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# REFORMATIVE EXPLORATIONS

A PSYCHO-SPIRITUAL AND CRIMINO-SOCIAL JOURNAL ON REFORMATION AND REHABILITATION



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# **REFORMATIVE EXPLORATIONS**

**A PSYCHO-SPIRITUAL AND CRIMINO-SOCIAL QUARTERLY ON  
REFORMATION AND REHABILITATION**

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Editorial correspondence is to be addressed to the Editor, Reformative Explorations, Prison Ministry India, 52 Thomas Layout, Sarjapura Road, Carmelaram, Bangalore – 560 035, Karnataka, India; Tel.: 9447710488; E-Mail: [frandiyan@live.in](mailto:frandiyan@live.in); [www.prisonministryindia.org](http://www.prisonministryindia.org)

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## REFORMATIVE EXPLORATIONS: FOUNDATIONS FOR A REFORMATIVE PSYCHO-SPIRITUALITY AND CRIMINO-SOCIOLOGY

### I. INTRODUCTION

Like a Phoenix *Reformative Explorations: A Psycho-Spiritual and Crimino-Social Quarterly* on prisoners' reformation and rehabilitation comes to you again after 12 years of dormancy. In June 2003 Prison Ministry India (PMI) launched this journal from a rented building at Anchery, Thrissur, Kerala. Today we relaunch it from the PMI Research Centre, Carmelaram, Bangaluru, Karnataka in commemoration of the Silver Jubilee of the national level prison ministry. I am proud to republish the first editorial article appeared in the first issue of *Reformative Explorations* with minor updating. "Each individual creature on this beautiful planet is created by God to fulfil a particular role. ... We are all born with a divine fire in us. Our efforts should be to give wings to this fire and fill the world with the glow of its goodness"<sup>1</sup>.

*Reformative Explorations*, a long-cherished dream of PMI is the outcome of a deep awareness on the part of PMI about its particular role and unique contribution towards the lost, i.e., prisoners, prostitutes, street children, hired killers, beggars

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1 APJ Abdul Kalam – Arun Tiwari, *Wings of Fire*, Universities Press, Hyderabad 2002, xv-xvi.

and the like. As Dr APJ Abdul Kalam, the former president of India, in his autobiography, *Wings of Fire*, highlighted, *Reformative Explorations* is an endeavour on the part of PMI to give wings to the fire of prisoners' reformation and rehabilitation and to fill the world with its glow. In this editorial I wish, first of all, to write about the major growth and development of PMI, and secondly, about the relevance and significance of Reformative Spirituality and *Reformative Explorations*.

## 2. PRISON MINISTRY INDIA

Prison Ministry India, a Catholic movement toiling for the release, reconciliation, reformation, rehabilitation, reclamation and redemption of prisoners, works under the Justice, Peace and Development Commission of the Catholic Bishops Conference of India (CBCI). It was founded in 1985 by Varghese Karipperry and Francis Kodiyan MCBS, members of a prayer group at St Thomas Apostolic Seminary, Kottayam, Kerala, India<sup>2</sup>. Today, the PMI has more than 7000 volunteers serving in 900 units who regularly visit more than 950 prisons in India.

### 2.1 SERVICES TO THE PRISONERS

Since 1985 PMI volunteers have been dedicating themselves to improving the living standard of the Indian prisons and prisoners. PMI constructs temples, mosques, churches, counselling centres; establishes libraries, recreational and job training facilities focusing on sewing, embroidery, making

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2 For detailed studies on the origin and development of Jesus Fraternity and Prison Ministry India see, Francis Kodiyan, *Saga of Divine Providence. The History of Jesus Fraternity and Prison Ministry India*, PMI Publications, Bangaluru 2000; Varghese Karipperry - Latika, *Prisoners Our Own Brethren*, PMI Publications, Bangaluru 1998.



envelopes and greeting cards. It also provides counselling, legal assistance, cultural programmes and publishes and distributes books and periodicals specially meant for prisoners. PMI prepares prisoners to write school and university exams and conducts medical camps.

In an interesting way, the PMI strengthens prisoners through correspondence and make them aware that they are loved and cared for, that they are not alone. It conducts yearly art and literary competitions among prisoners providing them with attractive prizes and publishes their literary works in a book called *Prison Melodies*. PMI's Legal Aid Cell called *Justice Fraternity* provides legal aid to prisoners, thereby speeding up their trials and assists them in their appeals to the High Court. All possible means are taken to make sure that justice is done promptly to the prisoners.

Besides the various services inside the prison the PMI renders significant assistance to the released prisoners. It provides job orientation training, job facilities, family visits, psycho-spiritual and physical treatment, reconciliation with victims and their families, education for prisoners' children, marriage arrangements for reformed prisoners, and so on. PMI volunteers visit prisoners' families, provide them strength and support, organise camps for their children, provide scholarships, distribute books, bags, umbrellas and other necessary items for their education<sup>3</sup>.

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3 For more information on various ministries of Prison Ministry India see, *The Echo*, PMI National Office Newsletter; *Wire*, PMI Maharashtra Newsletter, and *Vimochanam* (Malayalam), PMI Kerala Newsletter.

### 3. ECCLESIASTICAL RECOGNITION

On 8<sup>th</sup> September 1989 the Kerala Catholic Bishops' Conference (KCBC) approved the Jesus Fraternity as one of its official organs for prison ministry and included this movement under its Justice, Peace and Development Commission. His Excellency Thomas Mar Koorilos, the Malankara Archbishop of Thiruvalla is its chairman, Fr Shaji Stephen ODEM is the Kerala State coordinator and Sr Mary Agnes Jitha SOLS is its secretary. On 27 April 2000 the Catholic Bishops' Conference of India (CBCI) acknowledging and appreciating the enormous services done by Prison Ministry India for the most rejected and neglected group of the society, recognised PMI as a national Catholic organisation<sup>4</sup>. PMI works under the CBCI commission for Justice, Peace and Development Commission. His Excellency Most Revd Dr Allwyn D'Silva, the auxiliary bishop of Bombay, is its chairman and Revd Dr Francis Kodiyan MCBS is the national coordinator and CBCI secretary to PMI<sup>5</sup>.

### 4. RENEWAL AND REHABILITATION CENTRES

Prisoners, prostitutes, hired killers, street children, beggars, and the like also have a divine fire within them. In response to a deep-felt desire and intention to give wings to the diminishing fire within these marginalized people PMI began to establish reformation and rehabilitation centres for released prisoners who genuinely thirst to reform their lives. On 1 October 1991 PMI realised this divinely inspired dream

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4 Francis Kodiyan, *Saga of Divine Providence*, 190.

5 On 3 November 2002 PMI received the Spirit of Assisi National Award for its unfathomable contribution to the uplift of the suffering brethren behind bars from the Franciscan Centre for Peace and Dialogue, Karukutty, Kerala.

by opening the first rehabilitation centre for released male prisoners at Vettukad, Thrissur, Kerala<sup>6</sup>. It was a powerful explosion of love and many devastated and disappointed prisoners were able to awaken from their desperation, desolation and psycho-spiritual bondages to arrive at a deeper awareness about their life-goal and the means of achieving it by undergoing training at this centre. Soon after a series of rehabilitation centres for released prisoners began to take birth in the different Indian states. Now, there are 9 such reformation and rehabilitation centres in different parts of India, where PMI takes care of released prisoners: men, women, aged, and youth. Wonderful and unbelieving human transformations have been taking place in these centres. More than 5000 released prisoners were reformed and rehabilitated by PMI volunteers all over India in the last 28 years. They manifest a very high percentage of success in comparison to other such institutes around the world<sup>7</sup>.

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6 The names and addresses of the PMI reformation and rehabilitation centers for released male prisoners are as follows: 1) Sneathramam, Vettukad PO, Thrissur 680 014, Kerala; Director - Fr Sunil, Congregation of the Priests of the Sacred Heart of Jesus (SCJ), Tel. 7558914919; Estd 1 October 1991. 2) Santhinivas, Pathadipalam, Changampuzha PO, Edappally - 682033 Kerala; Director - Fr Binoy, Claretian Congregation (CMF) Tel. 9961272928; Estd 6 August 1995. 3) Sneathramam, Market Road, YMCA, Alappuzha - 688 001, Kerala; Director - Fr Thobias, Tel 9526389005. 4) Kolbe Home for Released Men Prisoners, KG Kandigai, Tirutanni 631205, Tamilnadu, Director - Fr Thomas, Society of St Eugene De Mazenod (SDM), Tel 894 080 3689, Estd 2017.

7 The names and addresses of the rehabilitation centers for female released prisoners are as follows: 1) Sneathramam, Monvila, Kulathoor PO, Thiruvananthapuram 695583, Kerala; Director - Sr Beena, Sisters of the Poor of St Catherine of Sienna (SDP) Tel 8078818239; Estd 11 October 1992. 2) Ashadeepam, Vettukad PO, Thrissur 680014, Kerala; Director - Sr Ajita, John the Baptist Sisters (SJB) Tel 994320488, Estd 16 February 1993. 3) Jeevodaya

## 5. HOMES FOR PRISONERS' CHILDREN

The fruitful experiences with the reformation and rehabilitation of prisoners led PMI to launch another significant mission of taking care prisoners' children. We take those children who complete 6 years in prison through Child Welfare Centre recommended by the courts. We also take prisoners children who have no way to go to school and further studies. To this intention PMI began to establish homes for prisoners' children both for boys and girls. One such home under the direct care of PMI is known as Kolbe Home honouring St Maximillian Kolbe who offered his life for a coprisoner in Auschwitz concentration camp<sup>8</sup>.

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Ashram for Women, Daddakannalli, Janatha Colony, Carmelaram PO, Bangaluru - 560035, Karnataka, Director - Sr Clara, Holy Cross Congregation, Tel. 0802 843 9926; Estd 22 January 1995. 4) Karunasadan, Kannur, Kerala, Ursulines Mary Immaculate (UMI), Estd 2004. 5) Vishwa Jyothi, Guntur Andra Pradesh, Sisters of St Anne's of Guntur (CSSA), Estd 2004.

- 8 There are two homes for boys: 1) Snehadeepam, Inchiyani, Kanjirappilly Kottayam - 686512, Kerala. Director - Sr Beena, Holy Spirit Congregation, Tel. 94479 33675, Estd 3 July 1994. 2) Kolbe Home for Prisoners' Children, 52 Thomas Layout, Sarjapur Road, Carmelaram, Bangaluru -560035, Karnataka. Superior - Sr Gertrude, Satya Seva Catechist Sisters (SCS) Tel 8296304931, Estd 2016.

There are seven homes for girls: 1) Asha Sadan, A 43, Sector 33, Noida, UP - 201 303, Franciscan Clarist Congregation, Estd 3 May 1999. 2) Karunyashram, Thoppil, Thrikkakkara PO, Kochi - 682021, Kerala, Director - Sr Anne Maria from Sisters of the Adoration of the Blessed Sacrament (SABS) Tel. 04842 425270; Estd 8 January 1999. 3) Ashakiran, Fudi, Khunti, Jharkhand, Director - Sr Julia, The Ursuline Sisters of Tildonk, Ranchi, 7033404870, Estd 2001. 4) Premodaya, St Francis Xavier's Cathedral, St John's Church Road, Bangaluru - 560 005, Karnataka; Director - Sr Raji, Sisters of St Anne's, Tel. 080 555 4683. 5) Jeevan Jyothy, St Joseph's Convent, Anavilasam PO, Idukki - 685535, Kerala, Director - Sr Savio, Augustinian Congregation, Tel 9747627889, Estd 2014. 6) Bonal

## 6. REFORMATIVE RESEARCH AND DOCUMENTATION CENTRE (RRDC)

After the successful establishment of reformation and rehabilitation centres for released prisoners, PMI took the grand step in the field of research and documentation. For more than three decades PMI volunteers have been working hard and achieving marvellous accomplishments in the field of prisoners' release, renewal and rehabilitation as well as in taking care of prisoners' children. But they failed to a certain extent to properly document their splendid deeds. Hence one of the most important action-plans of PMI today is to work for the establishment of a research and documentation centre where there can also conduct volunteers training program. This is confirmed by the decision of the PMI National Executive held on 12 October 2002 in Chennai and by the appointment of Dr Francis Kodiyan MCBS, as its director.

### 6.1. WHY A RESEARCH CENTRE?

During the 1996 Warsaw Meeting of the International Commission of Catholic Prison Pastoral Care (ICPPC), I shared the great success of the PMI rehabilitation centres for released prisoners. The feedback received from many of the participants was that it was a utopian and an impracticable idea. Most of them could not believe what PMI has been doing in the field of prisoners' reformation. This was the same experience when PMI representatives shared their victorious experiences in the field of prisoners' reformation

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Bhavan, Kadumeni PO, Kasaragod - 670511, Kerala, Director - Sr Tresa Chacko, Sisters of Charity of St Anne, Tel 8606350100, Estd 2015. 7) Marie Pushpan's Girls Home, Upper Vidyapati Nagar, Kanke Road, Ranchi - 843008, Jharkhand, Director - Sr Jini, Dominicans of the Presentation (DP), Tel 7254043957, Estd 2017.

at the 10<sup>th</sup> World Congress of International Commission for Prison Pastoral Care (ICPPC) held in Mexico in 1999, and at the Prison Fellowship International Meeting held in South Africa in 2000.

This pessimistic feedback cannot be considered as isolated negative reactions, or hasty and prejudiced comments, rather they reveal one of the emerging global trends of contemporary criminologists and prison staff members. This is evident in John E. Conklin's remark in his book *Criminology*:

Throughout most of the twentieth century, the rationale for punishment that has dominated American penology is rehabilitation, the idea that convicted offenders should be reformed so they will not commit crime again. Recently, this model has lost some favour because considerable research has shown that treatment programmes have been ineffective in changing offenders<sup>9</sup>.

The experience of PMI with the reformation and rehabilitation of prisoners is entirely different from the disappointing research of current criminologists. The prolonged research of PMI illustrates clearly the positive results that bring hope and happiness to thousands of desperate criminals and prisoners. The experiences of hundreds of released prisoners, who underwent the PMI methodology of renewal and rehabilitation prove that prisoners can be reformed, rehabilitated and that they can lead a normal life, if conducive circumstance and formation are provided.

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9 JOHN E. CONKLIN, *Criminology*, Macmillan Publishing Company, New York 1992, 14-15. Similar was the first reaction of many of the Indian prison police officials when PMI approached them requesting prison visit permission. They said, "First you save the good people outside the prison, then you come to help these wretched creatures in the cells".

For instance, consider Shanti Bhavan, a second stage rehabilitation centre for male released prisoners under the guidance of Claritian Fathers. More than 200 released prisoners were totally reformed and rehabilitated through this institute within a short span. They obtained jobs, married, constructed houses and permanently settled into family life. Similarly, consider the rehabilitation centres at Thiruvananthapuram under the guidance of Sisters of the Poor of Saint Catherine of Sienna and at Bangaluru under the leadership of the Holy Cross Sisters. They maintain a high record of success. But when they share these facts with the international community, they refuse to believe them due to the lack of scientific evidence and ways of presentation. Here is the relevance of a PMI research centre.

## 6.2 RRDC GOALS AND OBJECTIVES

On 1<sup>st</sup> January 2003 the PMI Reformatory Research and Documentation Centre (RRDC) was unofficially opened in a small house at Ancheri, Thrissur, Kerala. On 13<sup>th</sup> May 2003 His Excellency Most Revd Peter Remigius, the Justice Peace and Development Commission Chairman (JPDC) of Catholic Bishops' Conference of India (CBCI) inaugurated the centre. The primary goal of RRDC is to conduct, promote and publish scientific studies on prisoners' reformation, reconciliation, rehabilitation, reclamation and redemption as well as to work for prison reforms. Other important objectives are:

- Promotion of Reformatory Related Researches
- Endorsement of Prison Reforms
- PMI Volunteers' Training Programme
- Documentation Centre
- Publication of Books & Periodicals such as *Reformatory Explorations*, *Prison Voice*, etc.

- Online Reformatory Guidance for Prisoners, Prostitutes, Street Children, Drug Addicts, Hired Killers, etc
- Awards and certificates to those Who Do Extraordinary Contribution in the Field of Prisoners' Reformation and Rehabilitation
- Studies on Reformed Prisoners and Rehabilitation Centres
- Organising University Level Courses on Reformation, Rehabilitation, and Psycho-spiritual as well as its Crimino-Social Aspects
- Establishing Archives, Museums, Statistics, Surveys and Libraries Related to Prisoners' Reformation and Prison Reforms
- Arranging National and International Conferences on Reformation and Rehabilitation of Prisoners

## 7. FORMATIVE SPIRITUALITY

Since 1980 Adrian van Kaam's formative spirituality has influenced the psycho-spiritual world. He endeavoured to lay the foundations for a formation science based on spirituality and psychology. Formative spirituality with its swift development made an exceptional contribution in the field of religious discipline. Within in a short span it became a significant subject in seminaries and religious formation institutes<sup>10</sup>.

## 8. REFORMATIVE SPIRITUALITY

As PMI is concerned with the reformation of the lost, it has been pondering, for decades, over a methodology for

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10 For detailed studies on Formative Spirituality, see Adrian van Kaam, *Formative Spirituality*, Vols. 1-7, Crossroad, New York 1995.



the reformation of those whose moral training was with insufficient or lacking during their formative years. In the history of mankind so far, no significant school of thought has a theory of reformation for those who have deviated from the right path. Hence PMI out of its firm conviction and utter necessity decided to launch a reformatory school of spirituality, psychology, criminology and sociology in view of reforming, rehabilitating, reclaiming and redeeming those who are lost, namely, prisoners, prostitutes, hired killers, and the like.

The time has come PMI to formulate in a concrete manner its theories and methodologies for prisoners' reformation, rehabilitation and reclamation. It is PMI's duty to announce to the world that prisoners/prostitutes/hired killers and the like can be reformed when a suitable methodology is applied. The secret of PMI's success should be made available for the use of the whole world so that brothers and sisters behind the bars can be liberated from the shackles of darkness. If Jesus can reform and reclaim the good thief on the cross at the last moment (Lk 23, 39-43), certainly, everybody who believes in Him can transform a prisoner. Man, being the crown of creation, with the assistance of divine grace, has an immense potential to reform him/herself at any moment. In other words, human beings are always in a process of formation, deformation and reformation and vice versa. Reformatory spirituality is nothing more than the spirituality of Jesus Christ who went in search of the lost (Lk 15), and who emphatically declared that He came to call not the upright but sinners (Mk 2, 17). It is the spirituality of the Father of the prodigal son and the mother of St Augustine, St Monica, who prayerfully and patiently waited for the conversion of her son. Hence the most prominent source of reformatory spirituality is Jesus Christ Himself.

## 9. REFORMATIVE EXPLORATIONS

*Reformative spirituality* is in its development stage. Though Varghese Kariperry and Francis Kodiyan MCBS, the two founding pillars of PMI, formulated certain theories for prisoners' reformation such as 3R Theory, and Prisoners' Reformation Trajectory respectively, these are to be further reviewed and modified<sup>11</sup>. There is the new version of Prisoners' Reformation theory written by Fr Francis Kodiyan known as *The Lost: An Eightfold Path for Prisoners' Reformation*<sup>12</sup>. Moreover, there is an urgent necessity for developing a unique language and methodology for the reformation of the lost, and for studying its merits and demerits. Therefore, *Reformative Explorations*, a psycho-spiritual and crimino-social quarterly on correction and rehabilitation, is launched with the intention of providing a common platform for the development of the foundations for a reformatory psycho-spirituality and crimino-sociology<sup>13</sup>.

## 10. COMBATING HUMAN TRAFFICKING

The Sixth Volume of *Reformative Explorations* focusses on Human trafficking, the most barbaric crime and a form of modern-day slavery. It is the second largest criminal enterprise in the world, after drug smuggling and arms

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11 See Varghese Kariperry, "The Three R Theory for Rehabilitation of Prisoners", *Walls. 7<sup>th</sup> National Convention of PMI*, Chennai 2002, 27-29; Francis Kodiyan, "Prisoners' Reformation Trajectory", *Walls. 7<sup>th</sup> National Convention of PMI*, Chennai 2002, 30-34.

12 Francis Kodiyan, *The Lost: An Eightfold Path for Prisoners' Reformation*, PMI Publications, Bangalore 2019.

13 For more on Prisoners' Reformation Trajectory, see Francis Kodiyan, *Love Bomb – Prisoners' Reformation Trajectory*, Lifeday Publications, Kottayam – 2018; Francis Kodiyan, *The Lost – An Eightfold Path of Prisoners Reformation*, PMI Publications, Bengaluru 2019.

dealing. Each year, hundreds of thousands of people are trafficked, the majority of whom are women and children, often being used for commercial sexual exploitation and manual labor. The research done by the International Labor Organization (ILO) and the International Organization for Migration (IOM) in 2017 reveals that more than 40 million people were victims of modern slavery in 2016. Women and girls comprised 84 percent of victims of forced marriage and 99 percent of victims of forced labor in commercial sexual exploitation. The pastoral guidelines on human trafficking by the Pontifical Council for Promoting Integral Human Development explains that human trafficking takes place in many different ways and situations: sexual exploitation, forced marriage, slave labor, servitude, forced begging, organ-harvesting, reproductive exploitation and other forms of abuse and exploitation. It is embedded in private, commercial, and even public and governmental enterprises. It affects the most vulnerable in society: women of all ages, children, the handicapped, the poorest, and those who come from broken families and from difficult situations in society.<sup>14</sup> Human trafficking is a terrible abuse of the dignity and human rights of men and women, girls and boys (HT 3)

## 11. TALITHA KUM

Talitha Kum, an International Network of Consecrated Life Against Trafficking in Persons (INCLATP), is an organization of Catholic women established by the International Union of Superior Generals (UISG) created in 2009. This organization, committed in combating the plight of human trafficking, is currently present in

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14 Pope Francis, *Address to the New Ambassadors Accredited to the Holy See on the occasion of the Presentation of the Letters of Credence*, 12 December 2013.

