggles, wars and civil unrest have forced considerable migration of populations within and across borders. Zambia, for example, has been a major recipient of refugees from its neighbours, such as the DRC and Angola, and beyond since it is relatively peaceful and politically stable. It has also been an important destination for labour migrants from countries such as Malawi, Zimbabwe, China and India. It has also experienced rapid out-migration of Zambian nationals, mainly of skilled people who seek a better living abroad. Migration therefore is mainly for economic reasons, especially in a region where many countries have the majority of their populations categorized as poor.

A huge link exists between migration and human trafficking. Traffickers take advantage of the vulnerability of the men, women and children who wish to leave their present circumstances, such as situations of poverty. There are two categories: those that want to get out of their present circumstances and

¹ See <<http://www.iom.int/jahia/Jahia/about-migration/facts-and-figures/lang/en>>.

those who want to move elsewhere. Sometimes those who just want to move out of their poverty have no intention of travelling, but because they are desperate they are tricked into the notion of moving elsewhere. As an aspect of social experience, migration is both a right and a need, but migrants often ignore the challenges such as human trafficking that can come with it.

In addition, as more people move, countries that are popular destinations have put in place laws that restrict entry. This situation forces many who are seeking a good life to find other ways of reaching their desired destinations, which often means getting into the hands of traffickers or smugglers who have clever ways of making migration easy for their clients, or victims. With smuggling, you know you are being taken into a country illegally; you pay the smuggler, but once you reach your destination you are free and can work or do whatever you wish to do. These are the people we hear about who travel in boats from North Africa to Europe, some ending up dying or being transported in containers. Of course, there have been cases where smuggling becomes trafficking, as the smuggler might change his mind once his clients reach their destination and keep them in bondage.

Human trafficking in Zambia

Human trafficking is relatively new in Zambia. The first case to be reported was that of an Australian man who was caught at the Zambia-Zimbabwe border in the process of taking girls aged between 14 and 15 in 1999 and 2000. The second case involved a Congolese woman who was caught taking about fourteen children to South Africa. In the recent past, media reports have shown intercepted trucks carrying people into Zambia from neighbouring countries such as Malawi heading for South Africa. The Zambian public is therefore now awakening to this reality.

The problem of human trafficking is recognized as being serious, although its nature and extent remain largely unknown, especially given limited statistics. What is clear, however, is that Zambia is a source and destination for trafficking victims as well as a transit point for victims destined for other locations within and outside Africa. Zambian women and children, for example, are trafficked to Malawi through the Mchinji border post and then on to Europe, the Netherlands being a popular destination. Those who traffic people through Malawi are reported to be mainly Nigerians, who provide victims with fake Malawian passports. Other destinations include Angola, Botswana, South Africa and the Far and Middle East. As a transit point, Zambia is also used for

the onward trafficking of refugees and other vulnerable groups from Angola, the Great Lakes region and the DRC to South Africa, and from South Africa on to countries such as the USA, Israel and Russia. There are also reports of Chinese and Indian men being trafficked into Zambia and subjected to work in Chinese- and Indian-owned mines, respectively, where they are exploited. Generally, the forms of exploitation tend to be forced labour and forced prostitution.

Although cross-border trafficking is a great source of concern, most trafficking happens within Zambia itself and victims tend to be women and children, who often work as domestic labourers and forced prostitutes. Girls tend to form the majority, and the traffickers include friends, church organizations, older prostitutes and foreigners, mostly from Asia, America and Europe.

Why is this problem perpetuated? Notable factors that drive human trafficking are considered below.

Poverty that characterizes many households

In Zambia, 64 per cent of the population lives below the poverty line of US\$1.25 a day. In reality this means that the majority of Zambians have limited opportunities to access quality education, health care, food of the right quantity and quality, and so on. It is poverty that forces many people to jump at every available opportunity, so many are put at risk of being trafficked. In Zambia, reports on human trafficking indicate that some children are trafficked by their own relatives, since poor families desire to place their children in more affluent homes in the city in the hope that their lives will be improved. In addition, poor families are less likely to know about human trafficking, and it is well documented that most trafficking victims are those who do not have any information about it.

Demand for purchased sex

It has been recognized that most trafficking victims in southern Africa are used for sexual exploitation. Zambia is one of the countries in which this reality occurs, and is one of the reasons that many victims tend to be women and girls. Despite this, Zambia, like other countries in southern Africa, has turned a blind eye to people who buy sex, who are mostly men. I cannot agree more with Stellan Hermansson, who argues that men demanding to purchase sex are the main problem in regard to trafficking and prostitution. 'Men that buy sex believe that they have the right to buy sex from women, without

questioning why these women are selling sex or under what conditions these women are forced to live.²² Trafficking in persons is driven by the demand in Europe and the other countries to which these people go.

Greed

Human trafficking is a product of human greed, which is the excessive and selfish desire for wealth, power, etc. Traffickers realize huge amounts of money from exploiting others, and they are in full control of their victims. Trafficking in persons is worth billions of US dollars internationally in any given year.

Zambia's commitment to addressing the problem

It is important to note that government's commitment to addressing human trafficking has been shown in the enactment of a law that criminalizes all forms of human trafficking. The Anti-Trafficking Act (No. 11 of 2008) provides, for instance, for stiff penalties, ranging from fifteen years to life imprisonment; for the establishment of a human trafficking fund for the material support of victims and their training, tracing families and, indeed, any other matter connected with the rehabilitation of victims; and for a Committee to deal with this issue. Government efforts are backed by the efforts of UN bodies such as the ILO, UNICEF and the IOM, and of civil-society organizations like Women and Law in Southern Africa (WLSA) and the Jesuit Centre for Theological Reflection (JCTR), who conduct research and education on human trafficking.

Challenges involved

Implementation of the law is often a challenge, as law-enforcement officers such as the police, prosecutors, judges and immigration officers are not adequately equipped to conduct investigations and prosecutions effectively. Furthermore, there is no unified system for collecting data on human trafficking cases and documenting it for use by social welfare officials, and immigration and law-enforcement officials. In addition, government-provided protection for victims remains inadequate. For example, the continued lack of shelters at times forces government to place victims in prisons alongside trafficking offenders.

²² Stellan Hermansson, 'The Swedish Initiative', in *Human Trafficking, Prostitution and Sexuality* (Dublin: Act to Prevent Trafficking, 2010), 38-41, <<http://www.scribd.com/doc/46826335/Human-Trafficking-Prostitution-and-Sexuality>>.

Human trafficking is a hidden crime. It is a relatively unknown concept in Zambia and few communities have any understanding of it, even those people who are ultimately required to deal with the problem in their jobs. Even those who were victims or near victims are isolated, and their shelters not accessible to the public; there is often disbelief about how serious this problem is among the general public. With limited statistics, it sounds very remote to most people until they become aware of someone they know falling prey to trafficking. The situation is perceived simply as migration, and in the eyes of most individuals and groups there is nothing wrong with it.

Addressing human trafficking appears not to be a priority in Zambia. Few organizations are involved in directly addressing human trafficking. The church, for example, does not take enough action to address this problem. Only few church organizations, such as the JCTR, ZAS and some in the Anglican church, are doing a bit in terms of sensitization. Influential bodies like Caritas-Zambia, with structures in the ten dioceses, do not raise their voice on this issue. This, for me, is very worrying because the church in Zambia enjoys legitimacy among the people and its voice is often heard, and we have seen it contribute to the changing of governments. If it is silent, the perception that people get is that trafficking is no big deal. Thus many people have little or no knowledge about human trafficking.

Essential steps in addressing the problem

1. Public awareness-raising is very important, as those trafficked are normally people who do not know about human trafficking. However, this must be aggressive. Since many people do not have hands-on experience, it is important that everyone takes part in the dissemination of messages that highlight the experiences of trafficking.
2. It is also important to fight poverty, as income poverty, especially, is at the heart of human trafficking as it makes people vulnerable. For Zambia, one way to fight poverty is to include it in the Bill of Rights of the Zambian Constitution, with economic, social and cultural rights, the rights that assure access to basic human needs such as employment, education, food, water and sanitation, etc. When these are included in the Bill of Rights, government will be pressurized to commit themselves to the progressive realization of these rights, and when these rights are denied, government can be taken to court. The enjoyment of these rights will reduce vulnerability to trafficking. This is a long-term strategy.

3. What is most crucial, however, is to address the demand side of the problem. With regard to sexual exploitation, if there is no market for the sale of sex, sex trafficking will not exist. And if nobody bought the products of forced labour, forced labour would not survive. When we refuse to provide an environment that allows for human trafficking, we stand in solidarity with the victims, and the would-be victims are mostly the already marginalized. The Church has a huge role to play in championing such values as solidarity and equality.
4. It must also be noted that human trafficking cannot be fought easily by one individual country. It needs the concerted efforts of countries that are involved as either a source, a transit or a destination point, or all of these. An example of working together to prevent this crime is the criminalization of the buying of sex. A global campaign is needed in this regard.

Further reading

- C. Fox, *Investigating Forced Labour and Trafficking: Do They Exist in Zambia?* (Lusaka: ILO, 2008), <http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_098473.pdf>.
- K. G. Lesa, *What is the Church Social Teaching Saying about Human Trafficking?* (Lusaka: JCTR: 2010).
- Working Paper on the Nature and Extent of Child Trafficking in Zambia* (Lusaka: ILO/IPEC Zambia, 2007), <<http://www.ilo.org/public/english/region/afpro/lusaka/download/tc/ipec/trafreportapr07.pdf>>.

Human Trafficking and Migration in Tanzania

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Diocese of Bukoba, Tanzania

Human trafficking and migration in Tanzania can be divided into two categories, the external and the internal. Both forms are inhuman and abhorrent to human dignity and should be opposed with all means at our disposal. They are a new form of the slave trade.

External human trafficking and migration

Owing to its geographical position, along with other factors, Tanzania is at high risk of trafficking in human persons as an origin, transit and destination point. Since the 1960s, thanks to its peaceful post-independence history Tanzania has hosted many refugees from belligerent neighbouring countries. The climax occurred in 1994 when Tanzania received two million refugees from Rwanda in one week. Some of these refugees escape from the camps and enter civil society, especially in the cities. Unfortunately, a few rebels also enter the country with arms and join local criminals, arming them with fire power, which nurtures resentment in the local population against refugees.

In recent times many illegal immigrants from Somalia, Eritrea and Ethiopia have used Tanzania in transit to South Africa. Also refugees tend to leave Tanzania illegally in search of a better life elsewhere. These vulnerable groups often move after being given false promises of a better life, but they end up in slavery. Tanzania has a very wide border with eight countries as well as the long Indian ocean coastline, both of which are difficult to control. Truckloads of well-concealed illegal immigrants have been caught at the Zambia-Malawi border. A case that went to trial was reported in Tarime, north Tanzania, where two men allegedly abducted two children from Isebania in Kenya and tried to sell them to miners.

Internal human trafficking and migration in Tanzania

A study by the International Organization for Migration (IOM) in 2010 showed that most trafficking in Tanzania involved recruiting children under the age of eighteen from the rural to the urban areas, especially to the cities of Dar es Salaam, Arusha and Zanzibar.¹ Female children, accounting for 75 per cent of the victims, are exploited mainly as housemaids (55%), with a few as prostitutes (7%). These children, both male and female, are forced to work more than twelve hours a day and seven days a week with little or no pay except for meagre meals. While the girls are used mostly for domestic jobs and sexual exploitation, the boys are employed in mines and on other manual duties. These children are highly exposed to HIV/AIDS.

Legal initiatives to fight human trafficking

The UN Convention against Transnational Organized Crime, with a specific Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, known as the 'Palermo Protocol' was signed by Tanzania in 2000 and ratified in 2006. The Protocol was domesticated and concretized in 2008 through the Anti-trafficking in Persons Act, 2008. This act prohibits any trafficking of persons, including transporting or receiving any person for purposes of slavery, sexual exploitation, forced labour, pornography and debt bondage. The maximum punishment is twenty years imprisonment and/or a fine of T.Sh. 150 million (over \$US90,000).

Social initiatives to fight human trafficking

The recuperation, rehabilitation and repatriation of children is supported by the IOM through local organizations. Among these are Child in the Sun, <<http://www.childinthesun.co.tz>>, run by the Indian Catholic Society of Missionaries of Mary Immaculate; the Dogo Dogo Centre, <<http://www.dogodogocentre.org>>, founded by Maryknoll Sister Jean Pruitt; Kiwohede, <<http://www.kiwohede.org>>, particularly for girls, and many others. Between 2005 and 2010, 377 victims have been reintegrated. These organizations also help street children, a number of whom are victims of trafficking. The government has also provided a lot of co-operation, especially in the field of training and workshops for stakeholders and the police.

¹ See 'IOM update on trafficking of children in Tanzania', *MVC Monthly Update* (November 2010), 16(3), 8.

Kenya: Efforts to Stop Human Trafficking

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Kenya is a transit zone for human trafficking. Men, women and children have been trafficked for forced labour and commercial sexual exploitation to the Middle East (mainly Saudi Arabia, the United Arab Emirates and Lebanon), Europe, North America and other African countries. In some cases these people have been trafficked with the assistance of foreign employment agencies. The trafficked persons are often in search for employment but end up as sex slaves, domestic servants, or are forced to work in massage parlours and the construction industry. There have also been cases of Chinese, Indian and Pakistani women using Nairobi as a transit en route to Europe to work as commercial sex workers. Within the country, child trafficking is related mainly to domestic servitude, agricultural labour, and prostitution in the cities and tourist coastal regions.

Kenya has been host to large influxes of refugees over many years. The UN High Commission for Refugees (UNHCR) reports that there were 404,000 refugees and asylum seekers in Kenya, mostly from Somalia and Ethiopia.¹ Most of these refugees are encamped in the semi-desert regions of northern Kenya, inhabited mainly by nomadic communities. The number of refugees has recently increased dramatically owing to the impact of drought in Somalia and Ethiopia. The protracted influx of refugees has strained the refugee-hosting communities, who in most cases live under much poorer conditions than the refugees. In this article, however, I will discuss mainly the challenge of human trafficking with special reference to child trafficking.

Children have been one of the soft targets for trafficking. In most cases

¹ 2011 UNHCR country operations profile - Kenya <<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483a16>>.

trafficked children become trapped in a vicious circle of trafficking once they become adults. In Kenya, as in many countries, child trafficking is a phenomenon that is closely linked to forced labour and sexual abuse. The migration of people from rural areas into the cities in search of better-paying jobs has over the years disrupted the safety networks for children within the community. The traditional village setting had structures for protecting children from exploitation by the adults. What is perceived today as 'unlawful' child labour on farms was often carried out under more favourable and protective conditions. Hence, one can argue that the pressure on families to make ends meet has had a ripple effect on pushing children to contribute to the family income.

An example is the practice of trafficking domestic labourers from the villages to the cities. In most cases these are children between 9 and 17 years of age who are denied the opportunity to go to school and enjoy their childhood. Some of these children are made to work for very long hours in residential homes and at times are subjected to physical and sexual abuse.

The rural-urban trafficking of children in search of employment has led to an increased number of street children.² These are commonly referred to as *chokora*, a derogatory term for a scavenger. These children are considered to be a separate category in the community and perceived to be dirty, thieves, disrespectful and drug addicts. Most of them tend to sniff glue to make themselves drowsy as a form of escapism from the harsh reality of rejection and poverty. They are often vulnerable to physical and sexual abuse, and have been used by gangs or militia groups to steal property or harass pedestrians.

Cases have been reported of children being trafficked to and from foreign countries. Children from Burundi, Ethiopia, Rwanda, Somalia, Tanzania and Uganda have been trafficked into Kenya to work as sex slaves and forced labourers. For example, in September 2010 a Tanzanian national and his Kenyan wife were charged with illegally abducting children from Tanzania and forcing them to beg for money on the streets of Nairobi. In a related case, a man was arrested in Kitale in June 2010 on suspicion of trafficking children from Trans-Nzoia and Bungoma Districts to the Sudanese towns of Torit and Juba to work as sex slaves. In a very recent case a pastor was accused in November 2011 of trafficking children from Tanzania into the Nyanza region

² Matthew Davies, 'A childish culture?: Shared understandings, agency and intervention: An anthropological study of street children in northwest Kenya', *Childhood* (2008) 15, 309-30.

in Kenya.³ The case was reported to the child-protection unit and the police suspected that the practice is part of a syndicate that has been trafficking children from Tanzania into Kenya for sexual exploitation and domestic services. Early in 2011, the police and the Children Department in Kuria West District in Migori County were in search of a man suspected of plotting to sell his two-year-old albino daughter for K.Sh. 2 million (\$22,000) into Tanzania. There have been cases of arbitrary killings of albinos in Tanzania in the belief that their private parts could be used by witch doctors for wealth creation.

The United States has established minimum standards for the elimination of trafficking applicable to governments of the country of origin, transit or final destination of the victims of trafficking.⁴ The four points below highlight some of the key requirements:

1. The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
2. For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
3. For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
4. The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

These stipulations identify three types of 'tiers': Tier 1 refers to countries whose governments have fully complied with the minimum standards of elimination of human trafficking; Tier 2 includes countries whose governments have not fully complied with the minimum standards but are making significant efforts to eliminate trafficking; Tier 3 refers to countries whose

³ Kenan Miruka and Nick Oluoch, 'Child traffickers using church', *The Standard*, 1 Nov. 2011 <<http://www.standardmedia.co.ke/InsidePage.php?id=2000046003&cid=658&>>.

⁴ US Department of State, Trafficking Victims Protection Act of 2000, <<http://www.state.gov/j/tip/rls/tiprpt/2011/164236.htm>>.

governments do not comply with the minimum standards and are not making serious efforts to eradicate the practice.

Kenya falls under Tier 2.⁵ The government recently passed a law against human trafficking. The Counter Trafficking in Persons Act was signed into law in October 2010. Section 1 prohibits all forms of trafficking, while Section 3(5) stipulates that offenders can be imprisoned for a minimum of fifteen years, similar to other serious crimes such as rape. A more stringent punishment of a minimum of thirty years is prescribed for individuals and groups involved in supporting or financing networks of human trafficking. The government had previously passed a Sexual Offences Act in 2006 that prohibited child sex tourism, child prostitution and forced prostitution.

In 2010 the government reported that it had carried out 236 investigations. There were also ten prosecutions and six convictions, all relating to offences against trafficking. The Ministry of Gender, Children and Social Development reported that, in 2010, 450 children's officers charged with protecting children's rights had worked in close co-ordination with 2,427 local Children's Advisory Committees. These committees work in close partnership with the police in combating cases of child trafficking, raising awareness on child trafficking, and monitoring institutions that provide services to children.

