

A Life Course Approach to Preventing Human Trafficking

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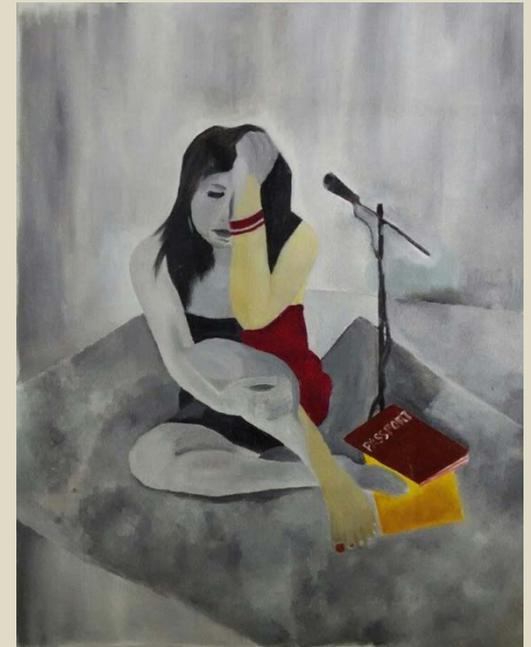
Structure of the Presentation

- Part One – The Story of Cathy
- Part Two – What is the Dominant Discourse?
- Part Three- Exploring vulnerabilities to Human Trafficking over the Life Course
- Part Four –What are the Optimal Life Course Conditions?
- Part Five -Why Prevention?

Part One: The Story of Cathy



Cathy's story provides us with key insights into the vulnerabilities to human trafficking



A close-up photograph of a pregnant woman wearing a vibrant red long-sleeved top. She is holding a plain white rectangular sign in front of her chest with both hands. The sign features the handwritten text "I have a voice" in a dark, cursive script. The background is a soft, out-of-focus outdoor setting with warm, golden light, suggesting a bright day. The woman's hands are visible, gripping the edges of the sign, and the texture of her red fabric is clearly visible.

I have a voice

A human rights approach to trafficking is empty and meaningless if it does not place at the very core, the voice and agency of trafficked women

(Global Alliance Against Traffic in Women, 2007, p.ix)

On Voice

Voice is not simply about the right and opportunity to speak out. For poor people's participation to work, not only must information be available, but the state must be accountable to the voices that are raised

(Khan, The Unheard Truth: Poverty and Human Rights, 2009 p.42)

Part Two : Challenging the Narrative



Taken



Source: <https://theconversation.com/movies-and-myths-about-human-trafficking-51300>

Accessed July 7, 2017

A Starbucks Coffee store is located on the ground floor of a traditional Chinese building. The building features dark wood paneling, intricate lattice railings on the upper floor, and a tiled roof with a decorative octagonal window. The Starbucks sign is prominently displayed above the entrance. People are seen walking past the store, and the interior of the coffee shop is visible through the glass windows.

STARBUCKS COFFEE

GLOBALISATION

An aerial photograph of a city, likely Vancouver, showing a dense urban area with many skyscrapers in the background, a large harbor with numerous ships, and a busy shipping port in the foreground with many colorful shipping containers. The word "ECONOMIC" is overlaid in large white letters on a dark horizontal band across the middle of the image.

ECONOMIC

A sunset landscape with mountains and birds in flight. The sky is a warm orange, and the sun is low on the horizon, creating a bright glow. Silhouettes of birds are scattered across the sky, some in flight. The mountains in the foreground are dark and silhouetted against the bright sky.

MIGRATION

A close-up photograph of a person's hand and forearm. The hand is raised, with fingers slightly spread. A ring is visible on the ring finger. The forearm has several red and black bracelets. The background is heavily blurred, showing green foliage and bright light spots, suggesting an outdoor setting. A dark horizontal band is overlaid across the middle of the image, containing white text.