77 countries and offers 34 specialized courses for the creation of networks that enable members to fight human trafficking at many levels. Sister Gabriella Bottani, the international coordinator at Talitha Kum stated that only through a concerted effort is it possible to address the challenges of human trafficking, to promote and reinforce dialogue and cooperation among the parties involved and counteract those who take advantage of the ‘dream’ of thousands of people who wish to better their life conditions<sup>15</sup>.

The International Union of Superiors General (UISG) and the International Organization for Migration (IOM) started developing a program between 2004 and 2008, which created regional networks against trafficking in nine countries around the world. The idea to create a group which became Talitha Kum started in 2007 when Catholic women leaders discovered that rates of human trafficking was increasing. Talitha Kum was formally created in 2009 and brought the network of individual groups together. In 2013, Talitha Kum had counter-trafficking missions in 75 countries and involved over 600 nuns. By 2015, there were about 1,100 women working in 80 countries. Sister Gabriella Bottani became the new coordinator of Talitha Kum in January 2015. Talitha Kum uses the Palermo Protocol of 2000 “for the protection, prevention and prosecution” of people being trafficked. Shelters, safe houses, counseling and legal

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15 The group works to end human-trafficking and is based in Rome. The name comes from the expression found in the Gospel of Mark and is Aramaic, meaning, “Maiden, I say to you, arise.” The organization is considered a Catholic charity, and operates as a network with many different groups. The former coordinator of Talitha Kum is Sister Estrella Castalone, and Sister Gabriella Bottani is the current head of the organization. John Studzinski chairs the group.

assistance are available to victims through Talitha Kum. Members of Talitha Kum train local people to be aware of signs of human trafficking.

## 12. POPE FRANCIS

Pope Francis has been giving enormous importance to the plight of the millions of men, women and children who are trafficked and enslaved. They are among the most dehumanized and discarded of people in the modern world and all over the world. Human trafficking, he says, is an “atrocious scourge,”<sup>16</sup> an “aberrant plague”<sup>17</sup> and an “open wound on the body of contemporary society.”<sup>18</sup> At the beginning of 2015, Pope Francis dedicated his annual message for the World Day of Peace to Human Trafficking. “We are facing a global phenomenon that exceeds the competence of any one community or country,” and therefore, “we need a mobilization comparable in size to that of the phenomenon itself.”<sup>19</sup>

On the feast day of St Giuseppina Bakhita, who was kidnapped and sold at the age of seven, Pope Francis called the fifth World Day of Prayer and Reflection against Human Trafficking, encouraging everyone not to be complicit in modern-day slavery. “Before this human tragedy, before such suffering, before the powerlessness and anguish of men, women and children who are victims of human trafficking and slavery, often in the context of migration, it’s a cry that comes from the heart, it’s a cry of prayer to the Lord.” On 20 January 2019 during his

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16 Pope Francis, *Greeting to the OSCE Conference*, 3 April 2017

17 Pope Francis, *Angelus*, 30 July 2017

18 Pope Francis, *Address to Participants in the International Conference on Combating Human Trafficking*, 10 April 2014.

19 Pope Francis, *Message for the World Day of Peace*, 1 January 2015.

weekly Angelus prayer at St. Peter's Square Pope Francis invited people to pray for those responsible for human trafficking and its many victims. For Him, they are not numbers. They are names, faces, concrete stories, they are our brothers and sisters in humanity. We cannot be quiet if we don't wish to sell our soul to the devil. "Let us pray for a generous welcome for victims of human trafficking, of enforced prostitution, and of violence".

### 13. OUR RESPONSE

Our response to human trafficking shall focus on excellence, professionalism and outcomes to help victims find healing, hope and justice. Prayer and fasting are the most important thing to do for this mission. Support efforts to rescue children from brothels, pay for legal support for trafficking survivors, provide monthly care for a trafficking survivor, including food, shelter, counseling and more, initiate an anti-trafficking watch group, etc. are some of the practical ways we can cooperate with this mission. At Vatican II the Catholic Church reaffirmed its historic concern about forced labor, stating that "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 free and responsible persons [...] are infamies" (*Gaudium et Spes*, 27). Now the Catholic Church intends to intervene in every phase of the trafficking of human beings. Pope Francis says, "she wants to protect them from deception and solicitation; she wants to find them and free them when they are transported and reduced to slavery; she wants to assist them once they are freed."<sup>20</sup> (HT6).

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20 *Address to Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018.

## 14. SIXTH VOLUME OF REFORMATIVE EXPLORATIONS

Thanks to the generosity of Very Rev Msgr Fabio Baggio CS the undersecretary of the Pontifical Council for promoting Integral Human Development we are blessed with republishing the document on Human Trafficking. On 7-8 November 2019 the Pontifical Council for Promoting Integral Human Development organized an international conference on Integral Human Development and the Catholic Prison Pastoral Care at the Vatican. Its culmination was an audience with the Holy Father and we were inspired by his enthusiasm in loving and taking care of the prisoners. We are privileged to publish this message of Pope Francis thanks to the generosity of the Vatican Press. We are hallowed with the articles from Tito Paul on *Fallacies of the Extant Legalese in India to Curb Human Trafficking in the Dark Net* and from Louis Unni on *Debating the Existence of 'Right to Equality' in the Judicial System*. Sebin Varghese and Dr Elsa Mary Jacob wites on the need of Psycho-Social Interventions Among Youth Offenders. Sr Fidelis illustrates the reformation story of Muthu and Sr Mangal Shaharao introduces the story of Kolbe Home for prisoners' children.

## 15. CONCLUSION

In short, the ultimate goal both of PMI and *Reformative Explorations* is to assist a prisoner to release, repent, reconcile, reform, rehabilitate, reclaim and redeem. Let me conclude this editorial with one of the best statements of the rehabilitation model of punishment proposed by Francis Allen:

It is assumed, first, that human behavior is the product of antecedent causes. These causes can be identified as part of the physical universe, and it is the obligation of the scientist to discover and describe them with all possible exactitude. Knowledge of the antecedents of human behavior makes possible an approach to the

scientific control of human behavior. Finally, and of primary significance for the purposes at hand, it is assumed that measures employed to treat the convicted offender should serve a therapeutic function, that such measures should be designed to effect changes in the behavior of the convicted person in the interests of his own happiness, health, and satisfaction and in the interest of social defense<sup>21</sup>.

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21 Francis Allen, "Criminal Justice, Legal Values and the Rehabilitative Ideal", in Stanley E. Grupp, ed., *Theories of Punishment*, Indiana University Press, Bloomington 1971, 317-330, 318.



# FALLACIES OF THE EXTANT LEGALESE IN INDIA TO CURB HUMAN TRAFFICKING IN THE DARK NET

Tito Paul<sup>1</sup>

*“Human Trafficking is an open wound on the body of contemporary society, a scourge upon the body of Christ. It is a Crime against Humanity” - Pope Francis*

## 1. THE SCOURGE

### 1.1 Introduction

Organized crimes are prevalent and rampant across the globe. Breaking the barriers of the State and Individuality, these ‘enterprises’ are run by a lynchpin of Crime Lords and around them a hierarchy of clusters and sub-clusters of permanent, transient and disposable members. Constituting the top tier of organized crimes are the unholy nexus of Weapons, Drugs and Human Trafficking.

In India, the progression from the times of Haji Mastan, Varadharajan Mudhaliar and Karim Lala, the progenitors of

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1 Tito Paul is an Advocate practicing in Bengaluru and a Research Scholar under the guidance of Dr. Chandrakanathi L. at the Department of Studies in Law, Bangalore University

the modern Organized crime in India, through the Mumbai Underworld had seen paramount shifts in the base and type of criminal operations when the D-Company came into being. Similarly, the Russian and Nigerian Mafia groups are slowly getting a foothold over the Indian Sub-continent and a pan-International organized Crime is emerging in a country wherein laws are severely inadequate to keep up with the changing times and technologies.

## **1.2 Human Trafficking and its Prevalence**

As per Article 3 of the Protocol to Prevent, Suppress and Punish trafficking in Persons, 2000 also known as the Palermo Protocol, Human Trafficking is defined as ‘The recruitment, transportation, transfer, harboring 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 of a person having control over another person, for the purposes of exploitation’ Amongst the three forms of trafficking, Human Trafficking is the one spearheading the transnational growth of Organized crime.

Globally, this criminal enterprise generates approximately \$ 32 billion annually. The ILO’s Report in September 2017 estimated that there are around 24.9 million victims of human trafficking across the globe. The 2016 Global report on Trafficking in persons by the United Nations Office on Drugs and Crimes, indicate that approximately 51% of the trafficked persons were women, 21% men, 20% girls and 8% boys. Wherein, 54 % of the trafficked victims were sexually exploited.

Accordingly, as per the report, the demand for human trafficking is most common in the Western and Southern

Europe (66%), Central and South Eastern Europe (66%) followed by the East Asia and Pacific (61%) and South America (57%). As per the State Department's 2017 Trafficking in persons Report, there were 14,894 cases prosecuted for trafficking globally and only 9,071 resulted in conviction in 2016.

From 2012 onwards, India is ranked as a tier 2 country for combating human trafficking. During the reporting period of 2016, India had reported investigation in 5,217 trafficking cases, completion of prosecution in 587 cases, conviction of traffickers in 163 cases and acquittals in 424 cases. It had separately reported 114 investigations, 13 case prosecutions and three convictions under the Bonded Labor Abolition Act. The acquittal rate for trafficking cases was 72 % in 2016.

According to several NGOs, it is alleged that India does not report the actual figures of reported human trafficking incidents happening across the country and that the figures available to the law enforcement data is just a tip of the iceberg as the police does not officially register an FIR, rather opting to settling the case at the complaint stage itself. It was also found that some authorities in West Bengal and Jharkhand had allegedly ordered the police to register trafficking cases as 'missing persons' cases. Further, it was also alleged that the police dissuaded labor trafficking victims from pursuing charges against their employers.

A report commissioned by the Bihar state had noted that abuse were in varying forms and degrees of intensity and it was found prevalent in almost all 110 Government funded women and child care institutions surveyed. As on January 2019, it is the Central Bureau of Investigation which is now investigating 9 out of the 17 homes found in the report requiring 'immediate attention' and the investigations are

monitored by the Supreme Court of India. In majority of the cases, the tail end of investigations revealed that there is some sort of political affinity connected to the dark market. In Deoria, in spite of getting 20 letters from the District Government to cease sending vulnerable women and children to a shelter operating without proper registration, 3 police superintendents sent at least 405 girls to the shelter over the span of 2 years, wherein the shelter employees exploited them in sex trafficking. After the issuance of the Bihar Report and the Deoria case, the Supreme Court had directed the National Commission for women and state legal institutions to audit the status of shelter homes across India and also issued interim guidelines for the management of shelter homes and further ordered inspection of all homes in the state of Uttar Pradesh.

Majority of the victims are reluctant to participate in the trials against their traffickers owing to the inadequate witness protection and the lengthy judicial process. Female victims face victim blaming and poor access to services. Police and Court officers do not always follow the victim protection measures and the victim redressal scheme is in such deplorable state that many of the victims again turn to the traffickers to sustain their selves thus continuing the cycle.

Globally, though the availability of reliable high quality data is critical for bringing about the most efficient of strategies to combat Human Trafficking. Wherein, primary data is much necessary. Unfortunately, there are several factors that impede effective data collection and thereby deliver a huge blow to effectively address the issue of human trafficking. This includes poor data management practices and systems, weak privacy protection, siloed data and the lack of standardization. Coupled with the fact is that the State

itself doesn't take a serious view at the problem, dismissing the problem of human trafficking as a necessary evil much like arms trafficking. Labor exploitation in China, North Korea and Russia and sex trafficking in Nigeria and Ghana have intricate and extensive conundrums attached to it that the victims through their own free will are exploited due to abject poverty.

Though the data collection and management remains an elusive concept in the field of human trafficking, some anti-trafficking entities have made great strides in creating centralized databases and anonymised datasets. Examples include the IOM Counter Trafficking Data Collaborative, The Victim Case Management System, POLARIS, UNDOC Global Report on Human Trafficking, The UNDOC Human Trafficking Knowledge Portal and the Southern African Development Community Anti Trafficking in Persons Network.

## **2. THE SHADOWS**

### **2.1 The Dark Net and its Prevalence**

For a simpler understanding of what exactly constitutes a dark net, it can be illustrated by means of an 'iceberg'. The tip of the iceberg that floats above the water, is termed as the 'Clear Net'. This is that part of the internet, which is easily accessible to every user. The sites are indexed and are accessible to the user by means of a web crawling browser such as Google. That part of the iceberg which is visible from the surface but not accessible without the user specifically feeding in the relevant information to the sites that they visit constitute the 'Deep Net'. Examples of the same include the usage of e-mail or Bank websites and the like accessible from the Clear Net.

That part of the iceberg that cannot be seen from above, the sinister part of the Internet wherein anonymity is the fundamental norm is the Dark Net. The dark net is that part of the internet wherein the traffic between the user and the websites they visit are encrypted to such an extent that it becomes very difficult to identify them. It is used by persons who wish to stay clear of law enforcement, either out of fear of being censored or jailed.

The Dark Net is a world of its own with virtual currencies playing a major role. The majority of transactions both legitimate and illegitimate are carried through crypto currencies, like Bitcoin. The Dark Net transactions either include ‘tumbling’, which destroys the connection between the sender of the virtual currency and the recipient, or, ‘escrow’ meaning that the recipient holds the Bitcoins in trust till the packages are delivered. It is not illegal per se to access the Dark Net but if the user does not know what he/she is doing and if they do not know the way around, then, they have to be prepared for being scarred for life by either being targeted by the nefarious elements found all around the Dark Net or by the authorities for having visited and used banned sites.

## **2.2 Being Undetectable**

The Dark net is most commonly accessed by means of ‘The Onion Router’ (TOR). This network consists of a wide array of nodes/computers that are configured as being mediators between users and the sites. Like an onion, the communication is wrapped in layers of encryption and once it is wrapped, the package is sent to the recipient in a chain of nodes. Each node decrypts one layer of the onion which grants the node information about where the package will have to go next. Each node does not know anything about

the package it receives except which node it was received from and which node it has to be sent.

The encrypted information gets decrypted in layers until the innermost message reaches the final recipient. It is next to impossible to know based on the traffic analysis who has sent the message or who visits a Tor Service. The Tor Service is designed in such a way that it leaves no Internet Protocol address. This allows the user to escape detection. It is an open source tool whereby it is designed to work with any operating system and be completely untraceable.

The Tor project had also developed 'Tails' which is a Linux distribution that runs on any computer. It is a discrete operating system that runs on USB flash drives which provides additional layers of security so that the dark net browsing machine is not directly tied to the user's machine. Tails also allows the users to store encrypted files, run email programs and PGP and also run the Tor Browser. The dark net was initially created and is still used for military communications to communicate with the intelligence assets and agents stationed abroad without being detected by enemy groups. The progenitor for the use of Dark Net for military communications was the US military and as part of their strategy for secrecy they had released Tor into the public domain for anyone to use reasoning that the more people use the system, the harder it is to separate the State's information. There are more than 50,000 websites hosted by Tor

### **2.3 Human Trafficking in the Dark Net**

Some call it a myth whilst others say that it remains elusive due to its nature. Nonetheless, Human Trafficking very much happens in the Dark Net. For the ones who actively look for the same through the various repositories and the

relays endowed with the necessary information to access the same will this part of the Dark Net open.

In an ICR, the user has to obtain an Onion link/invitation after which he has to make an account wherein the moderator will do a thorough background check to vet out the police authorities. Crypto currencies are then used to finalize the transactions and in majority of cases a custom browser will be involved.

In 2017, the Task Force Argos, the US Department of Homeland Security and the police in Canada and Europe worked together to unmask the leaders of the world's largest online community of child sexual abusers in the Dark Net-The Child's play which had over 10,52,826 user profiles. The users known as the 'producers' used trafficked children to film them being raped and tortured and had shared the same in the site. Due to the complications of the dark net, the authorities could only catch the leaders of the dark net site, Benjamin Faulkner and Patrick Falte. The operation 'Operation Artemis' was intensely condemned for the breach of human rights by various States as well as international human rights organizations such as Amnesty International, for, to gain access to the site and subsequent control over the same, the police had to resort to act as being pedophiles and share graphic images of children to earn trust. Such is the irony of Dark Net. Other such sites of child sexual abuse in the dark net having trafficking themes include-Playpen, Elysium, The Love Zone, The Family album and the Giftbox Exchange.

The Interpol had also cracked down a Dark Net ring named as the 'Black Death Group'. These were responsible for trafficking of minor sex slaves to Saudi Arabia as well as selling them to the highest bidder on the dark web. The site



was professionally made so as to offer their clientele quality assurance that the girls being sold had no terminal illness and were clean from any transmittable disease of any kind and further, they were not pregnant. They had also expressed their abilities to transport the victims to any destination and also carry out specific abductions if needed and if the client could bear the extra cost.

In furtherance of the same, they had managed to kidnap Chloe Ayling, a British Supermodel who had travelled to Milan for a photoshoot. Her abductor, one Lukasz Herba had contacted her agency and demanded an amount of 300,000 Euros. When the agency had sought the assistance of Interpol, it was found that the whole photoshoot was a guise to kidnap her. The Interpol had managed to catch Herba and is now sentenced to a period of 16 years and 9 months for kidnapping. In the United States, DARPA or the Defense Advanced Research Projects Agency has been working on a multi-year project called the MEMEX program since 2014 to help identify human Trafficking on the internet. In order to accomplish the same DARPA is building a web crawler technology that consists of a computer program that automatically and systematically searches web pages for certain words or content. As the Dark Net is difficult to search as the websites are not indexed, DARPA has been able to overcome this problem through the development of the Dark web crawler technology assisted by Artificial Intelligence. During 6 months' time period in 2016, the MEMEX program had screened 4,752 potential human trafficking cases. It is far from being called as an effective tool to combat Human Trafficking in the dark net, but it is great initiative undertaken by the State.

### 3. THE LEGALESE AND THE FALLACIES

#### 3.1 The Legalese

Human Trafficking is primarily prohibited under Article 23 (1) of the Indian Constitution. India also has a multitude of legislations that directly and indirectly address the issue of Human Trafficking. Some of them are-the Immoral Traffic (Prevention) Act, 1986, Protection of Children from Sexual Offences (POCSO) Act, 2000, Prohibition of Child Marriage Act, 2006, Bonded labour system (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) act, 1986, Transplantation of Human Organs Act, 1994, The Juvenile Justice Act, 2015, The Karnataka Devadasi (Prohibition of dedication) Act, 1982 and The Goa Children's Act, 2003 Sections 67 A and 68 B of the Information Technology Act (as amended), 2008 exclusively addresses the issue of Cyber Crime sans Section 370 of IPC. India has ratified the UNCTOC which has the Palermo Protocol and has subsequently made changes in its municipal legislation, mainly through the Criminal Law amendment Act, 2013

The major criminal legislation of India is the Indian Penal Code, 1860 (hereinafter referred to as the IPC). After the 2013 amendment, Section 370 and Section 370 A of the IPC exclusively deals with the offence of Human Trafficking. The gap in the said section which needs the demonstration of force, deception or coercion to constitute the offence of child trafficking is addressed in Sections 372 and 373 which criminalizes all forms of child trafficking. Other than the aforesaid sections, there are sections 366 A, 366 B and 374 that supplant Section 370.

India has also ratified the SAARC convention on preventing and combating trafficking in women and children for prostitution, 2002 and the SAARC convention on regional

arrangements for the promotion of child welfare in South Asia, 2002. Further, it has also signed a Memorandum of Understanding with Bangladesh for a bilateral mechanism to deal with cross border trafficking. Other international instruments to which India is a signatory of are: The International convention for the suppression of Traffic in persons and of the exploitation of the prostitution of others, The Convention on the elimination of all forms of discrimination against women, 1981, The Beijing Rules, 1985, The Convention on the Rights of the Child, 1989, The Riyadh guidelines, 1990, The ILO Convention, 1999 and the optional protocol on the same of children, child prostitution and child pornography, 2000. The Judiciary's role is unfortunately more substantial, in a plethora of decisions as in *PUDR v UOI*, wherein the Apex court expounded the meaning of the word 'force', *S Naveen Kumar v. State of Telangana and Sahil Patel and ors. V. State of AP*, wherein the solicitors of prostitution were brought under the head of exploitation, *Vishal Jeet v. UOI and Gaurav Jain v. UOI*, *Vinod Patel v. State of Gujarat*, wherein PILs had brought about institutional reforms in addressing the issue of trafficking and finally *Prajwala v. UOI*, the landmark case that has now forced the Ministry for Women and Child Development to bring about the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018. This new Bill has gaps even before being passed as an Act.