However, the Kenyan government still needs to do more to combat human trafficking. The good neighbourly relations between East African countries following the reinstatement of the East African Community has facilitated movements between different countries, hence creating an opportunity for human trafficking offenders. The government needs to give its full support to the National Plan of Action on Human Trafficking, which stipulates the steps that need to be taken to curb trafficking. It is also important to step up training and co-ordination between different government institutions in order to combat trafficking from different fronts.

⁵ US Department of State, 'Kenya', in 'Country narratives: Countries G through M', *Trafficking in Persons Report, 2011*, <<http://www.state.gov/g/tip/rls/tiprpt/2011/164232.htm>>.

**Human Trafficking: The South African Sector
and a Pastoral Response, with Exhortations from *Africae Munus*
in honour of Pope Benedict's visit to Benin in Nov. 2011**

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Introduction

In our 21st century, human trafficking has once again raised its ugly head, of late topping the list of crime stories around the world. It is doubtful that any country in our global village is untouched by it. This is not surprising because it costs little, yields a high income, and there is little risk of punishment. The victims who are targeted tend to be the most vulnerable in society, with traffickers often preying on people who are poor, displaced and uneducated. Sadly, it is happening in our own backyards.

Thanks are due to the United Nations for sounding the alarm in Palermo in 2000 and calling on states to put measures in place to combat this terrible evil. Included in the signatories at Palermo were eleven of the fifteen Southern African Development Community (SADC) countries. South Africa ratified the agreement in 2004. Twelve of the SADC countries have ratified the agreement and six have put legislation in place. South Africa has not yet done so but is moving ahead with its national plan of action.

Until recently, the general feeling among the government and public, if they were aware of it at all, has been that this is something that happens elsewhere. In a way this is understandable. South Africa has had to struggle with the apartheid regime up to the 1990s. Then there was the HIV/AIDS pandemic sweeping across sub-Saharan Africa which we also had to deal with. The Catholic Church has played a very significant role in tackling these issues. However, it is time for church, government and non-governmental organizations alike to work together in tackling this newly recognized monster of trafficking before it overtakes us.

Understanding what human trafficking is

Many still lack clear understanding of what human trafficking is. Human trafficking, or trafficking in persons, is defined by the United Nations as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for for the purpose of exploitation.’¹

Exploitation includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices, and the removal of organs. Human trafficking is not to be confused with smuggling of humans across borders, even though there may be a considerable overlap. Neither is it to be equated with prostitution.

The term ‘modern-day slavery’ gives us a deep insight. It is true that in our post-modern, liberal world we find it incomprehensible that slavery should still exist, that people become the property of someone else, are bought and sold, transported all over the world and their labour exploited; but this is human trafficking in essence. Kevin Bales estimates that there are at least 27 million slaves in the world today, with over one million people being trafficked each year.² The International Labour Organization (ILO) puts the figure at 2.5 million, and an IRIN report of December 2011 states that at any given time an estimated 130,000 people in sub-Saharan Africa are engaged in forced labour as a result of trafficking.³ There is no doubt that this highly lucrative, hidden business is on the rise in Africa and indeed all over the world. According to Kristof and Wudunn, far more women and children are shipped into brothels each year than there were African slaves shipped each year into slave plantations in the early 18th and 19th centuries.⁴

¹ UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, Article 3(a). Available at: <<http://www.unhcr.org/refworld/docid/4720706c0.html>>.

² K. Bales, *Disposable People* (Berkeley: University of California Press, 2000), 8.

³ ‘Southern Africa: Counter-trafficking measures trail commitments’, IRIN, 12 December, 2011, <<http://www.irinnews.org/Report/94445/SOUTHERN-AFRICA-Counter-trafficking-measures-trail-commitments>>.

⁴ N. D. Kristof and S. Wuduun, *Half the Sky* (London: Virago, 2010), 12.

Challenges to the government in combating human trafficking

There has been a certain amount of criticism that the SADC region has many protocols, frameworks and action plans for dealing with human trafficking, but there have been no more than a handful of prosecutions, and government departments in some regions are not even talking to each other, let alone involving NGOs and faith-based organizations who have much to offer in the area of prevention and protection.

A condition laid down by the Palermo Protocol is that ratifying states adhere to its minimum requirements, viz:

- criminalize human trafficking;
- investigate, prosecute and convict traffickers;
- undertake border-control measures;
- provide measures to protect and assist victims;
- train law-enforcement and border officials;
- inform and educate victims, potential victims and the general public;
- co-operate with each other and civil society.

The IRIN report quotes Ottilia Maunganidze, a researcher on the International Crime in Africa Programme at the Institute for Security Studies in Pretoria, who addressed experts and government officials, mainly from SADC, who gathered in Johannesburg to look at ways of turning commitments to counter human trafficking into action: 'African countries are more than happy to sign documents and attend conferences, but step out of the room and they're happy to have lunch and forget about it'.⁵

Nevertheless, in response to the requirements of the Palermo Protocol, the South African government is to be commended for its efforts at taking a coherent and integrated approach to the problem. It launched its anti-trafficking National Plan of Action, *Tsiriledzani*, in 2009 after some lengthy workshops in which our Counter Trafficking Office in Pretoria took part. An 'Intersectoral Task Team' was first set up at national level by the SOCA (Sexual Offences) unit of the National Prosecuting Authority (NPA). The European Union provided 6.3 million euros for the launch of this project. With the help of the International Organisation for Migration (IOM), it has undertaken the provision of specialized training and specialized personnel to tackle the problem. Subsequently, Intersectoral Task Teams are being established at regional level in most of the other provinces. While the majority of team members are from

⁵ 'Southern Africa: Counter-trafficking measures trail commitments'.

different government departments there are representatives from NGOs and faith-based organizations on the teams, especially at regional level. We have to admit, however, that no easy solutions exist to this multidimensional problem. We are dealing first of all with something that has become a huge industry and which poses a serious threat to the stability of societies and honest labour relations. Secondly, there are root causes underlying the phenomenon that certainly should not be overlooked, among which is the macroeconomic situation.

The Human Trafficking Bill drafted by the NPA is comprehensive and takes into account the proper rehabilitation of victims. It has been tabled in parliament for legislation but to date is still sitting with the parliamentary committee. Statistics on trafficking are not easily available in South Africa, as information reported to the police is captured under alternative charges such as racketeering, abduction or the Sexual Offences Act. Meanwhile, in March 2010 the NPA has obtained its first conviction for human trafficking for the purposes of sexual exploitation. Subsequently, in 2011, South Africa sent a clear message to sex traffickers by sentencing Aldina De Santos to life imprisonment for trafficking three teenage girls from Mozambique and prostituting them in South Africa. As regards victim assistance, the government has earmarked thirteen existing shelters around the country to accommodate rescued victims. However, many shelters are not equipped to deal with drug-dependent survivors, who quickly return to where they came from. No doubt much has still to be done in the area of prevention, victim assistance and tightening border controls. However, governments cannot do everything themselves.

The role of the Church in combating human trafficking

Like most, the Church in South Africa was until recently steeped in ignorance about the phenomenon of human trafficking. Around 2004, certain congregations of religious sisters (known as Constellation 6), who had their generalates in Southern Africa, urged the participation of the Church at national level in the combat against this evil. It was not until 2008, however, that the Leadership Conference of Consecrated Religious (SA) and the Southern African Catholic Bishops' Conference (SACBC) succeeded in establishing the Counter Trafficking in Persons Desk as a joint witness project.

Since one of the best defences against human trafficking is education, the first major task was to raise awareness. To this end the Desk has conducted

over fifty capacity-building programmes in the various dioceses of the SACBC. Participants draw up their own plan of action to continue the awareness raising and prevention campaigns in parishes and among the wider community, with a particular focus on the protection of potential victims. Assistance is given to rescued victims where possible. The IOM has given help to over 400 rescued victims and has also assisted us in placing rescued victims in suitable shelters. One such is run by religious sisters for abused women. Networking with other organizations and with regional governmental task teams, as well as field work and research, remain a constant.

In November 2008, the Southern African Catholic Bishops issued a pastoral letter entitled *Fighting Human Trafficking: Our Christian Responsibility*, and asked that it be read in churches on 14 December 2008 in which they exhorted communities to become conversant with the reality of trafficking. They say:

You can do this by:

- Educating yourselves in what Human Trafficking is.
- Making yourselves familiar with how traffickers operate.
- Checking out the genuineness of job offers, be they local or overseas.
- Making sure children are registered.
- Being alert to what is happening in the environment.
- Reporting suspicious cases of trafficking.

The build up to the FIFA World Cup, hosted by South Africa in 2010, provided a great opportunity for the Church and concerned organizations to step up the campaign against trafficking for the sex industry. Justice and Peace Departments and Caritas in various dioceses took human trafficking as their main focus, as did specific dioceses and vicariates. In some areas, too, priest and congregation together have made a collective response. Local churches were extremely active both in raising awareness and in encouraging nosy neighbours to report suspicious activity in the neighbourhood. In the absence of statistics, with only a few cases reported, we would like to think that our awareness-raising campaign, along with those of others, played a significant role in stemming the increase of sex trafficking during the World Cup.

Yet, again, we find that young women are constantly responding to false job offers advertised in newspapers. Working with a particular community in a township area where there is no backing from the Church's structure proves difficult. Too often the community sinks into a culture of tolerance as known syndicates take over. They also suspect that the police are part of

the syndicates. It is in such areas that reality of what one is up against strikes home.

On 18 and 19 May 2010 we took part in our first IMBISA Conference on Human Trafficking in Midrand, Johannesburg.⁶ One of the resolutions stemming from the conference was the establishment of satellite offices in the IMBISA region that would lead to more collaboration between desks of Bishops' Conferences. This did not materialize. Our first attempt was with Lesotho after a two-day workshop in April. Funding to establish the desk was not as much of a problem as was the person chosen to co-ordinate the desk being transferred to another mission. We realized that we did not have key figures to support us in the project.

Social analysis

Trends in trafficking in and to South Africa

As in other parts of southern Africa, South Africa has many of the conditions that traffickers capitalize on: endemic poverty; unemployment that creates a demand for better opportunities; high rates of regular and irregular migration that mask the movements of traffickers and their victims. The country is often referred to as the economic giant of Africa and is seen as a source, destination and transit country for human trafficking. It is also commonly regarded as the main country of destination within the SADC region for human trafficking.

There is the added problem of porous borders which makes border control difficult. South Africa, for example, shares borders with Namibia, Botswana, Zimbabwe, Lesotho, Mozambique and Swaziland. It has 72 official ports of entry, and a number of unofficial ports of entry, where people come in and out without being detected. This has left the country open as a ripe hunting ground for transnational criminal organizations besides the small-scale local syndicates that recruit locals – be they acquaintances, friends or family members. According to the Institute of Security Studies there are 500 criminal organizations operating in South Africa. And, no doubt, while many of the transatlantic slaves of the 18th and 19th centuries filled the demand for sugar, here in South Africa many of today's slaves fill the demand for an ever-growing sex industry, despite the fact that prostitution is illegal in South Africa.

⁶ IMBISA: The Inter-Regional Meeting of the Bishops of Southern Africa.

Both internal and external trafficking are causes for concern. There are long-distance flows of women trafficked from Thailand, Philippines, India, China, Bulgaria, Romania, Russia and the Ukraine. Women and children trafficked to South Africa within the African continent are mostly from Mozambique, Zimbabwe, Malawi, Swaziland and Lesotho. Very often human trafficking, drugs and pornography go together. Organizations working with trafficked women say that more than 1000 Mozambican women are trafficked each year, mostly to South Africa. They are used for the sex industry and/or sold as wives to miners. Recently a domestic worker complained that her husband had brought a 14-year-old girl from Mozambique into South Africa as his second wife.

Women and young girls are favourite targets for well-organized trafficking rings. This adds to our already huge problems - a country struggling with HIV/AIDS. Although sex without a condom is more expensive than sex with a condom, many go for the former. Besides the demand from certain types of men for sex with children, there is a demand for sexual services linked to tourism development. Clients prefer younger girls whom they believe are less likely to be infected by the virus. With locals there is also the legend that AIDS can be cured by sex with a virgin, and these beliefs have increased the demand for girls as young as ten or eleven years being kidnapped and sold for the purpose. Young boys, although usually trafficked to be beggars, street vendors, housebreakers and drug runners, are being trafficked more and more for commercial sex.

Trafficking within the migration phenomenon

Human trafficking is often, though not necessarily, associated with irregular migration.⁷ In any migration, the family and community networks that should protect people are absent or diminished. 'Migrants by their very definition are more vulnerable to traffickers than those who stay at home. While regular and irregular migrants are away from key support networks, irregular migrants are at heightened risk because of the very nature of irregular migration.'⁸

South Africa has the largest number of asylum-seekers in the world, and more than half asylum-seeker applications in South Africa are made by

⁷ Irregular migrants are those who may have entered the country legally but whose visas have expired. See M. Loughry, 'Who else is in the boat or in the lorry? Mixed Flows: Trafficking and Forced Migration', *Concilium: International Journal for Theology*, 2011(3).

⁸ Ibid.

Zimbabweans fleeing economic hardships and human rights violations. Very few of them are eventually recognized as refugees, and applying for asylum is often their only legal avenue for remaining in the country. Asylum-seekers who are not eligible for any kind of social support and cannot work or study without a permit easily turn to criminal activity. Women in this position are in a vulnerable position and easily fall prey to human trafficking. Up to now a very large portion of South Africa's refugee population has been male. Many of these men have fled the violence and persecution in their homeland only to find their hopes dashed, to find that the law and the xenophobic attacks from South Africans make basic survival almost impossible. They look for support and opportunity from their own countrymen and copy the survival tactics of their friends in sending for sisters or relatives to traffic for sex, or they recruit locally by luring young women with false job offers.

Following the announcement on 23 November 2011 that cabinet is 'reviewing' the minimum rights of immigrants, including the right to work and study, this will add to the already huge problem for asylum-seekers. Besides, detention and deportation can subject the trafficked person to further trauma, often placing them back in the hands of the traffickers.

There are many stories of Zimbabweans who – after encountering many dangers on their journey, some crossing big rivers and risking being attacked by crocodiles or ambushed by Amagumaguma (a criminal gang) who take their belongings – find themselves horribly exploited on their arrival in South Africa. Mothers and children are the ones who suffer most, and they are often detained for months in places where men rape them and eventually market them.

As part of ongoing research, our human trafficking office paid a visit to Musina and Beitbridge during the first half of 2011 and organized an exposé documentary for the programme *Leihlo la Sechaba* on SABC 2 on what was happening there. Some of the findings were horrendous.

Driving along the border fence at Beitbridge, one observes huge cuts in the fences on both sides. We were accompanied by two police officers from their camp site near the border fence. After moving through the holes in the fences into an opening in the thicket on the Zimbabwean side what was truly sad was the sight of so much clothing, mainly underwear of women and children, strewn around. This is one of the places where migrants are ambushed. The warrant officer referred to it as 'bush undertakings where the smugglers pose as stranded passengers and make genuine stranded passengers

trust them and they agree to travel together. On arrival at the bushes they rape and beat up women and even kill most men.'

We were also informed about a group, referred to as the 'Malaysia', who act as informal transporters to a set-down point near the border for people who cannot afford the price of passports and are willing to be smuggled into South Africa. Makakapuni is said to be a notorious place, where people on the next stage for crossing are guided through a river or a thick fence. Besides the rape of many women and children in the bush before they are helped to cross, those crossing the river when it is in flood are blackmailed to add more money once they are in the middle of the river; they are threatened with being dropped into the river if they do not meet the demands of their smugglers. Back on the South African side, as the warrant officer was explaining the role of the police and the army in the area, it so happened that just down the hill a group of about eight border-jumpers were caught on camera, appearing and disappearing in a flash as they entered into the bush on the South African side.

The IOM in Musina is very concerned with the general rights of migrants, protecting them and assisting them in their voluntary return to their home countries. They have found rampant cases of exploitation, especially in the farms, where many foreign workers are recruited to work under very inhuman conditions. As regards human trafficking, it was said that, owing to the high number of smuggled people, it is very difficult to determine how many of those smuggled are trafficked as well. Musina seems to be a transit place for human trafficking, but it is difficult to prove intent. There was an instance where the police arrested a woman who was travelling with twelve children who were not her own. The police could not do much as there is no clear legislation to prosecute suspects of attempted human trafficking. Zimbabwean children have been used in sweatshops in South Africa. It seems certain also that there are 'safe houses' which are known to keep girls and women overnight who are smuggled away afterwards.

Back at the shelters in Musina much of what the police had to say was confirmed. One woman paid the 'Malaysia' R500 for herself and R900 for her three children to be smuggled across the border. It was still cheaper, she said, than trying to obtain a passport. She was lucky to escape unharmed. Others were very downcast and said they were not so lucky - once in the bushes, all their belongings were taken from them by the Amagumaguma. One young girl's family in Zimbabwe have refused to accept her back because she was raped by a gang of Amagumaguma, held for some time, and now has a child.

Traffickers and their modus operandi

The traffickers that are detected are mostly the small-time traffickers living surreptitiously in a suburb, small networks of Mozambican and/ or South African citizens, or larger Chinese and Nigerian syndicates. It is easy for traffickers to acquire children across neighbouring borders because parents sell their children to them. Traffickers use legal fronts such as massage parlours, strip clubs, nightclubs, to name just a few. Victims of sex trafficking who are put on the street are often intermingled with ordinary sex workers but monitored by pimps.

It is usually from rescued victims that we learn something of the traffickers and their modus operandi. Young Taiwanese women tell of how they were recruited by 'mama san' who brought them to South Africa under different pretexts, or for prostitution. Some already had jobs back home but were looking for greener pastures. Punishment meted out for trying to escape was an increase in the already huge debt they were supposed to owe 'mama san' and which they felt they could never pay off. They solicited the help of clients in order to escape. Police responded to complaints by clients. Fortunately, the young women had not been subjected to drugs, a method of control used by many traffickers to make their victims dependent.

Traffickers, too, can be very cruel in meting out physical punishment. One survivor described how she was 'electrocuted'. Another related how, at the age of fourteen, after running away a few times and being recaptured, she was put in a bathtub full of water into which an iron box was placed. The electric current coming from the box was so shocking that now, five years later, she still finds herself occasionally shivering from the experience. Another survivor explained how her 'pimp' branded her with a hot iron on her arm and then engraved his name on it.

It happens that after some time the debt is cut by 50 per cent if the victim can go and recruit others. It has often been said that the majority of traffickers in South Africa are women, and certainly most of those caught are women. It is probable that these women are mainly what we call 'second-wave traffickers'. They have originally been victims or are working at the behest of men/professional criminals. In the face of challenge, traffickers are adept at changing their modus operandi.

