**SECOND DRAFT**

**Final Declaration of the Ethics in Action Meeting**

On Modern Slavery, Human Trafficking, and Access to Justice for the Poor and Vulnerable

Casina Pio IV

March 12-13, 2018

The United Nations Sustainable Development Goals (SDGs) call for equal access to justice for all (Target 16.3), and the end of crimes against humanity such as forced labor, human and organ trafficking, child labor, and modern slavery (Target 8.7). For the poor, these fundamental human rights are still not realized. Ethics in Action met at the Casina Pio IV on March 12-13, 2018 to promote new ways to put SDGs 8 and 16 into practice around the world, especially for the world’s poorest and most vulnerable people.

The discussion pointed to the need for a framework of action that engages several types of actions and interventions simultaneously:

* Strengthened legal framework by government
* Strengthened administrative and regulatory framework
* Real-time measurement and monitoring of abuses
* Empowerment of the poor and vulnerable (through legal defense, trade unions, other organized efforts)
* Increased social service provision
* Mobilization of partners of goodwill
* Use of the SDGs and Laudato Si’ as points to rally
* Use of the Universal Declaration on Human Rights, universal and regional instruments of human rights, refugee law, international labour conventions and international humanitarian law as reference
* Training of trainers and public awareness in legal empowerment

Ethics in Action considered five practical ways to implement SDG 8.7 and SDG 16.2:

* Supply-chain management
* Combatting prostitution and sex trafficking
* Systematic management of organ transplantation to prevent organ harvesting and sales
* Legal empowerment of the poor (with multiple tools)
* Special funds for legal empowerment for the poor and professionalization of local police, prosecutors and courts

In each of these areas, Ethics in Action heard testimony regarding key initiatives in these five respective areas. EIA will establish a ***Legal Access Working Group*** to pursue detailed recommendations on best practices and will report back to Ethics in Action in the June 2018 meeting.

In considering the policy approaches, Ethics in Action examined five specific initiatives:

* Ending human rights abuses in the **Katanga cobalt supply chain**
* The **Nordic Model** to combat prostitution and sex trafficking
* A **New Model of Organ Donations and Transplantation**
* The **International Justice Mission** **Model** of legal empowerment of the poor
* The **Move Humanity Campaign** to mobilize philanthropic funding for SDGs 8.7 and 16.2

Here is a quick summary of key findings.

*Ending Human Rights Abuses in the Katanga Cobalt Supply Chain*

Congo holds half the world’s cobalt reserves and demand for the main mineral component of lithium-ion batteries is set to surge as electric cars proliferate. In 2016, Congo mined 54 percent of the 123,000 tons of cobalt produced worldwide. Yet cobalt mining has led to a social disaster, indeed a vivid and startling case of the “resource curse,” characterized by child and forced labor, massive pollution, and extreme poverty in the region.

One major new initiative in the corporate sector is the Responsible Cobalt Initiative led by Chinese Chamber of Commerce for Metals, Minerals & Chemicals (CCCMC) Importers & Exporters, together with Organization for Economic Co-operation and Development (OECD). The RCI defines its mission as follows: “Have downstream and upstream companies recognize and align their supply chain policies with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and the Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains in order to increase transparency in the cobalt supply chain and improve supply chain governance.”

Companies that are part of RCI include: Apple, BASF SE, Beijing Easpring Material Technology Ltd., BMW Group, Dell Technology Inc., Greatpower Jinchuan Advanced Battery Materials Corp, Guangdong Jiana Energy Technology Co. Ltd., Guizhou Zoomwe Zhengyuan Advanced Material Co., Ltd., HP Inc., Huawei Device Ltd., Hunan Shanshan Energy Technology Co. Ltd., Lanzhou Jinchuan Advanced Materials Technology Co. Ltd., L&F, LG Chem, Nanjing Hanrui Cobalt Co. Ltd., Samsung SDI, Shenzhen Zhenhua E-chem Co. Ltd., Sony Corporation, Tianjin B&M Science and Technology Joint-Stock Ltd., Volvo Car Corporation, XTC New Energy Materials (Xiamen) Ltd., Zhejiang Huayou Cobalt Co., Ltd. The RCI is pledged to work in coordination with the Government of the Democratic Republic of the Congo.