ORGANISED CRIME

Corruption

Efforts to combat trafficking have proceeded from a narrow view of trafficking as a criminal justice problem, with a clear focus on targeting the trafficker and to a lesser extent, protecting their victims. Addressing the socio-economic factors at the root of the problem, by contrast, has largely fallen outside the purview of government action

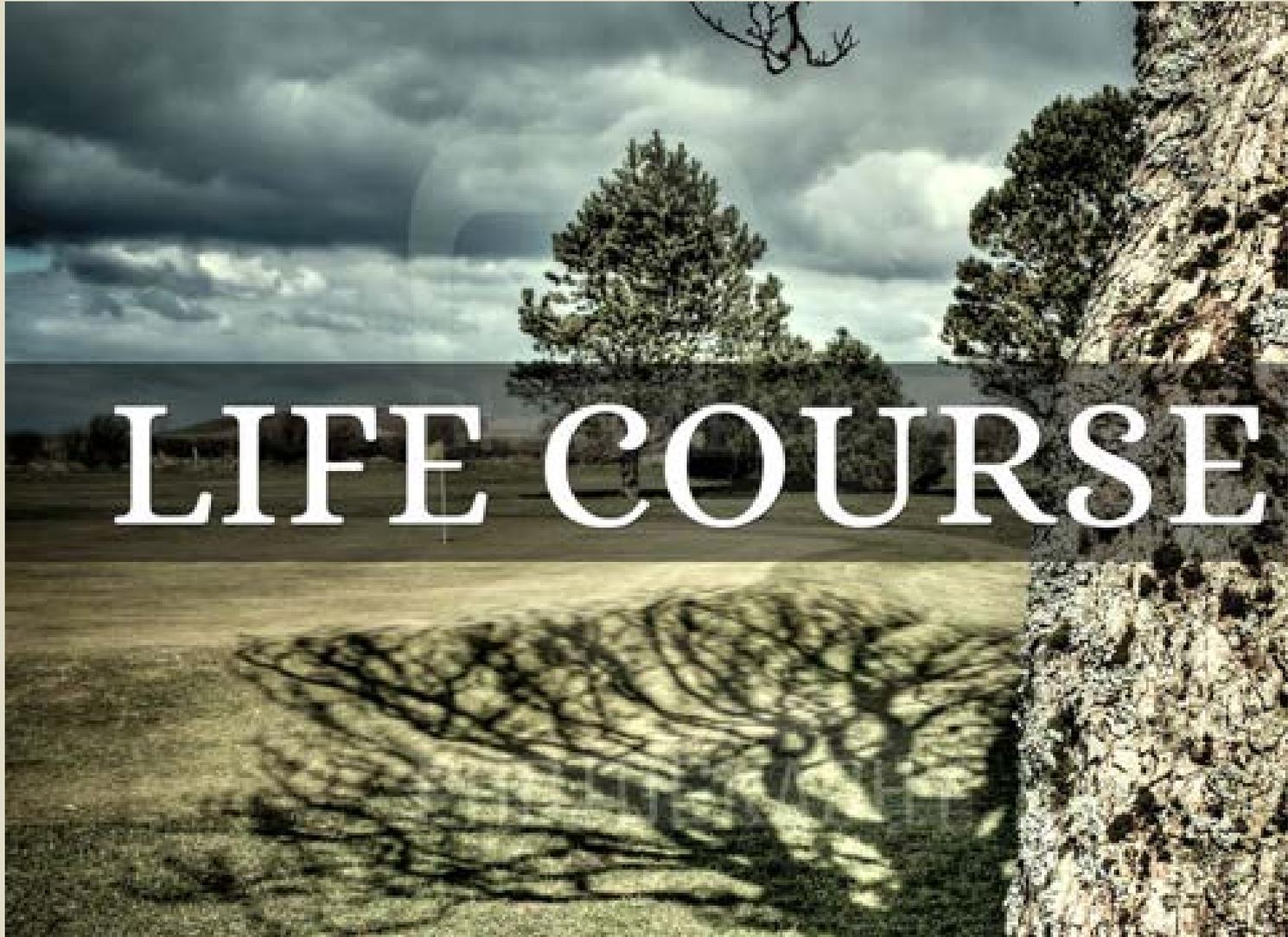
Chuang, J. (2006). Beyond a Snapshot: Preventing Human Trafficking in the Global Economy. *Indiana Journal of Global Legal Studies*, 13(1), 137-163) p. 148

Current anti-trafficking law and advocacy continues to pay too little attention to the root causes of this exploitation. The lack of emphasis on prevention reflects the popular notions that ‘rescue’ is what is needed