Theological reflection

*So God created humankind in his image,
In the image of God he created them,
Male and female he created them. (Gen. 1: 27)*

From the beginning of Sacred Scripture we learn that we are social beings made in God's image and likeness. That means that each person is connected to and dependent on all humanity, collectively and individually; we are all united. What affects one affects all. In the *Compendium of the Social Doctrine of the Church* the principle of solidarity between peoples is firmly laid down. It calls us to a firm and persevering determination to commit ourselves to the common good. Solidarity which flows from faith is fundamental to the Christian view of social and political organization.⁹

In committing ourselves to the common good there are many ways to interpret our experiences and the pressing issues of our time. We as disciples are called to bring good news, be signs of hope in what appears to be a hopeless situation, bring new vision, form community, build broken communities. In other words, live the principle of solidarity. We may be guilty of many errors and faults but our worst crime is being insensitive to the cries of the suffering. Jesus always identified with the suffering and spoke on behalf of the vulnerable. As Pope Benedict XVI stated in his Encyclical on hope: 'The true measure of humanity is essentially determined in relationship to suffering and to the sufferer. This holds true both for the individual and for society.'¹⁰

Victims of trafficking, especially sex trafficking, are stripped of their dignity in a most humiliating way and can even suffer stigmatization. Of those survivors who confided their stories, none had told their families of their ordeal or had been to the police. The trauma and recovery takes time and rescue is only the beginning. It is important that those dealing with the survivors of trafficking learn the profile of the victim. God becomes extremely important in the life of the survivor, hence the importance of attention to her/his spiritual needs among others.

Traffickers, on the other hand, both defy the international charter of fundamental human rights and totally disregard the dignity of the human person. They are devoid of solidarity, a sense of justice, incapable of feeling sympathy

⁹ Pontifical Council for Justice and Peace (eds.), *Compendium of the Social Doctrine of the Church* (Nairobi: Paulines Publications Africa, 2004), 106.

¹⁰ Benedict XVI, *Spe Salvi* (Encyclical Letter, 30 Nov. 2007), para. 38.

or compassion for their victim and the pain they are causing. Yet they, too, are God's children and in need of conversion. The challenge is how convert?

It helps to remember those who have gone before us in the struggle for justice and conversion of heart and who are models for any age. I think especially of two great Capuchin monks, Epifanio de Moirans and Francisco José de Jaca, in Cuba in the 1600s. Both did what was impossible and subversive at the time: they condemned the very institution of slavery. They struggled with all the established political, economic and religious interests of their time to change this widespread and destructive practice. The two are, indeed, the forerunners of Catholic Social Teaching and of *Rerum Novarum*. They said that slavery is wrong because:

- It is against what it means to be human according to the general order of things.
- It is against the law of God in the Old and New Testament.
- Slavery dehumanizes everyone – not only the victims, but the slave traders, the buyers, the corrupt officials, and even those who look on and don't want to get involved.
- The sale of slaves is against justice and charity.

To make their point clear, the two monks refused absolution to owners of slaves and to their wives for participating in the wrong doing. Repentance meant not only freedom for slaves but just compensation for all their work. The rest of ill-gotten gains were to be given to the poor. The two monks were classed as subversive, arrested, convicted and eventually deported and excommunicated.¹¹ (Note that the monks invoked the natural law also for adherence to moral standards. This is useful when sharing in a community where there are people who do not believe in God.)

There is no doubt that we continue to need our prophetic voices within the Church. In a region like southern Africa, with its youthful population and gross disparity between rich and poor, it ultimately becomes a battle with poverty and patriarchy and economic justice. Pope Benedict XVI, in referring to human trafficking as a real 'scourge' of our time, also states that it is well known that poverty, as well as the lack of opportunities and of social cohesion, pushes people to look for a better future despite the related risks, making them extremely vulnerable to trafficking. Moreover, several factors

¹¹ E. R. Sunshine, *A Just Defense of the Natural Freedom of Slaves: All Slaves Should Be Free (1682): A Critical Edition and Translation of Servi Liberi seu Naturalis Mancipiorum Libertatis Iusta Defensio by Epifanio de Moirans* (Lewiston, NY: Edwin Mellen Press, 2007).

contribute to the spread of this crime, namely, the absence of specific rules in some countries, the victims' ignorance of their own rights, the socio-cultural structure and armed conflicts.¹²

If we do not deal with some of the push factors, such as gross poverty, vulnerable women and children will continue to be exploited by outsiders and their own alike. Patriarchy and sexual immorality need to be challenged. Women need to understand that they are not merely there to simply serve in subsidiary roles.

Finally, in teaching and promoting the values of respect, love, solidarity, peace and justice among communities of believers and non believers alike, we do have common ground in invoking the natural law.

Pastoral response

In 1970 Pope Paul VI established a Pontifical Commission (now a Council) for the Pastoral Care of Migrant and Itinerant People, which, in recent times, like many other organizations, has singled out trafficked people within populations of people on the move and now also monitors the issue of the victims of human trafficking who are considered to be the slaves of modern times. Because of the presence of the Catholic Church at both universal and local levels, this particular Pontifical Council consists especially in encouraging the various Conferences of Bishops throughout the world to fight against human trafficking and to do this with the participation of religious women and men, lay people, various Catholic associations and various movements.¹³

In dealing with such a complex issue as human trafficking, the Palermo Protocol requires signatories to adhere to three minimum requirements: prevention, protection and prosecution. In South Africa we have added a fourth: partnership. We cannot go it alone. We need also bear in mind that, in any attempt to address human trafficking, the role of the wider church is most important; it is mostly there that people at grassroots level can be reached and learn, too, that anyone can take a positive action.

Prevention

When people hear about human trafficking, they usually say: What can

¹² Benedict XVI, *Africae Munus* (Post-Synodal Apostolic Exhortation, 19 November 2011), para. 21.

¹³ 'Holy See addresses human trafficking forum', *Zenit*, 14 Feb. 2008, <<http://www.zenit.org/article-21772?l=English>>, [accessed 19 March 2012].

be done? One of the best defences against human trafficking is education, as traffickers routinely rely on deception. Many people who end up being trafficked are tricked into it. Once they have been tricked, the traffickers have control and the individuals become enslaved victims of violence. Severe suffering in the form of physical and mental abuse always follows. In the area of prevention, the following are some basic requirements for all dioceses and parishes to adhere to if commitment is to be translated into action:

1) Communities must be conversant with the reality of human trafficking through:

- Capacity building workshops to combat human trafficking within dioceses and parishes in order to spread awareness and involve the community to do the same.
- Establishment of counter trafficking committees within dioceses and parishes.
- Pastoral letters to be sent out occasionally.
- Network with other concerned bodies.
- Pray for an end to human trafficking.

2) Challenge unethical traditional practices

In November 2011, Pope Benedict XVI signed his Post-Synodal Apostolic Exhortation *Africae Munus* [The Commitment of Africa], a follow-up document to the 2009 Synod of Bishops of Africa, during a ceremony in Ouidah, a former slave-trade city on the Atlantic coast of Benin. The document denounces the ‘intolerable treatment’ of many children in Africa who are subjected to forced labour, trafficking and various forms of discrimination. Two separate sections of the document address men and women in language that reflects the African Synod’s concern over the discrimination against women in many African countries. He says: ‘There are still too many practices that debase and degrade women in the name of ancestral tradition.’ and ‘The Church has the duty to contribute to the recognition and liberation of women.’¹⁴ He asks bishops to challenge Christians who practice unethical practices of traditional customs.

¹⁴ Benedict XVI, *Africae Munus*, paras. 56, 57.

3) Ukuthwala

In some rural areas of South Africa, there are certain cultural practices that can be classed as human trafficking. One is 'Ukuthwala', meaning the practice of the kidnapping and rape of a pubescent girl in preparation for her to be some man's young bride, which takes place within the Catholic Church. This situation needs to be addressed. Sodalities, especially, need to form discussion groups around this issue.

4) Girls sold to mine workers

In Mozambique pubescent girls are sold as wives to Mozambican men in South Africa, especially mine workers. These operations do not appear to be clandestine. There are women who complain that their husbands are bringing in 14-year-old girls as second wives. Too often we turn a blind eye. Strong warnings need to be issued against the continuation of such practices.

5) Child Sacrifice

The Pope also warns that witchcraft is enjoying a revival in Africa, in part because of peoples' anxiety over their health, the future and the environment. (No 93).¹⁵ What we see becoming popular again is stealing children for body parts, child sacrifice and, among 'les nouveau riches', the stealing of a child to be placed in the foundation of a new building. Burying the skull of a child or placing a live child in the foundation of a building (depending on what the buyer wants) is believed to bring greater prosperity to the individual. Parents need to be constantly reminded that care and vigilance over children is necessary at all times. The community, too, where it is said that 'every child is my child', needs to work together for the protection of potential victims of child trafficking.

Protection

Because there are emerging categories of migrants that present new challenges and needs, concern for trafficked victims among people on the move needs to come into sharper focus. Attention and resources need to be directed towards advocacy for the rights and needs of those trafficked or at risk of being trafficked. At a practical level, forced migrants are frequently unable

¹⁵ *Ibid.*, para. 93.

to access what they are entitled to because of fear of detection, incarceration and deportation. They very often depend on churches and non-governmental agencies for basic assistance and services. Here assistant givers can play a vital role in identifying victims of trafficking and transferring them for special care.

Extreme forms of exploitation such as human trafficking call for corresponding counter measures, where each country needs to have a national rehabilitation programme for victims in place that incorporates a holistic approach. This can be very costly, hence existing shelters can be upgraded. In such cases, the Catholic Church can work alongside government in expanding their own services to abused women and children.

Prosecution

The criminalization of human trafficking is essential. First, it gives police something to work with. Secondly, it is a first step in fulfilling the minimum requirements of the Palermo Protocol. Hence, we as Church need to lobby continually for legislation to be put into place where necessary and to ensure that survivors of trafficking, whether they report their cases to the police or not, receive the same victim assistance and rehabilitation.

Partnership

As already mentioned, we cannot go it alone in tackling such a complex issue. As IMBISA against human trafficking, we need to partner, share our findings, expertise and resources, especially at provincial government level, and collaborate with various agencies and organizations in specific environments. The ILO, for example, clearly professes an active commitment to the campaign against forced labour and the phenomenon of human trafficking.

Contact with those working against human trafficking on the other side of borders helps with disseminating findings, especially with regard to what is happening in the smuggling processes. Many are naive to the atrocities that await them on both sides of Beitbridge, for example. Knowledge of this is of utmost importance in helping potential victims of trafficking.

Those who work at national level in the IMBISA countries need to commit themselves to collaborative efforts, support each other in various activities, and together draw up a plan of action to see how best to do this. Having satellite offices at Bishop conference level in each of the IMBISA countries helps with such facilitation.

It is also time to highlight men's role in trafficking. As they are part of

the problem, they also need to be part of the solution. Men, the buyers of commercial sex acts, are the ultimate consumers of trafficked women and children. The men who purchase the sex acts are faceless and nameless, while it is the women who face the arm of the law. If we could stop the demand, there would be no need for supply. Actually, the root cause of human trafficking is not poverty. There are poor places where there is not human trafficking. Poverty may be a push factor, but the root cause is corruption and demand.

Conclusion

In John's Gospel, Jesus tells us, 'I am the good shepherd ... and I lay down my life for my sheep' (John 10: 14). To join the fight against human trafficking is to join Jesus in his search for these lost and scattered ones. The promise of the Gospels is that the work we do to rescue and bring to safety the vulnerable and powerless is work we never do alone. Always, we are joined by a God who has gone before us, who opens our eyes, and leads us to His scattered children. 'I have no hands but yours', we can hear Jesus tell us; in other words, 'I cannot rescue them without you'. Let us go forward with courage and faith.

What the Palermo agreement did was to awaken the world to gross violations of human rights. It is for us now, as civil-society actors, churches, faith-based organizations, to work alongside government in denouncing trafficking as unacceptable. Our commitment according to the natural order of things is respect for the right of each one to live in freedom. As believers, it is rooted in the belief that the human person is created in the image and likeness of God. Both, undoubtedly, contradict any tendency to regard human beings as commodities that can be bought or sold.

**Lessons Learned:
A Rights-Based Approach to Young Women's Health**

Constance Shumba

This chapter discusses some of the lessons learned from my experience in working with young women, including refugees and internally displaced people (IDPs). Its aim is to see how we, as Africans, can draw on some of these lessons. Although it may not be possible to generalize about these experiences because of the differences in circumstances of young women in various parts of the world, health challenges in many countries are invariably the same; the indicators are comparable. The chapter examines the potential for significant participation by young women in contributing to good health, and the challenges and opportunities that exist to fulfil that potential. The discussion draws on examples and my experiences from different African countries and Eastern Burma, and identifies strategies to support young women to become agents of change in their communities.

Mine is a tale of young women whom I have met from different countries over the years, whose stories I have listened to about how they have been affected by conflict, economic crisis and other forms of inequality. It provides a glimpse of some of the young women I met in order to demonstrate the reality and impact of conflict on young women. In all these stories, I have seen how conflict perpetuates violence, inequality and impunity, destroying young women's lives. Young women from different walks of life shared their stories of pain, bitterness and anguish. Each had unique experiences, but they all boiled down to their vulnerability. It is always difficult to ignore the desperation of young women, and one marvels at their resilience even in conflict situations and despite the social and economic inequalities that they faced. Young women are often strong and courageous, choosing to rebuild their lives and those of those around them. Many of the stories are heart-wrenching and made me angry and weep. I say this not to encourage pity

for the young women but to stir those of us in society who can make any difference to act. This can be made possible only by engaging in processes that include young women's visibility and voices in peace-building.

Background

The number of refugees and IDPs is constantly on the rise, with tens of millions in different parts of the world, mostly as a result of complex disasters such as wars, civil strife and human rights abuses. More than three quarters of the world's youths live in developing countries, which is where almost all the conflicts occur at present. Among both refugees and IDPs are young women and girls, and they bear the brunt of statelessness and its consequences. Furthermore, young women face challenges related to health, unemployment and sexual and gender-based violence (SGBV). Indeed, young women from the ages of 15 to 24 remain at greater risk of HIV.¹ The problem of HIV and AIDS is exacerbated for young women in conflict situations.

Burma is a country that is endowed with natural resources and was once considered to be the rice basket of Asia. It has one of the most ethnically diverse populations in the world, with over a hundred different languages and dialects, and ethnic minorities are found mostly in the border areas. Today it is well known for its serious political and economic problems, its health system is ranked as one of the worst in the world, and it is a major source country for trafficking in persons.² One of the human rights abuses carried out by the military on civilian populations in the country's conflict zones is the systematic rape of women. Presently, almost a million people have sought refuge in neighbouring countries and another million people live as IDPs within the country. About 140,000 refugees from Burma live in official refugee camps in Thailand.³ Malaria, a preventable disease, is the most common cause of mortality (at 12 per cent).⁴ Burma allocates less than one per cent of its GDP to health, the lowest in South-East Asia. Like many African countries, Burma is faced with a severe shortage of health workers.

It is known that poor governance and politically motivated oppression have

¹ *Report on the Global AIDS Epidemic* (UNAIDS, 2010), <http://www.unaids.org/globalreport/global_report.htm>.

² *Chronic Emergency: Health and Human Rights in Burma* (Back Pack Health Worker Team, 2006), <<http://burmacampaign.org.uk/images/uploads/ChronicEmergency.pdf>>.

³ Thailand Burma Border Consortium. *Burmese Border Displaced Persons, February 2011* <<http://www.tbcc.org/camps/2011-02-feb-map-tbcc-unhcr.pdf>>.

⁴ *Chronic Emergency: Health and Human Rights in Burma*.

an adverse impact on the epidemiology of neglected and infectious diseases, increasing morbidity and mortality. There is a strong link between systematic human rights violations and the rise in infectious-disease and mental-health problems, with a damaging health outcome. Although population groups in conflict settings are generally predisposed to poor health, for young women this is usually worse. For instance, female Rohingya refugees in Bangladesh had a higher death rate caused by preventable diseases than the males did.⁵ Refugees also experience chronic diseases endemic to host countries, thus suffering a double blow from poor health.

Human rights-based approach to health

There are a number of key normative instruments that enshrine women's human rights, including basic instruments like the Universal Declaration of Human Rights and the various human rights conventions which apply equally to men and women. These instruments guide development co-operation and programming in all sectors and in all phases of the programming processes. Other conventions that apply specifically to women and girls include the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), its optional Protocol, and the CEDAW Committee's General Recommendations that expand on that Convention, particularly on issues such as violence against women. The Beijing Platform for Action is another important document for guiding gender equality and the fulfilment of women's rights. United Nations Security Council Resolutions 1325 and 1820 are particularly important when looking at issues of women, peace and security. The right to the highest attainable standard of health (referred to in short as 'the right to health') was first reflected in the WHO Constitution and has been firmly endorsed in a wide range of international and regional human rights instruments. To date, the most authoritative interpretation of the right to health is outlined in Article 12 of the International Covenant on Economic, Social and Cultural Rights, which has been ratified by approximately 150 countries.

Consequences of displacement include widespread violence against women, sexual and reproductive rights violations, and lack of access to education and resources. The human rights-based approach (HRBA) to health affirms the

⁵ M. J Toole and R. J Waldman, 'Refugees and displaced persons: War, hunger and public health', *JAMA* (1993), 270(5): 600-5, <Doi:10.1001/jama.1993.03510050066029>.

equal dignity of every human being, including young women. Statelessness and vulnerability to trafficking are other challenges faced by young women refugees that limit their access to health care. Trafficking of young women and girls is a common problem in conflict and post-conflict settings owing to the immense socio-economic challenges that they and their families face. Consequently, there are increased rates of complicated abortion cases, a large number of infant and maternal mortality cases, and high rates of HIV as young women unwillingly become sex workers out of poverty or through trafficking and sexual slavery.⁶ In addition, in some cases girls are forced into early marriages as a way of protecting them from SGBV. In most instances, this only adds to their suffering, as young women in conflict already face a myriad of challenges, including social and cultural norms that push them into a subordinate role. Even young men have become sex workers and drug users because of the challenges they face.

Trafficking is a complex issue and is a common phenomenon among refugees and IDPs. Many of the young women trafficked are barely adolescents. In South-East Asia young women are used as a source of cheap labour for factories, or are sold to local brothels as sex slaves; younger girls act as lures for men to go to the prostitutes. I met Naw, a 7-year-old Burmese girl, in Thailand. Her mother had sold her for a paltry US\$10 until a stranger rescued her and paid US\$25 to free her from her captor and take her to a safe house. Her captor was a brothel-owner who was visiting the small Thai town where Naw's family had sought refuge from the conflict in their home country, Burma. I listened in horror, but such stories are commonplace. Naw is one of the few lucky ones. Many young girls and women are sold into slavery and are living in sexual captivity, making money for their captors who do not have any regard or respect for their human rights.

