

THE MIAMI DECLARATION OF PRINCIPLES ON HUMAN TRAFFICKING: ITS GENESIS AND PURPOSE

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“Lilya is running through featureless streets, bruised and bleeding, to the accompaniment of heavy, nihilistic rock music. Running from her fate?”¹ Probably so. As the movie unfolds, the audience is experiencing an emotional rollercoaster of cruelty and devastation, the human vulnerability and the realistic horror of working days in the hell of prostitution. This is only one piece which dovetails into the bleak puzzle of the most horrible story of our time: modern-day slavery as the ever “growing global threat to the lives and freedom of millions of men, women, and children.”²

In order to challenge this affront to human dignity, the concerted effort of the community of nations as a whole, focusing on protection and rehabilitation of victims as well as on deterrence of such conduct, is mandatory. Academia is part and parcel of the struggle against trafficking in persons, not only by fulfilling its role

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¹ Peter Bradshaw, *Lilya 4-Ever*, THE GUARDIAN, Apr. 25, 2003.

² Trafficking in Persons Report, Released by the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, June 3, 2005, *available at* <http://www.state.gov/g/tip/rls/tiprpt/2005/46606.htm>.

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as the vanguard of exploration of ideas as well as authoritative place for the collection and dissemination of knowledge, but also by providing that neutral haven for open and uncensored discourse regarding the best and the most effective ways in assessing societal problems and development of solutions. With this in mind, St. Thomas University School of Law and its Graduate Program in Intercultural Human Rights under the kind auspices of Reverend Monsignor Franklyn M. Casale, President of St. Thomas University, and Bob Butterworth, Dean of the School of Law, have hosted and organized a set of major events designed to propel and refine the fight against trafficking in persons.

In November 12, 2004, St. Thomas University School of Law, with CBS Channel 4, the National Italian-American Foundation and The Miami Herald sponsored and hosted an international conference entitled *Invisible Chains: Breaking the Ties of Trafficking in Persons*. The conference was inspired by the TV series "Invisible Chains," in which Chief Investigative Reporter of CBS Channel 4 TV (WFOR), Ms. Michele Gillen, presented a shocking exposé documenting human trafficking on U.S. soil. The conference featured representatives of government, academic institutions, religious groups, non-governmental organizations and the media as well as survivors of human trafficking who detailed information on this egregious violation of human rights. Our goal in this conference was to increase awareness and initiate a dialogue on possible solutions to the problem of this terrible crime which is a flagrant assault on human dignity.

The novelty of the conference consisted in creating a forum for the voice of the victim to be heard. Mr. Francis Bok,³ former child slave from the Sudan, and "Esperanza," a survivor who escaped enslavement on U.S. soil, brought their unbelievably shocking and compelling stories to a stunned audience of over three-hundred peo-

³ Modern-day slavery in its naked ugliness is starkly portrayed in Francis Bok's autobiography, *ESCAPE FROM SLAVERY* (St. Martin's Press 2003). The book has received outstanding reviews from ENTERTAINMENT WEEKLY, PUBLISHER'S WEEKLY, THE BOSTON GLOBE and THE SAN FRANCISCO CHRONICLE.

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ple. U.S. Ambassador to the Holy See, The Honorable Jim Nicholson, one of the great leaders of the effort to bring an end to this scourge; Ambassador John Miller, Director of the U.S. Department of State Office to Combat and Monitor Trafficking in Persons, spirited coordinator of the frontline struggle; Sister Eugenia Bonetti, Italian Union of Major Superiors, noted by the U.S. Department of State as one of the “Heroes Acting to End Modern-Day Slavery” in the Trafficking in Persons Report, 2004; as well as Dean Bob Butterworth, fighting this crucial fight as former Attorney General for the State of Florida, depicted a vivid picture of the trafficking in persons in the world and in our own backyard, as well as of the U.S. efforts to attack human trafficking worldwide. The conference concluded that in order to break the ties of the myriad of forms of trafficking in humans, coordination of the earnest efforts of many working towards that final goal is critical.