### 3.2 The Fallacies

Inspite of having been a signatory to a multitude of covenants, conventions and treaties and having sufficient domestic legislations, in India, the problem of human trafficking is rampant and this can be attributed to the various loopholes in the legalese. A good example can be made of analyzing Section 370 of the IPC, there is an almost

incomprehensive exposition of the word, 'exploitation'. This enabling word has much resulted in Section 370 being used in many different cases across India in situations that strictly speaking do not warrant and portray themselves as an incident of human trafficking. Further, Section 370 does not address anything related to the victim, including their redressal. There is a total ignorance to the 'consent' part of the trafficked victim and in majority of the cases in India, when the traffickers are arrested, ironically, the victims are always treated as Accused. The total apathy of the police and the prosecution in treating human trafficking cases as cases relating to prostitution are to be blamed.

This is reflected in a survey undertaken by the National Human Rights Commission, wherein 40% of the surveyed police officers did not know about Human Trafficking.

Overall, the issue of Human Trafficking in itself is not well addressed in India. When technology is annexed to it, the complexities are perplexing. India's cyber law is very weak and still in its infancy. This is a country wherein, voicing out opinions about the Government leads to sedition charges and defamation cases by unconnected individuals. The laws are not applied appropriately and hence, the dissidents, majority of whom are now growing are resorting to their usage of the Dark Net.

Hacking of Government sites are slowly gaining momentum and some are enthralled by the possibility of being anonymous that they are now experimenting with what else Dark Net can offer them other than the occasional drugs and women. Fishing in the dark net is considered as a fun project and chatting with anonymous users in the dark net is twisting the minds of some of the youth who contribute their part in the various terrorist sleeper cells sprawled across the country.

Occasionally, a news article crops up about an individual from a remote area in India joining ISIS through his contact in the internet. Instead of banning sites that show obscene pictures, the Government should strengthen the existing laws to include appropriate punishments for even trying to access them. The issue of Human Trafficking has to be sensitized with the authorities and stringent punishments have to be accorded to the ones found guilty. The State should take a leaf or two from the US' DARPA program and accordingly bolster the Country's cyber security with the enhancements in the field of Artificial intelligence.

The problem of Human Trafficking in the Dark Net is still in its infancy much like the Country's cyber laws. The regulation of Crypto-currency itself is not addressed appropriately. The harsher the punishment, the more infrequent will be the crime. In that principle, it would be appropriate to include the provision of inculcating Dark Net into the new Trafficking law and if evidence is found on the Accused for having accessed Dark Net, his punishment but be a deterrent to his community of criminals.

#### **4. THE WAY AHEAD**

The Dark Net is a necessary evil. Without this piece of technology, militaries have to resort to carrier pigeons to relay secretive information, liberals will have to exchange paper notes amongst themselves and for the advocates of net neutrality, Google has to suffice. Individual privacy is respected in the dark net and it is to each his own. As with any technology, it is the usage that makes all the difference there is. Trafficking of persons, drugs and weapons are to be condemned and the root of which have to be eradicated. Though India is still miles away from being the target of Dark Net effects, there will be a time, when this State too

will have to cope up with the severity of the problem when more user base sprouts up. A joint international task force is needed to weed out the issue of trafficking in the Dark net. Treaties are to be made to hand over the perpetrators hiding in India and scamming/colluding/perpetrating across the globe due to the weak cyber laws and the criminals are to be severely punished so that they become an example of what happens when anonymity breaches the thin veil of invading upon privacy of another.

## DEBATING THE EXISTENCE OF ‘RIGHT TO EQUALITY’ IN THE JUDICIAL SYSTEM

Louis Unni<sup>1</sup>

### ABSTRACT

This paper is intended to critically analyze the practical implementation of Article 14, primarily in the Judicial System in India. The ‘Right to Equality’ under Article 14 provides for equal protection of laws as well as equality before the law. It stems from the principle that no person is above the law and shall be reprimanded equally in case of violation of law. This philosophy is considered to be one of the corner stones of the Indian Constitution. It has commonly been referred to as part of the basic structure of the Constitution.

In situations where one entity is given unguided and absolute power of decision making, such power can be considered to be arbitrary. Such arbitrary use, or rather misuse, of power has been judicially interpreted as violative of Article 14. It is our submission that the present judicial system vests such unguided power on the judges of the various courts. It has been seen over time that decisions made by, even the highest court of the land, have failed to meet the expectations of law. The judiciary has in many instances framed its own policies and laws which in essence is transgressing into legislative

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1     3<sup>rd</sup> Year B.A.LL.B. Student, School of Law Christ (Deemed to be University), louis.unni@law.christuniversity.in. Christ (Deemed to be University), Hosur Road, Bangalore. Ph: +91 8892335933.

boundaries. It defeats the purpose of a democratically elected government and bestows in its hands what seems to be absolute power.

The paper would further like to highlight the immediate need for judicial accountability, as we strongly believe that not having such a principle would amount to a blatant violation of one of our most basic fundamental rights. It is our submission that even after having taken into consideration the adverse implicative effects of such a principle, it is essential that it be indoctrinated into the judicial system. However, it is for the policy makers to decide how such judicial accountability can be achieved.

## INTRODUCTION

This paper is intended to shed light on the broad spectrum of discretionary powers bestowed on the hands of judges of the various courts. The paper would further portray how such discretion is baneful to the idea of having a just judicial system. We would like to bring to the forefront how such discretion leads to an arbitrary discharge of Justice. The Supreme Court in its own words describes anything “arbitrary is antithetic to equality”. Every system that the Supreme Court is part of is inherently arbitrary.

This leads us to our core issue on debating the efficacious extent of Article 14 in the country. The primary goal of the judiciary is to bridge the gap between written law and its implementation, while it itself, is inherently in default of the very principles it is trying to preserve. This paper would prove how such discretionary power has led to a cavalcade of judgments that are inconsistent with the ideas of Justice. Therefore, how can a system assure you the right to equality before the law when the law itself is left to the ambiguous discretion of the judges?



The paper lays heavy emphasis of the need for judicial accountability in order to bring to a halt this system that is ravaging in the face of Article 14 while preaching on ways to preserve it. It is our confession that we have no effective proposal of how to indoctrinate the principle of judicial accountability; however the importance of having it cannot be under emphasized. It is up to the law makers and policy makers of the day to work on implementation of such a principle.

### **IS OUR JUDICIAL SYSTEM ARBITRARY?**

It does not need a genius to say the one plus one is equal to two. Arbitrariness in our Judicial System is as obvious as that. This was best portrayed by the Supreme Court in the case of *Harbans Singh v. State of Punjab*<sup>2</sup> where the two accused were awarded two different punishments for the exact same crime by two different judges. How is the system protecting the right to equality when the judgments being given are diametrically opposite to each other?

### **CASE STUDY ON ARBITRARINESS IN CRIMINAL JUSTICE SYSTEM: DEATH PENALTY**

In order to further establish that arbitrariness still exists in the judicial system, I would like to cite the example of judgments given in regard to the topic of Death penalty. The rule that the capital punishment should be given only the rarest of rare cases, where the alternate option of life is unquestionably foreclosed was given in the landmark constitutional bench judgment of the Supreme Court in the case of *Bachhan Singh v. State of Punjab*<sup>3</sup>. The rule of "rarest of rare" was established in this case. In this case the

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2 Harbans Singh v. State of Punjab, 1962 AIR 439 (India).

3 Bachan Singh v State of Punjab, (1980) 2 SCC 684 (India).

constitutionality of the Death Penalty was examined and was held to pass constitutional muster. The rule laid down in the Bachan Singh's case has not been overruled and still stands as the law of the land today. However, in various subsequent judgments a clear departure from the guidelines laid down in the Bachan Singh's case is seen.

This principle of 'rarest of rare' as laid down in Bachan Singh's judgment required the cases befitting the punishment of death must necessarily fall within the classification of a "rarest of rare case where the alternate option of life is unquestionably foreclosed"<sup>4</sup>. The Supreme Court held on the subject of the requirement of "special reasons" to be given in the case of capital punishment under Section 354 (3) of the Code of Criminal Procedure that the "expression of special reason in the context of this provision obviously means exceptional reasons founded on the exceptionally grave circumstances of the particular case relating to the crime as well as the criminal. Thus, the legislative policy now writ large and clear on the face of Section 354 (3) is that on conviction for murder and other capital offences punishable in the alternative with death under the Penal Code, the extreme penalty should be imposed only in extreme cases"<sup>5</sup>. In paragraph 163 of the same judgment the courts observed that both the circumstances of the crime as well as the criminal is materially important to determine if a particular case is one that is to fall into the bracket of 'rarest of rare'.

The Supreme Court required due regard to be paid to not just the factors of the crime but also the offender. The court had held all aggravating as well as mitigating factors of both, the crime and the criminal to be taken into account. Therefore, a

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4     ibid

5     ibid

'crime of passion' would not fall under the ambit of rarest of rare as there is a huge mitigating factor, or factors, in crimes of such a nature. For instance, if a husband walks in on his wife with another man, he would naturally be so enraged that he might turn violent. If such violence results in some one's death he would be held guilty of murder, however will not be granted the death penalty according to this judgment, as there are huge mitigating factors that are in play at the time of commission of the offence.

The rule of the 'rarest of rare' could not be overemphasized in this case. It directed judges not to be "bloodthirsty" and noted that "hanging of murderers has never been too good for them"<sup>6</sup>. It directed the judiciary to be more humane in its approach to capital offences, murder in particular. It further laid down that "for persons convicted of murder, life imprisonment is the rule and death sentence an exception"<sup>7</sup>. The rule laid down in the Bachan Singh's case is the rule that holds constitutional space and has not yet been overruled, thus any judgment contrary to the principles held in this case are to be seen as a miscarriage of justice.

Bachan Singh's case was decided by a five-judge bench of the Supreme Court thus it requires a higher six judge bench or more to overrule it. Such a bench has not been constituted in this matter. Thus, this case can be said to still hold constitutional ground. However, deviations from this judgment can be seen as early as in 1983 in *Macchi Singh v. State of UP*<sup>8</sup>. The Macchi Singh case, while paying mere lip service to the principles established in the Bachan Singh's case, carved out five categories of cases where the 'community's

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6      *ibid.*

7      *ibid.*

8      *Macchi Singh v. State of UP*, (1983) 3 SCC 470 (India).

conscience' was so shocked that it would require the holders of the judicial power center to inflict the death penalty.

In the Bachan Singh's case the Supreme Court deliberately did not list out any categories of offences as it would narrow the scope of the meaning of 'rarest of rare'. The Court had intended that all cases to be looked into with an open mind and examined individually, giving due regard to the mitigating as well as aggravating circumstances of both the crime as well as the criminal. The Machhi Singh judgment listed out categories of cases where the death penalty was to be given.

Five categories of cases listed out in the Machhi Singh judgment were very broad and thus reduced the level of subjectivity of the term 'rarest of rare'. This narrowed the scope of interpretation of the term and thus is opposed to the open ended, liberal and broad understanding of the term as was intended by the constitutional bench in the Bachan Singh's case.

## DEVIATIONS FROM THE BACHAN SINGH JUDGMENT

The Bachan Singh case was decided by a five-judge bench of the Supreme Court, thus it requires a higher six judge bench or more to overrule it. Such a bench has not been constituted in this matter. Thus, this case can be said to still hold constitutional ground. However, deviations from this judgment can be seen as early as in 1983 in *Machhi Singh v. State of UP*<sup>9</sup>. The Macchi Singh case did not entirely go against the Bachan Singh judgment, however it did carve out five categories of cases where the 'community's conscience' was so shocked that it would require the holders of the judicial power center to inflict the death penalty.

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9 Machhi Singh v. State of UP, (1983) 3 SCC 470 (India).

In the Bachan Singh case the Supreme Court deliberately did not list out any categories of offences as it would narrow the scope of the meaning of 'rarest of rare'. The Court had intended that all cases to be looked into with an open mind and examined individually giving due regard to the mitigating as well as aggravating circumstances of both the crime as well as the criminal. The Machhi Singh judgment listed out categories of cases where the death- penalty was to be given. These distinctive categories can be seen in paragraph thirty-three to thirty-seven of the judgment. They are as listed below:

### 1. **Manner of commission of murder**

When the murder is committed in an extremely brutal, grotesque, diabolical, revolting or dastardly manner so as to arouse intense and extreme indignation of the community. For instance,

- i. When the house of the victim is set aflame with the end in view to roast him alive in the house.
- ii. When the victim is subject to inhuman acts of torture or cruelty in order to bring about his or her death.
- iii. When the body of the victim is cut into pieces or his body is dismembered in a fiendish manner

### 2. **Motive for commission of murder**

When the murder is committed for a motive which evinces total depravity and meanness. For instance when (a) a hired assassin commits murder for the sake of money or reward (b) a cold-blooded murder is committed in deliberate design in order to inherit property or to gain control over property of a ward or a person under the control of the murderer or vis-à-vis whom the murderer is in a dominating position or in

a position of trust, or (c) a murder is committed in the course for betrayal of the motherland.

### 3. **Anti-social or socially abhorrent nature of the crime**

- i. When murder of a member of a Scheduled Caste or minority community etc., is committed not for personal reasons but in circumstances which arouse social wrath. For instance, when such a crime is committed in order to terrorize such persons and frighten them into fleeing from a place or in order to deprive them of, or make them surrender, lands or benefits conferred on them with a view to reverse past injustices and in order to restore the social balance.
- ii. In case of “bride burning” and what are known as “dowry deaths” or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of infatuation.

### 4. **Magnitude of crime**

When the crime is enormous in proportion. For instance, when multiple murders say all or almost all the members of a family or a large number of persons of a particular case, community, or locality, are committed.

### 5. **Personality of victim of murder**

When the victim of murder is (a) an innocent child who could not have or has not provided even an excuse, much less a provocation, for murder (b) a helpless woman or a person rendered helpless by old age or infirmity (c) when the victim is a person vis-à-vis whom the murderer is in a position of domination or trust (d) when the victim is a public figure generally loved and respected by the community for the services rendered

by him and the murder is committed for political or similar reasons other than personal reasons.”<sup>10</sup>

The above five categories are very broad and thus reduces the level of subjectivity of the term ‘rarest of rare’. This narrows the scope of interpretation of the term and thus is opposed to the open ended, liberal and broad understanding of the term as intended by the constitutional bench in the Bachan Singh case. However, Macchi Singh’s case did not entirely overlook the principles laid down in the Bachan Singh judgment. It did reiterate that the factors and circumstances surrounding the crime as well as the criminal was an important factor in determining if the death sentence was to be granted or not.

Following the Macchi Singh case was a period of further judicial confusion in the application of the ‘rarest of rare’ formula. In 1996 a two-member bench of the Supreme Court almost arbitrarily overruled the Bachan Singh Judgment in a case called *Ravji v. State of Rajasthan*<sup>11</sup>. In paragraph twenty four of this judgment the Supreme Court says “it is the nature and gravity of the crime but not the criminal, which is germane for consideration of appropriate punishment in a criminal trial”.<sup>12</sup> Both the cases Bachan Singh (Constitutional Bench verdict in 1980) and the Macchi Singh (Three judge bench verdict in 1983) verdicts could not have emphasized further that the circumstances surrounding both, the crime as well as the criminal, are to be taken into account before levying the death penalty. In Ravji’s case the Supreme Court failed to abide by its own guidelines and went against precedent which was to be binding at that time. This left the term ‘rarest of rare’ in a state of ambiguity, as there were conflicting decisions of the Supreme Court on the

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10 Machhi Singh v. State of UP, (1983) 3 SCC 470 (India).

11 Ravji v. State of Rajasthan, (1996) 2 SCC 175 (India).

12 Ibid.

same matter. In *Santosh Kuamr Satishbushan Bariyar v. State of Maharashtra*<sup>13</sup> the court tried reiterating the rules laid down in Bachan Singh's case. Emphasis was laid on the circumstances of both the crime as well as the criminal. The Supreme Court also admitted in paragraph sixty-three of this judgment that the wrong precedent laid out in *Ravji v. State of Rajasthan*<sup>14</sup> was used in at least six decision of the Supreme Court. The judges hearing the Santosh Kumar Satishbushan Bariyar's case was of the opinion that all the six decision were rendered 'per incuriam'.

A two-judge bench pronouncement of the Supreme Court in *Sangeet v. State of Haryana*<sup>15</sup>, the court held that the considerations for mitigating and aggravating circumstances are distinct and unrelated elements and cannot be compared with each other. In this case it was noted that the Rarest of the Rare case doctrine had been inconsistently applied by the High Courts as well as the Supreme Court, thereby implying that the aggravating and mitigating circumstances approach had not been effectively interpreted. The court observed and emphasized that the mitigating and aggravating circumstances approach need a fresh look. The judgment further notes that there was lack of evenness in the sentencing process, that the Rarest of the Rare principle has been followed on a case-by-case basis which has not worked sufficiently well as the sentencing has become too judge-centric.

In *Shankar Kisanrao Khade v. State of Maharashtra*<sup>16</sup>, a man of 52 years, had been convicted for murder and strangulation

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13 Santosh Kuamr Satishbushan Bariyar v. State of Maharashtra, (2009) 6 SCC 498 (India).

14 Ravji v. State of Rajasthan, (1996) 2 SCC 175 (India).

15 Sangeet v. State of Haryana, AIR 2013 SC 447 (India).

16 Kisanrao Khade v. State of Maharashtra, 2013 AIR SCW 2668 (India).



of an 11-year-old with intellectual disability after repeated rape and sodomy. Despite the satisfaction of the crime test (aggravating circumstances), criminal test (mitigating circumstances) and the Rarest of the Rare case test, the court was of the view that the death sentence was not warranted. It was noted in the judgment of Radhakrishnan, J. that in similar circumstances of rape and murder of minor girls, there had been inconsistency in the award of death sentence. While in ten cases death sentence had been awarded, in eight other cases it had been commuted.

In Para fifty-two of the judgment, it was observed, “To award a death sentence, the crime test has to be fully satisfied, that is, 100% and criminal test 0%, that is, no mitigating circumstances favoring the accused. If there is any circumstance favoring the accused, like lack of intention to commit the crime, possibility of reformation, young age of the accused, not a menace to the society, no previous track record, etc. the criminal test may favor the accused to avoid capital punishment. Even if both the tests are satisfied, that is, the aggravating circumstances to the fullest extent and no mitigating circumstances favoring the accused, still we have to apply finally the Rarest of the Rare case test (R-R test). R-R test depends on the perception of the society that is society-centric and not judge-centric, that is whether the society will approve the awarding of death sentence to certain types of crimes or not. While applying that test, the court has to look into variety of factors like society’s abhorrence, extreme indignation and antipathy to certain types of crime like sexual assault and murder of intellectually challenged minor girls, suffering from physical disability, old and infirm women with those disabilities, etc. Examples are only illustrative and not exhaustive. The Courts award death sentence since situation demands so, due to constitutional

compulsion, reflected by the will of the people and not the will of the judges.”

This Para fifty-two of the Shankar Kisanrao Khade has been followed in:

- i. *Santosh Kumar Singh v. State of Madhya Pradesh*<sup>17</sup>
- ii. *Lalit Kumar Yadhav v. State of Uttar Pradesh*<sup>18</sup>
- iii. *Dharam Deo Yadhav v. State of Uttar Pradesh*<sup>19</sup>
- iv. *Ashok Debbarma v. State of Tripura*<sup>20</sup>

## CONCLUSION

### Does Equality Before the Law Actually Exist?

In light of the above case study on judgments given in respect to death penalty, the question we must ask ourselves is, did the law treat the six accused in the cases listed in the Santosh Kumar Bariyar judgment equally? The answer is obviously in the negative. The Supreme Court failed to abide by the guidelines that were to be followed in the construction of a rarest of rare case. These failures lead to an arbitrary discharge of justice which is inherently unequal.

Justice Bagwati in his dissenting opinion in the Bachhan Singh judgment was of the very same opinion. The lack of legislative guidelines for imposing the death penalty makes the imposition of the punishment arbitrary. The same was highlighted in the famous case of *Gregg v. Georgia*<sup>21</sup> in the United States of America.

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17 *Santosh Kumar Singh v. State of Madhya Pradesh*, (2014) 8 SCALE 365 (India).

18 *Lalit Kumar Yadhav v. State of Uttar Pradesh*, (2014) 11 SCC 129 (India).

19 *Dharam Deo Yadhav v. State of Uttar Pradesh*, (2014) 5 SCC 509 (India).

20 *Ashok Debbarma v. State of Tripura*, (2014) 4 SCC 747 (India).