One highly successful community-based framework in Katanga is the “Good Shepherd Model” in Kolwezi. The Good Shepherd Model has rigorously demonstrated the feasibility of a low-cost, community-based development strategy to combat child and forced labor in the cobalt region.

In the past five years, the Good Shepherd model succeeded in:

* Reducing by 92% child labor in a cobalt mining community where now 1.674 children are in school and have become advocates for children's rights;
* Raising income, food security and self-confidence for 300 women and girls, through education and alternative livelihoods;
* Creating community-based safe-spaces for 5.000 people, to report and prevent human rights violations and mobilizing the victims to advocate for change of unjust laws and systems .

The Good Shepherd model’s unique approach is based on:

* Radical inclusivity – Putting the poorest first and designing actions around their basic needs;
* Integrating human rights AND development - Providing education and food security, promoting community-based livelihoods in farming;
* Perseverance in building long term human relationships, uplifting the spiritual value of each human being in an extremely materialistic environment;
* Focusing on both process AND outcomes, resisting to adopting “pre-packaged” donors’ driven models of intervention;
* Adopting a strategic approach to engaging the powerful, leveraging the moral and ethical credibility of religious women, to refuse corruption and invest in long term local capacity development.

*The Nordic Model to combat prostitution*

The Nordic Model, first implemented in Sweden in 1999, is based on the principle that that women and children should *never be for sale*. In this legal approach, prostitution is understood as an institution imbued with harm for the person who is bought as sexual commodity.  Following Sweden, a number of countries have passed legislation that recognizes prostitution as sexual exploitation: South Korea (2004), Iceland, (2008), Norway (2009), Canada (2014), Northern Ireland (2015), France (2016), and Republic of Ireland (2017). In these abolitionist approaches to prostitution, sex buyers are penalized (as are pimps and traffickers) and people in prostitution are decriminalized and are also provided with exit services and job training. Once prostitution is understood as a form of violence, this legal approach makes sense.

According to one recent overview, there are [five major pillars of the Nordic Model](https://swedishmodelnow.org/what-is-the-Swedish-model/): (1) the full decriminalisation of those who are prostituted; (2) high-quality social services for those in prostitution; (3) making the buying of sex a criminal offence; (4) strengthening laws against procuring, pimping and sex trafficking; and (5) addressing all factors that drive people into prostitution. The Nordic Model calls for a fairer and more equal society with a guaranteed minimum income for all, the elimination of the pay gap between women and men, better resources and support for parents and children, and tackling of all the other factors that trap people in poverty. This requires a holistic approach, including: public information campaigns, education programmes in schools, training for police and others, and the law to be prioritised and coordinated nationally.

Efforts are also needed to ensure the reintegration of victims into society. This requires a long-term strategy that includes rescue, shelter, education, legal support, and family and social integration. Mexican programs are implementing these reintegration strategies.

*C. New Model to Regulate Organ Transplants*

SDG 8.7 offers an additional tool to combat organ trafficking. SDG 8.7 supports existing global protocols, including the Declaration of Istanbul (2008) and the WHO Guiding Principles on Cell, Tissue, and Organ Transplantation. Most recently, the UN General Assembly adopted Resolution 71/322 on September 8, 2017 to direct countries to establish best practices, including regulations that transplants occur only in authorized centers, with proper regulatory oversight, specific procedures for authorizing every organ removal and transplant procedure, and registries to ensure the transparency of practices, traceability and the quality and safety of human organs. A new WHO taskforce to work with governments on implementing these commitments would be timely, and should be encouraged by Ethics in Action. This can be taken up by WHO during the 2018 World Health Assembly.

China’s recent experience is illuminating and encouraging, and can help point the way for other countries. In 2007, China promulgated a new set of “Regulations on Human Organ Transplantation.” These were in response to widespread human rights abuses, such as forced organ donations and harvesting from prisoners. By most accounts, China has ended most abuses. It is appropriate to speak of a “New era of Organ Donation and Transplantation in China.” The Chinese model of regulation indeed seems to offer important guideposts for global efforts to combat organ trafficking in line with the SDGs and other global agreements, including WHO guidelines.