Young women in conflict and post-conflict settings have greater vulnerability to being trafficked for sexual exploitation in countries near theirs as they and their families scout for opportunities to improve their lives. Most of the traffickers make huge profits from the business. The greatest challenge in preventing trafficking lies in the fact that most post-conflict governments lack the institutional capacity to deal with it because they are faced with

⁶ S. Nelson, J. Guthrie and P. S. Coffey, *Literature Review and Analysis Related to Human Trafficking in Post-Conflict Situations* (USAID, 2004), <http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/trafficking_dai_lit_review.pdf>.

a multiplicity of issues. This calls for the creation of socio-economic and political conditions that deter trafficking. The violence that young women experience occurs not just in situations of conflict: even in situations of peace there is an inherent tendency for women to be targeted with violence, as they lack the same rights as men.

HIV stigma and discrimination is also a major issue for young women in post-conflict settings. I listened to the story of Thella, a 21-year-old young woman from Congo and it made me cry. She was pregnant and went into labour. She rushed to the hospital and disclosed her HIV-positive status to the health workers, hoping that it would lead to better management. They immediately left her alone in the room, and when she pushed the baby, it fell on to the floor from the delivery bed and died.

Human rights are at the heart of the HRBA and have their roots in the principles of non-discrimination, participation and accountability, with a shift from merely meeting basic rights to actualizing the realization of those rights. Communities and agencies can use the HRBA to engage in greater advocacy with governments and other duty-bearers to secure human rights for women and girls, and to increase the focus on addressing the root causes of their violation. A key aspect of the HRBA is that it encourages a focus on the most vulnerable groups in our communities, such as young adult women refugees, and ensuring that these groups are active participants in the entire development process and are leading their own empowerment. It is essential to bring their voices to the table.

A human rights-based approach to health means integrating human rights values and principles into health policies and programmes, from the design through to implementation, monitoring and evaluation. These values and principles include human dignity, attention to the needs and rights of vulnerable groups, and emphasis on the equitable provision of and access to health. At the heart of this is the principle of equality and freedom from discrimination on any basis, including sex and gender roles. Of key importance is the integration of human rights into health and development. Strategies should endeavour to empower and encourage the participation of the marginalized in decision-making processes which concern them, and incorporating and embedding accountability mechanisms that they have access to.

The human rights-based approach must therefore specifically focus on equipping young women with the knowledge, skills and opportunities

to champion human rights at all levels and in all fields, including health. This should include working at the level of advocacy and engaging with cultural norms and practices that infringe on young women's rights. Thus, it is particularly important that it is grounded in local communities and encourages leadership and the empowerment of young women who are among the most vulnerable and affected. This demonstrates a high level of commitment to ensuring that women, young women and girls are able to claim their human rights, particularly their sexual and reproductive rights, and are free from violence and HIV infection. Furthermore, it fulfils the General Comment on the right to health adopted in May 2000 by the UN Committee on Economic, Social and Cultural Rights, which monitors the Covenant. The General Comment further clarifies the nature, scope and content of the right to health.⁷ Additionally, the role of development co-operation is deemed therein as developing duty-bearers in order to meet the needs of rights holders and equip them to be able to claim their rights.

Lessons learned and way forward

The health response to epidemic-prone diseases such as diarrhoea and measles by international agencies is largely commendable, especially in IDP and refugees camps, but is not sustainable. Sound interventions by international relief agencies should have a long-term goal of laying the groundwork to promote sustainable health and peace. Good health is in itself a form of peace. Humanitarian programmes can improve health by building the skill sets of young refugee women and promoting the rights of both refugees and their host communities through a rights-based approach to health. The skill sets improve the security of young women as they engage in activities aimed at promoting social and economic interdependence in their communities. They can also create and restore viable networks that are based on knowledge and skills. In the long term, as young women refugees regain their right to freedom of movement and can obtain access to other resources, they can become self-reliant and use their skills towards community- and nation-building. Any response must be sensitive to the rapidly evolving needs of young refugee adults transitioning through phases of acute emergency to settlement.

Indeed, the intricate link between education and health cannot be

⁷ See <<http://www.unhcr.ch/tbs/doc.nsf/%28symbol%29/E.C.12.2000.4.En>>.

ignored. In an earlier article, I have written about the value of young women's education in reducing their vulnerability to HIV.⁸

After signing the Nairobi 2007 Call to Action, I started a Girls' Educational Project in Koboko, North-West Uganda. The project assists talented but disadvantaged young girls to go to secondary school by providing them with school fees and pocket money. As a young woman I believe strongly that one of the ways to reduce girls' vulnerability to HIV is to provide them with opportunities for education.

Feminization of HIV has created a need to challenge harmful cultural beliefs such as the idea that girls should not be educated. One of the girls in the project came from a home where the father did not believe in education. She now displays so much potential and has a bright future ahead of her. With access to education her life has changed but there are many girls in Africa living her past life. In my professional life as a Public Health Specialist I want to seek knowledge and ways of improving health systems, including improved financing, so that young women can have access to a wide range of sexual and reproductive health services. Change begins with every one of us and we need to address the socio-economic issues that enable disease to thrive and find ways to promote health holistically. We must be resilient in taking action until we get the social change we want.

Any response to HIV that recognizes; respects and nurtures the potential of women and girls must be encouraged as part of protecting and promoting the human rights of women and girls. Since signing the Nairobi 2007 Call to Action, ensuring women and girls worldwide have access to education and economic security has become an important part of my life.

Even though war causes disenfranchisement and pushes people into a state of hopelessness and helplessness, empowering people to find solutions in this situation is key. Refugees and IDPs can be part of a critical mass of health workers who share the same context and realities with the people whom they serve, increasing the acceptance of interventions and sustainability. An important priority for young women in post-conflict situations is being able to obtain education and skills in order to be self-reliant and play a meaningful

⁸ 'Nairobi 2007 Call to Action: Turning words into action', *Common Concern* (June 2008), 138, 18, <<http://www.worldywca.org/content/download/38682/425787/version/1/file/CC138-ENG.pdf>>

role in decision-making in the community.⁹ Accordingly, this helps them to negotiate safe sex, which is important in reducing susceptibility to HIV infection and other reproductive health problems.

Implementation of UN Security Council Resolutions 1325 and 1820 to improve the status of women and girls affected by conflict, and creating safe spaces for women and girls to protect them from war crimes such as SGBV, remain important. Resolution 1325 encourages the involvement of women in peace-building. It is also important to engage men and boys in the fight against SGBV, including trafficking, and also in redefining masculinity. Advancing cross-cultural sharing in order to learn about the realities and responses in other contexts is crucial in sharing best practices.

The importance of shared leadership cannot be underestimated – working diligently to help others, creating and leaving a legacy, seizing every opportunity to do good knowing that it is an opportunity to serve and grow. The great friendships formed along the way with people from all walks of life are a great resource for learning and the exchange of ideas. They aid in instilling a sense of pride and, above all, aid us to celebrate our personal and professional commitments and efforts to bring about change. I have seen the value of being empathetic and of thinking together, helping to find solutions that work in order to alleviate suffering caused by ill-health and social injustices. Keeping hope alive is not an option but a must; as long as there is injustice there is need to act. Advocating for and with the people empowers them to raise awareness about their own issues and creates opportunities for them to bring their voices to the table, thereby achieving effective, meaningful representation of young women. All this is essential in promoting a rights-based, equitable and meaningful approach to health and empowerment.

The need to improve political systems and governance in order to create favourable conditions for good health and well-being remains critical. This includes adequate financing for health and social services and the promotion of targeted interventions aimed at addressing the social determinants of health, such as water and sanitation. This also requires a combination of timely, correct responses, and approaches to health and health-related problems that recognize the importance of balancing prevention and treatment in order to

⁹ *Gender Justice in Post-conflict Countries in East, Central and Southern Africa*, (*African Women for Peace: Advocacy Magazine*, Special Edition, September 2005), <http://www.chr.up.ac.za/images/files/research/gender/publications/gender_unifem_african_women_peace.pdf>

achieve optimal outcomes. The human rights-based approach to health also focuses on the unique nature of human relationships and the health-care encounter, and considers the importance of dimensions of quality, not just quantity, respecting the rights and choices of the young women.

Organizations working in health need to integrate the HRBA into their work and strategic frameworks. Collectively, it is important to demand accountability from our governments and other stakeholders to ensure that laws and policies are in place to protect women's human rights and to ensure that they are implemented. Governments and NGOs need to work in communities to respond to the critical needs of women and girls in conflict, and to deliver health-care services and social and economic empowerment programmes with women and girls using the HRBA. Although achieving broader social change may be slow, even pocket of success here and there can be encouraging. Promoting the basic and fundamental rights of young women is not only beneficial to them as individuals but to society at large, and it acts as a doorway for access to other resources.

My experience suggests that it is possible for marginalized learning communities such as refugees participate meaningfully by adapting to their needs outside mainstream educational provision. Human rights approaches to refugee health and education programmes must reflect these needs and aim at adopting an inclusive and flexible approach in a rapidly evolving society. With the right commitment, it is possible to encourage innovation in these settings. However, there is also need for a phenomenological approach in order to understand the deeper socio-cultural experiences of refugees. Africa and the world at large need to understand, discuss and promote the role of researchers in advocating for and conducting research within vulnerable populations. This will enable us to find more suitable, home-grown solutions in alleviating the suffering among our vulnerable groups.

It is important to provide a safe space for young women to discuss and share their experiences and good practices about issues that are important to them, and to deepen young women's knowledge in their leadership and responses in areas of sexual and gender-based violence, sexual and reproductive health rights, HIV and AIDS. Young women and organizations working with them can then build on dialogue and develop recommendations to feed into African and global strategies on the issues affecting them through national, regional and international mechanisms. Of critical importance is the documentation of experiences about young women's empowerment.

Opening up political space and putting young women's human rights high on the agenda is the hallmark of empowerment.

The number of young women refugees is alarming, and programmes should be targeted at them. There is a paucity of educated young women actors in conflict and post-conflict areas. Young women neither obtain full access to resources, including education and work, nor are they distinctly able to participate in any programmes. Conflict has a multiplier effect on their problems. There is a colossal gap in the effective and tested solutions for the empowerment of young women in conflict and post-conflict situations. A holistic approach to young women's empowerment, with education and life skills contextually designed to meet the needs on the ground, is a prerequisite for any programme that is poised for success. Therefore, engaging with young women refugees and equipping them to be part of a critical mass of the workforces in reconstruction is itself a milestone. It provides a huge opportunity for young women to improve their access to health and justice in a post-conflict setting. In early phases of responses to crises, humanitarian agencies usually set up educational institutions. These institutions can be used as avenues to promote and encourage the active participation of young women and girls in reconstruction and nation-building after conflict. The creation of pathways to employment and income generation to promote empowerment and build self-esteem is vital.

The enactment and enforcement of laws against trafficking can help to protect and prevent young women from trafficking. These young women are at a higher risk of contracting HIV as they lack access to prevention and treatment. The human rights-based approach to health recognizes individuals as responsible actors and, in the case of refugees, involves acknowledging their ability to contribute to their own health care. The formation of rights-respecting partnerships for advocacy with refugee communities and other organizations accelerates progress. Furthermore, this approach focuses on the structural causes of ill-health and their manifestations and attempts to address them. These partnerships do well if they pay special attention to the protection of the health and sexual exploitation of young women and girls. In Burma, as in some other countries, socio-economic problems have boosted human trafficking, undoubtedly increasing HIV infection. Ensuring that young women have access to basic services reduces their vulnerability to HIV. It is also important to provide culturally appropriate, targeted STI/HIV prevention information and services. Engaging and educating men and boys

about gender and HIV will facilitate respect for the human rights of young women and girls in post-conflict settings.

Young women are constantly negotiating family, discrimination and professional duties and therefore there is need to affirm their knowledge. It is important to equip them with knowledge and skills to improve their negotiating power and reduce the unsafe abortions that are common in conflict situations by preventing unwanted and unplanned pregnancies. Young women refugees can be trained and empowered with skills to work in public health, including HIV prevention and care services in their communities. Instituting an early-warning system by keeping our ears to the ground about the threats in our communities is of paramount importance.

In my work with refugees from Burma, I have realized that there is a strong network of community-based organizations. These do tremendous work in providing health services to their people through community health workers, among them young women. As Africans we can learn from this and build a strong network of community-based organizations that provide health to our populations. Notably, the major disease threats that low-income countries still face are preventable infectious diseases. These diseases do not require highly technical expertise or specialist knowledge to be prevented. Young women can be harnessed as part of a large pool of human resources to promote good health in their communities and expand the health workforce in any country. This can be done using a simple curriculum that builds knowledge about the social determinants of health and focuses on delivering non-specialist interventions. As a result, the young women leverage their impact on health outcomes at the household and community level. They can also contribute to meeting health targets such as those of the Millennium Development Goals.

Conclusion

Keeping our eyes on the ball is crucial, and the focus should be on adopting traditional approaches that have proved effective, leaving behind those that do not work. Additionally, exploring new alternatives might mean negotiating cultural boundaries and taking risks on unexplored avenues. Worth noting is the fact that access to health care is a basic and fundamental human right which must never be left to the chance. I am proud to pay tribute to fellow humanitarian workers working tirelessly to improve the situation of young women and girls throughout the world. This work must be recognized and investments increased to secure the rights of women and girls.

JRS Accompaniment: A New Way of Being Present?

Joseph Hampson, SJ

When I was a novice in Scotland many years ago, our novice master faced the challenges of directing young men in the Jesuit way of life, but at a time when the world and the Church were going through profound changes. The end of the 1960s brought the Paris revolution of the young, and the Church was still grappling with the implications of its engagement with the world after Vatican II. In our little retreat he passed on the values that had kept him and his contemporaries fairly sheltered from such turbulence. His advice about how to 'exit' after giving retreats, for example, was based on the premise not even to send a greetings postcard to a retreatant. Though this was his public advice, thankfully for his own sanity he didn't subscribe to the practice himself. Had he been alive a decade later he would have been entirely happy with the idea of accompaniment as part of a Jesuit work – that of JRS's triple mission of accompaniment, service and advocacy on behalf of the forcibly displaced – and happy with the notion that such accompaniment could be long term, constant and mutually fulfilling.

Although Jesuit Refugee Service had its official birth as one of Arrupe's last initiatives in 1980, Jesuits had been involved in refugee and displaced ministry from the start of their history. Ignatius, their founder, had attracted the attention of the Dominican Inquisition in Spain: his teachings to them seemed dangerously heretical, and they claimed that Ignatius was a refugee in Rome, fleeing from their investigations. After their arrival in Rome in 1537 the early companions of Ignatius were confronted with a severe famine and harsh winter such that many people fled to Rome for help, and among them were the sick and dying. Ignatius was given the use of a house where initially 400 were cared for, but this number later grew to over 3000. All this while, the companions were going through the discernment exercise to found the Society of Jesus in spite of considerable Vatican opposition.

After the Society was founded in 1540, Ignatius continued to urge his followers to have concern for the poor, the neglected, and those others who had been forgotten or ignored. While he was General, Ignatius' own style of assistance – whether it be to prostitutes, beggars, or displaced poor from the countryside – was always discreet, considerate and aimed at long-term sustainability through persuading others to get involved in the work.

Like the rest of the world in late 1979, Arrupe was struck by the plight of the Vietnamese boat people, but rather than talk and offer symbolic gestures he wanted the Jesuits to be involved in a practical way. His style of governance had been to listen to many shades of opinion on the social questions of his time before issuing guidance to Jesuits and others. A similar model of consultation was initiated before the Jesuit Refugee Service was established in 1980. In the beginning it was seen as a network, intended to be of help to those Jesuits already in the refugee apostolate, and to encourage others to assist, but soon the interventions and the structures grew in response to need.

When JRS started there were about five million refugees; later we recognized and counted other groups of dispossessed people not categorized in 1980 – for example, 26 million IDPs and some 12 million stateless persons. However, JRS never lost the sense that it is a small organization whose mission is not to be involved in massive humanitarian interventions but rather to offer a different, personalized service that has its foundation in the experience of Ignatius and the early companions – a service of accompaniment of those who are displaced.

Accompaniment as foundation of JRS work

The etymology of accompaniment is that of 'breaking bread with someone', and so it is built on the twin ideas of hospitality and sharing a meal. The biblical roots clearly demonstrate this twin foundation as a religious duty. The story of Job declaring that every sojourner will not pass the night without shelter (Job 31: 32), 'I was a stranger and you took me in', says the Jesus of Matthew 25, and Lydia's insistence in offering hospitality to Paul's companions when they came to Philippi to establish the first Christian community in Europe – 'she would have no opposition' (Acts 16: 15) – all point to the centrality of the New Testament law 'to love one another as I have loved you', not contradicting but building upon the Deutoronomical injunction to 'love the stranger' (Deut. 10: 19).

Offering hospitality to strangers is not always a natural instinct, if we

reflect on the current hysterical outbursts from politicians and opportunists who rail against the threat from outside, the danger from overseas, problem of the stranger-in-our-midst, the security risk from the foreigner, the menace of the Muslim, the spread of the terrorist. Modern discourse even at times seems to contradict the very value of spontaneous and natural offering of hospitality and accompaniment, arguing that modernity and security both require these values to be overlooked in favour of protectionism and isolationism.

Accompaniment, then, is quite topical, and it is one of the central ideas of JRS: it is both a dimension of all the work undertaken, as well as a specific sectoral activity. 'JRS is an international Catholic organization whose mission is to accompany, serve and defend the rights of refugees and forcibly displaced people'.¹ Interestingly, the Charter document was not finalized until some twenty years after its foundation, whereas most organizations have their charter document as the basis of their initial foundation. JRS preferred to use an Ignatian methodology of 'see, judge, act' in the beginning, by building on experience that is reflected upon, keeping the structures light, and preferring to 'facilitate the involvement of individuals and communities' first, thereafter 'promoting regional and global co-operation and networking on behalf of refugees', and only thirdly and lastly to 'undertake services at national and regional levels with the support of an international office in Rome'.² Even these services provided by JRS to refugees are concentrated locally, with the headquarters merely taking on a support role. Colleagues from other NGOs were always amazed when I described JRS structure, for it seemed to them strange that a Jesuit organization could be so decentralized in the matter of, say, finance. Almost all international NGOs would have much more centralized systems of finance, fundraising and accounting.