21 *Gregg v. Georgia*, 428 U.S. 153 (1976) (United States of America)

The point that the authors are wishing to emphasize is on how the philosophy and mind set of judges' influence their decisions. It would be wrong to expect judges to be any less susceptible to emotions and principles as any other human being. However, it cannot be denied that it often results in contradictory judgments that are not in tune with the principles of Justice. Therefore, as the above case study on the misapplication of the 'rarest of rare' formula will show, how the law of the land is sometimes left up to be decided by a man sitting on a chair wearing a fancy robe.

Constitutionally the law makers of the land need to be elected from the people, for the people and by the people. As a nation it is our responsibility to ensure that the very core ideas of the founding fathers of this country are not forgotten. As the world's largest functional democratic nation, it is our duty to preserve the ideals of separation of powers and entrust the elected body of representative to make the laws of the land. Judicial activism, although at times considered to be a positive, has been criticized for being violative of the principle of separation of powers. The judges being bestowed with power to make laws on any matter is a clear transgression by the judiciary into legislative functions. This leaves the law of the land in murky waters which in turn is arbitrary and thus a blatant violation of the principles of Equality.

The Constitution of India enshrines within it a system of checks and balances between the three wings of government, namely the legislature, executive and judiciary. As per the current trend it almost seems as though there is no check on the power given to the judiciary. It only takes the decision made by one judge sitting in a court hall to overrule the cumulative will of the legislature.

The credibility of the judge himself might also play a vital role in a particular verdict. Thus, it is imperative to have a good bench of judges, which might not be the case in the Indian Judiciary as your case might be heard by a man who believes peahens conceive by drinking the tears of the peacocks. It has been established beyond contention that the Right to Equality under Article 14 of the Constitution of India is violated by the judicial system due to the arbitrariness that prevails. In order to solve this problem a systematic approach to adopting the principle of judicial accountability must be looked into. Thereby a judge can be questioned on wrong judgments rendered in case of gross and clear miscarriage of justice. I concede to the fact that such a principle, if indoctrinated, might entail large negative implications. Therefore, I am of the strong opinion that policy makers must look into how such a principle can be imbibed into the judicial system without causing too many negative effects.

## **NEED FOR PSYCHO-SOCIAL INTERVENTIONS AMONG YOUTH OFFENDERS - A NUDGE TOWARDS SOCIAL RESPONSIBILITY**

**Sebin Varghese & Dr Elsa Mary Jacob**

“Three held with Nitrazepam tablets” was one of the leading headlines in the famous daily The Hindu dated Wednesday 11 September 2019. The culprits were youth aged 20, 23, and 24. These young squatters were caught red handed on their way to supply the drugs to students of a noted college in Aluva region.

When India, one of the largest democratic fronts, has the regalia, glories and victories, the hidden canvas ominously portrays the mounting number of young drug peddlers and anti-social perpetrators behind the grills. The scientific expeditions, the Chandrayan Missions, Dip and Rise in GDP, giant sharing deals, “Golden arrows” to fly the Rafale jets eat the lion share of the discussions and debates in the media world but on the other side the young lives are eaten up by the maggots of social evils and antisocial appetites. (The Hindu, 11, September 2019)

The concern for the youth who are behind the bars was the resource for this reflections and studies. The youth are called to be the leaders of present and future, but at

times the potentialities to be the leaders of tomorrow that reside in them is diverted into the trails of other factors that simply shackle and curb the growth and finally ends up in Borstal Schools, Observation Homes, and sadly behind the bars. The scenario reminds of Lewis Carroll's the famous "Alice in Wonderland" and the story of a hookah smoking caterpillar that comes across as testy, prying, and domineering leader. In all likelihood Carroll did not intend a leadership lesson. However there is a take away from this chapter aptly titled- "Advice from a Caterpillar"- for any student of leadership. The message is particularly relevant to the VUCA (Volatile, Uncertain, Complex, and Ambiguous) world we live in especially with regards to the youth and their development in the community as the dailies present on their negative contributions. (The Hindu, 11 September, 2019)

The information explosion, technological expansion, innovations and societal changes in a larger context make this segment advanced yet vulnerable. Poor psychological strength, pressure from the peers, attempts to chase ideal life goals, kill the real life of these young adults plunging them in heinous crimes and social evils like theft, drug peddling, unhealthy relationships, exploitation of social media, internet, substance abuse, experiments on unprotected sex life and so on.

According to the World's Population Prospects the 2015 revision Population Database of United Nations Population Division, India has the world's highest number of 10 to 24 year olds, with 242 million- despite having a smaller population than China, which has 185 million young people. (Youth in India, 2017) As per India's census 2011, youth (15-24 years) in India constitutes one fifth (19.1%) of

India's total population. The central statistics office, social statistics division, government of India found 4 major issues concerning youth. They are Education, Employment, Civic engagement and migration.

Field experience with this young adults in Borstal School Kakkanad exposed the real reasons for their plight behind the bars taking off the best days of their lives. Common cases fall under Narcotics, theft, feuds and POCSO. Personal interaction revealed that these four walls hardly served the purpose of correction; they do not show a feeling of remorse but an attitude of retaliation.

The words of Gary Lawyer in the famous anti- smoking campaign saying, "A cigarette in my hand... I felt like a man" throws ample light to the reality, the influence of media, film, a series of games and online recreations on youth ascending the sense of early maturity. There is a great chance that this early maturity puts them under pressure and breeds risks and challenges in one's life. As we say, familiarity breeds contempt the familiarity towards social evils makes them less serious towards the legal side effects and dark future. This attitude of irresponsibility towards oneself condemns the young life at the nascent stage – the age of holistic development. They are even burdened by the stigma of penalization and its secondary effects on the family.

In this context the Greek dictum of Socrates as described in the Apology of Plato (38 a 5-6) that "the unexamined life is not worth living" proves to be true. The engagement of youth in anti- social attitudes and exercises could be due to low self-esteem, feeble family bonds, broken family structures, unhealthy social relationships, the patriarchal societal structure and hegemony, social media and their influences.

The indianyouth.net specify that there is a hazardous issue before the Indian government, which is the unbuttoned drug abuse that euthanize the potential power of youth and if continues it certainly speaks volumes about the dark future of the nation. It could be regulated and slowly wiped out from the Indian Community through a collective and participatory approach to save many lives and society thus rebuilding the whole nation and world.

The engagement of youth in anti-social activities has a deep root in the fast changing family systems and dynamics and multicultural invasion and unhealthy imitation of foreign cultures. The fast changing world secures individual spaces and looks forward to monetary benefits alone forgetting or diluting to an extent value systems, positive interpersonal relationships, cultural diversity, traditions and existential stance of human beings among all these above mentioned variables.

All these could be activated in one's life, the moment one fails to find time for self- introspections and examinations. The accumulation of these sediments of social evils can also cause due to inability to set one's own specific goals. Studies show that if they are motivated to achieve the best in their lives thus finding meaning to their lives they can overcome the risk factors and environmental pressures. They can mobilize chances to grow and excel in lives through activities generating self-worth, optimism and hard work.

The active discussions in the Brostal School revealed that youth are victims of procrastination and compromises. Once procrastination takes space to breed and proliferate, it kills the ability to shine and be productive in the society. The influence of all the external forces and factors can be minimized once the intrinsic motivation exceeds extrinsic motivation.



The will is a major factor to construct and to destroy. The youth addicted to social evils could slowly inherit destructive nature to oneself as well as to the society. This impact will be seen in both biological and psychological tensions and disturbances. Studies say that the amount of depression, mania and phobia are very high in youth engaged in anti-social activities and biological discomforts like sexual dysfunctions and experiments, euphoric behavior and so on.

The study by the All India Institute of Medical Sciences (AIIMS) among the street children in Delhi revealed that these adolescents numbered 46,410 were victims of the substance abuse is a reality. The report was alarming and all these young perpetrators would be penalized if not intervened at the right time. The story was not different in the Borstal school. The youth energy are being misused and abused following the unhealthy glorification of trafficking and substance use and abuse through TV, Internet and so on. The young minds should be helped at right time to think, reflect and act and doing so a generation of productive and constructive young men could be created to build the nation.

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## MUTHU'S SECRET OF REFORMATION

Sr Fidelis HCM

### FAMILY

Muthu has an elder stepbrother whose mother died when he was very small. His father married second time and in that marriage Muthu and his sister were born. They are of a lower middleclass family and were living happily. He went to the nearby school in their village and studied up to 10<sup>th</sup> standard but failed and didn't want to continue his education. He was trying to get some work but was whiling away his time with his friends.

### FRIENDS

His family consists of his parents, one elder sister and one elder brother. His father was the earning member and they had a peaceful life. They belong to lower middleclass group. As he was the youngest son, Muthu never had to struggle for existence as he was provided with food and shelter. Since he was going about with his friends, with an irresponsible life, started drinking and doing no work. Once his friends had a fight with someone in the village and that person was killed.

## **INCARCERATION**

Even though Muthu had not joined the fight, since they were his friends and was in the group, his name was also included in the list and was jailed. He was in his early twenties. His family was shattered and found it difficult to continue their life in their village because of the shame and the problems involved. They shifted from there and came to stay in Bangalore. Muthu and his friends were convicted and given life imprisonment. After being in Mandya Jail for three years, he was brought to Central jail, Bangalore where he served another eleven years.

## **REPENTANCE**

The PMI volunteers meet the prisoners regularly in the prison to encourage and enkindle in them courage and hope through counselling and giving positive energy, making them aware that they are still loved and cared for. Even prisoners, hired killers, prostitutes, street children, beggars and the like also have a divine fire in them. With repeated counselling sessions and guidance by the PMI volunteers, he started thinking about his past and the harm he has done to his life and his family. He began to realize the struggle of his father to provide him a lawyer and to pay his fees. PMI volunteers met Muthu and with their help and support he could ventilate all his pent-up feelings of anger and depression and began to rise above his negative thinking. He became more hopeful and positive to face the challenges of life.

## **RECONCILIATION**

In the jail they have the choice to work and earn some money for their use and even to help their families. He made up his mind and got into work in the farm. He earned a

good name in the jail as a sincere and upright person which enabled him to come out on parole to be with his family for three months. Parole is allowed only to those prisoners who prove themselves to be sincere and will walk the talk. In the course of time he became aware of his need to repent and get reconciled with his family. His parents were happy to welcome him when he came on parole and he stayed with them and helped them.

### **TURNING POINT**

Male prisoners have very little chance to meet female prisoners inside the prison. To his luck while he was working outside, Muthu happened to meet one of the female prisoners as she was being taken to the court. She was a very simple person without knowing anything about such a life and was crying as she was walking to get into the police van. Muthu just enquired why she was crying and she confided to him about her fear of going to the court and somehow, he managed to console her. It was just a gesture of compassion and no other motivation behind. But that made some impression in both of them and in the course of time both of them made it possible to meet and convey a message either with a look or a smile or a message through someone in the jail, and these communications slowly developed into a kind of relationship. When he came to know her story of being cheated and implicated case he became all the more sympathetic and concerned and added to that he too was in the same boat as an innocent prisoner made him feel all the more affinity to her. He became very close to her heart as she found some consolation while thinking of him or conveying to him sometimes either through letters or by words. Once she wanted to wish and give a gift to him on his Birthday in the jail. Since she didn't have anything with her, she took a piece of soap and drew a heart pierced with an arrow on it

and sent it to him which made both of them happy and both of them decided to be together in life in the future.

## **NEELU**

Neelu's family was very poor. She got two elder sisters, one elder brother and two younger brothers. She has not gone to school at all and was married to her own uncle at the age of eleven. As she was young and did not know anything about married life, she refused to go closer to him and he started beating her and complaining that no dowry was given even though she was his niece. As the days went by, she conceived and had two abortions and the third child survived and she got a baby girl. But her husband deserted her and got married to another girl. She was living with her mother and going for work and the child was taken care of by her mother. There was a young man in her village going about selling saris which were stolen from a shop. He used to come often to the village and became familiar with Neelu and she bought saris from once or twice. It came to the notice of the police as complaint was given by the shop owner and he was caught. When the police questioned him, he gave Neelu's name also and she was caught and beaten and put in prison.

## **RELEASE, REFORMATION AND REHABILITATION**

PMI volunteers' intervention helped her to face the challenges of her life in the prison. Her family was frightened to contact her in the prison and never made a visit to the jail. Since the time she met Muthu and developed the desire to belong to him, gave her courage and hope in life. She didn't want to be released as long as Muthu was in the prison. But with the help of PMI volunteers she was made to understand her situation and the need to be released. After five years of imprisonment she was released and brought to Jeevodaya.

She was fully upset as she felt that she was snatched away from her beloved. She was very immature and could not control herself with her childishness. But slowly she started co-operating and listening to the Sisters and things began to change for her.

With individual counselling, group therapy, and above all personal concern, understanding, and spiritual support through prayer made her experience the dignity of her life, to regain self-respect and to comply with the demands of life. She developed a sense of confidence in the sisters and became very happy and jovial in the Ashram. The life of loving and caring for one another, sharing in all the activities of life in the Ashram, praying together which helps develop faith in God helped her to overcome her pain of abandonment by her family and the hope of getting Muthu as her partner gave her courage and strength to cop-up with life. She found Jeevodaya a 'home away from home' and got adjusted with the life and started moving about like a butterfly. She is very talkative but very childish in her behavior. Neelu's family had not abandoned her as she thought. It was because of their fear as the police had gone and threatened them to produce the girl police station. When it was known to Jeevodaya, a letter was given to the police station stating that the girl was with the sisters in Jeevodaya. As we were asked to bring her to the police station, she was produced and questioned and the problem of threatening her family was stopped.

## **SETTLEMENT**

When Muthu came on parole again, he came to Jeevodaya and conveyed to the sisters about his desire to marry her. The girl was very happy to hear that and was comforted. He spoke to his parents and managed to get their consent with his choice and desire to marry Neelu. By the time

his mother became sick. She wanted to see the girl but she was still inside. Mother had to be satisfied by seeing her photo. By the time she was admitted in the hospital and he was lucky to be with her as he was on parole. She succumbed to her illness before she could see him married and settled. God's ways are not our ways and very often we don't realize this truth. We need to surrender ourselves to his plan and purpose for our life. Muthu had to go back to jail but remained firm in his decision. The next time he came on parole, he arranged everything for his marriage and the dream of the girl became a reality and she became very happy as she could own someone as her own. His family co-operated and supported him and the marriage took place in a temple according to their religious customs. Jeevodaya Sisters stood for the girl and arranged everything for her and made the day a memorable one for both of them.

It was a day of joy and fulfilment in their life and they are so grateful for the new life they have received. They are well settled in life and are so happy when they got baby girl who is now ten years old and is studying in 4<sup>th</sup> standard. Muthu works in a food supplying agency and takes care of his family, and his wife manages the house chorus. He doesn't have any bad habits or any friendships. He and his family- that's all his goal. With the help of Jeevodaya they could get a free site and a house is built with the help some organization. They have reclaimed their dignity as they could find life in the main stream with the help of Jeevodaya.

## **TRANSFORMATION**

The intervention of PMI volunteers when they are incarcerated is a significant factor in the transformation of prisoners. Listening to their pathetic and heart-breaking stories, their



worries and anxieties, help them to ventilate their pent-up feelings of anger, hatred, revenge and so on itself is a healing process. The freed prisoners who have no one to take care of, rejected by their own and the society are welcomed to our rehabilitation centres and given opportunities and facilities for a transformation and to become new in mind and heart forgiving and letting go the past. Those who are dejected, rejected and marginalized are waiting for someone who really cares, who recognises their gifts and beauty, someone who accepts them just as they are, with no preconceived ideas and prejudices. The rehabilitation centre functions as a home away from home for them.

Creating an atmosphere of love, affection, sharing and caring and forgiveness is a must for transformation and rehabilitation. Living together as one family without any difference or discrimination, whether one is a TB patient or HIV positive, enables them to experience that they are loved and wanted, which prompt them to come out of their closed self with the truth of their life like the woman of Samaria. Only love and compassion can win them and bring them back to human dignity. In the case of the Samaritan woman, who was considered 'untouchable', it was Jesus' acceptance of her, transformed her from a 'dirty prostitute' to a great missionary. He came not to judge, but to meet people where they are, to lift them up from their degradation and give them life, life in abundance. To give life is to see the beauty within and beyond all that is broken. To love is not to give our riches but to reveal to others their own riches, their gifts and their values, to trust them and their capacity to grow. It is important for us to approach people in their brokenness gently, not forcing ourselves upon them but accepting them with humility and respect as they are. It is just a little understanding and love they are craving for.

## **JEEVODAYA ASHRAM**

Mend the broken and wounded lives of the women who come seeking wholeness and healing in their life and to lift them up to a life of dignity and self-respect, through reconciliation with self, God and with others. Medical and psychological treatment if needed to improve their condition which will enhance the process of renewal and rehabilitation. vocational training according to their capacity to grasp and learn. Spiritual renewal - teach them to pray and trust in God. Finally rehabilitate them either by re-integrating into their own families or by settling in marriage.

## **CONCLUSION**

God's providence is our bank account and begging is our lifestyle. From the basic experience of nothingness and total dependence on God, there comes the inevitable fruit of Divine Providence. It is through our experience of nothingness and dependence on God that we enter into His divine plan of salvation and it is then that He takes care of us. We have simply to trust and let ourselves be led by his Spirit. Constant prayer and firm trust in God assist us to rely totally on the Divine Providence. We depend on the generous contributions of good-willed people of our country for the maintenance of this Ashram. In His providence we never lacked anything during the past twenty-five years nor has anything unpleasant happened even though we have no compound walls or any security standing at the gate. We spend our days together as a small community hoping to bring the light of life to many more women who grope in darkness. I firmly trust in God who was, who is and will be gracious to us to take the wrecked boats of these unfortunate sisters to the shore of hope, peace and joy.

# KOLBE HOME A HEAVENLY HAVEN FOR PRISONERS' CHILDREN

Sr Mangal Shaharao SCC

## ABSTRACT

The present article delineates about Kolbe Home meant for the integral development of prisoners' children under the care of Prison Ministry India (PMI). These children are either from prisons or from broken families, extreme poverty, single parent or similar homes. They come in terms with life-realities not by scolding and punishment but by love, care and understanding which are the best ways of formation. In our society most of us look down on prisoners' children and those pushed to fringes of the society. Through education, spiritual and psychological training, and above all through motherly and fatherly love, Kolbe Home strives to bring them to the main stream of life, by reconciling them with God, self, family and society.

## 1. INTRODUCTION

Bryant McGill stated "Every soul is beautiful and precious, worthy of dignity and respect, and deserving of peace, joy and love." Whoever be the person, he/she is worth of respect and love. In the same spirit, a prisoner and a prisoners' children are also worthy of dignity and respect. However, we

humans make discriminations and do not treat everyone in the same way. Among them the worst affected are prisoners' children irrespective of whether they are really guilty or not. A home where prisoners' children would feel love, dignity and respect was one of the long-cherished dreams of Prison Ministry India. This article briefly discusses the birth, growth and formation strategies of Kolbe Home meant for prisoners' children.

## **2. INSPIRATION**

One day when Fr Sebastian Vadakumpadan, the former PMI national coordinator noticed the manner in which prisoners' children were treated badly by the society, he was inspired to do something concrete for their uplift. The rejection of a prisoner's child from a boarding because of his father's crime disturbed him so much. This disturbance became the backbone inspiration by which the Kolbe Home was born. He discussed this concept in the PMI executive meeting and the executive body decided to establish a home for the integral development of prisoners' children.

## **3. CONSTRUCTION**

Rev Fr Pascal OCD who regularly celebrates Holy Mass for prisoners at Central Prison, Bangalore laid the foundation stone for the Kolbe Home. The construction was entrusted with Nandi Builders, Bangalore under the supervision of Fr Sebastian Vadakumpadan. During these days of construction PMI received innumerable graces and blessings from the Lord through many generous hearts in different forms. This support in various forms was the real proof that this home was the plan of God. It is a fact that from the first day of the construction till its completion Kolbe Home was guided by God the Almighty. The timebound completion of the

construction of Kolbe Home once again proved that the bank of PMI is BDP – the Bank of Divine Providence. It does not mean that there were no tensions, fear, anxiety, and confusion but thanks to the prayers of thousands the Holy Spirit guided PMI to overcome them easily.

#### **4. INAUGURATION**

The dream Kolbe Home realized within no time thanks to the incessant assistance of divine providence and the generous collaboration of the people of Bangalore and PMI benefactors. On 15 December 2015 Bishop Peter Remigius the then PMI chairman blessed Kolbe Home and Most Rev Bernard Mores, the Archbishop of Bangalore inaugurated it. Many PMI volunteers participated in the function. Kolbe Home is the first boys' home for prisoners' children in the city of Bangalore which is directly under the Prison Ministry India. The first batch of 8 children was admitted in 2016.