Todras, Jonathon, ‘Movies and Myths about human Trafficking’ 2016

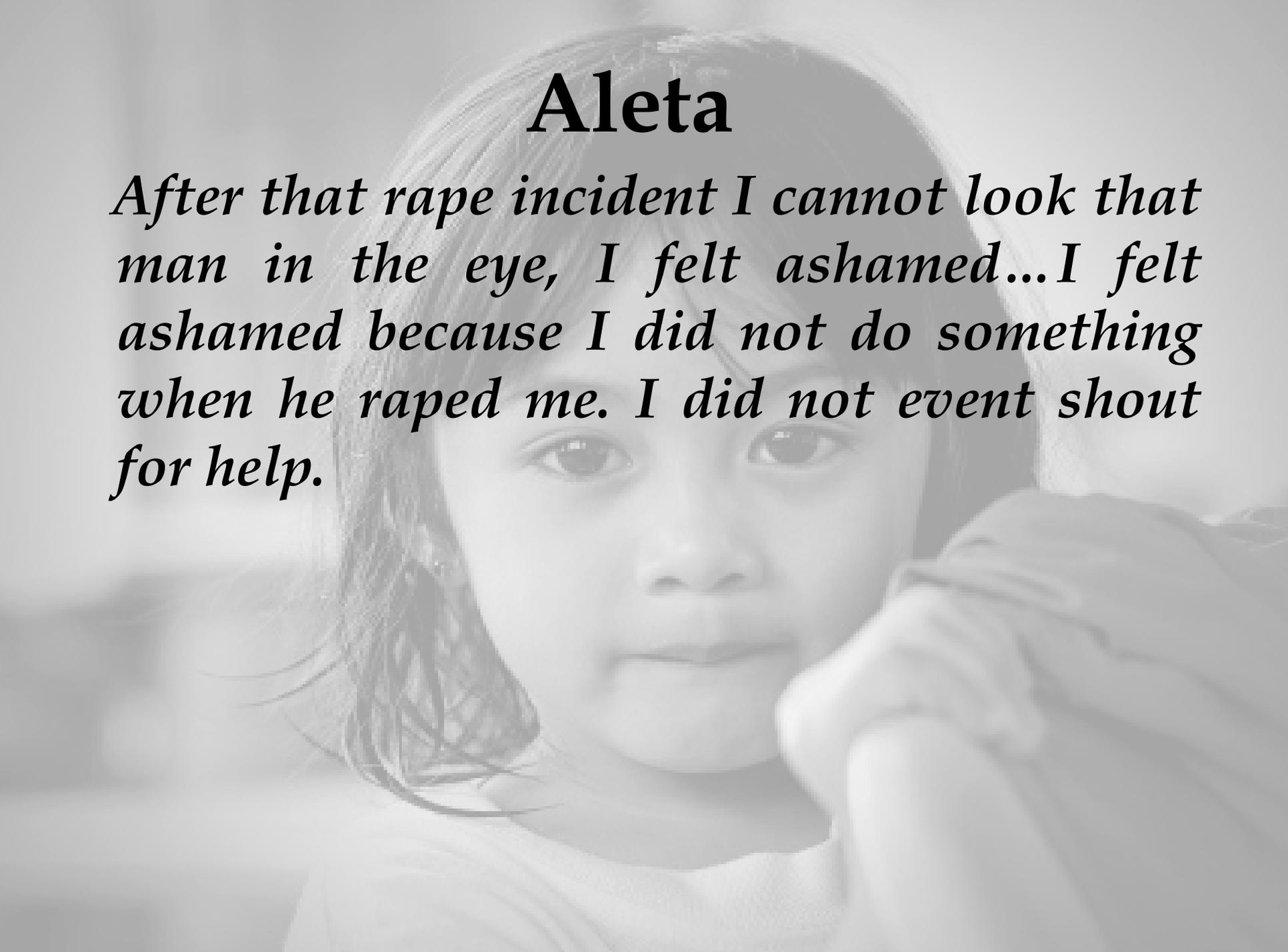
<https://theconversation.com/movies-and-myths-about-human-trafficking-51300>. Accessed July 7,2017

Part Three – Cumulative Disadvantage over the Life Course



Teresita

I really did not experience any joyful memories even from zero to sixteen. During those years, I really can't recall any happy memories, because when I play my mother would always beat me, anywhere on my body, sometimes it's my head, so I don't have good memories. Maybe now I have, but before I had none.