As well as the distinctive feature of decentralization, a key feature of JRS that marks it out from other humanitarian NGOs is the focus on accompaniment. Accompaniment has three overlapping and mutually reinforcing aspects: 1) it is the critical intersect between faith and humanitarian action; 2) it is an expression of essential attitudes within JRS; and 3) it makes unique structural and programmatic demands on the work undertaken by JRS.

¹ *The Charter of Jesuit Refugee Service*, para. 9, <http://jrsmalta.jesuit.org/mt/wp-content/uploads/downloads/2011/08/1-JRS_Charter-layout-201108.pdf>.

² *Ibid.*

Characteristics

The religious–humanitarian intersect

Accompaniment as companion on a journey

It is clear from their common etymology that companionship is an important part of accompaniment. In addition this friendship is one shared on a journey, when both are experiencing similar events, when there is no stability, as a journey implies a loss of the familiar in travel towards the unknown. In such uncertainty and instability the practice of hospitality and welcome is doubly appreciated. We live in a world that has so many contradictions – greater wealth than ever before in human history, yet more poverty and inequality; instant global communications, yet increased fear of outsiders and the stranger; more goods, services and money passing across the world, but greater restrictions on the movement of labour, in spite of the modern economy’s need for a more mobile supply of workers. In this contradiction, the act of accompaniment can reach out beyond categorizations and stereotypes to offer pure friendship.

Accompaniment as an Ignatian value

In the Spiritual Exercises the exercitant is encouraged to have a global perspective, viewing the world in one exercise through the eyes of the Divine Trinity, but is also challenged to accept the concrete challenge of fighting for the Kingdom. This meditative approach in action can often be best expressed in accompaniment, for in the accompaniment of JRS we strive to stand alongside the poor in the spirit of Jesus, with humility. An exercitant following the Exercises also engages in spiritual conversation with the director, a type of conversation where the retreatant is led to discover his true self and his values in a new and deeper way through shared conversation during the director’s accompaniment.

Accompaniment as the struggle for peace and for justice

If our work in accompaniment is that of expressing commitment to the common good, it also entails a very real commitment to the ‘faith that does justice’.³ This justice demands an end to the unequal and exploitative relationships within communities and across nations, so that a believer can never rest

³ General Congregation, 34, Decree 4.

content with the status quo when that situation is exploitative and unjust. Unfortunately, sometimes humanitarian action, in its work for peace and justice, can be a force that destroys local structures and local civil society. The unintended consequences of humanitarian intervention may exacerbate unjust structures rather than challenge them.

The US\$456 million UN Mission in Kosovo has been cited as an example, where displaced indigenous efforts to rebuild Kosovar society were overwhelmed with an overpowering influence of foreign military forces and international aid. One analyst wrote, 'reconstruction would have been put on a more solid footing if it had been built around civil society instead of humanitarian commodities and services,' noting that Kosovar doctors, teachers and police officials could earn up to ten times more money by working as drivers, guards, or interpreters for international agencies than they could at their own professions. 'The ultimate net impact was a contribution to the incapacity - rather than capacity - of civil society to rebuild itself on a foundation of tolerance and respect'.⁴

This huge discrepancy between local remuneration and international NGOs' distortions will be familiar to anyone who has worked in a refugee camp anywhere in the world. In its accompaniment JRS tries to counter this divide by the simple presence of workers on a remuneration that is based more commonly on local scales than international salaries, and by stressing a style of intervention where accompaniment is central.

Accompaniment as psychosocial support

The very idea of the presence of a friend, a companion on life's journey, gives most of us hope and a renewed sense of self. A friend lifts our spirits, reminds us of a world that is more beautiful, full of promise and a future, and gives us a fillip that keeps us going during dark times. Such also can be the effect of accompaniment for refugees, who are in need of such support during critical times in their lives.

Accompaniment as pastoral care

Sometimes the idea of pastoral care has been used in church circles in a very narrow way, implying a purely sacramental and denominational approach to care. However the true, wider meaning of pastoral care is that of a holistic

⁴ T. Keating and A. W. Knight, *Building Sustainable Peace* (Tokyo: UNU, 2004), 28-9.

approach covering mind, body and soul. JRS accompaniment believes in a pastoral care that goes beyond denominational and boundary concerns, so that the refugee can be met and understood in his or her completeness. This does not exclude religious practice, but nor is it exclusively identified with it either. The differences in emphasis are often reflected in differing ecclesiologies: the narrow approach could be seen as that of a *maintenance* church, while the wider one would be part of a *mission* church.

Accompaniment as option for the poor

To walk with those who are poor, or suffering, or marginalized, is not always easy. To be identified with the victims means taking the side of the poor, and therefore opposing those who exploit or those who misuse their power. This can lead to conflict with the powers that be. The Church has announced its preferential option for the poor, as Jesus made his mission clear in the synagogue: 'The Spirit of the Lord is upon me, because he has anointed me to preach good news to the poor. He has sent me to proclaim release to the captives and recovering of sight to the blind, to set at liberty those who are oppressed' (Luke 4: 18).

I remember being happy with the work of JRS in a camp in Zambia when I was told that one exasperated UN official had said in public, 'the trouble with JRS is that it is always on the side of the refugees!' Interestingly, what he thought was criticism I took to be high praise. The Pope has reminded churches, communities and governments that the notion of Christian welcome and hospitality is to be applied to migrants and refugees, even to those deemed to be 'illegal' migrants.

Accompaniment as compassion

All the great religions enjoin their followers with the responsibility of showing compassion to those who suffer. Yahweh of the Old Testament required of those who would walk humbly with their God, that they do justice and love kindness (Mic. 6: 8). The accompaniment of refugees can be a powerful exercise of this virtue of kindness or compassion, showing that religious responsibility is not merely seeing the stranger lying by the side of the road but is with the Samaritan 'when he saw him he had compassion' (Luke 10: 33). Buddhism is known as the religion of wisdom and compassion.

Attitudes

Accompaniment as listening

To listen is to offer the refugee space and time to tell his or her story. Sometimes, in the hurly-burly of flight and of coming to a refugee camp, or of living in a hostile urban environment, it is the first opportunity for a human encounter when someone can devote their attention and empathy to the refugee. Ensuring that basic needs are met can be an overwhelming responsibility, and the chance to sit and listen to 'clients' is simply not there. JRS believes that a key part of their presence and activity must be devoted to listening to refugees so that their stories may be told, and even preserved and taken to other forums and gatherings where the voices of refugees are rarely heard directly. In offering refugees the chance to be heard in a respectful and attentive way, JRS could be making a small stand against the 'commodification' of humanitarian action, where increasing spheres of human and social relations are seen in terms of exchange value. The act of listening in respectful attention to another's story has a value that cannot be calculated economically.

Accompaniment as sharing in solidarity

The concept of solidarity is a very important pillar of Catholic Social Teaching, 'a firm and persevering determination to commit oneself to the common good; that is to say, to the good of all and of each individual, because we are all really responsible for all'.⁵ The US bishops used the virtue of solidarity as an appeal to their Church members to take up the cause of refugees and migrants:

Solidarity is action on behalf of the human family, calling us to help overcome the division in our world. Solidarity binds the rich to the poor. It makes the free zealous for the cause of the oppressed. It drives the comfortable and secure to take risks for the victims of tyranny and war. It calls those who are strong to care for those who are weak and vulnerable across the spectrum of human life. It opens homes and hearts to those in flight from terror and to migrants whose daily toil supports affluent lifestyles.⁶

⁵ John Paul II, *Sollicitudo Rei Socialis* (Encyclical Letter, 30 Dec. 1987), para. 39.

⁶ *Called to Global Solidarity: International Challenges for US Parishes* (United States Catholic Conference, 1997), <<http://www.usccb.org/issues-and-action/human-life-and-dignity/global-issues/called-to-global-solidarity-international-challenges-for-u-s-parishes.cfm>>.

This sharing in solidarity is most vividly demonstrated by the spontaneous reactions of poor communities on the borders of the world's hot-spots. For weeks, or even years, when refugees flee persecution, friendly local communities on the other side of the border provide a welcome in solidarity that can far surpass the responses of the international community, both in speed of reaction and in sharing of resources. One of the world's poorest countries, Malawi, hosted one of the world's biggest concentration of refugees (from Mozambique) for years. Of course, Mozambican refugees were helped by international humanitarian agencies, but were it not for the welcome provided by Malawi, a much more serious outcome would have taken place. On the borders of Zambia during the Angola war; in one of the world's poorest countries, Guinea-Conakry, during the mayhem in Liberia; in Kenya, while Somalia was rent by civil war – often these frontier communities are hosting more refugees than are officially recorded by the humanitarian agencies. This hosting is done without fanfare, without recognition, and usually without thanks or acknowledgement afterwards when the refugees go home. Official repatriation exercises involve all the panoply of UN and international NGO interventions, but unofficial or undocumented refugees quietly return to their homes, grateful for the solidarity and support shown by their neighbours, and sometimes aware that it may not be long before they, in turn, could be offering reciprocal hospitality when their neighbour looks for it later.

'Human solidarity, as witnessed by any community that welcomes refugees and by the commitment of national and international organizations that care for them, is a source of hope for the real possibility of living together in fraternity and peace.'⁷

Accompaniment as respect

The dignity of the human person is a central tenet of Catholic Social Teaching, because we believe that each person is a reflection of the presence of the divine. God is with us, and he is present in each of us, so every person is a reflection of the image and likeness of God himself. There is a dignity and sanctity to human life, and showing this respect also entails respect for each person's rights.

⁷ *Refugees: A Challenge to Solidarity* (Rome: Cor Unum), 1992, para. 37.

Accompaniment as being with rather than doing for

This aspect of accompaniment means that the barrier between worker and refugee, between professional and client, between the haves and the have-nots, between the world of employment and the world of dependent shame, can be crossed, if not broken altogether. Though the worker does not live the life of the refugee, a genuine accompaniment can, however, give him or her a sensitivity and empathy to the refugee situation, and allow an equal relationship of mutual respect and friendship to grow. One of the best examples of this option for humanitarian presence was shown to me by the JRS Zambia team, who went to the border with Angola when there was a new influx of refugees fleeing the war. They lived in tents with the refugees for six weeks, in part doing a needs assessment, but also living out this option to spend time to listen and be with the refugees, seeing the world through their eyes. The fruit of this time was a very well-designed school support project that had a strong sense of ownership from the refugees.

Accompaniment as friendly reality-check

Sometimes the claustrophobic world of refugee camps, or the numbing anonymity of being a non-person in a large city, combined with previous traumatic experiences and flight can lead refugees to have quite distorted impressions of reality. One of the important contributions that JRS workers can make in their accompaniment is gradually and gently to introduce a level of realism, or even a note of criticism where necessary. Sometimes outsiders conspire in preserving a dangerous bubble of illusion, whereas the real gift would be to provide a friendly picture of reality.

Structural and programmatic implications

Accompaniment as capacity-building

A commitment to capacity-building is a commitment to stepping back from the usual demands of programme delivery, rejecting the model of goods and services being parachuted in from an all-supplying, all-powerful centre to beneficiaries deemed to be passive, not involved and not able to be involved. Capacity-building implies a commitment to training, but since no amount of training can demonstrate automatically that capacity-building has taken place, it is not identical with training and needs to go further if it is genuinely to empower. The goal of capacity-building is therefore to reinforce performance,

skills, attitudes and knowledge at the institutional level – strengthening a local community, or local community organization, or some other institution – or at the personal level, so that effectiveness and sustainability are improved. Capacity-building should be a natural foundation for the next structural characteristic of accompaniment, that of empowerment.

Accompaniment as empowerment

It is natural that empowerment should be a core activity and a dimension of all JRS's work with refugees and the displaced, considering how much emphasis is put on the values of empowerment and self-determination. In the humanitarian world it is now accepted theoretically that beneficiary participation is an essential requirement for any programme, but often in practice the level of participation is minimal, even non-existent. In refugee camps or IDP settlements throughout the world there are often great differences in ethos: whereas some suffer from a permanent malaise and passivity, sometimes exacerbated through severe shortages in basic rations and services, violence and ethnic rivalry, others can be a remarkable source of collective action, leadership and organization. One researcher told me that some 200 community-based organizations had been found in nine Karen refugee camps along the Thai-Burma border. My own experience has shown how there can be tremendous resilience among groups and individuals whose lives have been shattered by flight from war or persecution. It is that spirit that JRS seeks to capture and nourish when it accompanies IDPs and refugees in their journey in a camp or in urban anonymity. Empowering refugees is to give them back dignity, self-worth and hope for the future. Involving refugees in the plans people make for their lives is not only sensible but a psychological and moral necessity.

Accompaniment as predictable and reliable support

A refugee camp, like any other centre of humanitarian action, is often a focus of intervention for a large number of local and international NGOs who assist in the supply of water, sanitation, food, shelter, education, and other social services. Under the co-ordination of government and/or the UNHCR, these agencies have varied mandates, varied understandings of their mission, and, unfortunately, also varied levels of effectiveness. The donor world increasingly demands transparency and effectiveness, calling on humanitarian workers to be able to show the impact of their work – in other words to measure their

success. These can be heavy demands in an area where there is sometimes no agreement on how to measure the impact of humanitarian actions. Donors, too, can be fickle and, if they are swayed by national or regional politics, are often more concerned about short-term results than long-term impact. These situations mean that donor funding can be unpredictable, and even those funds that are allocated can often not be used efficiently and effectively. The end result at the level of the refugee or forcibly displaced is a life of uncertainty – uncertainty as to the humanitarian work being done, and an inexplicable (to them) weakening or withdrawal of services. Sometimes NGO staff are also caught up in this uncertainty, worried about their jobs or their short-term future.

I think part of the ideal of accompaniment for JRS is to offer to refugees, as much as possible, a predictable and reliable presence and source of support. This support will not be unending, but any departure has also to be predictable and negotiated with all parties as an acceptable exit strategy. JRS accompanies refugees until its presence is no longer required or helpful. Ideally, at the very start of a project JRS informs the beneficiaries of the length of time its support will be available, and the exit strategy thus becomes known to all from the beginning.

Accompaniment as effective support

Predictable support also implies that what is done by JRS makes an impact and produces change. As I have said, it is often difficult to measure the impact of humanitarian work, even if we can, for example, track and monitor food distribution or supplies of non-food items,⁸ but the difficulties grow exponentially when JRS is dealing with the more intangible aspects of camp or urban work, such as peace education, conflict resolution, psychological support, empowerment, promoting self-worth, pastoral care. For these issues beyond the pure delivery of identifiable services, the measurement of impact and the analysis of success is more difficult, but JRS still has to find ways of contributing to the international debate on the effectiveness and accountability of funds.

Accountability is another principle that JRS has developed through its practice of accompaniment in service, and is linked to the idea of efficiency.

⁸ 'The humanitarian system currently lacks the skills and capacity to successfully measure or analyse impact': C-A. Hofmann *et al.*, *Measuring the Impact of Humanitarian Aid: A Review of Current Practice* (London: Overseas Development Institute, Humanitarian Policy Group, HPG Report 17), 5.

Donor funds are supplied for the works and projects undertaken as a result of needs assessment and in dialogue with the refugees themselves, and JRS is committed to providing the donors, and the international community, with the public evidence that the funds have been spent efficiently, efficaciously, and in a timely manner.

Accompaniment brings the frontiers 'home'

Refugees are usually placed in camps far from the centres or capitals of the host countries. Such camps are isolated – on the frontiers of society, both literally and metaphorically – out of sight and out of mind. Sometimes these 'invisible' refugees or IDPs can live in the urban centres of the world, but can be unseen, unrecognized and unwanted by officialdom. By the physical act of accompaniment, of personal presence, JRS affirms the companionship and welcome, and brings the frontier into other people's homes and lives. Accompaniment gives JRS's role of advocacy a powerful and authoritative voice in a world of competing self-interests.

JRS can also bring the frontiers home in another sense by its promotion of a culture of conflict resolution and reconciliation. Going beyond boundaries and bridging frontiers to express the solidarity of human brotherhood and sisterhood can be the final step in overcoming that evil which has broken the bonds of love and solidarity within the human family. 'From the perspective of those living at the margins, globalization appears to be a massive force that excludes and exploits the weak and the poor, which intensifies exclusion on the basis of religion, race, caste and gender.'⁹

JRS accompaniment leads to service and advocacy

It is clear from the above characteristics of accompaniment that the mere fact of presence, no matter how compassionate, empathetic or attentive this presence be, is not a sufficiently holistic response to the evils of refugee and IDP situations. The situation demands that the struggle for justice involve assisting and protecting those whose rights are violated, create conditions where these violations cannot be repeated, and advocate for justice for the victims. Advocacy and service are intimately linked with the JRS response of accompaniment, and we find in practice that genuine accompaniment leads spontaneously to a commitment of service and advocacy.

⁹ General Congregation, 35, Decree 3, para. 25.

Whom do we accompany?

The JRS *Charter* spells out those to whom the organization has a mission. We have already seen that para. 9 of the *Charter* speaks of the triple mandate of accompaniment, service and advocacy as applying to ‘refugees and forcibly displaced people’. However, JRS follows Catholic social thought in applying the word to those who experience the trauma of forcible displacement, even for the five reasons outlined in the Geneva Convention, but who do not cross an international border, and therefore whose right to international protection under the convention cannot be claimed. The Church speaks of such forcibly displaced as ‘de facto refugees’, even though they cannot benefit from a dedicated treaty and institution designed for their protection. Commonly referred to as IDPs (Internally Displaced Persons), the international community and the UN system has been struggling with how to address one of the most serious and distressing phenomena of the last decades, which is particularly acute in Africa.

Although there is no international legal instrument, The UN’s *Guiding Principles on Internal Displacement*, developed under the aegis of Francis Deng, gives a normative framework for governments and agencies to respond to the needs of IDPs with thirty principles on protection, humanitarian assistance and resettlement.¹⁰ These principles have become widely disseminated, and have become a guide for humanitarian action and even a standard for measuring the effectiveness of such action.

JRS usually finds itself working with both refugees and IDPs in a particular country. Although it is a truly international agency, present in over fifty countries, a very strong presence is found in Africa, and much of the institutional fund-raising, support and advocacy work is focused on the continent. Africa, with 12 per cent of the world’s population, hosts nearly one-third of the world’s refugees and half of the world’s 25 million IDPs. Of the ten top refugee-producing countries, half are in Africa, as are three of the top ten hosting countries (Tanzania, Chad and Uganda). Of the twenty countries in the world with the highest ratio of refugees, eight are in Africa, and nine out of the twenty-four top countries in the world with the highest

¹⁰ *Guiding Principles on Internal Displacement* (Geneva: UN OCHA, 2001), <[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/A2D4116C222EB1F18025709E00419430/\\$file/GPsEnglish.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/A2D4116C222EB1F18025709E00419430/$file/GPsEnglish.pdf)>

ratio of IDPs in their population are in Africa.¹¹ These figures show that it is appropriate for JRS to focus much of its work and service in the continent.