#### **5. ST MAXIMILLIAN KOLBE**

The home for prisoners' children is known as Kolbe Home named after St Maximilian Kolbe (1894-1941) a Polish Conventual Franciscan Friar. He was imprisoned by the Nazis in Auschwitz concentration camp as he was a Catholic priest. At the end of July 1941, one prisoner escaped from the camp, prompting Karl Fritsch, the deputy camp commander, to pick ten men to be starved to death in an underground bunker to deter further escape attempts. When one of the selected men, Franciszek Gajowniczek, cried out, "My wife! My children!", Kolbe volunteered to take his place. After they had been starved and deprived of water for two weeks, only Kolbe remained alive. The guards wanted the bunker emptied, so they gave Kolbe a lethal injection of carbolic acid. He died on 14 August. Kolbe Home is

named after St Maximillian Kolbe, a martyr of charity and the patron of PMI to continue his love for children. Many prisoners in many prisons continue to cry for their children. As Maximilian Kolbe positively responded to the cry of a prisoner Kolbe home is an answer to the cry of thousands of prisoners for their children.

## **6. ADMINISTRATION**

Kolbe Home is an institution of the PMI National Office which comes under the care and protection of the justice, peace and development commission of CBCI. The PMI national coordinator is its director. Its daily running is entrusted with the Satyaseva Catechist Sisters. Sr Gertrude, the superior in collaboration with sisters from different congregations run the home and is in charge of the formation of the children. Like a mother she trains these children to realize their life-goal to be better citizens of tomorrow. These children have been deprived of the basic needs of life and Kolbe Home tries to fulfil these needs.

## **7. BANK OF DIVINE PROVIDENCE**

Kolbe Home is a reality thanks to the generous contribution from the Bank of Divine Providence. Not only its construction but also its daily running and maintenance are sponsored by this bank. This house is fully established because of the generosity of many kind hearted people and is able to maintain the twenty children with all the necessary things of life only by the divine providence of God. We provide them quality education in an English medium school through this unceasing divine providence. There are many volunteers from the locality who come daily to teach these children besides PMI staff. This not only helps them to cope up with their studies but also provides a variety of people to interact

with. This enhances their knowledge, experience and gives them a wider outlook towards the lives' reality.

## **8. GOAL**

The prime focus of Kolbe Home is to work for the welfare of prisoners' children and for the children of the least, lost and the last. Kolbe Home aims at primarily developing the human intelligences such as love quotient, intelligent quotient, emotional quotient and spiritual quotient in the children. It strives in providing qualitative education in order to form them into a dignified, responsible and respected citizens of our nation and train them to cope up with the main stream of life. Through education, spiritual and psychological assistance we strive to bring forth in them the human and divine virtues needed to become a great citizen of the postmodern era. To attain this goal, we reconcile them with God, self, their families and society.

### **8.1 Love Quotient**

Kolbe Home is neither a boarding nor a hostel where children are admitted for academic purposes. It is a home where all the human intelligences are taken care of and fostered systematically. Every child is in need of physical quotient (PQ), intelligent quotient (IQ), emotional quotient (EQ), spiritual quotient (SQ) and above all love quotient (LQ). Kolbe home tries to cater to their innermost needs of love and understanding. It is meant for the betterment of children with imprisoned parent that they should not feel abandoned. The Kolbe Home children are more in need of love, care, support, concern, etc. Through the development of love quotient, children shed their old ways and shape up to being well groomed adults able to take on the responsibilities of their lives and families and the nation, at large. The fast-positive changes taking place in Kolbe Home children is a

great proof that through deep, genuine love and compassion any naughty boy and girl can be tamed and transformed into great citizens.

## **8.2 Intelligent Quotient**

Keeping in mind of the importance of intelligent quotient the children are sent to an English medium school till the 10<sup>th</sup> standard. Later on, for their higher studies they are guided and helped according to their aptitude and interests. Expert teachers are appointed for their tuition and special attention is given to weaker students.

## **8.3 Emotional Quotient**

To enhance emotional and social quotients Kolbe have convene different programs for the children. The unity of India is inherent in all its historical and socio-cultural facts as well as in its cultural heritage. Indian Constitution provides guarantee for people belonging to diverse religious, cultures and languages. It covers people belonging to all socio-economic strata. India possesses variety of social, economic, geographical conditions. In India there is unity in apparent diversities of race, religion, language, custom etc. The distinctive feature of India in its unity and diversity is also reflected in the social ethos. Keeping this in mind we celebrate and commemorate every festival and the celebrations of the Indian festivals and National days, which also helps the children well informed of the culture of their own society and beliefs.

## **8.4 Social Quotient**

Kolbe Home is a home away from home. We create a conducive atmosphere that children feel that it is their own home. As kids, everyone has a desire to mark a few events like



some festivals and birthdays. Knowing and understanding their inner feelings, we don't miss out any celebrations thus making them feel at home in Kolbe Home. We celebrate the birthdays of everyone and observe all the major festivals of all religions such as Diwali, Ganesh festival, Bhakhrid and Christmas. Taking part in such celebrations and festivals keep them alert of the things that exist in the society and how they ought to behave in such occasions. Children are taken to the various historical as well as picnic spots and study tours, etc. The purpose is to let them experience living in a new place. There is no better way to learn than experiential learning. These exposure trips help them to be interested in the things that are existing in and around them as well as help them to develop academic interest, self-awareness, professional insight, develop friendships with similar interested students and so on.

### **8.5 Spiritual Quotient**

Spiritual quotient is the most important human intelligence as it controls all other intelligences. To develop spiritual intelligence among the children Kolbe home provides ample opportunities for meditation, yoga, community prayer, personal prayer, scripture reading, spiritual reading, and so on. Great spiritual masters give them exhortations, seminars and life testimonies. They have ample opportunities to meet with highly religious minded groups and personalities.

### **8.6 Other Major Goals**

1. To provide integral and holistic human development for prisoners' children.
2. To provide quality education in order to form them into a dignified, responsible and respected citizens.

3. To work for the overall welfare of prisoners' children, and children of the least, lost and the last of society.
4. To assist in the character formation of prisoners' children by love, care and education.
5. To help the children grow strong enough to stand against the hurdles and hardships of their lives.
6. To make the children responsible towards their family and for others who are in need.
7. To mould them in a way where they can forgive and forget the bitter experiences and the people who caused it.
8. To motivate them to work hard for a secure and standard living.

## **9. AFFECTION AND CARE**

The PMI method to reform the children is nothing but affection and care. Transformation is possible only by love and care. Love does miracles in everyone's life. This is seen in the children as we see them slowly being transformed and changed from their old ways of doing things and adjust to a newer and gentler way of life. They begin to do things so beautifully though they have so much of bitter experiences, hurts, scars and ill feelings of the past. We help them to come to terms with the reality of their lives not by scolding and punishment but by love and understanding which the only way to teach these children is to give love and care. They do not understand or want to be corrected in a harsh-way because they have had a lot of harsh treatment in their lives which is much more than any normal child of their age has experienced. This is no fault of the children because they have seen such hardships of life and most of their childhood is lost in a lot of bitter experiences.

Every child is entitled to basic needs and a healthy childhood. But sadly, this has been deprived to them. Most of these children are brought up in a poorer environment. Their families are broken and they often look for someone who will love them. When they need money, they don't get it at all, therefore they are forced to choose other means to fulfill their needs. They seek for attention and they fail to get that too. These are some factors that cause them to err. Speaking from the grass root level, today the society in which we live in, looks down on everyone who is in prison and have no proper shelter to live in. The society in which we live is so cruel so much so that it not only looks down on those serving sentences in prison but also on their kids and the rest of the family. This inhuman behavior of some of us, perhaps lead prisoners and their family to go to the extreme level of ending their lives or to form a very arrogant character.

The missing family environment and a society that looks down on them affects these children psychologically that they unable to fathom or grasp what is essential for their lives. They only compare themselves with the children of their age, who live with their parents. Such comparison perhaps creates an ill feeling that the children outside have a sumptuous life while they lack everything. Therefore, in order to, vanish such negative thoughts from their mind, we offer them a complete homely atmosphere so that they do not miss their home. Keeping their future in mind, we mold them with love, care and a personal touch which is somewhat equivalent to a person of the own family. It's a home away from home. We provide them with the best environment of the children have outside.

The children are from various backgrounds. Therefore, we make them feel at ease with themselves and others. It helps them get connected very well and understand each other.

Whatever may be the state of life we are loved and cared by God who created us in His own image and likeness. God loves everyone irrespective of the color or creed. We have received freely and we have to give without holding back. Kolbe Home is a school of Love, a home away from home, a home of love, compassion, understanding, care, concern, acceptance of self and others. Inmates of this home will have ample opportunities for exposure to the life-realities, celebrations of the various festivals, picnics, and social gatherings. There children are trained to cope with lives' difficulties, by providing lot of input sessions, workshops, counseling friendly as well as professional. Doctors regularly visit them for medical check-ups. Every child is given equal attention, care and assistance. There is a summer camp with children from similar institutions and a strong network with other sister institutions.

## **10. BASIC RULES**

- a. The children who flee from Kolbe Home have no re-admission.
- b. The Children whose parents are able to maintain themselves and the children are rehabilitated to the family.
- c. Common language of the house to be kept up that is English.
- d. They have to participate in all the activities of Kolbe Home.
- e. The children are not allowed to keep money or valuables. All valuables are to be entrusted the person in-charge.
- f. No special food is to be served except when they are sick.
- g. The staff is not responsible if they leave the house without the knowledge of the house in-charge.

- h. Children intending to leave have to give a written explanation stating the reason for leaving and the relatives are informed about the same.
- i. All children are given equal attention.

## 11. FIRST STAGE OF FORMATION

The first stage of formation begins with the admission of the child with its paper works and documentation. Each and every member of Kolbe Home is given respect and dignity. An atmosphere of mutual trust is maintained. It shares the interests, joys and sorrows of the individual member and tries to understand each member in a deeper way. We visit the families or the place from where the child comes. Every member is required to follow the daily routine and the rules and regulations.

## 12. KOLBE HOME TIMETABLE

0530	Rising
0615	Prayer
0730	Breakfast
0815	School
0845	Office
1250	Angelus
1300	Lunch
1400	Office-work
1500	Back from School
1530	Tea/Play
1700	Tuition
1930	Prayer
2000	Supper
2040	Recreation
2115	Night prayer
2200	Light off

**13. SECOND STAGE OF REFORMATION**

This stage of formation begins when children are admitted to school and begin schooling. Here they learn to adjust with other students and develop friendship with others. They learn social and socializing values.

**14. STATISTICS OF KOLBE HOME CHILDREN**

Year	Year	Total	School Enrollment
2016	2017	8	8
2017	2018	12	12
2018	2019	16	16
2019	2020	20	20

**15. INTEGRAL DEVELOPMENT**

There is a huge transformation seen in the children, they have learnt to accept and share, love and care, give and take and take care of the health and hygiene of self and the surroundings. Having been guided and molded, they exhibit a greater maturity in their dealing with one another. The boys who had come with a kind aversion to themselves and others, have learned to accept and love one another as brothers. Kolbe Home feels proud of them for doing such miracles in their lives. We feel proud at their success.

**16. KOLBE HOME STAFF: VIEWS**

We find our children love each other and take care of one another, help to study and do some work etc. Senior boys tolerate well the naughty small ones. If they get anything from the school camps, they hand over to the teachers. If any child did something against the law of the school, other children

will report to the sisters. We get good remarks regarding the behavior of our children from schools. Children share the food and study materials with other children in the school who do not bring. They are compassionate to the sick children in the school, and help them to report to the teacher than themselves taking action or they help the other children in the school make peace when they fight. It was a great pleasure when one of our boys from Kolbe home was called upon teachers-parents' meet and told that this child has a tremendous change within a short time; he has given up all his old ways of doing things and now is the obedient and respectful child.

## **17. KOLBE HOME CHILDREN: VIEWS**

### **Child 1**

I love to be here. I feel at home in Kolbe home. Everyone loves me and cares for me which I didn't get in my home. When my both parents abandoned me I was welcomed to this house and I feel this is my home and my family members don't even take me for vacations.

### **Child 2**

I came here in 2015, that is the time this home just began with six of us. We six of us have been here from the beginning of this home and we have seen the all the struggles the founding members underwent to give us a pleasant stay. After the arrest of my father the society in which I lived look at me differently in all dimensions of my life. Always I had scarcity for my needs. But today I am so happy that I have all the possibilities here in Kolbe for my growth. My family parental relations, educational, and psycho-spiritual emotions are dealt with one or other member of this home, so I am so much happy to be here.

**Child 3**

I came to Kolbe when I was in UKG. I feel loved and cared for here Since I came. I don't miss anything here because I am given enough and more care and concern which should have been given to me by my parents.

**Child 4**

I'm at home here in Kolbe home. I don't remember my home as I was small. I grew up in Bangalore Central Jail along with my parents and a younger brother. My early childhood was spent there and still my mother and brother is in Central Jail. Recently my father has come on bail but is unable to give me a home. But Sisters have replaced all my family members and they love a lot and I feel I belong here.

**Child 5**

After the sudden death of our mother the world came to an end for us three children who were left behind, and father's imprisonment for the same cause. In Kolbe Home we are given much love and care.

**Child 6**

I am the fortunate child to be part of the Kolbe family. And here we are provided the best all-round formation along with the academic studies, and also given chance for the extra-curricular activities. I love to be here, this is my home, for its not a boarding or hostel but it's my home where I am given every opportunity to be myself. We all feel belonged to this home. We who are from the beginning have very fond memories of this Home. I love Kolbe Home.



### **Child 7**

I am a new comer to this home. I was given lot of love concern from every member of the house. This is very conducive home ever I found after my home. I love to be here. Everyone here feels loved and cared for.

### **18. CONCLUSION**

Kolbe Home is a place where God does daily wonders for the wounded and the lost little ones. It is also a home that gives basic love, care and concern for the children who do not have these human psychological and emotional needs at the proper times. Let me conclude my reflection with a double-sided prayer, that to have more and more Kolbe Homes for these children who are having nobody and to reduce these kinds of situations in which children may not be neglected from their basic needs. As Nelson Mandela once said, "Education is the most powerful weapon which you can use to change the world". Therefore, we took the tool of education to enlighten and to uplift the lives of the children especially those have distorted notion about lives at early age. We teach them moral and human values to put them on the right track. Through our ministry we give them an assurance that they too are precious and loved by everyone. Kolbe Home bears witness what Jesus experienced in Nazareth, "Jesus grew in wisdom and stature, and in favor with God and men" (Lk 2,52)

**MESSAGE OF POPE FRANCIS  
FOR THE INTERNATIONAL CONFERENCE  
ON THE INTEGRAL HUMAN DEVELOPMENT  
AND THE CATHOLIC PRISON PASTORAL CARE  
7-8 November 2019, VATICAN**

*Dear Brothers and Sisters*

I greet you all warmly, who are taking part in the meeting on Integral Human Development and the Catholic Penitentiary Pastoral. When I commended the Dicastery for the Service of Integral Human Development to make patent the Church's concern for persons in particular situations of suffering, I wanted the reality to be kept in mind of so many imprisoned brothers and sisters. However, it isn't a task pointed out only for the Dicastery, but for the whole Church in fidelity to the mission received from Christ, which is called to act permanently God's mercy in favor of the most vulnerable and homeless in whom Jesus himself is present (Cf. *Matthew* 25:40). We are going to be judged on this.

As I have already pointed out at other times, the situation of prisons continues to be a reflection of our social reality and, consequently, of our egoism and indifference, synthesized in a throwaway culture (Cf. Address during the Visit to the Social Re-adaptation Center of Ciudad Juarez, February 17, 2016). Often society — through legalistic and inhuman

decisions, justified in an alleged quest for the good and for security –, seeks with the isolation and imprisonment of those that act against the social norms, the ultimate solution to the problems of community life. Justified thus is that great quantities of public resources are allocated to repress the offenders instead of truly seeking the promotion of an integral development of persons, which will reduce the circumstances that foster the carrying out of illicit actions.

It is easier to repress than to educate and, I would say, it's more convenient also. To deny the injustice present in society and to create these areas to lock the offenders in oblivion is easier than to offer equality of opportunities of development for all citizens. It's a way of discarding, of "polite discarding," in quotation marks.

Moreover, not infrequently, places of detention fail in the objective to promote processes of reinsertion, without a doubt because they lack sufficient resources that make it possible to respond to social, psychological and family problems experiences by detained persons, as well as frequent overpopulation in prisons, which turn them into true places of de-personalization. Instead, a true social re-insertion begins by guaranteeing opportunities for development, education, worthy jobs, access to health care, as well as generating public areas of citizen participation.

Today, in a special way, our societies are called to overcome the stigmatization of those that have committed an error, as instead of offering help and adequate resources to live a worthy life, we have accustomed ourselves to discard more than to consider the efforts the person makes to correspond to God's love in his life. Many times, when leaving prison, the person finds himself in a world that is foreign to him and that in addition does not see him as worthy of trust,

including going as far as to exclude him from the possibility to work to have proper sustenance. On impeding persons to recover fully the exercise of their dignity, they are exposed again to the dangers that accompany the lack of opportunity to develop, in the midst of violence and insecurity.

As Christian communities, we must ask ourselves a question. If these brothers and sisters have already paid for the evil committed, why is a new social punishment put on their shoulders by rejection and indifference? On many occasions, this social aversion is one more reason to expose them to relapse in their faults. Brethren: in this meeting, you have already shared some of the numerous initiatives with which the local Churches accompany pastorally the detained, those that end their detention and the families of many of them. With God's inspiration, each ecclesial community is assuming its own path to make the Father's mercy present to all these brothers that make a permanent call resound so that every man and every society will seek to act firmly and decisively in favor of peace and justice.

We have the certainty that the works that Divine Mercy inspires in each one of you and in the numerous members of the Church dedicated to this service are truly effective. May the love of God that sustains and encourages you in the service of the weakest, strengthen and enhance this ministry of hope that you do every day among the imprisoned. I pray for each person that in generous silence serves these brothers, recognizing the Lord in them. I congratulate you for all the initiatives with which, not without difficulties, the families of the detainees are also assisted pastorally and are accompanied in this period of great trial, so that the Lord may bless all.

I would like to end with two images, two images that might help. One cannot speak of a debt adjustment with society in a windowless prison. There is no human punishment without a horizon and see to it that in your countries the prisons, the jails always have windows and a horizon, including a life sentence, which for me is disputable, a life sentence should also have a horizon.

The second image is an image that I saw several times when I went on the bus in Buenos Aires to a parish of the Villa Devoto area and passed by the Devoto Prison: the line of people going to visit the detained, especially the image of the mothers, the mothers of the detained that everybody saw, because they were in the queue one hour before entering and who then were subjected to security searches, often humiliating. Those women weren't ashamed if the whole world saw them. Their son was there and they showed their face for their son. May the Church learn the maternity of these women and learn the gestures of maternity that we must have with these brothers and sisters that are detained. Windows and mothers while queuing are the two images I leave with you.

With the witness and service you give, you keep alive your fidelity to Jesus Christ. At the end of our life, may we be able to hear Christ's voice that calls us, saying: "Come. blessed of my Father, receive the inheritance of the Kingdom prepared for you from the foundation of the world, because what you did for one of these my littlest brothers, you did to Me" (*Matthew* 25:34.40). May Our Lady of Mercy accompany you, your families, and everyone that serves the imprisoned. And, please, don't forget to pray for me. Thank you

## PASTORAL ORIENTATIONS ON HUMAN TRAFFICKING

### The Pontifical Council for Promoting Integral Human Development

#### INTRODUCTION

1. At a papal audience in early 2018,<sup>1</sup> a young woman survivor of human trafficking (HT) said: “I think about my country, of many young people who are misled with false promises, swindled, enslaved, prostituted. How can we help them to avoid falling into the trap of illusions and into the hands of traffickers?”
2. Pope Francis took her question deeply to heart. “As you said, it must be ensured that young people not fall ‘into the hands of traffickers’. And how horrible it is to realize that many young victims were first abandoned by their families, considered as rejects by their society! Many were then introduced to trafficking by their own families and so-called friends. It happened in the Bible too: remember that the older brothers sold the young Joseph as a slave, and thus he was enslaved in Egypt!” (see Gn 37:12-36). This question and answer sums up the

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1 Pope Francis, *Dialogue with Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018.

motivation and spirit behind these *Pastoral Orientations on Human Trafficking*.

3. “Human trafficking is an open wound on the body of contemporary society, a scourge upon the body of Christ.”<sup>2</sup> This heartfelt denunciation by Pope Francis in April 2014 comes as a dire warning about one of the darkest aspects of contemporary history, a phenomenon which, shamefully and tragically, continues even now. HT victimizes millions of people all over the world and today constitutes a widespread, insidious reality in several business sectors, particularly domestic work, manufacturing, hospitality and agriculture. HT takes place in many different ways and situations: sexual exploitation, forced marriage, slave labour, servitude, forced begging, organ-harvesting, reproductive exploitation and other forms of abuse and exploitation. It is embedded in private, commercial, and even public and governmental enterprises. HT is a reality “which affects the most vulnerable in society: women of all ages, children, the handicapped, the poorest, and those who come from broken families and from difficult situations in society.”<sup>3</sup> HT is a terrible abuse of the dignity and human rights of men and women, girls and boys.
- 4 The variety of its forms, the heterogeneity of its victims and its many types of perpetrators make HT a very complex problem. Those wishing to plan effective services are immediately confronted with significant challenges. Such complexity requires a

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2 Pope Francis, *Address to Participants in the International Conference on Combating Human Trafficking*, 10 April 2014.