In order to develop such a common approach to effectively address the problem, an interdisciplinary working symposium for academic experts, inter-governmental, governmental and non-governmental practitioners and students was convened on February 10, 2005 at St. Thomas University School of Law. For the benefit of the victims, participants agreed to cut across foundational differences in approach in order to formulate a working consensus on policies designed to confront the problem head-on. The event was named *Addressing the Scourge of Human Trafficking: International and Domestic Solutions*.

Based on an initial draft developed by Professor Mohamed Mattar, Co-Director of the Protection Project at Johns Hopkins University, front-line experts, in plenary and break-out sessions, put possible differences aside and agreed on a document of common policy recommendations. These globally renowned experts included, among others, Dr. Helga Konrad, Special Representative on Trafficking in Persons Organization for Security and Cooperation in Europe (OSCE); Chad M. Bettes, U.S. State Department Office to Monitor and Combat Trafficking in Persons; Dr. Kevin Bales, University of Surrey, Roehampton in London, and President, Free the Slaves; Terry Coonan, Executive Director, Florida State University

Center for the Advancement of Human Rights; Dr. Julianne Duncan, United States Conference of Catholic Bishops Migration and Refugee Services; Dr. Dorchen A. Leidholdt, Founder and Co-Executive Director of the Coalition Against Trafficking in Women (CATW); Emmet McGroarty, U.S. Department of Health and Human Services, Anti-Trafficking Program; John Woods, Assistant Special Agent in Charge, U.S. Immigration and Customs Enforcement; Maria José Fletcher and Ana Vallejo, LUCHA Project, Florida Immigrant Advocacy Center; Marvelle McIntyre-Hall, Assistant United States Attorney, Coordinator of the Human Trafficking Task Force for the Southern District of Florida; Mario Teriche, Supervising Special Agent, FBI; Dr. Elizabeth Hopper, Associate Director and Program Coordinator of Project REACH; and Charles Song and Heather Moore, Coalition to Abolish Slavery and Trafficking (CAST).

Numerous other experts representing institutions servicing the victims, law enforcement agencies, and universities participated in an earnest and searching dialogue and problem- and policy-oriented debate, which ended in a set of consensus principles recommended to decision-makers around the globe: *The Miami Declaration of Principles on Human Trafficking*.

This document has now been presented and distributed to fifty-five nation state representatives, and intergovernmental agencies participating in an OSCE conference on human trafficking in Vienna, on March 18, 2005. The document has also been made available at numerous websites, and it has aroused the interest of lawmakers, academics and non-governmental representatives.

The INTERCULTURAL HUMAN RIGHTS LAW REVIEW is honored to feature in its inaugural issue all of these expert contributions, as well as the declaration itself. It also includes papers analyzing, in detail, aspects of the problem and legal responses in the U.S. and various other countries, including Canada, Mexico, Italy, the Netherlands and India, as well as more specifically international issues. We invite and welcome you all to read, consider, and implement this valuable stock of practical ideas as presented in the *Miami Declaration* as the *summa* of the good-faith effort of foremost experts in the

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field. I am confident that this declaration will benefit any effort at combating trafficking in persons.

If I can humbly quote Aristotle, I would say that ours is one step “and therefore a small one, though worked out with much thought and hard labor.” You, our readers of our modest work, if you think we have done as much as can fairly be expected of one effort, will acknowledge what we have achieved and will pardon what we have left for you and others to accomplish.⁴

⁴ The original statement from Aristotle is: “Mine is the first step and therefore a small one, though worked out with much thought and hard labor. You, my readers or hearers of my lectures, if you think I have done as much as can fairly be expected of an initial start . . . will acknowledge what I have achieved and will pardon what I have left for others to accomplish.” Aristotle (384-322 B.C.E.), <http://www.ucmp.berkeley.edu/history/aristotle.html> (last visited May 10, 2006).