This African focus also corresponds to a disturbing trend of growing forced displacement on the continent. Jeff Crisp writes that ‘the precise reason for the rising number of IDPs in Africa, as well as its relation to the decline in the size of the continent’s refugee population, remains unexplored and to a large extent unexplained’.¹² He adds that such growth has put great pressure on both the principle and the practice of asylum, the cornerstone of international protection for refugees.

Asking the question about whom we accompany in JRS is another way of asking whom we do *not* serve. Because of the strong humanitarian and religious motivation of our staff, because our mandate is wide, because we offer many types of service, it can be hard to say that we are limited in our help. Nevertheless internal struggles in JRS over the past decades tend to show the wisdom of applying limits and boundaries to our work. JRS decided to make an option for refugees and the forcibly displaced in most of the regions where we work, but we felt that migrant work per se was too broad a category for us to identify with. In other words, we work with the forcibly displaced, even those displaced at times by natural disasters, but do not normally work with migrants, those who are workers moving away from their families in search of employment.

Yet we are acutely aware of the increasing ‘grey’ area between migrants and refugees. The forced nature of some flight (Zimbabweans fleeing the situation in that country, for example, or Burmese so-called economic migrants in neighbouring Malaysia and Thailand) make it very hard, even artificial, to hold on to the distinction between flight induced through persecution, or any of the five grounds for consideration as refugee, and the flight of an ‘economic’ migrant who has no choice but to go elsewhere to provide for his family after persistent exploitative abuse.¹³ When people feel forced to move in order to find alternative livelihoods, the governments of their home countries at best ignore the situation, at worst promote the move in the

¹¹ Kathleen Newland *et al.*, *No Refuge: The Challenge of Internal Displacement* (Geneva: UN OCHA, 2003).

¹² Jeff Crisp, *African Displacement* (Geneva: UNHCR, 2006).

¹³ In *Abuse, Poverty and Migration* (Karen Human Rights Group, 2009, 54) it is argued that the concept of ‘livelihood refugee’ is a more comprehensive term that covers the situation of forced migration from Burma and IDPs within Burma, <<http://www.khrg.org/khrg2009/khrg0903.pdf>>.

hope of remittances, while the receiving countries routinely criminalize such migrants, or consign them to a twilight world where they are neither seen nor heard. For example, Thai provincial regulations for migrant workers from Burma and Laos include a prohibition from driving motorbikes, using cell phones, gathering together in groups larger than five, and being outside their designated quarters after 8.00 p.m.

Refugees and asylum-seekers often travel to other countries in the company of others who have different, non-protection needs. Quite often they can literally be in the same boat as undocumented migrants, trafficked by criminal middle-men, their journeys marked by inhumane conditions, and exposed to exploitation and abuse. Governments can react badly to these arrivals, treating them all as security threats. The UNHCR has tried to address this situation of what is called 'mixed migration' through a plan of action that calls for, among other actions, greater sensitivity of how potential refugees are handled, dealing with different cases in differentiated ways, and reinforcing the principle of non-refoulement, or preventing the forced return of refugees.¹⁴

Conclusion

One of the most striking examples of accompaniment in daily life has been my experience in almost every part of sub-Saharan Africa, where it is considered normal that a visitor leaving an office or homestead be accompanied for some part of the return journey. After becoming accustomed to such habits, it always strikes me that normal 'European' etiquette of bidding farewell to a visitor is rather cold and impolite. In many Bantu languages there is even a word for such type of accompaniment of a visitor at the end their visit - for example, in Shona *kuperekedza*. It is with such sensitivity that I think JRS has approached the accompaniment of refugees in their life of displacement and exile. To conclude with a definition that might sum up what I have said in this article: JRS accompaniment is the purposeful and open presence to individuals or communities, through a response deriving from religious and humanitarian concerns, and which has special implications for service and advocacy work.

¹⁴ *Refugee Protection and Mixed Migration: A 10-Point Plan of Action* (Geneva: UNHCR, 2007).

Trading in Persons: An Affront to Human Dignity¹

Simson Mwale

Some time this year, Ghanaian media reported an incident involving three Chinese nationals who were alleged to have employed ten Chinese girls to serve the sexual appetites of men who patronized an undisclosed restaurant in Accra. The girls were believed to have been transported and trafficked from China. Similar incidents of trafficking and smuggling of human beings for purposes of sexual and/or labour exploitation have also been reported across the African continent. Whether the accused are guilty or not guilty, these reports surely illustrate just how trading in persons (a new form of slave trade) continues to be an affront to the dignity of humanity. Indeed, human trafficking is not only a social problem confronting twenty-first century civilization but is also a menace, an epidemic injuring human decency at great cost. But how serious is the problem?

A global crisis

Human trafficking, which involves the intentional movement of people for the purpose of exploitation, is a complex global phenomenon. It is a trade exploiting the vulnerability of human beings, especially women and children, in complete violation of their human rights. It makes human beings the objects of financial transactions through the use of force, duress or deception, and includes 'document servitude' - withholding a person's travel documents as a means of inducing her or him into labour or service. The most common forms of trading in persons are sex trafficking, which gets the most media ink, and labour trafficking, which involves victims recruited for the '3D' work (dirty, dangerous and difficult), often unpaid or underpaid.

Because of its clandestine nature, accurate statistics to demonstrate the

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magnitude of the problem are often difficult to obtain. A 2008 report by the US Department of State indicates that approximately 600,000 to 800,000 victims are trafficked annually across international borders worldwide and most of these victims are forced into the sex-entertainment industry or forced labour.² Another source estimated that 2.5 million people are trafficked from 127 countries and these are mostly the poorest and defenceless members of society.³ In Southern Africa women and children (both boys and girls) are being trafficked for use in prostitution and/or pornography, or are being sold or procured for personal use as 'wives' or 'sex slaves'. As migration becomes increasingly feminized, more migrant women are at risk of being trafficked.

Moreover, trafficking in persons is a lucrative business for illicit profits. It is one of the largest and fastest-growing income earners among criminal syndicates, after drug and arms trafficking. The US Department of State estimates that about US\$9.5 billion is generated in annual revenue from all trafficking activities, with at least \$4 billion attributed to the worldwide brothel industry. Similarly, the International Organization for Migration estimates that organized criminals earn up to US\$12 billion annually from human trafficking.

Trafficking in Zambia

Zambia has not been spared by this scourge. It is seen as an 'origin' for trafficking in persons, mainly women and children, for purposes of forced labour and sexual exploitation and as a 'transit' point from other parts of Africa to South Africa, Europe and Asia. Anecdotal evidence suggests that, to a lesser extent, Zambia is also a 'destination' or 'receiving' country, especially of children recruited from Malawi and Mozambique for forced agricultural labour. Although human trafficking is an old practice, Zambia officially recorded its first case in December 1999 when an Australian man was arrested at the Chirundu border post while allegedly trying to export five Zambian teenage girls to Australia for purposes of prostitution. The man was acquitted on the grounds that there were inadequate legal provisions to deal with such cases.⁴ A few years later, a Congolese woman was caught travelling with fourteen children en route to South Africa. Once again, Zambian law

² US Department of State, *Trafficking in Persons Report, 2008*.

³ *The Vienna Forum Report: A Way Forward to Combat Human Trafficking* (New York: The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), 2008).

⁴ *Times of Zambia*, July 2003.

was inadequate for prosecution and the woman was charged only two million kwacha for passport fraud and was later released.⁵ Another case uncovered involved an Italian national who was caught trying to take eight Zambian girls to Australia, promising them lucrative careers as high paid ‘models’.⁶

It was only recently that Zambia’s legal framework was strengthened. Amendments were first made in 2004 to the Employment of Children and Young Persons Act, criminalizing the worst forms of child labour and prohibiting all forms of slavery and slavery-like practices, child trafficking, forced and bonded labour, and the use of children in prostitution, pornography and other illicit activities. The Penal Code was amended only in 2005 to incorporate a distinct offence of human trafficking, with penalties of twenty years to life imprisonment. Although a step forward, this law was inadequate as it did not address the full scope of trafficking activities. It was only in September 2008 that the Anti-Human Trafficking Act was enacted, principally to provide for the prohibition, prevention and prosecution of human trafficking. The Act further commits government to offering protection services to victims of the crime. The challenge remains in getting the public fully involved, particularly in education and to warn potential victims.

Understanding the ‘trade’

It is always vital to differentiate between human trafficking and human smuggling or illegal immigration to inform victim support services. This is because policies that conflate human trafficking and human smuggling have the potential, if they are not clear, of punishing the very victims they seek to protect. Several international instruments demonstrate such distinctions. The United Nations Smuggling of Migrants Protocol defines smuggling as ‘the procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not national or permanent resident’ (Article 3(a)). Simply put, human smuggling is the illicit transfer of someone across sovereign borders, often with the consent of the person being smuggled.

Conversely, human trafficking involves some form of gross exploitation and control over an individual. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,

⁵ *Times of Zambia*, June 2005.

⁶ *IRIN News*, October 2006.

supplementing the United Nations Convention Against Transactional Organized Crime, defines 'trafficking in persons' as:

the *action* of recruitment, transportation, transfer, harbouring on receipt of persons by *means* of the threat or use of force, coercion, abduction, fraud, deception, abuse of power or position of vulnerability or giving payments or benefits to a person in control of the victim for the *purpose* of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices, and the removal of organs (Article 3(a)).

The Protocol further states that 'consent' of the victim where any of the means highlighted in the definition has been used is irrelevant and, in case of children, 'consent' is irrelevant even if it does not involve any of the means set forth. Quite plainly, human trafficking as defined is not a single act but rather a process involving a number of stages including *recruitment* (by various means, in home region or country of origin), *transportation* (within or across borders to another region or country) and *exploitation* (in the country or area of destination). Trafficking has a connotation of commercial gain and two additional elements beyond smuggling must be present: some improper form of recruitment, such as coercion, deception or some abuse of authority; and the activity must have been undertaken for an exploitative purpose, although that purpose need not necessarily have been fulfilled. Smuggled migrants who may have consented initially to be smuggled may be tricked or coerced into exploitative situations.

A crime against humanity

Human trafficking in all its different forms is an utterly despicable crime posing a serious attack on human dignity. It is a grave violation of basic human rights that should be punishable with equal vigour as a crime against humanity. It must therefore be universally censured. But if the world community does not act decisively, all human dignity is at risk. All criminals responsible for human trafficking deserve potent penalties rather than suspended sentences or fines comparable only to mere slaps on the face. Silence and inaction serve only to weaken the voices against this vice. In fact, the greatest weapon against human trafficking is inquisitive neighbours.

Restoring human dignity

It is indisputable that human trafficking is a crushing global issue threatening all humanity. Pope Benedict XVI described it as ‘a scourge’ within the migration phenomenon.⁷ Trafficking results in the exploitation of persons and strips them of their dignity, humanity and freedom. As the Second Vatican Council notes, ‘slavery, prostitution, the selling of women and children, and disgraceful working conditions where people are treated as instruments of gain rather than free and responsible persons’ as ‘infamies’ that ‘poison human society, debase their perpetrators’ and constitute ‘a supreme dishonour to the Creator’.⁸

Pope John Paul II, of blessed memory, put it so candidly when he wrote, ‘The trade in human persons constitutes a shocking offence against human dignity and grave violation of fundamental human rights’.⁹ The people who are victims of such violence and oppression, even when horribly abused, disfigured and dehumanized, remain human. No amount of inhumanity exercised against them can deny them their right to be treated with respect and life-giving love. Therefore, any refusal to rescue the enslaved, oppressed, brutalized and tormented people means our very dignity is a futile hope.

Say ‘no’ to human trafficking

A number of challenges still remain in most countries that are blocking success in eradicating this nefarious trade, including the following: a lack of comprehensive legislation for combating human trafficking; a lack of government policies and programmes to assist victims of trafficking; and generally a lack of public awareness on trafficking in persons. Unless these issues are taken seriously, human trafficking will continue to pose significant challenges to human dignity. Humanity cannot afford to remain blind but stay steadfast and vigilant. Trafficking is not a ‘remote’ issue, but rather a reality gravely affecting nearly every community.

Zambia’s success in eradicating human trafficking depends largely on pursuing appropriate prevention, protection and prosecution initiatives. This

⁷ *Migration: A Sign of the Times*, Message of Benedict XVI for the 92nd World Day of Migrants and Refugees, Vatican City, 29 October 2005.

⁸ Vatican II, *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World), (Nairobi: Paulines Publications Africa, 1992), para. 27.

⁹ John Paul II, Letter to Archbishop Jean-Louis Tauran on the Occasion of the International Conference ‘Twenty-First Century Slavery – The Human Rights Dimension to Trafficking in Human Beings’, 15 May 2002.

entails scaling-up *prevention* activities through awareness-raising and education to warn people in villages and compounds about the danger of con-men and con-women; investing in *protection* support mechanisms aimed at assisting victims and ensuring their safety; and strengthening of *prosecution* actions regarding law enforcement such as training of border-post personnel.

Conclusion

In sum, then, trading in persons is not only a crime against humanity but also an affront to human dignity. By any reasonable standard, human beings are not commodities or products for sale. Central to this discussion is the recognition of the dignity of victims, an acknowledgement that all human beings are equal and therefore must not to be treated as less than human, as slaves. No condition or circumstance morally or legally justifies such inhuman conduct. It is therefore the responsibility of all peoples and governments to place the eradication of human trafficking as a top priority on the world agenda.

Origin and Destination: A Theology of the Migrant's Trail

S. C. Kim

Out of a need for survival and preservation, humans have migrated since the beginning of their history. Although modern reasons for their departure, displacement and resettlement in different locales have become more complicated owing to cultural, generational, political and economic circumstances, the same instinctual basis for survival and self-preservation still remains true. People carry with them their set of beliefs, among which their religious system gives deeper meaning to their perilous journey. Therefore, through human movement God's revelation becomes fluid and dynamic. Rather than being simply a static set of religious tenets transferable from one locale to another, faith traditions are more deeply comprehended within a specific context. Thus, a theology of migration and an immigration of theology parallels human migration, since revelation is not only transmitted through a specific context but also, just as important, it is received and understood within a specific context.

With the rise of migration issues around the world, the theology of migration has captured the imaginations of many, as theological categories are presented anew in the lived experience of those who cross national, cultural and social boundaries. Locating God's activity in this border-crossing event is what this theological approach attempts; however, the way this lived experience is transmitted and then takes root in the next generation in the diaspora is of also of utmost importance. Therefore, a distinction must be made between a theology of migration, which focuses on the departure from one's country of origin and entrance into the country of destination, from an immigration of theology, where the context of one's destination gives rise to better understanding of one's faith tradition. The two theologies are not in conflict but, rather, complement one another. A theology of migration illustrates human mobility and, thereby, the movements of God's revelation

to different places and peoples. An immigration of theology illustrates the depth of God's revelation as understood in a particular cultural context.

The theological reflections of Gustavo Gutiérrez, the father of Latin American liberation theology, and Virgilio Elizondo, the father of Hispanic/Latino theology, provide the framework for a theology of migration and an immigration of theology. Gutiérrez's work on behalf of the poor is the starting point for a theology of migration as he provides the hermeneutic lens to recognize the injustices perpetrated against a defenceless people, a vulnerability that is highly exposed in the migration process. Elizondo's work furthers this conversation as his reflections recognize the need for an immigration of theology where theology takes root in the context of border-crossers. By focusing on the particulars of their own people, universal aspects arise and make possible a theological reflection on migration regardless of location.

A theology of migration and an immigration of theology

The fruitfulness of liberation theology and Hispanic/Latino theology is found not only in their own context of marginalization and poverty in the Americas but also in other oppressive situations needing liberation throughout the world. In particular, these two theologies of context have afforded feminist, indigenous, Asian, and African theologians the opportunity to relay God's message of salvation within concrete situations of oppression. Most recently, a theology of migration has captured the imagination of many throughout the world, since a faltering, globalized economy and unstable political systems, still in the grip of neo-colonialism, force many to migrate to other lands out of social advancement, economic necessity, or political security.

The International Organization for Migration (IOM) calculates that at the beginning of the twenty-first century there were 175 million migrants. Among them, about 10.4 million are refugees, that is, 1 out of 35 persons is involved in some type of human mobility ... Of the 175 million migrants about 65 million live in industrialized countries or in those where oil is the basis of economy, while the rest remain in the south.¹

¹ Jorge Castillo Guerra, 'A theology of migration: Toward an intercultural methodology,' in Daniel G. Groody and Gioacchino Campese (eds.), *A Promised Land, A Perilous Journey: Theological Perspectives on Migration* (Notre Dame, IN: University of Notre Dame Press, 2008), 246. Statistics are from the 86th session of the IOM conference, Migration in a Globalized World, held on 10 October 2003.

Regardless of their reasons for migration, many migrants find themselves displaced in their host countries as well as disconnected from their native lands. Many migrants face unprecedented abuse and mistreatment by the dominant groups as they attempt to gain a foothold in the new land.

As a movement in the interior of a country it is called *displacement*; as a movement out of a country, it is called *emigration*; and as introduction into a new territory it is called *immigration*. But the migratory process does not end with the arrival into a new territory, the second stage begins, which we can call an *inter* space, which is the space of struggle between the native culture and the resident culture. This space could be cultural, sociopolitical, economic, or religious, all of which contribute to the process of forming a new identity. The third phase deals with building a new life and new identity in a new and often different land.²

Because of the great numbers of those experiencing exclusion and marginalization in the departure, displacement and resettlement experience, a theology of migration seeks to recognize the *convivencia* of all migrants – ‘the creation of common and harmonic spaces that make true encounter between human beings possible’.³ ‘Very far from being a fashion, the centrality that the theme of migration is given in theological reflection comes from an organic development, where a Christian attitude and spirit have been accompanied by practices that are prophetic, communal, hope-filled, and based on *convivencia* and solidarity.’⁴

A theology of migration in its germinal stage is still rooted in the development of liberation theology while at the same time it moves beyond the scope of liberation by focusing on the two worlds encapsulating the migrant, a reality already witnessed in Hispanic/Latino theology. In many ways, the theological reflections of Gutiérrez and Elizondo continue as the model for theologies of context being done today in different places. In particular, a theology of migration, as a recent and ongoing model of a theology of context, exemplifies the relevance of Gutiérrez’s and Elizondo’s work. In fact, a theology of migration fits nicely within the two theological frameworks as liberation theology provides a foundation for such a theology, while Hispanic/Latino theology provides a vision of where such a theology is moving. As with all theologies of context, the task of each is not only

² Ibid., 247.