3 Pope Francis, *Address to the New Ambassadors Accredited to the Holy See on the occasion of the Presentation of the Letters of Credence*, 12 December 2013.

multidisciplinary approach in order to understand the phenomenon and its causes, to identify the processes and persons involved in it - victims, perpetrators, and consumers (knowing or unwitting) - before appropriate responses can be shaped.

- 5 From a Christian anthropological viewpoint, indeed, the sanctity of human life, from conception until natural death, and the inalienable dignity of each and every human being, constitute the starting point and the central focus of every initiative. "The Bible teaches that every man and woman is created out of love and made in God's image and likeness (see Gen 1:26). This shows us the immense dignity of each person, 'who is not just something, but someone. He is capable of self-knowledge, of self-possession and of freely giving himself and entering into communion with other persons.'"<sup>4</sup> As Saint John Paul stated in 1988, "When the individual is not recognized and loved in the person's dignity as the living image of God (cf. *Gen* 1:26), the human being is exposed to more humiliating and degrading forms of 'manipulation', that most assuredly reduce the individual to a slavery to those who are stronger."<sup>5</sup>
- 6 The *Pastoral Orientations* are deeply grounded in the Church's reflection and teaching and in its longstanding practical experience responding to the needs of men, women, boys and girls caught up in human trafficking and in slavery, both past and present. At Vatican II the Catholic Church reaffirmed its historic concern about forced labour, stating that "slavery, prostitution, the

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4 Pope Francis, *Laudato Si'*, 24 May 2015, 65; *Catechism of the Catholic Church*, 357.

5 John Paul II, *Post-Synodal Apostolic Exhortation Christifideles Laici*, 30 December 1988, 5.



selling of women and children; as well as disgraceful working conditions where men are treated as mere tools for profit rather than free and responsible persons [...] are infamies” (*Gaudium et Spes*, 27). Now “the Catholic Church intends to intervene in every phase of the trafficking of human beings” says Pope Francis; “she wants to protect them from deception and solicitation; she wants to find them and free them when they are transported and reduced to slavery; she wants to assist them once they are freed.”<sup>6</sup>

- 7 Pope Francis’s insistent teaching on HT provides the foundation for the present *Pastoral Orientations* which draw also from the longstanding practical experience of many international Catholic NGOs working in the field and from the observations of representatives of Bishops’ Conferences. While approved by the Holy Father, the *Orientations* do not pretend to exhaust the Church’s teaching on human trafficking; rather, they provide a series of key considerations that may be useful to Catholics and others in their pastoral ministry, in planning and practical engagement, in advocacy and dialogue.
- 8 After considering the legal definition of human trafficking that has been endorsed in international law, each of the ten sections of the *Orientations* analyzes the cruel facts and challenges of one facet of the phenomenon. It then suggests a range of responses, some of which favour, in particular, the culture of encounter that Pope Francis promotes as a necessary step towards new life in every area of human injustice and suffering.

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6 Address to Participants in the World Day of Prayer, Reflection and Action against Human Trafficking, 12 February 2018.

## DEFINITION

- 9 *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime*<sup>7</sup> (*Palermo Protocol*) provides the current internationally-agreed legal definition of HT. Article 3, paragraph (a) 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”<sup>8</sup>
- 10 The *Palermo Protocol* defines trafficking in children (under the age of 18 years) somewhat differently. In such cases, it is not necessary to show that force, deception or any other form of coercion or abuse of power or vulnerability was used. All that is required is to show that an action of recruitment, transportation, transfer, harbouring or receipt of a child for the specific purpose of exploitation has taken place.<sup>9</sup>

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7 As of 12 December 2018, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* (available at <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>) has been ratified by 173 Member States. The Holy See has not yet adhered to this instrument.

8 See Article 3 (a).

9 See Article 3 (c).

- 11 The elements of these internationally agreed definitions provide the parameters within which the crime of HT can be prosecuted. It is worth noting, however, that since the *Palermo Protocol* supplements the *Convention against Transnational Organised Crime*, it is applicable only to offences that are transnational in nature and involve organized criminal groups. Still, the definition provides a useful minimum or starting-point for further reflection and action against this scourge.
- 12 In recent times the expression *modern slavery* has often been used as a synonym for HT. Although persons who are trafficked frequently become enslaved, HT is more subtle and exists on a broader spectrum than the stark example of slavery (see §9, above). Furthermore, adding the adjective *modern* to *slavery* can be misleading as it might suggest that this phenomenon is nowadays different from what occurred in the past. Slavery is dehumanizing and revolting in whatever era, in whatever form, even if over the ages it seemed to be accepted as a fact of life.
- 13 Since purely domestic crimes fall exclusively within the domestic jurisdiction of each State, the *Palermo Convention* focuses on those instances of human trafficking involving movements across national borders and on actions by organized criminal groups. But activities of just as despicable a nature and with the same horrific consequences for victims can occur within a single country and can be perpetrated by individuals (such as a relative, an acquaintance, a so-called friend) who are not involved in organized crime. For the most part, these *Pastoral Orientations* accept the definitions set forth in the *Palermo Protocol* while introducing the basic conviction that HT is both criminal and seriously sinful because it constitutes coercion or abuse leading to exploitation that harms the dignity of the person.

- 14 HT and migrant smuggling are distinct phenomena. Migrant smuggling is 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 a national or a permanent resident.”<sup>10</sup>
- 15 When taking stock of the Palermo Protocol definition, many organizations working against HT add or underline key elements for their communicative or pedagogic value, thus making the meaning, impact and consequences of HT clearer to many people.<sup>11</sup> The understanding of HT is in flux.

## REALITY AND RESPONSES

- 16 What follow are ten sets of observations on contemporary HT. They analyze the cruel facts and challenges of HT and suggest responses for the urgent consideration of all individuals and institutions of good will. The sources are the Catholic Church’s current thinking and practice on the elimination of HT, expressed in many statements of Pope Francis on this topic. The sets of observations are grouped under four sub-headings. They begin with establishing why HT takes place and why the depravity of slavery persists in the 21st century. Then, why HT remains so hidden. Third, how HT operates. Finally, what can be done, and how it can be done better.

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10 UN, *Protocol against the Smuggling of Migrants by Land, Sea and Air*, 2000, Art. 3.

11 See, among others, [www.caritas.org](http://www.caritas.org); [www.coatnet.org](http://www.coatnet.org), [www.osce.org/secretariat/trafficking](http://www.osce.org/secretariat/trafficking)

*Among so many open wounds in our world, one of the most troubling is the trade in human beings, a modern form of slavery, which violates the God-given dignity of so many of our brothers and sisters [...].*

Pope Francis, *Greeting to the Second European Assembly of RENATE*, 7 November 2016

## UNDERSTANDING HUMAN TRAFFICKING: THE CAUSES

- 17 HT takes control over its victims and puts them in locations and situations where they are treated as commodities, to be bought and sold and exploited as workers or even as ‘raw materials’ in multiple and unimaginable ways.

*In many parts of the world, there seems to be no end to grave offences against fundamental human rights, especially the right to life and the right to religious freedom. The tragic phenomenon of human trafficking [...] is but one unsettling example of this.*

Pope Francis, *Message for the Celebration of the World Day of Peace* 2014, 8 December 2013.

Until recent times, such treatment was associated with colonialism and the slave trade. Despite the formal abolition of the latter, the exploitation of some human beings by others has not ended but now takes place in terrible new forms on a significantly large scale. These are manifestations of immoral social, cultural and economic systems and practices, which promote consumerist attitudes and increase inequalities within and among regions. Coincidentally, our times have witnessed a growth of individualism and egocentricity, attitudes that tend to regard others through a lens of cool utility, valuing them according to criteria of convenience and personal benefit.

*Narcissism makes people incapable of looking beyond themselves, beyond their own desires and needs.*

Pope Francis, *Post-synodal Apostolic Exhortation Amoris Laetitia*, 19 March 2016

The exploitation of others has perversely but quietly been accepted as a means to achieve one's own pleasure and gain, although the language used may reference the laws of the market: relentless competition to reduce – by any means – the costs for any good and service. Human trafficking deprives many people of their identity and dignity, and commodifies them to the advantage of a few.

*Each year thousands of innocent men, women and children are victims of exploitative labour and sexual abuse, and of organ trafficking, and it seems that we have become so accustomed to this, as to consider it a normal thing. This is deplorable; it is cruel; it is criminal! I wish to remind everyone of the duty to combat this abhorrent plague, a form of modern slavery.*

Pope Francis, *Angelus*, 30 July 2017

If the human family wishes to stamp out HT, society itself will have to change. In order to bring HT to an end, all people will need to simplify their needs, control their habits, rein in their appetites. “Simplicity, moderation and discipline, as well as a spirit of sacrifice, must become a part of everyday life, lest all suffer the negative consequences of the careless habits of a few,” and this “implies avoiding the dynamic of dominion and the mere accumulation of pleasures.”<sup>12</sup>

- 18 The economic, social and cultural phenomena that are shaping modern societies need to be subjected to

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12 John Paul II, *Message for the World Day of Peace* 1990, 8 December 1989, 13, and Pope Francis, *Laudato Si'*, 24 May 2015, 222.

profound ethical assessment.<sup>13</sup> It is vital to safeguard the dignity of the human person, in particular by offering everyone real opportunities for integral human development and by implementing economic policies that favour the family. Pope Benedict XVI taught that “the Church’s social doctrine can make a specific contribution, since it is based on man’s creation ‘in the image of God’ (Gen 1:27), a datum which gives rise to the inviolable dignity of the human person and the transcendent value of natural moral norms. When business ethics prescind from these two pillars, it inevitably risks losing its distinctive nature and it falls prey to forms of exploitation; more specifically, it risks becoming subservient to existing economic and financial systems rather than correcting their dysfunctional aspects.”<sup>14</sup> The personal integrity of each and every human person should always be sought and promoted. As clearly stated in Catholic teaching, policies and measures to counter HT must aim at the integral human development of all persons, and should rely on a people-centred and holistic approach. “I would like to remind everyone, especially governments engaged in boosting the world’s economic and social assets, that the primary capital to be safeguarded and valued is man, the human person in his or her integrity: Man is the source, the focus and the aim of all economic and social life.”<sup>15</sup> No economic and political exercise can obviate the centrality of the human

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13 In this regard, the Pontifical Academy of Sciences and the Pontifical Academy of Social Sciences are dedicating a long-standing effort together with State and non-state actors, as well as international and national institutions, in studying the phenomenon and organizing meetings and working groups to counter this heinous crime.

14 Benedict XVI, *Caritas in Veritate*, 29 June 2009, 45.

15 Benedict XVI, *Caritas in Veritate*, 29 June 2009, 25.

person, whose dignity and fundamental rights must be the ultimate goal of all policies and economies.

*Economic freedom must not prevail over the practical freedom of man and over his rights, and the market must not be absolute, but honour the exigencies of justice.*

Pope Francis, *Address to the General Confederation of Italian Industry*, 27 February 2016

- 19 All over the world the Church is committed to denouncing the commodification and exploitation of people, resulting from the ‘throw-away culture’ which the Holy Father repeatedly condemns and links to the god of money.

*This happens when the deity of money is at the centre of an economic system rather than man, the human person. Yes, at the centre of every social or economic “system must be the person, image of God, created to ‘have dominion over’ the universe. The inversion of values happens when the person is displaced and money becomes the deity.*

Pope Francis, *Address to the Participants in the World Meeting of Popular Movements*, 28 October 2014

Catholic communities should denounce this false deity; even more, they should be the ‘yeast’ within societies by promoting significant changes at the local level, towards the integral human development of all. Stakeholders can also do this by establishing an economy of communion.

*You can share more profits in order to combat idolatry, change the structures in order to prevent the creation of victims and discarded people, give more of your leaven so as to leaven the bread of many. May the ‘no’ to an economy that kills become a ‘yes’ to an economy that lets live, because it shares, includes the poor, uses profits to create communion.*

Pope Francis, *Address to Participants in the Meeting ‘Economy of Communion’, sponsored by the Focolare Movement*, 4 February 2017



## 2. THE DEMAND ASPECT

- 20 In public discourse, much attention is paid to traffickers who provide the supply side of HT, although few are arrested and far fewer still convicted. Little is said about the consumers: the factor of demand, which traffickers continue to meet. Considering the different areas in which the victims of HT work or operate (agriculture, domestic work, prostitution and so on), the consumers constitute a huge mass who seem largely unaware of the exploitation of persons who are trafficked, yet enjoy the benefits and services they provide. If men, women and children are trafficked, this is ultimately because there is great demand that makes their exploitation profitable.

*If there are so many young women victims of trafficking who end up on the streets of our cities, it is because many men here — young, middle-aged, elderly — demand these services and are willing to pay for their pleasure. I wonder then, is the principal cause of trafficking really the traffickers? I believe the principal cause is the unscrupulous selfishness of the many hypocrites in our world. Of course, arresting traffickers is an obligation of justice. But the true solution is the conversion of hearts, cutting off demand in order to dry out the market.*

Pope Francis, *Address to the Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018

People who generate the demand share real responsibility for the destructive impact of their behaviour on other human persons, and for the moral values violated in the process.

- 21 To reduce the demand that drives HT, accountability, prosecution and punishment are needed along the entire chain of exploitation, from the recruiters and traffickers to the consumers.

*We cannot become distracted: we are all called to leave behind any form of hypocrisy, facing the reality that we are part of the problem. The*

*problem is not in the opposite lane: it involves us. We are not permitted to look elsewhere and declare our ignorance or our innocence.*

Pope Francis, *Video Message to the Participants in the International Forum on Modern Slavery*, 7 May 2018

Punishment of entrapped and exploited people does not appear to be an effective solution, since it simply results in blaming and punishing the victims. Instead, the huge market for such services needs to be laid bare. The buying of so-called sexual services, in all forms including pornography, internet based cyber-sex, strip clubs and erotic dancing venues, is a serious offence against human dignity and human integrity, and an affront to human sexuality. States should consider criminalizing those who take advantage of prostitution or of other uses of sexual exploitation provided by those who have been trafficked. Accountability along the chain of exploitation is also needed when HT facilitates forced marriage, servitude, forced begging, organ-harvesting and reproductive exploitation. Awareness campaigns on the responsibilities and liabilities of the demand side of HT should be promoted at both the national and international levels, with the cooperation of all concerned parties.

*The world stands in need of concrete signs of solidarity, especially as it is faced with the temptation to indifference.*

Pope Francis, *Catechesis for All Workers of Mercy and Volunteers*, 3 September 2016

- 22 Buying sexual services from a prostitute has nothing to do with love; instead, it is a serious offence against human dignity.

*[Prostitution] is torturing a woman. Let's not confuse the terms. This is criminal, sick mentality. And I want to [...] ask forgiveness to you and*

*society for all Catholics who perform this criminal act*

Pope Francis, *Pre-Synodal Meeting with Young People*, 19 March 2018<sup>16</sup>

As Pope Francis asserted to a young HT survivor from Nigeria, conversion is needed in Christian communities too, which are called to support every effort to eliminate the demand that sustains the whole HT chain. “Could anyone standing face to face with people who actually do suffer violence and sexual exploitation ‘explain’ that these tragedies, portrayed in virtual form, are considered merely ‘entertainment’?” This question posed by Pope Benedict XVI<sup>17</sup> constitutes an appeal to all Catholics to contribute to raising awareness of consumers’ moral and indeed civil responsibilities.

## ACKNOWLEDGING HUMAN TRAFFICKING: OUT OF THE SHADOWS

### 3. RELUCTANCE TO ACKNOWLEDGE THE DIRE REALITY OF HUMAN TRAFFICKING

- 23 Despite public commitments by States and non-state actors, and despite multiple awareness campaigns undertaken, there is still widespread ignorance on the nature and the spread of HT.

*Certainly there is a lot of ignorance on the topic of trafficking. But sometimes there also seems to be little will to understand the scope of the issue. Why? Because it touches close to our conscience; because it is thorny; because it is shameful. Then there are those who, even knowing this, do not want to speak because they are at the end of the ‘supply chain’, as a user of the ‘services’ that are offered on the street or on the Internet*

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16 This citation is taken from Domande dei giovani e risposte del Santo Padre. Unofficial translation.

17 *Address at the Welcoming Celebration by the Young People in Barangaroo*, 17 July 2008.

Pope Francis, *Dialogue with Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018

Persons who are trafficked usually remain invisible, and HT itself is not easily perceived or detected in one's surrounding society. Many people are prone to lament HT elsewhere, without realizing that it is also taking place in their vicinity as well as in cyberspace.

*Particular concern must be shown for migrant children and their families, those who are victims of human trafficking rings, and those displaced due to conflicts, natural disasters and persecution. All of them hope that we will have the courage to tear down the wall of 'comfortable and silent complicity' that worsens their helplessness; they are waiting for us to show them concern, compassion and devotion.*

Pope Francis, *Message for the Second Holy See-Mexico Conference on International Migration*, 14 June 2018

Sadly, people who are trafficked are often manipulated and trapped in psychological schemes that do not enable them to escape, to ask for help or even to have a clear understanding of having been – or worse, of actually still being – victims of criminal activity.

*The risks inherent in some of these virtual spaces must not be underestimated; through the web, many young people are lured and drawn into slavery from which it then becomes beyond their ability to free themselves.*

Pope Francis, *Dialogue with Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018

Furthermore, many of those potentially on the front line, such as law enforcement officers, public prosecutors, judicial authorities and social and health professionals, are often not sufficiently trained to identify and deal with victims of HT with all the competence, discretion and sensitivity they require.

- 24 When HT occurs across a country's borders, the communities of origin, transit and destination should be properly informed. Relevant information includes HT prevention, identification and prosecution; the risks, modalities and consequences of HT; and applicable international and national laws. Specific programmes of education and self-education, aimed at reinforcing the capacities for prevention, protection, prosecution and partnership, should be offered at the community level

*In recent years, the Holy See [...] has increased its appeals to the international community for cooperation and collaboration between different agencies in putting an end to this scourge. Meetings have also been organized to draw attention to the phenomenon of human trafficking [...]. It is my hope that these efforts will continue to expand in years to come.*

Pope Francis, *Message for the World Day of Peace* 2015, 8 December 2014

Such programmes should also envisage the appropriate involvement of individuals who have been trafficked.

*All those who have been victims of trafficking have been immeasurable sources of support for new victims, and extremely important informational resources to save many other young people.*

Pope Francis, *Dialogue with Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018

In addition, youth should be educated to embrace a responsible sexual life within the context of faithful and life-long marriage, to show an ethical respect for other persons, to use the internet with prudence and discrimination, and to inform themselves about the origins and production of the goods they purchase.

*Initiatives to combat human trafficking, while concretely aimed at dismantling criminal structures, must increasingly consider broader*

*issues associated, for example, with the responsible use of technology and the communications media, to say nothing of exploring the ethical implications of models of economic growth that privilege profit over persons.*

Pope Francis, *Address to the Members of the 'Santa Marta Group'*, 9 February 2018

## 25 Catholics should engage personally, within the family:

*The work of raising awareness must begin at home, with ourselves, because only in this way will we be able to then make our communities aware, motivating them to commit themselves so that no human being may ever again be a victim of trafficking.*

Pope Francis, *Dialogue with Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018

They should also engage at the community level, in every effort to raise awareness and educate youth so as effectively to prevent and combat HT.

*A first task [...] is to put into effect a strategy for ensuring greater awareness of the subject, breaking the veil of indifference that seems to cover the fate of this portion of humanity that suffers, that is suffering.*

Pope Francis, *Video Message to the Participants in the International Forum on Modern Slavery*, 7 May 2018

## 4. IDENTIFYING AND REPORTING HUMAN TRAFFICKING

### 26 The identification and reporting of HT crimes are hindered by several factors. Police investigations are difficult and long. The obstacles to gathering evidence of this criminal activity also include widespread corruption and lack of cooperation by the authorities in third countries.

*Another cause of slavery is corruption on the part of people willing to do anything for financial gain. Slave labour and human trafficking often require the complicity of intermediaries, be they law enforcement personnel, state officials, or civil and military institutions.*

Pope Francis, *Message for the Celebration of the World Day of Peace* 2015, 8 December 2014

Resources are inadequate to address the crime by law enforcement and courts, often coupled with a lack of clear jurisdiction and lines of authority. Besides the traditional approach, law enforcers need to consider other forms, for example, financial investigations. The complex multi-sectoral nature of human trafficking poses significant challenges. There are also cultural constraints that hinder the proper recognition of HT. Survivors frequently do not report the crime due to different compelling motives. Trafficked persons are often legitimately afraid to denounce and testify against the perpetrators. Facing real threats, they fear for their own lives or for the well-being of their families; or lacking the necessary documentation for being in a country or authorization to work, they are afraid that they too will be prosecuted. Moreover, they frequently feel ashamed, utterly alone and unable to trust anyone. Their trauma can make them unwilling or unable to recount their stories, reluctant to relive the atrocious abuses and sufferings. Threats, violence, and despair paralyze them, just as their traffickers had formerly entrapped them.