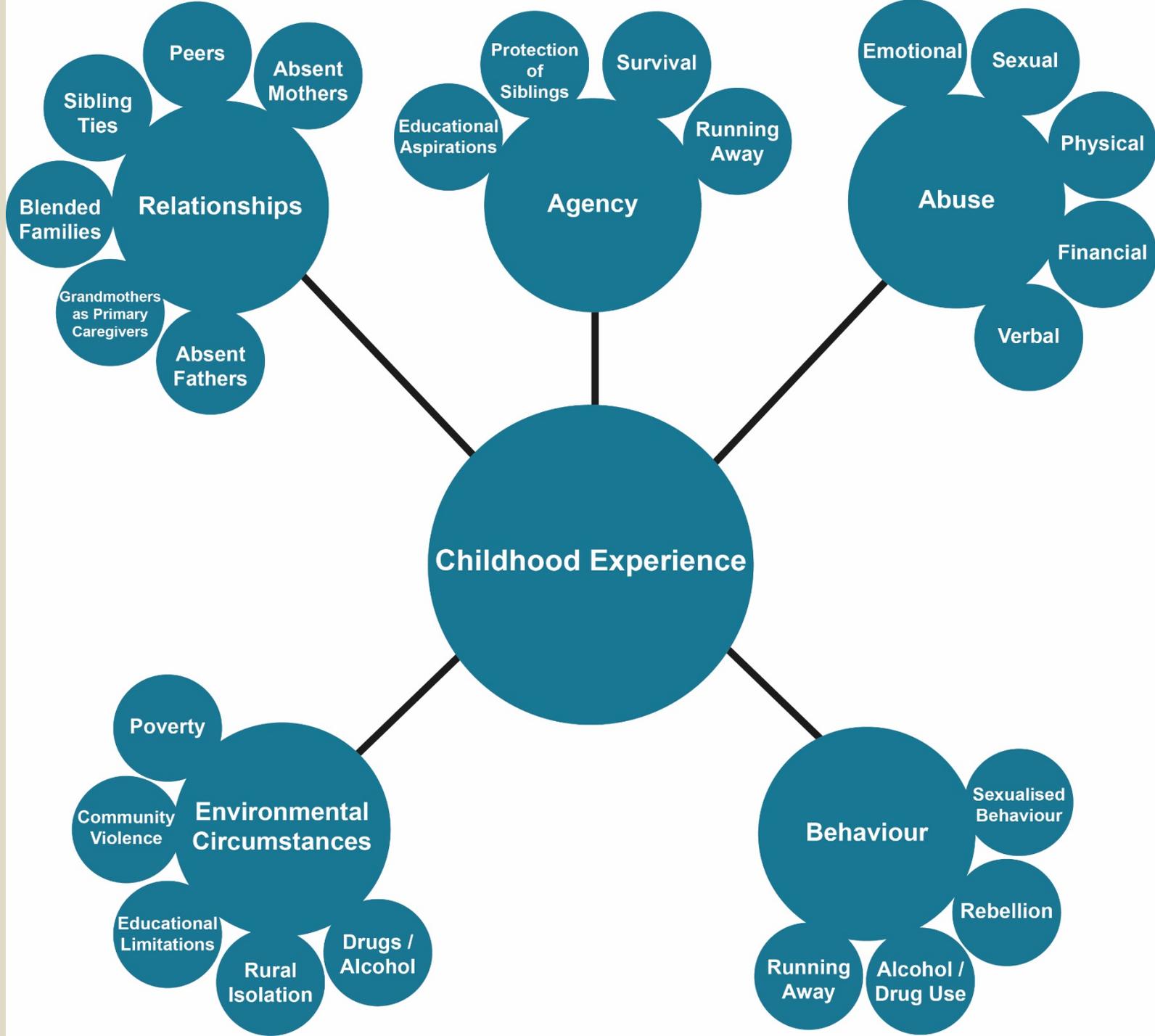


Aleta

After that rape incident I cannot look that man in the eye, I felt ashamed...I felt ashamed because I did not do something when he raped me. I did not even shout for help.