³ Ibid., 265, fn. 2.

⁴ Ibid., 243.

to discover the subject within a context of oppression, poverty, exclusion or marginalization but also to emphasize that theologies of context must also include an aspect of liberation.⁵ As a theology owing its foundation to liberation theology in the way it identifies those receiving God's preference, theology of migration moves beyond this liberative aspect:

A theology of migration is not simply an update or a re-elaboration of the theology of liberation. A theology of migration is inspired by the liberating and martyr legacy, and wants to contribute to the liberation of all creation from its specific subjects, the migrants ... A theology of migration values the so-called Medellín heritage, which calls for the option for the poor and interprets it as the option for and with the migrants, and for the formation of societies of *convivencia* ... A theology of migration values the understanding of God systematized by the theology of liberation: God of the poor, God of life, God of the victims, and puts them again in context as the pilgrim God, who does not remain on the other side of the border. Likewise, it captures the meaning of Christ the liberator as the migrant Christ, and the Holy Spirit as the strength that inspires a welcome in solidarity, unity, and mutual understanding, and the plan of salvation of the reign of God as a hope that gives courage to struggle for intercultural *convivencia*.⁶

Today's global world with all its human movements presents a complex vision of the human person within her or his environment. Thus, in the case of a theology of migration, the context has a twofold similarity to the context of Hispanic/Latino theology addressed by Virgilio Elizondo. 'The migrant is the person that after initiating his or her history of migration, in a forced or voluntary way, has assumed different identities (emigrant, immigrant) and now in a new territory must build his or her identity as migrant.'⁷ *Convivencia* is created not only through an oppressive situation but, in this instance, also through the internal struggles as a migrant. This space, unique to those who have left their homeland in search of another, becomes the privileged place that Gutiérrez speaks about in terms of preference found in the Catholic

⁵ Ibid., 249.

⁶ Ibid., 249-50.

⁷ Ibid., 248.

Social Teachings and that Elizondo speaks about in terms of *mestizaje*,⁸ the by-product of two worlds colliding. 'A result of the process of transformation of identity – as we will describe later – is what is called double belonging, the experience of being *in-between* and *in-both*, or in other cases double denial, belonging neither to the territory of origin nor to the territory of destination.'⁹

On the one hand, a theology of migration seeks liberation for those facing unjust situations as migrants. On the other hand, the focus is on migrants and not just on the poor. Therefore, a theology of migration is rooted in liberation theology's commitment of liberation but at the same time differs from it by focusing on the fluctuating situation brought about by human movement. 'Today, from the diverse contexts of migration, theology turns to the migrants and springs up again from them, from their *sensus pauperum* and *sensus migratorum*. For this reason it is a theology that tries to be an expression of the human situation of the migrants'.¹⁰ Although many modern-day theologies of context owe a great debt of gratitude to the work set forth by liberation theologians, the liberative aspect of Latin American theology is still not enough to meet many of the migrants' needs in their new-found context. Liberation is the starting point of theologies of context, but only in accounting for the specific situation can liberation fulfil the salvation called forth by God. Therefore, 'a theology of migration proposes for theological reflection a specific content, one therefore different from the context that up to now has been central for liberation theology ... The theology of liberation has made clear the importance of a sensitized openness to context.'¹¹

Liberation theology ... offers analytical and methodological instruments to capture the sociopolitical situation of the victims, to value the liberating practice and the faith present there, and to contribute to the

⁸ *Mestizo* is the result of the (often violent) clash of different cultures, peoples and worlds. Initially, this mixture is viewed negatively since the coming together of two groups retains familiar characteristics, but they are eventually rejected by the parties involved. Elizondo reclaims the beauty and richness of the offspring of this encounter and makes their lives the privileged place of locating God's economy. Elizondo often prefaces his use of *mestizo* with his own experience of *mestizaje*, even though the term has been used frequently in other contexts; for example: 'In this article, I do not attempt to write about *mestizaje* in general but reflect on the reality of *mestizaje* from my own personal experience and that of my Latin American people. We are a product of the massive *mestizaje* initiated by the conquest of 1492 and continuing through the migrations to our day. We are a biological, cultural, linguistic and religious combination of native America, Latin Europe, and African and Anglo-Saxon America (which, of course, is the United States)' [Elizondo, 'Mestizaje', 53].

⁹ Castillo Guerra, 'A theology of migration', 248.

¹⁰ *Ibid.*, 251.

¹¹ *Ibid.*, 253.

transformation of reality. In the face of the phenomenon of migration those instruments are not sufficient because we are before a new context that presents new problems.¹²

As the issues plaguing migrants are further investigated, the difference between a theology of migration and a theology of liberation begins to appear more intensely in the *inter* spaces – the ‘in-between’ or ‘in-both’ – caused by the coming together of two worlds: the country of origin and the new host country. Just as liberation theology is incapable of addressing the needs of the migrant because of its limited context, a theology focusing only on the context of origin is also incapable of fully addressing this *inter* space.

A theology of migration emerges as a theology that wants to deal, in a Christian way, with the ‘in-between’ situation of the migrants, situated between the reality of origin and the reality of the society where they arrive. At the same time a theology of migration pays attention to the places of ‘in-both’ that mediate social, cultural, political, and religious realities of communion.¹³

To address the ‘in-between’ and the ‘in-both’, a theology of migration cannot limit itself to the context of origin, but at the same time it cannot limit itself to the context of the destination country. Calling itself an intercultural theology, a theology of migration delicately balances the dialogue between two cultures, two worlds – the one left behind and the new one encountered. The goal of a theology of migration

is to facilitate the dialogue-communion through the acknowledgement of the otherness and affinities in a relational way. It deals, then, with a transforming dialogue-communion, where identities are not changed or exchanged but reciprocally sensitized through the practices of proximity. It is from there that the process for intercultural transformation begins in society and the Church.¹⁴

The tasks of a theology of migration are to announce by recognizing migrants as bearers of the Good News, to denounce by condemning the injustices facing migrants, and finally to engage in the dialogue in the *inter* space, *convivencia*. Annunciation in a theology of migration occurs when the dreams and hopes are identified in migrants, especially in their difficult and, at times, dangerous transitory existence. Human mobility is motivated in a

¹² Ibid.

¹³ Ibid., 254.

¹⁴ Ibid., 255.

large part by the impoverished situation in the country of origin. By escaping a previously paralysing situation, migrants reveal their faith, hope and love in their families left behind, in themselves as they undertake a treacherous journey, and in God who, they feel, journeys with them. The migrants in our midst, like the poor in Latin America of whom Gustavo Gutiérrez speaks and the *mestizos* of whom Virgilio Elizondo speaks, are a constitutive aspect of our reality. The migrants of today bear the Good News in two ways: first, by the dreams of a more humane life that is part of their migrating and liberative stories; and second, by being the poor and lowly ones in our midst, in the preferential space the Gospels speak about where God is found.

The Good News accompanying the migrants in a foreign land is rarely received in an amicable manner. Negatives also arise as the dreams and hopes of migrants are met with fear, racism and intolerance. Accordingly, denunciation is necessary, as structural and individual biases that migrants experience must be addressed. The poor and lowly ones have been despised from the time of Jesus, and they continue to be despised to this day. Thus, the work of Christ continues as we denounce the unjust situation where society considers the newly arrived as inferior. The work of Christ continues by reaching out to migrants as an act of solidarity and as an act of denouncing the situations which place migrants in inferior situations.

Finally, to address this double aspect of the migrants, one of the most important tasks of a theology of migration is to foster an environment conducive to dialogue with, and commitment on behalf of, migrants. By leaving their countries of origin and arriving in their country of destination, migrants live in a privileged space of *convivencia*, an *inter* space. Initially, *convivencia* is not readily available because a migrant is in a foreign world – familiar at times, but not fully recognizable by either the origin or host country. Initially disheartening due to the non-acceptance of either the origin or host countries, upon further reflection *convivencia* is acknowledged as a privileged space because of its identification with what the Gospels address. A preferential notion exists in this *inter* space because of the poverty and lowliness contained within it. In addition, *convivencia* allows dialogue to occur in two forms. Intercultural dialogue occurs naturally as migrants become members of two cultures, two worlds. Their being, their presence, naturally fosters a dialogue about societal and cultural practices. Inter-religious dialogue also occurs by ‘reaching out to the human condition of the migrants, their

life, expectations, and religious perception, and pursuing a collaborative work for the most humble and needy migrants'.¹⁵ The extension of oneself to others in need, especially in the face of today's global migration, requires transcending religious affiliation to meet the human person in their journey crossing borders.

Not only are there parallels between the theological efforts in a theology of migration to that of liberation or *mestizo* theology but, more importantly, a theology of migration further illustrates the theological method of connecting the *loci theologici* of scripture, tradition and context. What is also valuable in using a theology of migration to illustrate a theology of context is that it highlights Gutiérrez's and Elizondo's own theological methods. Theologies of context are liberative in nature because of the connection between our history and that of salvation history. Accordingly, a theology of migration begins with this liberative aspect as it acknowledges its roots in liberation theology. However, a theology of migration becomes specific to its own context by identifying the preferential option in its own reality. For migrants, this preference is found in the *inter* space, *convivencia*. The focus on this reality of being 'in-both' and 'in-between' two worlds is closely connected to the work of Elizondo's description of the *mestizo* situation of Mexican Americans. The difference between a theology of migration and Elizondo's *mestizo* theology is that not all Mexican Americans are immigrants: some were native inhabitants of the south-western region of the United States. However, the theological reality of *convivencia* in migration is similar to the *mestizo* situation, and in many ways *mestizaje* becomes the vision, a goal of a theology of migration. Therefore, a theology of migration as another illustration of a theology of context and the ongoing work of incorporating the three *loci theologici* constitutive to all theological methods further illustrate the efforts of Gutiérrez and Elizondo by highlighting the magnitude of their pioneering theological reflection.¹⁶

¹⁵ Ibid., 263.

¹⁶ Although a theology of migration is presented here as a middle ground, or a connector, between a theology of liberation and *mestizo* theology for strictly illustrative purposes, this is not the only possibility since theologies of context have other parallels as well. A theology of context may have several similarities in its theological method because of its uses of the *loci theologici* apparent in all theologizing; however, the uniqueness of a theology of migration is that it acknowledges portions of its theologizing are indebted to the theological efforts of theologians such as Gutiérrez and Elizondo. In this schema of a theology of migration, the roots acknowledge the liberative aspects in Gutiérrez's theology while the direction of this theological method acknowledges the *mestizaje* of Elizondo's theology.

Origin and destination identities

Identity is a constitutive element in any theology. Without a sense of oneself and one's environment, proper theological reflection cannot occur. Therefore, who we are truly matters! Gutiérrez and Elizondo were able to formulate theological concepts and terms which speak to the poor and marginalized because they understood better than anyone else what it meant to be poor, marginalized, or both. Without their identification of *mestizaje* and marginalization, Gutiérrez and Elizondo could never have become the spokesmen of their generation. Precisely because they were what they proclaimed made them credible to speak on behalf of the majority facing exclusion and poverty.

In a personal conversation with Elizondo, I raised the issue regarding the formation of identity, a national consciousness of a people such as Mexican Americans. His recollection of the Mexican American consciousness reached a pinnacle in the 1960s where flagrant racial injustices persisted in society. Two particular events came to mind: first, World War II, or rather events after the war, raised awareness of the mistreatment of soldiers of Hispanic/Latino descent; their return home did not bring about the celebrations that their white counterparts enjoyed. Second, the Civil Rights movement raised further awareness of unacceptable attitudes towards minorities. Societal injustices and racism became major factors in forming the consciousness of a people. Elizondo rode this wave as he developed a theological approach that spoke to the formation of the Mexican American people.

The sense of identity is nothing new in theology or society. Modernity's turn to the other and postmodernity's turn to the other on the margin have put our identities under close scrutiny.¹⁷ As we realize our own identity in relation to the other, the question becomes, Who is the other in our midst? In a similar way to the Gospel of the Good Samaritan – 'and who is my neighbour?' – our Christian identity, our humanness, is defined by standing before the other. In this respect, Gutiérrez's and Elizondo's work is extremely valuable in understanding ourselves through the other – the poor and marginalized.

[T]here is another perspective whose distinctiveness is often overlooked at the end of modernity. The horizons are broadened not just from a

¹⁷ Joerg Rieger, 'Theology and the power of the margins in a postmodern world', in Joerg Rieger (ed.), *Opting for the Margins: Postmodernity and Liberation in Christian Theology* (New York: Oxford University Press, 2003), 180.

postmodern perspective, but also from the experience of people on the margins of the postmodern world ... The liberation perspective goes beyond the pluralism of postmodern thought, claiming not merely respect for people who are different but a special concern for those who are marginalized and oppressed.¹⁸

Following Enrique Dussel's philosophical understanding of Latin American historical development, Joerg Rieger argues that modernity for Latin America did not begin with the Cartesian - 'I think therefore I am' - but rather with Christopher Columbus's arrival a hundred years earlier in the New World. Similar to modern and postmodern thinkers, Rieger finds the basis for the self only through the other. However, because of the revised understanding of modernity in Latin America, the other can only be found in the margins, those who were oppressed because of Columbus's 'I conquered'.

People on the margins add a decisive point to this postmodern awareness, especially where they remind us that our success is often built on the back of others - on their labours and efforts and, at times, even on their misfortune and suffering. The amazing success of Europe and the United States, for instance, cannot truly be understood without the histories of conquest, colonialism, and slavery that provided both inexpensive raw materials and the labour forces necessary to build empires.¹⁹

The real issue for Rieger is the 'lessening' of challenge from the margins in today's postmodern world. Postmodern recognition of the other, in particular, the differences among us, creates a pseudo-atmosphere of tolerance and respect. 'Postmodern pluralism thus tends to create a safety net that keeps people from plunging into the awareness of social conflict, the tensions between rich and poor and between those in power and those without power.'²⁰ Because our view of the world is so intricately tied in with the economics of life, it is difficult to critique, adequately and honestly, an oppressive or unjust situation because of the repercussions it has on our lifestyle.

Here a new challenge emerges - revealing the asymmetries of a pluralistic society in which the powerful are still powerful and the powerless are still powerless. ...

The reality of the other, of people at the margins, is not a mere

¹⁸ Ibid.

¹⁹ Ibid., 182.

²⁰ Ibid., 190.

accident a colourful addition to a 'tossed salad' (a popular image among pluralists) and something that just happens to be there – but one of the creations of modernity in collaboration with the free market that has not disappeared in postmodernity.²¹

Thus, the search for identity requires an understanding of the other who is marginalized. Upon further reflection, the marginalized are seen not only as the poor and those oppressed by some extraneous forces; more importantly, the poor and oppressed are understood to be in their situation through the interconnectedness of our lives. In the end, we are responsible for their poverty and alienation because of the global economy affecting us all; thus, our identity can be found only in asking who the other, the marginalized, are, and why they are in that situation for which we are responsible.

The reality of the other, the marginalized, is not a given or a mere accident. The realities of life on the margins are in many ways the creation of modern market economy, industrialization, colonization, and efforts at civilization – processes which have changed form but have not necessarily ended in postmodern times. In this context, references to the other are not only politically and socially but also theologically useless if they do not at the same time raise the question of who and what put (and is holding) this other in its place of repression even in the postmodern world.²²

The theological contributions of Gutiérrez and Elizondo allow us to see the other in the poor and *mestizo*. Furthermore, in their theologies, proper reflection on context has been emphasized. However, this emphasis on context is not a vague intellectual speculation but rather a close examination of our own identity derived from the other before us. 'Contextual theologies often proceed as if the context were already clear. To make theology contextual ... means to relate it first of all to what concerns me or other people like myself.'²³ The others who afford the contextual nature in theology, according to Gutiérrez and Elizondo, are the poor and marginalized. Hence, through the poor and the *mestizo*, we are reminded of the Gospels' concerns. Although the poor and *mestizo* may not always appear in the same manner as Elizondo's or Gutiérrez's, to do proper theological reflection requires that we consider

²¹ Ibid., 191.

²² Ibid., 193.

²³ Joerg Rieger, 'Developing a common interest theology from the underside,' in Joerg Rieger (ed.), *Liberating the Future: God, Mammon and Theology* (Minneapolis, MN: Fortress Press, 1998), 128.

those who are the least in our midst. The preferential option for the poor and the life of the *mestizo*-type Galilean Jesus require this of us and nothing less.

The inclusion of the other as described by Gutiérrez is what makes liberation theology unique. Distinguishing liberation theology from other theologies of context, Rieger claims that the 'biggest difference' is that liberation theology becomes more specific through the poor with whom it is associated.

This does not mean that contextual theology is completely unaware of suffering, pain, and structures of oppression. But contextual theology tends to see those structures as exceptions, anomalies, merely deviations from the normal course of things. Liberation theology, on the other hand, understands that suffering, pain, and oppression are not merely accidental but point to a deeper truth about the dominant contexts.²⁴

In the case of Elizondo, the contextual nature of theologizing about the plight of Mexican American border-crossers has revealed a much more complex view of the poor. 'Lately, Hispanic theology for instance has reminded us that the struggle for liberation is yet more complex, arguing that our reflections need to include the aspects of culture and identity as well.'²⁵ This is not to say that Latin American liberation theology does not take into consideration culture and identity but, rather, that Hispanic/Latino theology has uncovered the complex dimensions of those in impoverished situations. Through the work of Gutiérrez and Elizondo, the contextual nature of theology has not only been emphasized but the deepening of context through one's identification and solidarity with the poor and excluded has been highlighted. Thus, the continuing challenge in theology, as posed by Gutiérrez and Elizondo, is how to speak about God in the world of the other. The greatest of these challenges lies with those on the underside of history and those who are *mestizos* biologically.

Both biological *mestizos* and those on the underside of history present a complex reality to address theologically. However, Elizondo argues that the *mestizo* challenge is much more difficult because of its biological characteristics. *Mestizaje* presents a more challenging complexity than just poverty. However, Gutiérrez's poor provide greater understanding to Elizondo's *mestizo* reality, and Elizondo's challenge of biological *mestizo* acceptance further reveals the world of those Gutiérrez calls the insignificant ones. In many ways, the two

²⁴ Ibid., 129.

²⁵ Ibid., 130.

situations found in Latin America and in the United States complement one another by addressing their current status or 'non-status' in life and by interpreting the Gospels' understanding of the least among us.