*“There is a sociological fact: organized crime and the illegal trafficking of human beings choose their victims among people who today have little means of subsistence and even less hope for the future. To be clearer: among the poorest, among the most neglected, the most discarded.”*

Pope Francis, *Video Message to the Participants in the International Forum on Modern Slavery*, 7 May 2018

- 27 To foster HT detection and reporting, law enforcement officers, public prosecutors, judicial authorities and social and health professionals should be well-trained and properly instructed on HT identification and prosecution according to applicable international and national laws. Corruption and connivance by State actors should be vigorously

denounced and prosecuted. Competent advocacy by all those concerned, including HT survivors, should be promoted at both the international and national levels. This advocacy should aim at implementing all international agreements, rules and standards that respect migrant rights and promote the integral development of the human person, consistent with the teaching of the Church. Survivors of HT should be encouraged - but not compelled - to participate in the prosecution of their exploiters. Those who choose to cooperate should be supported to do this safely. Any additional fear and stress on their part should be avoided. They should be assured protection, including protection of their privacy, plus safe shelter and both psychological and social assistance. Special protection should be provided to minors who have been victims of trafficking, and any plan for their future should be based on the principle of the best interest of the child taking into account the rights and duties of his or her parents, legal guardians or other individuals legally responsible for them.<sup>18</sup>

*'Protecting' has to do with our duty to recognize and defend the inviolable dignity of those who flee real dangers in search of asylum and security, and to prevent their being exploited. I think in particular of women and children who find themselves in situations that expose them to risks and abuses that can even amount to enslavement.*

Pope Francis, *Message for the Celebration of the World Day of Peace 2018*, 24 November 2017

As appropriate, lawyers, civil society groups and faith-based organizations should be allowed to act as proxies of survivors in investigations and trials. The burden of proof should not rest on HT survivors alone. So

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18 Convention on the Rights of the Child, Article 3.



long as the crime of HT continues to go mostly undetected, traffickers will operate with near impunity.

- 28 The solid commitment to work against the disgrace that is HT continues to inspire the work of service and advocacy undertaken by Catholic-inspired organizations. Churches, Christian communities and other religious organizations which enjoy the trust of those who have been trafficked should be prompted to cooperate in police investigations and legal processes. “The reality is that many trafficking survivors struggle to trust law enforcement, making their liberation and the prosecution of their traffickers much more difficult. Experience has shown that it is much easier for them to grow to trust religious sisters, and other Church personnel, who can build up their trust in the legal process and provide them safe haven and other forms of assistance.”<sup>19</sup>

## THE DYNAMICS OF HUMAN TRAFFICKING: AN UGLY, EVIL BUSINESS

### 5. THE BUSINESS CONNECTION

- 29 Modern finance, commerce, transportation and communications provide opportunities for the unscrupulous to enter into the system of entrapping and exploiting human persons. In industries such as agriculture, fishing, construction and mining, HT has expanded through collaboration among numerous and various perpetrators, making the phenomenon more complex and complicating the assessment of its origins and impact. The crime is easily hidden within current business models. Outrage, while

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19 Paul R. Gallagher, *Intervention on the Protection of and Assistance to Victims*, 28 September 2017.

utterly appropriate, tends to obscure the cold logic of HT as extremely profitable, implanted within even well-regarded businesses. When well-meaning efforts to block HT are undertaken, unscrupulous entrepreneurs simply shift their tactics to avoid the counter-measures.

- 30 There is an urgent need for ethical assessment of current business models, aimed at revealing the mechanisms of entrapment and exploitation adopted by companies. The Church encourages both sides of the commercial relationship – entrepreneurs who provide and end-users who consume – to engage in this ethical reflection and then to make the changes that are called for.

*Economic models, therefore, are also required to observe an ethic of sustainable and integral development, based on values that place the human person and his or her rights at the centre.*

Pope Francis, *Message to the Executive Chairman of the 'World Economic Forum' on the occasion of the Annual Gathering*, 23 January 2018

- 31 The Church is committed to promoting values and business models that truly enable persons and peoples to fulfil God's plan for humankind and to facilitate participation in the economy by all.

*The commercial and managerial activities of a company can become places of sanctification, through each person's commitment to building fraternal relationships among businesspeople, executives and employees, fostering co-responsibility and cooperation in common interests.*

Pope Francis, *Address to the Christian Union of Business Executives*, 31 October 2015

All Catholics should proactively engage in making societies more just, respectful and inclusive, eliminating all forms of exploitation, especially those that are most ruthless.

*While individuals and groups speculate shamefully on slavery, we Christians, all together, are called to develop more and more collaboration, to overcome all kinds of inequality, all kinds of discrimination, which are precisely what makes it possible for a man to make another man a slave. A common commitment to facing this challenge will be a valuable aid for the construction of a renewed society oriented towards freedom, justice and peace.*

Pope Francis, *Video Message to the Participants in the International Forum on Modern Slavery*, 7 May 2018

## 6. WORKING CONDITIONS AND SUPPLY CHAINS

- 32 HT is often hidden within the labyrinth of supply chains. Increasingly competitive markets compel firms to cut labour costs and access raw materials at the lowest possible price.

*Many more, every day, carry the weight of an economic system that exploits human beings, imposing on them an unbearable 'yoke', which the few privileged do not want to bear.*

Pope Francis, *Angelus*, 6 July 2014

Frequently, workers have no choice but to sign contracts with exploitative conditions. A thorough ethical assessment of the human dimensions of supply, production, distribution and recycling rarely takes place. The attention that now is beginning to be paid to supply chains helps to enhance transparency and accountability, but this should not distract everyone from an honest and thorough assessment of the real responsibilities of consumers and of the countries they live in.

*States must ensure that their own legislation truly respects the dignity of the human person in the areas of migration, employment, adoption, the movement of businesses offshore and the sale of items produced by slave labour.*

Pope Francis, *Message for the Celebration of the World Day of Peace 2015*, 8 December 2014

- 33 The demand for cheap goods based on cheap labour needs to be promptly and properly addressed, both by raising public awareness and through legislation. To encourage a fair economic model promoting the integral human development of all, legislation should require all companies, particularly those working transnationally and outsourcing in developing countries, to invest in the transparency and accountability of their supply chains.

*Businesses have a duty to ensure dignified working conditions and adequate salaries for their employees, but they must also be vigilant that forms of subjugation or human trafficking do not find their way into the distribution chain.*<sup>20</sup>

Pope Francis, *Message for the World Day of Peace 2015*, 8 December 2014

Regulations should be put in place requiring employment contracts that are duly established, free of abusive clauses and duly respected. Campaigns should make the final consumers aware when victims of HT are involved in any process of production.

*We must raise awareness of this new evil which, in the world at large, wants to be hidden since it is scandalous and 'politically incorrect'. No one likes to acknowledge that in one's own city, even in one's own neighbourhood, in one's region or nation there are new forms of slavery, while we know that this plagues almost all countries.*

Pope Francis, *Address to Participants in the Plenary Session of the Pontifical Academy of Social Sciences*, 18 April 2015

“It is good for people to realize that purchasing is always a moral – and not simply economic – act. Hence the consumer has a specific social responsibility, which goes hand-in-hand with the social responsibility of the enterprise.”<sup>21</sup>

20 See also: *Laudato Si'*, 123.

21 Benedict XVI, *Caritas in Veritate*, 29 June 2009, 66.

- 34 Catholic business leaders should put the Church's teachings into practice by providing decent working conditions and adequate pay to support one's family: "Recognising the subjective dimension of work acknowledges its dignity and importance. It helps us to see that work is for the person and not the other way around. Employees are not mere 'human resources' or 'human capital'."<sup>22</sup> All Church offices, religious congregations and Catholic organisations should also devote the necessary training, resources and expertise in order to properly monitor their procurement policies and employment contracts, to ensure that these are respectful of fundamental human rights and dignity.

*Being 'united in defense of hope' requires a greater culture of transparency among public entities, the private sector and civil society. I do not exclude here ecclesiastical organizations. No one can be excluded from this process. Corruption is preventable and calls for commitment on the part of all.*

Pope Francis, *Address to Authorities, the Civil Society and the Diplomatic Corps*, Government Palaces Honour Yard, Lima, 19 January 2018

## 7. HUMAN TRAFFICKING AND MIGRANT SMUGGLING

- 35 In reality, the line between migrant smuggling and HT is growing thinner. A situation of migrant smuggling can easily become HT. In recent years, in massive mixed flows of migrants and refugees, many desperate people, compelled by the lack of accessible and legal alternatives - also due to increasingly restrictive migration policies, have begun as clients of smugglers only to become victims of traffickers. When governmental and non-governmental humanitarian programmes fall short of dealing with the numbers of people seeking protection

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22 Dicastery for Promoting Integral Human Development, *Vocation of the Business Leader. A Reflection*, Rome 2018, 49.

or resettlement, and as international humanitarian and development assistance is being reduced, migrant smugglers and then traffickers prove expert in capitalizing on these inadequacies.

*Traffickers are often people without scruples, without morals or ethics, who live on other people's misfortunes, exploiting human emotions and people's desperation in order to subjugate them to their will, rendering them slaves and subservient. Suffice it to think how many very young African women arrive on our shores hoping to start a better life, thinking they will earn an honest living, and instead are enslaved, forced into prostitution.*

Pope Francis, *Dialogue with Participants in the World Day of Prayer, Reflection and Action against Human Trafficking*, 12 February 2018

- 36 To prevent people from resorting to the services of smugglers and falling into the hands of traffickers, one should first of all ensure that they do not feel forced to leave their homelands. The most radical form of prevention is, thus, upholding *the right to remain* in one's country and place of origin and ensuring that people have access there to basic goods and integral human development. People's basic needs are even more acute in situations of armed conflict or violence which often force them to flee without a minimum of preparation or protection. When for whatever reasons they have decided to leave, or are forced to do so, smuggling and trafficking can be prevented if more accessible legal pathways for safe and orderly migration are provided.

*Welcoming means, above all, offering broader options for migrants and refugees to enter destination countries safely and legally. This calls for a concrete commitment to increase and simplify the process for granting humanitarian visas and for reunifying families.*

Pope Francis, *Message for the 104th World Day of Migrants and Refugees* 2018, 15 august 2017

Reliable information about migration and asylum needs to be communicated and disseminated.

*The ethical quality of communication is the result of conscientious — not superficial — attention, always respectful of people, both those who are the subject of information and the recipients of the message. Each, in his own role and with his own responsibility, is called to be vigilant in maintaining a high level of ethics in communication.*

Pope Francis, *Address to the Executive Directors and Employees of the Italian Radio-Television Network (Rai)*, 18 January 2014

*Protection begins in the country of origin, and consists in offering reliable and verified information before departure, and in providing safety from illegal recruitment practices.*

Pope Francis, *Message for the 104th World Day of Migrants and Refugees 2018*, 15 August 2017

There needs to be special and intense prosecution of organized crime engaged in people smuggling and trafficking nationally and transnationally, along with prosecution of connivance by local and national authorities.

*Corruption is a fraud against democracy and it opens the doors to other terrible evils such as drugs, prostitution and human trafficking, slavery, organ trafficking, arms trafficking, and so on.*

Pope Francis, *Address to Participants in the International Conference of the Christian Union of the Business Executives (UNIAPAC)*, 17 November 2016

### 37 The Catholic Church is committed to protecting the victims of HT.

*Protecting these brothers and sisters is a moral imperative which translates into [...] implementing timely and humane programmes in the fight against 'the trafficking of human flesh' which profits off others' misfortune.*

Pope Francis, *Address to the International Forum on 'Migration and Peace'*, 21 February 2017

This begins with reminding parents and family members about their role as first protectors against traffickers. Everyone should be encouraged to unmask and denounce illegal recruitment practices, engage in various initiatives within their reach and work towards a spirit of fairness and for the enhancement of legal pathways for migrants and asylum seekers.

## RESPONDING TO HUMAN TRAFFICKING: ROOM FOR IMPROVEMENT

### 8. BOLSTERING COOPERATION

- 38 The implementation of the *Palermo Protocol* has been commonly presented in the form of three Ps: prevention, protection and prosecution. Several national and international institutions have developed their policies and programmes along these lines. Moreover, there is a fourth ‘P’, namely partnership, which is no less important, but may well remain weak. Lack of cooperation - or even competition - among various State actors often renders well-intentioned policies and programmes ineffective.

*In some cases, the lack of cooperation between States means many people are left outside the law and without the chance to assert their rights, forcing them into a position between being taken advantage of by others or resignation to becoming victims of abuse.*

Pope Francis, *Message to President of Panama on the Occasion of the Seventh Summit of the Americas*, 10 April 2015

This is true at the international, national and local levels. Similar difficulties diminish the effectiveness of the actions undertaken by civil society organizations.

*Intergovernmental organizations, in keeping with the principle of subsidiarity, are called to coordinate initiatives for combating the transnational networks of organized crime which oversee the trafficking of persons and the illegal trafficking of migrants. Cooperation is clearly*



*needed at a number of levels, involving national and international institutions, agencies of civil society and the world of finance.*

Pope Francis, *Message for the Celebration of the World Day of Peace 2015*, 8 December 2014

The engagement of the business sector and media in coordinated actions together with other relevant actors is still very weak.

- 39 Cooperation and coordination among national and international institutions are crucial and fundamental to eradicate HT and to make everyone's actions more expeditious and effective, whether in places of origin, transit or destination.

*Much more needs to be done on the level of raising public consciousness and effecting a better coordination of efforts by governments, the judiciary, law enforcement officials and social workers.*

Pope Francis, *Greeting of to the Second European Assembly of RENATE*, 7 November 2016

States should share relevant information on HT with other States and develop joint responses in terms of prevention, protection and prosecution. Greater cooperation is needed, as well as the provision of technical and other assistance to countries all along the HT routes. In order to be effective, cooperation and coordination must also involve civil society, faith-based organizations and religious leaders as well as the business sector and media.

*Cooperation between the Bishops and civil authorities, each according to their own mission and proper nature, to the end of discovering the best practices to accomplish this delicate task, is a decisive step in assuring themselves that the will of the governments reaches the victims in a direct, immediate, constant, effective and tangible way.*

Pope Francis, *Greeting of to the Second European Assembly of RENATE*, 7 November 2016

- 40 While the Catholic Church has already taken some important steps towards effective coordination among its own institutions, there is room for improvement. Within the Church, greater cooperation among Bishops Conferences, individual dioceses, religious congregations and Catholic organizations would make existing programmes targeting HT more effective and give rise to new ones. Also helpful would be to work with other Christian churches and communities and collaborate with the followers of other religions.

*Dialogue based on confident respect can bring seeds of good that in their turn may bud into friendship and cooperation in many fields, especially in service to the poor, to the least, to the elderly, through welcoming migrants, and attention to those who are excluded. We can walk together taking care of one another and of creation.*

Pope Francis, *Interreligious General Audience on the Occasion of the 50th anniversary of the Promulgation of the Conciliar Declaration 'Nostra Aetate'*, 28 October 2015

Moreover, cooperation among the Churches in the places of origin and of return of HT survivors could improve reintegration programmes.

## 9. PROVIDING SUPPORT TO HUMAN TRAFFICKING SURVIVORS

- 41 The reintegration of HT survivors in society is no simple matter, given the traumas they have suffered.

*The task of "humanitarian and social workers [...] is to provide victims with welcome, human warmth and the possibility of building a new life.*

Pope Francis, *Address to Participants in the International Conference on Combating Human Trafficking*, 10 April 2014

Their many needs begin with the physical, psychological and spiritual; they need to heal from trauma, stigma and social isolation.

*They are human people, I stress this, who are appealing for solidarity and assistance, who need urgent action but also and above all understanding and kindness.*

Pope Francis, *Address to Participants in the Plenary of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People*, 24 May 2013

Health providers often need to be specifically trained in order to identify the symptoms and to treat the unique, albeit multi-dimensional consequences of HT. The practical challenges are many. Victims require help to pay off debts, secure accommodation, learn new skills, and find and keep decent employment. Yet HT survivors tend to be overlooked, rejected, punished, or even scapegoated, as if the degrading things they were forced to do were in fact their own fault.

- 42 States should establish or improve programmes and mechanisms for protecting, rehabilitating and reintegrating victims, allocating to them the economic resources seized from the traffickers.

*Victims are the first in need of rehabilitation and reintegration in society”; “All of society is called to grow in this awareness, especially with regard to national and international legislation, in order to be able to ensure that traffickers be brought to justice and their unjust earnings redirected for the rehabilitation of victims.*

Pope Francis, *Statement to the ‘Judges’ Summit on Human Trafficking and Organized Crime*”, 3 June 2016, and *Address to the Plenary Session of the Pontifical Academy of Social Sciences*, 18 April 2015

Appropriate shelter and decent work are important priorities, as well as access to the services of social workers, psychologists, therapists, lawyers, medical practitioners, hospital emergency department personnel and other professionals. All of these require training to recognise and respond to the complex needs of persons who have been trafficked. When survivors prefer to stay in the country of destination, they will need access

to quality education and programmes aiming at their social and occupational integration.

*The basic response lies in creating opportunities for integral human development, starting with a quality education: this is the key point, quality education from early childhood, to continue generating new opportunities for growth through employment. Education and employment.*

Pope Francis, *Video Message to the Participants in the International Forum on Modern Slavery*, 7 May 2018

Pathways for reuniting with family must be available.

*The family dimension of the process of integration must not be overlooked.*

Pope Francis, *Address to Participants in the International Forum on Migration and Peace*, 21 February 2017

Special attention is needed for survivors with long-term emotional or mental health disorders or substance abuse. Above all, no matter what the practical measures taken, these survivors are human beings and should always feel that they are being treated with the greatest respect.

- 43 Local Churches, religious congregations and Catholic-inspired organizations which have pioneered support programmes for HT survivors, are urged by Pope Francis to enhance and professionalise their efforts and coordinate them better, while reminding others of their responsibilities.

*Yet I would like to mention the enormous and often silent efforts which have been made for many years by religious congregations, especially women's congregations, to provide support to victims.*

Pope Francis, *Message for the World Day of Peace 2015*, 8 December 2014

*The Church is committed to raise awareness of the growing need to support victims of these crimes by accompanying them on a path of reintegration into society and the recovery of their human dignity. The Church is grateful for every effort made to bring the balm of God's*

*mercy to the suffering, for this also represents an essential step in the healing and renewal of society as a whole.*

Pope Francis, *Address to the 'Santa Marta Group'*, 9 February 2018

Pastoral workers serving HT survivors should always recall the importance of addressing their spiritual needs, recognizing the healing power of faith, which is especially offered to Catholics in the Eucharist and the Sacrament of Reconciliation.

*The Church [...] is charged with showing to all the path to conversion, which enables us to change the way we see our neighbours, to recognize in every other person a brother or sister in our human family, and to acknowledge his or her intrinsic dignity in truth and freedom.*

Pope Francis, *Message for the World Day of Peace 2015*, 8 December 2014

Through witnessing to the merciful love of God, the faithful might also contribute to the conversion and rehabilitation of perpetrators of HT.

*We Christians believe and know that Christ's resurrection is the true hope of the world, the hope that does not disappoint. It is the power of the grain of wheat, the power of that love which humbles itself and gives itself to the very end, and thus truly renews the world. This power continues to bear fruit today in the furrows of our history, marked by so many acts of injustice and violence. It bears fruits of hope and dignity where there are deprivation and exclusion, hunger and unemployment, where there are migrants and refugees (so often rejected by today's culture of waste), and victims of the drug trade, human trafficking and contemporary forms of slavery.*

Pope Francis, *Urbi et Orbi Message, Easter*, 1 April 2018

## 10. PROMOTING REINTEGRATION

- 44 After trafficked persons have been released and repatriated to their place of origin, reintegration needs to follow, but such national and international programmes are quite rare. The few that do exist often entail a speedy

and compulsory return, with little consideration of the obstacles and even dangers of repatriation. A country of destination should honour its responsibility to provide survivors of HT with a residence permit, specialized psychological assistance and alternative livelihoods before their eventual repatriation.

- 45 The return of HT survivors – whether repatriated from foreign soil or relocated within their home country – should never be compulsory. Conversely, full support should be offered to HT survivors who opt to go back home. “In the less developed countries from which most of the victims come, there is a need to develop more effective mechanisms for the prevention of trafficking in persons and the reintegration of its victims.”<sup>23</sup> They should be assured a safe return, proper assistance in their place of origin and effective protection against being trafficked again or subjected to retaliation or harassment by the traffickers. Supportive services should be available to survivors and their families. Job-training and ready access to employment are very important.

*For those who decide to return to their homeland, I want to emphasise the need to develop social and professional reintegration programmes.*

Pope Francis, *Message for the 104th World Day of Migrants and Refugees 2018*, 14 January 2018

Without full reintegration, the terrible trajectory of HT will not be dismantled, nor will stigma and suffering be left behind, nor the HT survivor made whole or offered a chance to live a life worthy of his or her human rights and dignity.

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23 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.

- 46 Reintegration programmes addressing HT survivors should always include the spiritual dimension as an essential element of the integral human development, which is their ultimate goal. This spiritual dimension should be fully integrated in the action of all Catholic-inspired and faith-based organizations that generously serve HT survivors.