Childhood Experience





**Human Trafficking
Experience**



Part Four – The Optimal Life Course Conditions

NEW INSIGHTS



Cluster One - Childhood

- Adequate standard of living
- Human Attachment and Belonging
- Quality Education
- Safety, Security and Emotional Wellbeing
- Social and Community Connectedness
- Gender Equality

Adequate Standard of Living

Cathy:

“When I was a teenager, I left school because I had told my grandma that I would help earn money. I started work as a waitress.”



The Right to an Adequate Standard of Living

UDHR: Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.



The Right to an Adequate Standard of Living

ICESCR Article 11: Includes adequate food, clothing and housing, and to the continuous improvement of living conditions, States agree to take appropriate steps to ensure the realization of this right. Fundamental right of everyone to be free from hunger.

CRC Article 26: Children have the right to help from the government if they are poor or in need.

CRC Article 27: Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help provide this, particularly with regard to food, clothing and housing.

CRC Article 24: Right to good quality health care, safe drinking water, nutritious food, a clean and safe environment.

Human Attachment and Belonging

Cathy:

“When I was 13 I attended my mother’s funeral. I was told that she was pregnant at the time and had been beaten up by her live-in partner. She had many bruises all over her body. It was very scary to see her that way.”



The Right to be Free from Violence

CRC Article 19: Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. See also High Commissioner’s *Recommended Principles and Guidelines* and the Declaration on the Elimination of Violence against Women, adopted in the General Assembly



Quality Education

Cathy:

"I attended school up until my second year of high school. My grandmother was the one who bore the cost of my schooling, though sometimes my father would give her money. ...

When I was a teenager, I left school because I had told my grandma that I would help earn money. I started work as a waitress."



The Right to Education

Universal Declaration of Human Rights, Article 26:

- Everyone has the right to education
- Education shall be free, at least in the elementary stages
- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms



The Right to Education

International Covenant on Economic, Social and Cultural Rights, Articles 13 and 14:

- Education "shall enable all persons to participate effectively in a free society" and be directed to the full development of the human personality and the sense of its dignity
- Primary education shall be compulsory and free to all; secondary education shall be made generally available and accessible to all; in particular by the progressive introduction of free education

See also Article 28 of the Convention on the Rights of the Child

Social and Community Connectedness

Cathy:

“I was so ashamed but I could not escape my situation. I had more customers after that. Some gave me big tips and some guys were nice to me. I was cautious though because some of the more experienced women told me that foreigners were more inclined to beat their customers. I was always on guard.”



The Right to be Free from Discrimination

UDHR: Article 1: All human beings are born free and equal in dignity and rights. Article 2: Discrimination on the basis of sex is prohibited.

ICCPR Article 2: Right to non-discrimination in the enjoyment of the rights contained in the ICCPR. Article 26: Right to equality under the law, equal protection by the law and non-discrimination.

ICESCR also prohibits discrimination on the basis of sex.



The Right to be Free from Discrimination

Convention on the Elimination of Discrimination Against Women (CEDAW) requires States Parties to:

- “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women” (Article 6)
- ensure that men and women may participate equally in public and political life (Articles 7 and 8)
- ensure women’s equal rights to employment, health services and other areas (Articles 11 to 13)
- Address the problems peculiar to women in rural areas (Article 14)

Safety, Security and Emotional Wellbeing

Cathy:

“An acquaintance of mine asked me if I wanted to work in Cebu. I told him that it was so far away and that I was only 16, but he arranged for two other friends of mine who were also minors to come to Cebu with me. He told us we would earn good money as waitresses but when we arrived in Cebu we were transported in a van to a club. When we entered the club it was big and dark but I knew it was a club because there were lights flickering and plenty of girls with heavy make-up. I was nervous at that moment because I knew that this is what they wanted me to do also. I didn't feel good about it. I had to wear heavy makeup and put on shorts which were very transparent, my underwear could be seen, and I also had to wear boots. We were given numbers to wear so that we could be identified by the customers. We were called one after the other to dance on the stage. My heart was pumping very fast and I was perspiring and I really didn't know what was happening.”