Just as Vatican II and CELAM (Consejo Episcopal Latinoamericano) gave hope to theologians such as Gutiérrez and Elizondo in developing a theology of their own, CELAM continues to do so by affirming their life's work on behalf of those who are voiceless in our midst. According to Gutierrez, Pope Benedict XVI's address to the Latin American bishops was the best that the episcopal conference had heard over the years.²⁶ Furthermore, affirmation of the theologizing of the past has safeguarded the legacy of not only the theological reflection in this part of the world but, more importantly, safeguarded the way theologians are to do theology in all parts of the world.

Both Aparecida's preparatory document and its final statements give evidence of this distinctive aspect of Latin-American theology. Western theology is often produced by individual scholars, but most Latin American theology has emerged collectively. The Vatican did insist on making some changes in the final document, but the substance of Aparecida remains intact. It reaffirms the general theological approach and methodology used at Medellín and Puebla: *ver, juzgar, y actuar*—see, judge, and act. One cannot do theological reflection in a vacuum or design effective pastoral plans simply by reiterating previous Church teachings. To evangelize today, the Church must immerse itself in the realities of the times, and in the spirit of *Gaudium et Spes*, it must heed the cries of society's victims.²⁷

The preference for the poor and excluded was highlighted by both Benedict XVI and the bishops at CELAM.

Aparecida marked the first occasion when both United States and Canadian bishops were included as voting members because of the number of Churchgoers of Latin American descent in both countries.

One of the most beautiful passages of the Aparecida document personalizes this option for the poor. The point is not to exclude people but to include everyone. It is not about protest marches but about friendship. For the preferential option begins by seeing the poor not as objects of pity but as brothers and sisters. Only then can we 'recognize

²⁶ Interview with Gustavo Gutiérrez, 8 December 2009.

²⁷ Virgilio Elizondo, 'Collaborative theology: Latin American bishops, the pope & the poor', *Commonweal* (2008), 135(2): 8.

the immense dignity and their sacred value in the eyes of Christ who was poor and excluded like them.’ The option for the poor is not merely a matter of doing social work but of creating relationships of love that will bring about social, economic, and cultural change. Precisely because they are our brothers and sisters, we must become advocates and defenders of the poor.²⁸

In reclaiming their heritage of the previous forty years, the Latin American bishops affirmed the local church’s solidarity with the poorest of the poor. In doing so, Aparecida also affirmed the connection between the recent events in Latin America after the Second Vatican Council and salvation history. No longer can the ecclesial developments of the Americas be seen as an anomaly or aberration: rather, the liberative events on behalf of the poor and marginalized are seen as the work of the Holy Spirit in accordance with the traditions of the universal Church.

Aparecida – is Medellín in another language – is 40 years after but it is very close to it. For example, preferential option for the poor is a very important affirmation of Aparecida, because the Pope, especially at the beginning of the conference, was very clear about preferential option of the poor. He says this is implicit in the Christological faith and that it is, to say, the centre of the Christ of Faith ... Aparecida repeated the relevance of the option of the poor. When some people ask me about the presence of liberation theology in the Church, I say well, 90% of it is very present in the preferential option for the poor today. It is one point of the ecclesial magisterium. Option for the poor is coming from Latin American, from liberation theology, and now is a universal affirmation of the Churches because several evangelical Churches also [affirm it].²⁹

Conclusion: Where is the Church?

With migration a part of humanity’s daily reality, the Church must more than ever continue to journey with the faithful in their departure, displacement and resettlement. A proper theological reflection can occur only in solidarity with migrants around the world, not merely in observing this global reality from afar in one’s own comfort zone. Through their departure, displacement and resettlement, a theology of migration emerges, identifying the space

²⁸ Ibid., 9.

²⁹ Interview with Gustavo Gutiérrez, 8 December 2009.

created by two worlds, the country of origin and the country of destination – the privileged place of *convivencia*. As migrants, knowingly and unknowingly, bridge their two worlds, an immigration of theology occurs where the faith deepens by the encounter with the other. Thus, only through journeying with the least among us does the Church have the ability to reflect properly and communicate God's blessings in a manner relevant to so many migrants throughout the world today.

Appendix

Zimbabwe Catholic Bishops' Conference

Pastoral Letter addressed to Zimbabweans in the Diaspora
19 June 2012

'There is surely a future hope for you, and your hope will not be cut off'
(Proverbs 23:18)

1. Introduction

We, the Catholic Bishops of Zimbabwe, primarily address this letter to Zimbabweans in the diaspora, but it also concerns Zimbabweans at home and people of good will everywhere. The story of the Zimbabwean diaspora is poorly known. This letter attempts to cast a little light upon an area of shadow and to give recognition and hope to those who have left our land.

1.0 Clarification of term

The term 'diaspora' requires clarification. While it has biblical resonance, it is used today to refer to the dispersion of any people from their original homeland. Such a dispersion is not recent for people of Zimbabwe. During the colonial era, as a consequence of the struggle for freedom, our people were dispersed in various camps in neighbouring countries. After Independence in 1980, a trickle of people sought greener economic pastures within the region, other parts of Africa and overseas. However, in the first decade of the new millennium this trickle became a flood as 'our country [was plunged] into an unprecedented abyss characterized by economic, social, and political woes and unimaginable forms of political intimidation and violence'.¹

¹ ZCBC, *Pastoral Letter on National Healing and Reconciliation*, Oct. 2009: 4.

2. Exodus

2.0 Dilemma

As the fabric of society weakened, and with no relief in sight, the hopes of many people faded. Efforts to break the political impasse were inconclusive. False dawns failed to deliver on hopes awakened. People lost trust in political leaders. The cry of despair was heard and continues to be heard: What can I do? How can I help my family? Whether to stay or to go became a painful dilemma that many a Zimbabwean breadwinner had to face. To stay for some meant risking destitution; to go involved a wrench with all one had known.

2.1 Departure

Many educated people left and succeeded in starting a new life in distant lands where English is spoken as a first or second language, especially in the UK, US, Australia and the Middle-East. This 'brain drain' caused a serious gap within the professions in Zimbabwe, one that makes economic and social renewal all the more challenging. The vast majority of Zimbabweans, however, migrated south and their experience is a central feature of this letter. While this number included professionals, an infinitely greater number were less well educated, semi-skilled or unskilled, dispossessed and desperate, hungry and homeless. The majority were young men, but there were also many young women – some with children – and a number of unaccompanied minors, boys and girls under 18 years of age.

While not wishing to abandon their beloved country, these migrants felt abandoned by it. They left the cradle that nourished them. The population of Zimbabwe was decimated in the process. The outflow was acute during times of election violence, particularly between 2002 and 2003 and in 2008/2009. But it has not stopped. We stated in 2011 that 'the evolving trends in our country are worrying and, if not corrected, can lead to our loss of nationhood, the disintegration of our society and to the forming of degenerate militias with opposing loyalties'.² As long as these worrying trends remain, people will continue to leave our land.

² ZCBC Pastoral Letter, *Let us Work for the Common Good, Let us Save our Nation*, 2011, para. 1.

2.2 Exclusion

As Church leaders and as members of society, we acknowledge, with a sense of humility and shame, that so many of our citizens no longer felt welcomed at home, and had to take flight. This experience of being unwanted has been worsened by the overall failure of political discourse within Zimbabwe to focus with serious intent on the exodus of its people. The greatest asset of any country is its own people. Very few politicians have visited border areas, or crossed borders to witness at first hand the situation of their fellow Zimbabweans. It is not politically expedient to acknowledge the reality of the ongoing displacement of Zimbabwean people, especially since the Global Political Agreement was signed in September 2008 and the Government of National Unity formed in February 2009. Ongoing displacement, at best, suggests political challenge; at worst, political ineptitude, division and failure. The vast majority of those who leave are seen as politically insignificant and expendable. Their only 'merit' is the remittances sent home to prop up a severely depressed economy!

At times of national elections this exclusion is particularly acute. While the diplomatic corps and military personnel serving overseas are free to cast their votes, the nameless diaspora are not, as they are perceived as presenting a threat to the political status quo. For many in the diaspora, the perspective of Ben Sirach, advocating for the recovery of lost voices, will find an echo within them:

'But of others there is no memory; they have perished as though they had never existed; they have become as though they had never been born, they and their children after them. But these also were godly men, whose righteous deeds have not been forgotten'.³

2.3 Embrace

As bishops, we wish to affirm that those in the diaspora are Godly human beings, made in his image and likeness. They are not a number or a statistic on some foreign shore. They are not a stateless people. They belong to the state of Zimbabwe. They are our concern. We embrace them as one of us. They must not be forgotten. This letter is a testament to our desire to acknowledge their existence, their story, their pain, their resilience and their hope.

³ Ecclus. 44: 9-10.

We acknowledge the struggles you face each day in coping with the loss of jobs, lack of proper shelter, loss of dear ones back at home, separation from extended family, unfamiliar social fabric and legal framework of your host country, skill mismatches, etc. Indeed some of you are trapped in the diaspora due to legal and asylum issues, prohibitive costs of travel to and from family back home and so on. There has been breakdowns in marriages and family life. As believers we need to face all these challenges with faith and hope.

3. A people in exile

3.0 Rights of migrants

‘The migrant is a human person who possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance.’⁴ These noble words of Pope Benedict XVI acknowledge that each person possesses intrinsic rights which are personal and precious. The most fundamental right is the right to life. Jesus reminds us that he has come that we ‘may have life and have it to the full’⁵ – not half-life, or quarter-life. Already denied the right to the fullness of life in the land of their birth, Zimbabwean migrants dared to hope that their rights as persons might be respected elsewhere.

Unfortunately, for the majority, this respect proved elusive. No ‘red carpet’ awaited them outside the borders of their land. The efforts of Church bodies, some government and NGO groups tempered matters in an alien situation. Yet, at various junctures of their outward experience, a culture of exploitation, opportunism and indifference confronted them. Four consistent features of this experience – crossing of borders, accessing shelter, legalizing one’s status and searching for work – have been observed in the southern diaspora and are noted below.

3.1 Borders

While the exit story of a minority included air or road passage through regular borders with proper documentation, the story of the majority who moved south has been very different. Christ warns that ‘at the Last Judgement [he] will consider as directed to himself everything that has been done or denied to one of the least of these’.⁶ What has been done, and is still being done, to

⁴ Message of Pope Benedict XVI, World Day of Migrants and Refugees, 2010.

⁵ John. 10: 10.

⁶ Message of Pope Benedict XVI; cf. Matt. 25: 40, 45.

a good number of the vulnerable who cross alien frontiers, is cruel indeed. Christ continues to suffer in the members of his body.⁷ They have been attacked, beaten, raped and robbed while crossing frontiers. Below are the words of a nurse in the border town of Musina in June 2009 which give a hint of common experiences:

Last night we learned of a large group of women and children who attempted to swim across the crocodile-infested Limpopo River to reach South Africa, only to fall prey to local bandits known as 'gumaguma'.

Five of the women who crossed were raped, and two babies were literally taken off their mothers' backs and thrown into the river to drown.⁸

No national leaders came to console these mothers who were raped. There were no state funerals for their children. These human beings were not seen as national heroes; they are part of a nameless mass.

As well as crossing the river, other groups passed through the vast expanse of the Kruger Park, walking over a number of days in groups of fifty to seventy in order to seek protection from wild animals. Not all escaped this experience unharmed!

3.2 Shelter

Those who reach the other side safely find that access to shelter is very difficult. Temporary shelter provided by Churches and NGOs in border towns is inadequate to deal with the large numbers seeking it. Many migrants remain in border areas living in poor conditions in overcrowded townships, in rented accommodation or in dilapidated buildings. Those who succeed in reaching the 'bright lights' may find matters no better. For example, the Central Methodist Church in Johannesburg, a mecca for Zimbabwean migrants, at one stage accommodated up to two thousand people at night in unhygienic conditions on pews, stairs, and the hard church floor with as many more sleeping outside on cardboard boxes!

3.3 Legality

Each state has a duty to its citizens to document foreign nationals within its boundaries. The documenting of Zimbabweans in South Africa has been a

⁷ 1 Cor. 12: 26-27.

⁸ Médecins Sans Frontières, *No Refuge, Access Denied: Medical and Humanitarian needs of Zimbabweans in South Africa*, June 2009, 16.

very demanding process, due to the huge numbers involved. At one stage, a window period (September to December 2010) was provided when relaxed conditions made it somewhat easy to apply for permits (work, study and business). This improved the situation for those who received these permits but others continued to remain undocumented. Workers on commercial farms benefit from being listed on corporate work permits. Many more Zimbabweans have received 'Asylum-seeker Temporary Permits'. This is an expedient arrangement to deal with a humanitarian issue; the vast majority of Zimbabweans are economic migrants who do not qualify for refugee status. While it is the wish of the South African authorities to register Zimbabweans rather than deport them, deportation has taken place to add to the strained situation.

3.4 Work

Because of their good knowledge of English and their capacity for hard-work, Zimbabweans are highly appreciated by employers. A good number progress to levels of middle management on commercial farms and in businesses. Workers on smaller farms, domestic workers, labourers, etc. – especially those without valid documents – are open to exploitation, often receiving poor remuneration for heavy work and long hours. Many others languish with very little access to work – at best, a day's 'piece work' here and there. As in any situation of uncertainty and exploitation, it is women and children who suffer most.

3.5 Xenophobia

An added uncertainty experienced by Zimbabweans is the threat of xenophobia. In May 2008, xenophobic violence broke out in a township near Johannesburg and soon spread to other cities and provinces in South Africa leading to the deaths of 62 people; 670 more were injured and approximately 100,000 foreign nationals were displaced, including large numbers of Zimbabweans. The threat of xenophobia is real for Zimbabweans in certain communities. Tempering this threat, through promoting good community relations, etc., is an ongoing challenge.

4. Reflection

4.0 *Hard truth*

Reflection on the experience of Zimbabweans in the diaspora and their ongoing displacement will not be helped by tempered tones that deny the reality. Christians must 'speak the truth in love'.⁹ In this case the truth is hard and cold. The necessary, noble, and often heroic work of Churches and NGOs outside the borders of Zimbabwe in supporting, and advocating for Zimbabwean migrants is largely 'band-aid' – putting bandages on a festering sore without being able to treat the wound. The wound lies within the borders of Zimbabwe itself. The wound of the Zimbabwean political crisis has been painful for decades.

In our pastoral letter on *National Healing and Reconciliation, 2009* we, as a body of Bishops, wrote about the challenges and demands of healing and reconciliation in Zimbabwe. These challenges and demands remain. The task of healing and reconciliation is not helped by the ongoing culture of intimidation and abuse of human rights. Genuine engagement in a process of national healing and reconciliation must become real rather than notional. Without this engagement the festering sore will remain and Zimbabweans will continue to leave their country in significant numbers.

4.1 *Assessment by history*

A question must also be asked: when the history of Zimbabwe is being written in a future, reconciled society, how will its authors look back and view the phenomenon of a displaced people? Currently the diaspora experience is treated as little more than an embarrassing footnote to the dominant interpretation of history.

There should be an inclusive view of history based on principles that prioritize 'human dignity, the common good, option for the poor, human rights and responsibilities, participation, subsidiarity, solidarity, economic justice, stewardship of God's creation and the promotion of peace'.¹⁰ These ten basic principles, central to Catholic Social Teaching, also offer a perspective on citizenship, patriotism, heroism; statehood, sovereignty, governance, etc. This perspective honours the sacrifices made in the struggle for liberation by

⁹ Eph. 4: 15.

¹⁰ *Let us Work for the Common Good*, para. 2.

so many. But the ideological agenda is not the dominant discourse. A much wider agenda is offered which, if it had been accepted in recent times, would have prevented a major exodus to the diaspora and the suffering of countless numbers. To embrace this higher agenda requires intellectual honesty, integrity of life and moral courage. It means recognizing what we have said many times before, that 'our crisis is not only political and economic but first and foremost spiritual and moral'^{11,12,13}

The flight of the diaspora cannot be treated as a footnote to recent historical experience. It is an effect of the core failure within Zimbabwe to move beyond a narrow ideological mindset to a more inclusive view of life. Regarding the writing of history, three inter-related points should be noted:

- the history of Zimbabwe will be incomplete without the diaspora story being told;
- this story should occupy a central chapter;
- it must be understood in relation to its ideological context.

5.0 Conclusion

In conclusion what can we say directly to you who have left our land? We understand your plight. We know why you left. You are not to blame. While we wish you grace and blessing in your new land, we hope that one day you will consider coming home. Yet we cannot expect you to return to a land without welcome, opportunity and reconciliation. As we said before and say again, 'real genuine healing and reconciliation can only take place when the environment is open, free and democratic'.¹⁴ This is 'currently not the case'.¹⁵ Sadly, this statement still remains true.

Yet we do not lose hope. As St. Paul says: 'Rejoice in our sufferings, knowing that suffering produces endurance, and endurance produces character, and character produces hope, and hope does not disappoint us, because God's love has been poured into our hearts through the Holy Spirit which has been given to us' (Rom. 5: 3-5). Find consolation and strength in the Lord by reflecting on Scripture passages like Psalms 23 and 121. In your pain and

¹¹ ZCBC, *God Hears the Cry of the Oppressed*, Pastoral Letter on the Current Crisis in Zimbabwe, Holy Thursday, 5 April, 2007, 6.

¹² *National Healing and Reconciliation*, para. 1.

¹³ *Let us Work for the Common Good*, para. 6.

¹⁴ *National Healing and Reconciliation*, para. 5.

¹⁵ *Ibid.*

emotional struggles find strength in each other especially in the Church. Encourage each other to find a home in the Church by praying together, sharing the Word of God, joining various associations and worshipping as a family away from home.

Be assured that there are people – within government, civil society and the Churches – not least ourselves, who are committed to the road of national healing and reconciliation, to the common good and to creating a better society for all people. Be patient with current efforts which require so much energy and take so much time. Know that you contribute to these efforts by your continued vigilance and advocacy in foreign lands. Know also that we can only overcome hatred with love, falsehood with truth, fear with courage.¹⁶ This is the gospel way. It leads ultimately to freedom, truth and the fullness of life. It is the only way we know and wish to follow. Journey with us as we journey in spirit with you.

With our paternal blessings.

- +Angel Floro, Bishop of Gokwe (ZCBC President)
- +Robert C. Ndlovu, Archbishop of Harare
- +Alex Thomas, Archbishop of Bulawayo (ZCBC Secretary/Treasurer)
- +Alexio Churu Muchabaiwa, Bishop of Mutare (ZCBC Vice-President)
- +Michael D. Bhasera, Bishop of Masvingo
- +Dieter B. Scholz SJ, Bishop of Chinhoyi
- +Albert Serrano, Bishop of Hwange
- +Patrick M. Mutume, Auxiliary Bishop of Mutare

¹⁶ Pope Benedict XVI, Message for World Day of Peace, 1 Jan. 2006.