## CONCLUSION

- 47 “I have always been distressed at the lot of those who are victims of various kinds of human trafficking. How I wish that all of us would hear God’s cry, ‘Where is your brother?’ (Gen 4:9). Where is your brother or sister who is enslaved? Let us not pretend and look the other way. There is greater complicity than we think. This issue involves everyone!”<sup>24</sup>

The Holy Father prays that “God may liberate all those who have been threatened, injured or mistreated by trade and trafficking in human beings, and may bring comfort to those who have survived such inhumanity.” He appeals to each and every one of us “to open our eyes, to see the misery of those who are completely deprived of their dignity and their freedom, and to hear their cry for help.”<sup>25</sup>

In accordance with Pope Francis’s repeated exhortations and encouragement, may these *Pastoral Orientations* serve as a framework for planning, establishing, conducting and evaluating the whole range of actions aimed towards the important and urgent goal of overcoming HT. While the

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24 Pope Francis, *Apostolic Exhortation Evangelii Gaudium*, 24 November 2013, 211.

25 Pope Francis, *Message to the Catholic Bishops’ Conference of England and Wales for the Day of Life*, 17 June 2018. Unofficial translation.

immediate objective is the liberation and rehabilitation of all who are entangled in HT, the ultimate goal is to dismantle and eradicate this most evil and sinful enterprise of deception, entrapment, domination and exploitation. “This immense task, which requires courage, patience and perseverance, demands a joint and global effort on the part of the different actors that make up society. The Churches must also play a role in this.”<sup>26</sup>

## PRAYER

*Heavenly Father, we thank you for the inspiring example of Saint Josephine Bakhita.*

*Saint Josephine Bakhita, you were enslaved as a child; you were bought and sold, you were treated brutally.*

*Intercede, we implore you, for all those who are trapped in trafficking and slavery. May their captors let them go, and may this evil be erased from the face of the earth.*

*Saint Josephine Bakhita, once you regained your freedom, you did not let your sufferings define your life.*

*You chose a path of kindness and generosity.*

*Help those blinded by greed and lust*

*who trample the human rights and dignity of their brothers and sisters.*

*Help them to break out of their hateful chains,*

*to become fully human again, and to imitate your kindness and generosity.*

*Dear Saint Josephine Bakhita, your freedom drew you to Christ and his Church. Then God called you to religious life as a Canossian Sister.*

*You practiced great charity, mercy and joyful gentleness in your vocation.*

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26 Pope Francis, *Video Message to the Participants in the International Forum on Modern Slavery*, 7 May 2018.



*Help us always to be like you, especially when we feel tempted to look away and not to help, to reject others or even to abuse them. Intercede for us so that Christ may fill our hearts with joy as he always filled yours.*

*O Loving God, pour your merciful light into our troubled world. Let it flood into the darkest shadows.*

*Bring salvation to the innocents who suffer under sinful abuse.*

*Bring conversion to the utterly lost souls who hold them captive and exploit them.*

*Give us all the strength to grow in the true freedom of love for you, for each other and for our common home. Amen.*

**REPORT OF THE PRESIDENT AT THE  
XIV CONGRESS OF THE INTERNATIONAL  
COMMISSION OF CATHOLIC PRISON PASTORAL  
CARE (ICCPCC)  
PANAMA CITY 6<sup>TH</sup> – 10<sup>TH</sup> FEBRUARY 2017**

Dear Friends,

Some time has passed since our last Congress held in Yaounde, Cameroon in September 2011. However, for the ICCPPC that time has been fruitfully spent in such diverse ways across the continents as you and I have contributed greatly in the field of Catholic Prison Pastoral Care.

The Board has been working on your behalf developing areas of pastoral care and responding to various requests where possible. As always the greatest resource we have is ourselves –the men and women who work tirelessly, sometimes with little or no reward, to ensure that those in prison are safe and that their voice is heard. I know many of you are not paid and often struggle to provide for you own families; I know priests and religious who have to balance their parish life and that of the prison while still finding time for themselves. So I thank you sincerely for all you have done and will continue to do on behalf of ICCPPC. Since Cameroon, the Board has held an annual meeting in Popowo (Poland), Buenos Aires (Argentina), New Delhi (India) and Edinburgh (Scotland).

The meetings have coincided with National events to allow the Board to have first-hand experience of what is happening in each country and also meet with local chaplains, volunteers and where possible prisoners and prison staff. This experience gives us an understanding of what is needed in each region and also an overview of the tremendous work being carried out by all those involved in prison ministry. Here the Church is clearly alive and active.

In my capacity as President of ICCPPC, I have been attending the annual meeting of the UN Crime Commission in Vienna, usually held in May. This has given the opportunity for ICCPPC to link in with the Holy See's representative to the UN in Vienna and also with many other NGOs such as Amnesty International, Prison Reform International, and UN groups such as ACUNS. This relationship has enabled us to have a voice on various subjects such as: overcrowding, mental health, women in prison, children in prison, healthy eating, good medical facilities, decent living accommodation, reintegration and employment, refugees and radicalization. One of our proudest moments, after years of debate was to see the adoption of the Mandela Rules (formerly the Standard Minimum Rules for the Treatment of Prisoners) I was fortunate to have played a big role in getting a meeting held in South Africa which led to the agreement and adoption of these rules especially in terms of freedom of religion amongst many other changes.

As a result of the ICCPPC's presence at the UN, I was also asked to take part in several meetings of the Council of Europe and the European Union, along with some other colleagues of ICCPPC and the Holy See's Permanent Representative. These meetings were very constructive and encouraging as all the European Ministers of Justice said that 'the Church is the solution to the problem of radicalization and not the

problem' and that we needed 'more chaplains and highly trained chaplains'. Hearing this remark many times over helped me to realize that prison chaplaincy has a huge role to play in modern day society.

Other meetings included meeting with the Congregation for the Clergy and hearing how highly regarded prison chaplaincy is held by Cardinal Stella who himself is engaging with Episcopal Conferences to see what further links can be made between the Holy See and ICCPPC to enable us to work better together; visits were also made by myself and the secretary-general to see Cardinal Turkson at the pontifical Council for Justice and Peace and I made a further visit to the San Egidio Community in Rome.

The final meeting the Secretary-general, Mr. Ryan van Eijk, and I made to Rome was as part of the Jubilee Year of Mercy when we attended that awe-inspiring Mass Pope Francis celebrated for over 1,000 prisoners. The entire celebration was so deeply moving and spiritual, one which I am sure made a huge impact on all who were present. On that occasion I met with the Holy Father and presented him with the book of reflections written by many prison chaplains to mark the 65<sup>th</sup> anniversary of the founding of ICCPPC. I also presented the Holy Father with a bronze image of the front cover of said book and a course on the Catholic Faith written by a Scottish prison chaplain, Fr. Eddie McGhee entitled 'Faith Inside'.

In conclusion I would like to say that shortly after the Congress in Cameroon, we heard the tragic news of a fire in a prison in Honduras which killed over 300 prisoners. On hearing this news I immediately contacted the local bishop and asked him to pass on to the chaplains the assurance of our prayerful support. I know this was graciously received by all those working through this tragedy that so many

unknown people from around the world were thinking of them in the time of need. Also recently I have been in touch with our colleagues in the Philippines and Brazil offering that same prayerful support and helping to raise awareness their own tragedies.

On a happier note I wish to raise awareness of a project in Singapore called the 'yellow ribbon project' named after a country & western song; 'Tie a yellow ribbon'. This project is met with great enthusiasm and joy as it welcomes those released from prison back into the community as real citizens offering them employment, housing and a real sense of belonging. I encourage you to research this project and see if it can be developed in your own country. Many countries now have events such as 'Prisoners' Week' or 'Prisons' Day' highlighting the needs of those imprisoned, their families and the impact of crime on victims and the wider community.

Finally, I am grateful to the local chaplains and volunteers here in Panama and to the work of CELAM for giving us the opportunity to meet here. I thank to the hotel staff and the volunteers who have assisted us throughout the week; the interpreters who have enabled us to understand each other and above all you –the participants for making this such a successful congress. Of course, we must also remember the many, too many, men and women in prison who journey with us and freely share their life with us, without them we would not be here today. Let us not forget those who are the victims of crime, as church, we have a duty of care to them also within our broken society. Let us ask Our Lady of Mercies intercession on them and on us all as we return to our homes and our work from here.

Thank you and God bless you all.

**Fr. Brian Gowans**  
President of ICCPPC.

## CREATE HOMES NOT CELLS!

**Sebastian Vadakumpadan**

PMI Publications, Bengaluru 2018, i-xiii, 134.

Many say home is where the heart is, a place where you are comfortable and secure. A home is just an environment, where one can be free and can be oneself. A place, where all our innate needs are nurtured and cared for. What we cultivate from home right from our birth, that feeling of wellness, we carry our entire life. Home is also where our memories remain vibrant. Just like memories, home is also where our hopes and dreams are invested in. Home can create a serious emotional toll on many. A bitter feeling of separation from our near and dear ones. The situation becomes drastic when one gets trapped in an internal cell of loneliness, shame, with shattered and broken dreams. One finds one's self has been completely locked away from the reality of life. Whom is to blame for this? Family, society and media? The one who goes through the unrealistic phase of life loses himself/herself completely in all the trauma, especially, when one lands up within the prison walls.

How do we bridge the gap of bringing in a feeling of home to those who are in cells, for example, prisoners who are in jail for a life term, under trial, the young and the old, women with children, many of them languishing there for years? And especially when justice is denied to them? The

author narrates a very touching question posed by a little girl staying with her mother in jail. When one of the volunteers offered her chocolates brought from home, confused she asked, “Are you not from jail?”

As one keeps reading the book, we can measure the percentage of our EQ for our fellow brothers and sisters. In every situation, when we touch the lives of others either we build people or break them. Either one grows or one remains very small in his/her thoughts, word and actions. There are always situations, where we gain new insights and develop fellow feeling for the people touching our lives in a tangible way. The author’s personal experience, the influence of his own mother during his childhood, moulded him, and gave him insights into the heart of a mother, preparing him for his seminary days and long years of Prison Ministry. Then there is the example of Kalyanasundaram, who was able to share his entire earnings with an orphanage. It makes us wonder, but generous people have done it; reaching out to others, come what may.

*Create Home, not Cells!* is a clarion call, an appeal to the readers to leave our comfort zone in order to be a catalyst of change, like the heart of our Divine Master, to our brothers and sisters in prison, giving them our ‘presence’, as the author puts it very clearly. The difficult challenge is to bring them a feeling of home, of reconciliation, of forgiveness, transformation and love, to break the unjust fetters. Unless and until we, the volunteers, experience the anointing of the Holy Spirit, we work in vain. If our ministry has no blessings from above, the task remains at a superficial level. Our help to prisoners through prayers and sacrifices take them to the spiritual realm.

There are risks involved, but we have a mighty God who has gone before us. The volunteers, with our prayers, fasting,

small sacrifices for a bigger commitment, suffering, and as long as we create homes, not cells, contribute to making this planet a better place to live in, like in the song, 'Heal the World' by Michael Jackson very dear to everyone. The short story, 'Can a mouse help a lion?' tells us that everyone deserves our respect. The short story, 'A bird to the lion', and his homily on 'Do not celebrate the fault of others!' where he emphasizes that Joseph did not celebrate his brother's fault are important moral lessons. The novice who received a cheque for the Prison Ministry Sunday collection is a marvellous example of how God works in mysterious ways. God's providence is our bank balance fits in very well with the vision of prison ministry.

Each chapter of two pages or more does not too long to read. After reading a few chapters, the reader is tempted to complete the whole book in no time. What the writer wants to convey is elaborated, with biblical anecdotes. His sensitivity to the most distressing actual life situations of people is exceptional, and there are suitable captions on almost every page. There are short stories, anecdotes of encountering people from different walks of life either in prison or personally.

The examples of self-sacrifice, giving without counting the cost, etc. move the reader to overcome one's ego, selfishness, ghetto spirit and break the bondage of pride. The meaning of suffering from the life of Fr. Mani, gives one a valid reason to live. 'Call to commitment' comments on our relationships and on our work for prison ministry, keeping in mind the backyard of houses and persons. Then there is the episode of the prisoners contributing the "widow's mite" for the release of their fellow prisoners. They have understood the concept of 'create homes, not cells!' The feeling of home does exist among prisoners. The living example of bringing in this



feeling to prisoners is our dear Holy Father Pope Francis washing the feet of twelve prisoners on Maundy Thursday and thus encouraging us to the Ministry of Presence.

The book *Create Homes Not Cells!* is in line with the motto of our Holy Father Pope Francis “Go to the periphery.’ To bring about a change of heart, from selfishness to a transcendental space as Christ did and to bring the message of hope, love and joy to our brethren who need us - mostly our brethren behind the bars – should be our goal.

**Jane Agnes Singh SJC**

## **LOVE BOMB PRISONERS' REFORMATION TRAJECTORY**

**Francis Kodiyan**

Lifeday, Kottayam 2018, 206

*Love Bomb – Prisoners' Reformation Trajectory* is the 8<sup>th</sup> book of Rev Dr Francis Kodiyan, the cofounder of Jesus Fraternity and Prison Ministry India. It is he who launched the first rehabilitation centre for released male and female prisoners in Thrissur and Thiruvananthapuram respectively. Defending his doctoral thesis on the progressive stages of personal transformation at the Pontifical Gregorian University, Rome and thereby acquiring sufficient theoretical basis, serving as the director of Reformative, Research and Documentation Centre (RRDC) for a decade and working as the chief editor of *Reformative Explorations* he has become an authority in releasing, reforming, rehabilitating, reintegrating and redeeming prisoners. *Love Bomb*, a must-read book for PMI volunteers reveals in simple words the history and mystery of Jesus Fraternity and Prison Ministry India. This book definitely proves that Dr Francis Kodiyan, the PMI national coordinator and CBCI secretary to PMI, is truly an expert and specialist in psycho-spiritual and crimino-social aspects of prison ministry.

*Prisoners’ Reformation Trajectory*, as the title signifies, elucidates the different developmental stages of the ecclesial movement, Jesus Fraternity and that of the national organization, Prison Ministry India. *Love Bomb* consists of six chapters, besides a forward and an acknowledgement. Every chapter has endnotes which disclose the roots and depth of the theme discussed. The forward by Sebastian Vadakumpadan, the former PMI national coordinator, exposes the diverse realms of Love Quotient and its connection with the concept of Love Bomb explosion. The first chapter investigates the genesis of Jesus Fraternity at St Thomas Apostolic Seminary, Kottayam, Kerala, India that took place through the divine intervention of the Lord at the phone-cabin of the seminary. This divine initiative brought forth the PMI maxim, “Be a love bomb. Let it be exploded; not to kill but to heal the broken-hearted”. The second chapter delineates the first all-Kerala prison pilgrimage by the Jesus Fraternity prayer group which showered upon them innumerable blessings and experiences of divine providence.

The third chapter illustrates the development of the ecclesial movement, Jesus Fraternity and its ecclesiastical recognition by the Kerala Catholic Bishops’ Council. The fourth chapter discusses the extension of prison ministry from Kerala to all the Indian states. It explicates the first national convention in which Fr Varghese Karipperry was elected as the first national coordinator and the new name, Prison Ministry India, which was chosen for the national level ministry. The fifth chapter deals with the historical development of the rehabilitation centres for male and female prisoners released from jails, and Kolbe Homes and Premodayas for prisoners’ children both boys and girls. The sixth chapter illumines mankind with the theory of *Prisoners’ Reformation Trajectory* meant for the reformation, reconciliation, rehabilitation, reclamation and redemption of prisoners which is the

fruit of the author's prolonged studies at the Pontifical Gregorian University, Rome and the result of his 38 years of experience in serving prisoners. The four stages of Prisoners' Reformation Trajectory – the pre-formative, formative, per-formative and post-formative – describe distinctly the mystery of prisoners' renewal and redemption which is nothing but the unconditional love of God, and the human love and care for the lost.

In brief, *Love Bomb* unveils the secrets of prisoners' release, reformation, rehabilitation, reclamation, and redemption through its theory known as Prisoners' Reformation Trajectory. Francis Kodiyan deserves our highest appreciation for his lifelong commitment to the reformation and rehabilitation of prisoners. Mankind shall ever be grateful to him for his theory known as Prisoners' Reformation Trajectory and for his rehabilitation centres for released prisoners where his theory is applied. This book is an excellent handbook and guide for all those who serve in prison ministry either visiting the prisons or serving in the rehabilitation centres. *Love Bomb* certainly is an affirmation that Jesus came to seek and save the lost and at the same time is a clarion call to clergy, consecrated people and laity to dedicate their lives not merely to the righteous but also to the sinners for repentance, not merely to those who come to Church but also to those who do not come to Church.

**Lini Sheeja MSC**

## **PRISON MINISTRY INDIA : VOLUNTEERS' GUIDE**

PMI Publications, Bangalore 2006, 220+XVI

**Sebastian Vadakumpadan**

Prison Ministry: India Volunteers Guide is a notable and edited work of Fr Sebastian Vadakumpadan, who heroically led the Prison Ministry India for 14 years as its national coordinator. He belongs to the Archdiocese of Ernakulam-Angamaly, and is currently the director of Bharathamatha Law College, Aluva, Kerala. With his immense experience and knowledge in the field of prison ministry, he did a prodigious service to the incarcerated till 2019. Prison Ministry India: Volunteers' Guide is his ambitious work for the guidance of PMI volunteers written out of his personal experience and involvement. This book, more pragmatic than theoretical, is an excellent resource not only to volunteers but also to ministers, religious, students, enthusiasts and philanthropists.

*Volunteers' Guide* is divided in to 5 parts. The first part, speaks about the history of Prison Ministry India (PMI), begins with the personal sharing of Fr Varghese Kariperry and Fr Francis Kodiyan, the founders of PMI on the birth of Jesus Fraternity. It continues to speak about the basic principles and the inevitable realities of prison ministry. As beginners

in this ministry, there is always a possibility that we lose the interest because of the inevitable realities like lack of appreciation, encouragement, and immediate results. This book offers us a great encouragement and hope that we are not alone; with the providence of God, protection of our Blessed Mother Mary and the intercession of the patron of prison ministry - St Maximilian Kolbe. He illustrates the meaning of the PMI emblem and the flag. This part ends with the detailed chronicle on the glorious events took place in Prison Ministry India and offers us the gist of the National conferences of PMI over the years. Overall, this section acts as a platform for the readers to take them deep into the Ocean of PMI.

The second part of this book deals with the practicality of PMI, which begins by offering knowledge on the Indians in foreign prisons and the growth of prison ministry in international level. This section insists on the importance of the scientific approach in PMI through Reformatory Research and Documentation Centre (RRDC). The significance of prayer in prison ministry is well placed: where each day begins with the prayer for the prisoners, also each day has got an intention to pray for. This would perfectly fit in the motto of Benedictines '*ora et labora*.' Best practices and guidelines and general working system of PMI are well explained in this part.

'To impart the inspiration that I recieved' is the subject matter of Part III of Volunteers' Guide. It gives model talks to different situations like church, School, Prison etc. it gives us the indication that prison ministry is not only being inspired but also to inspire others so as to make utmost number of people aware of the need of having humanitarian approach towards the prisoners.

The fourth section goes one step further to give us detailed information on different types of prisons, prisoners' rights, and stats of prisons in India. It offers detailed guidance on different legal procedures that are involved with the prisoners. This would be a precious help for the volunteers to help in the release or bail of the prisoners. This part ends by giving counselling tips for effective relation with the prisoners and for their reformation.

The final part of this book offers us with short descriptions on the rehabilitation centres serving the prisoners and their children all over India. It also provides with the contact details of the prison ministry India in different states which would help the inspired to get touch with the people so as to involve themselves in the ministry at the earliest without any problem. The book ends with giving us the details on the books and periodicals published by Prison ministry publications and the recognition prison ministry India got from religious and government institutions.

In short, *Prison Ministry India: Volunteers' Guide* explains all the aspects involved in prison ministry. It begins by the self identity of PMI and inevitable realities of this ministry. It goes on to speak on the scientific approach of the prison ministry and also need of prayer life in this ministry. It helps not only being inspired but also to inspire others so as to have a deep love and dedication towards this mission. This book not only would help us to understand the prison ministry but also to empathize with the inmates and learn to love them so as to help in their reformation, rehabilitation and reintegration. I am sure that this book would be a great help for all those who are willing to dedicate their lives for the least, last and the lost. This book explains all the minute details involved in prison ministry. This would be a treasure for everyone who ever reads not only to help in

the transformation of the inmates but also to help in self-transformation. our approach towards the prisoners and their lives. I am sure this book would make a revolution within those who read it; surely would alter our thoughts on Prisoners. Simply it is a book of self-reformation.

**Stanly Lourdu John MSC**







# ***Are You Willing?***

***“Help a Prisoner’s Child  
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IFSC Code : SIBL0000416

# REFORMATIVE EXPLORATIONS

**A Psycho-spiritual And Crimino-social Journal  
On Reformation And Rehabilitation**

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☎ 09448484960 / 0944771048

✉ [nationalpmi2015@gmail.com](mailto:nationalpmi2015@gmail.com) / [frandiyan@live.in](mailto:frandiyan@live.in)  
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