The Right to be Free from Sexual Exploitation, Abduction, Sale & Trafficking

Cathy:

“For three weeks I was just dancing on the stage and then one night I was told that somebody had 'bar fined' me. I did not know what this meant. A more experienced woman explained that a man had bought me. ... I could not escape because there were people who watched what we were doing – we called them 'watchers.'”



The Right of Children to Protection

Universal Declaration of Human Rights

The Convention on the Rights of the Child

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography



The Right to be Free from Sexual Exploitation, Abduction, Sale & Trafficking

States Parties to CRC and Optional Protocol:

- should protect children from all forms of sexual exploitation and abuse
- should take all measures possible to prevent the abduction, sale or traffic of children for any purpose
- must make relevant laws to prohibit and criminalize the trafficking of children



Gender Equality

Convention on the Elimination of Discrimination Against Women (CEDAW)

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- Ensure that men and women may participate equally in public and political life (**Article 7 and 8**)
- Ensure women's equal rights to employment, health services and other areas (**Articles 11 to 13**)
- Address the problems peculiar to women in rural areas



Convention on the Elimination of Discrimination Against Women (CEDAW)

CEDAW General Recommendation No. 19

- 1. Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.
- 6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence

The Right to be Free from Discrimination

UDHR: Article 1: All human beings are born free and equal in dignity and rights. Article 2: Discrimination on the basis of sex is prohibited.

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Cluster Two- Adolescence

- Psycho Sexual Health and Development
- Long Term Life Skills and Capabilities
- Social Inclusion
- Economic Empowerment

Psycho Sexual Health and Development

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ICESCR also prohibits discrimination on the basis of sex.



The Right to Free Choice of Employment: Freedom from Slavery and Forced Labour

UDHR: Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

UDHR: Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.



Palermo Protocol

- **Art. 9:** States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery
- **Art. 10:** States parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation

International Covenant on Economic, Social and Cultural Rights

Article 12

- The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Long Term Life Skills and Capabilities

The Right to Education

Universal Declaration of Human Rights, Article 26:

- Everyone has the right to education
- Education shall be free, at least in the elementary stages
- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms



Council of Europe Convention on Action against Trafficking in Human Beings:

Arts 5-6: Each party shall establish and/ or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings

The Right to Education

International Covenant on Economic, Social and Cultural Rights, Articles 13 and 14:

- Education “shall enable all persons to participate effectively in a free society” and be directed to the full development of the human personality and the sense of its dignity
- Primary education shall be compulsory and free to all; secondary education shall be made generally available and accessible to all; in particular by the progressive introduction of free education

See also Article 28 of the Convention on the Rights of the Child

The Right to Education

Cathy:

“I attended school up until my second year of high school. My grandmother was the one who bore the cost of my schooling, though sometimes my father would give her money. ...

When I was a teenager, I left school because I had told my grandma that I would help earn money. I started work as a waitress.”



Social Inclusion

The Right to Participation

The right to the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association, including trade unions

- UDHR Article 19 and 2
- ICCPR Articles 17 to 22, including the right to privacy
- ILO: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87), and Right to Organise and Collective Bargaining Convention, 1949 (No 98)
- CRC Articles 12, 13 and 15



The Right to be Free from Discrimination

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ICESCR also prohibits discrimination on the basis of sex.



Convention on the Rights of the Child

Article 12

- 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

- 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
- 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 15

- 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
- 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of other

The Right to be Free from Violence

CRC Article 19: Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

See also High Commissioner's *Recommended Principles and Guidelines* and the Declaration on the Elimination of Violence against Women, adopted in the General Assembly



Economic Empowerment

The Right to Free Choice of Employment: Freedom from Slavery and Forced Labour

Cathy:

“one night I was told that somebody had ‘bar fined’ me. I did not know what this meant. A more experienced woman explained that a man had bought me. ... I could not escape because there were people who watched what we were doing – we called them ‘watchers’.”



The Right to Free Choice of Employment: Freedom from Slavery and Forced Labour

ILO Forced Labor Convention (No. 29): States are required “to take effective measures to prevent and eliminate forced labour, to provide victims protection and access to appropriate and effective remedies, such as compensation, and to sanction perpetrators”, including protection, prevention and reparation.