China’s current Human Organ Transplant System is based on five components:

* Donation system
* Organ Procurement and Allocation System
* National Transplant Clinical Service System
* Scientific Registry System, including four data centers for liver, kidneys, heart, and lung transplantation, respectively
* Transplant Services Supervising System

*D. The ICJ Model of Legal Empowerment for legal empowerment*

The International Justice Movement (IJM) empowers the poor and vulnerable by interventions to ensure that local law enforcement systems protect communities and holds perpetrators to account. IJM notes that the public justice system is the “sole service provider of criminal accountability and physical restraint of the aggressor.” IJM interventions are based on eight principles.

1. A national and global commitment to strengthen local public justice professionals, supported by technical experts
2. An evidence-based and case-based diagnosis of public justice system gaps
3. Local and national implementation of capacity-strengthening mechanisms
4. Measurable, case-based improvements to public justice system functioning
5. The measurement of impacts in the prevalence of the crime
6. Community-based and survivor-based advocacy
7. Community Justice Workers to assist victims and to hold local authorities accountable
8. Information and communications technologies (ICTs) to assist the identification and rescue of victims and the collection and analysis of crime data for policy response

*E. The Move Humanity Campaign to help fund equal access to justice of the poor*

Starting in 2018 and continuing through 2030, the Move Humanity Campaign will call upon all $US billionaires (above $1 billion in net worth) to direct at least 1 percent of their net worth each year towards the SDGs. Move Humanity will appeal for voluntary giving, but will also call on all UN member states to introduce a 1 percent SDG levy no later than [2023] on billionaires who do not give voluntarily for the SDGs.

The Move Humanity Campaign will be organized around 12 guiding (see table below). These principles establish the overriding priority of the SDGs, such as the end of poverty (SDG 1), universal health coverage (SDG 3), universal basic education (SDG 4), gender equality (SDG 5), universal access to renewable energy (SDG 7), the end of modern slavery (SDG 8), biodiversity conservation (SDGs 14, 15), and access to justice for all (SDG 16). Philanthropic funds will close the SDG financing gap of the low-income countries and lower-middle-income countries.

One target for new philanthropic funding will be access to justice for the poor. One possibility would be a new global fund to allocate new financial resources to end human trafficking, forced labor, organ trafficking, prostitution, child labor, and modern slavery.

*Next Steps*

Ethics in Action, supported by the United Nations Sustainable Development Solutions Network, will establish a Working Group on Modern Slavery, Human Trafficking, and Access to Justice for the Poor and Vulnerable. The Working Group will report back to Ethics in Action with recommendations at the September 2018 Ethics in Action meeting. The Working Group will seek out additional partners including the Responsible Cobalt Initiative, the OECD, the Columbia Center on Sustainable Investment, and the Amazonas Sustainability Foundation, among others.

**Move Humanity's Guiding Principles**

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| 1. The 17 SDGs are the world's global development priorities, constituting the globally agreed framework for the years 2015-2030. |
| 1. The Low-Income Countries (LICs) and some Lower-Middle-Income Countries (LMICs) require development assistance, both public and private, to achieve the SDGs. |
| 1. Development assistance should be complementary with domestic financing, and conditional on strong national financing efforts. |
| 1. Development assistance should be directed to LICs and LMICs in order to close the SDG financing gap. |
| 1. Official Development Aid (ODA) by each donor country should reach the long-standing target of ODA of at least 0.7 percent of GNI. |
| 1. Private Development Aid (PDA) should reach at least 0.3 percent of donor GDP, with giving by UHNWI's constituting the largest portion of PDA. |
| 1. PDA by UHNWI's should equal at least 1 per cent of their net worth per year, with extra giving in one year carrying over for later years. They should demonstrate SDG leadership by publicly committing to the 1 percent annual SDG goal, consistent with other commitments such as the Giving Pledge. |
| 1. UHNW development assistance should be monitored and reported annually. |
| 1. UHNWI funding should be directed largely towards pooled SDG Funds that support national SDG strategies and ensure rigorous monitoring and evaluation of all funding. |
| 1. Ultra-high-net-worth giving should be based on voluntary giving supplemented by national SDG levies on high-net worth individuals for those who do not contribute voluntarily. |