See also *Abolition of Forced Labour Convention*, 1957 (No 105)

CRC, Article 32 (Child labour) provides:

- States should protect children from work that is dangerous or might harm their health or their education.
- Children's work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

The Right to Free Choice of Employment: Freedom from Slavery and Forced Labour

UDHR: Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 23. (1) Everyone has the right to work, to free choice of employment



The Right to Free Choice of Employment: Freedom from Slavery and Forced Labour

ICESCR Article 6:

- States Parties take appropriate steps to safeguard the right to the opportunity to gain a living by work which he freely chooses or accepts.
- Steps shall include policies to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

See also ICCPR, Article 8

Cluster Three - Adulthood

- Decent Work and Economic Empowerment
- Community Cohesion and Personal Security
- Self Determination
- Generativity

Decent Work and Economic Empowerment

Cathy:

“I gave all my earnings to the two women who were my managers; this included any tips that were given to me. They said that I had plenty of debts. My debts included payment for living in the apartment, my food, clothing and make up.”



The Right to Just and Favourable Conditions of Work & Fair Remuneration

In addition, States Parties to the ICESCR recognize the right of everyone to:

- ‘Fair’ wages;
- Safe and healthy working conditions;
- Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

On leisure time, see also UDHR Article 24 and CRC Article 31: Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities

The Right to Just and Favourable Conditions of Work & Fair Remuneration

UDHR Article 23: Everyone has the right to work, and to:

- free choice of employment, just and favourable conditions of work and protection against unemployment;
- equal pay for equal work, without discrimination;
- just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity
- form and to join trade unions for the protection of his interests



The Right to Just and Favourable Conditions of Work & Fair Remuneration

See also:

- ILO conventions covering discrimination *Discrimination (Employment and Occupation) Convention, 1958 (No 111)* and *Equal Remuneration Convention, 1951 (No 100)*
- *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003)*

Community Cohesion and Personal Security



Palermo Protocol

- **Art. 9:** States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery
- **Art. 10:** States parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation

Universal Declaration of Human Rights

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Article 29

Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

The Right to be Free from Violence

CRC Article 19: Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

See also High Commissioner's *Recommended Principles and Guidelines* and the Declaration on the Elimination of Violence against Women, adopted in the General Assembly



Self-Determination

Universal Declaration of Human Rights

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 27

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The Right to Education

International Covenant on Economic, Social and Cultural Rights, Articles 13 and 14:

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See also Article 28 of the Convention on the Rights of the Child

Optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography

Art. 8.

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;

(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;



Generativity

The Right to Education

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Article 19.

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Right to an Adequate Standard of Living

UDHR: Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.



Part 5 - Prevention as Key



DOWNSTREAM PROBLEMS



UPSTREAM SOLUTIONS

Source:

<https://www.slideshare.net/WendyRing1/downstream-problems-upstream-solutions-fossil-fuels-and-chronic-disease>

Continuing to deal only with victimised children after the fact is an unwinnable situation, as there are too many exploited children. Instead, intervention efforts must move upstream so that we prevent the harm from occurring in the first place

‘Given the enduring nature of socioeconomic deprivation in many parts of the world, it is easy to dismiss calls for substantive prevention strategies as too lofty or impracticable. But the reality that millions of lives remain at risk for trafficking demands that we embrace this challenge.’ (Chuang p.155)

HUMAN RIGHTS

A close-up photograph of a hand holding a lit candle. The candle is lit, with a bright flame. The hand is positioned over a document that contains text, which is partially visible and blurred. The text on the document includes phrases like "ALL HUMAN BEINGS", "ARE BORN FREE", "AND EQUAL", "AND RIGHTS", "THEY", "ENDOWED WITH", "AND CONSCIENCE". The overall scene is dimly lit, with the candle providing the primary light source.

Pope Francis

It should be acknowledged that very little has been done to address the “why” of many young people being tricked or sold into trafficking and slavery...Demand and supply, in turn, are deeply rooted in the three great issues of conflicts and wars, economic privation and natural disasters, or what the victims experience as extreme poverty, underdevelopment, exclusion, unemployment and lack of access to education

[http://en.radiovaticana.va/news/2017/04/03/pope %E2%80%98human trafficking worsening/1303041](http://en.radiovaticana.va/news/2017/04/03/pope_%E2%80%98human_trafficking_worsening/1303041) Accessed July, 7, 2017