

ADDRESSING THE SCOURGE OF HUMAN TRAFFICKING: THE CHALLENGE AHEAD

ROZA PATI*

Welcome to St. Thomas University and its Graduate Program in Intercultural Human Rights, and thank you for honoring our invitation. We have come together in the common desire to address one of most odious scourges of humankind: the trafficking and commodification of persons of our own kind, beings with a human face. I cannot think of a better venue for this symposium than our Catholic university which is committed to the protection of human dignity and the quest for social justice.

The problem we are facing is not new. As we celebrate Black History Month, we cannot but remember the shame of slavery, which not only stains the history of this country, but that of many countries around the globe and over time. The text of the law has deleted the initial treatment of human beings as items of personal property in the original words of our Constitution. The social context still reflects the legacy of slavery, in many respects. The eradication of that legacy is a task we face, day to day, in our interactions one on one as well as in broader societal processes.

The slavery of modern days is the factual equivalent of the old slavery's absolute control, sanctioned by the law, of one person over another. The contexts in which this absolute control, via the use and threat of force, kidnapping, deception or the abuse of a superior position, is exercised, vary, but they are always directed toward one or the other form of exploitation. Often, they are an enduring hell from which there appears to be, and often is, no exit. Sometimes, an exit opens up, but the wounds remain in the deeply scarred soul of the victim.

* Executive Director, Graduate Program in Intercultural Human Rights, St. Thomas University School of Law, Miami, Florida.

The paradigm of that modern-day slavery is the holding of a person in sexual exploitation, a traumatizing experience of constant and abiding humiliation. Cut off from contact with the outside world, prostitutes are but objects in the hands of their masters. Similar situations of abiding servitude are observed in the labor sector, particularly in the agricultural field, in situations of domestic help abuse, in what is called the adult entertainment industry, and even in the provision of spouses across borders, facilitated by the businesses offering mail-order brides.

We have showcased this problem in our first meeting on November 12, the conference entitled *Invisible Chains: Breaking the Ties of Trafficking in Persons*. We have also described some of the legislative responses to it here in the United States. Law enforcement has shared some of its experiences with us. The conference today, a working symposium, is designed to take the input from our globally recognized experts of various academic disciplines and practice backgrounds in order to thoroughly analyze the problem from various angles of expertise, to appraise the various attempts at addressing this scourge, and to formulate a set of principles, of policy recommendations, that would guide decision-makers both globally and domestically in devising solutions to the problem which is, in itself, both global and local.

It is not as if this problem did not exist, say, 100 years ago. In fact, it was so much on the mind of global decision-makers that they signed, on May 18, 1904, in Paris, France an “International Agreement for the Suppression of” what was then called the “White Slave Traffic.” This treaty was followed by another such convention, with final protocol, of May 4, 1910. Many of the arguments made for these treaties and the solutions they offered then eerily resemble those made today. The problem itself, however, only has grown broader and deeper – helped by the increase in global communications, the development of the Internet, and the opening of borders. In a law-enforcement inspired supplement to the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was adopted in 2001. A European Con-

2006]

THE CHALLENGE AHEAD

77

vention on Action Against Trafficking in Human Beings is being conceived.

This conference, all of us together, are called on to take a serious, comprehensive and searching look at the problem described and the solutions offered. In developing our solutions, we would urge each and every one of us to bring our individual expertise to the fore when we try to forge a consensus on what will be known as *The Miami Declaration of Principles on Human Trafficking*. We will publish this document and your individual papers in our inaugural issue of the INTERCULTURAL HUMAN RIGHTS LAW REVIEW. As such, it will enter the world of the academy. Beyond that, it is intended to guide decision-makers in the various fora of legislation and enforcement – both internationally and domestically.

Its holistic approach should combine the insights and aspirations of both professionals of the law and those of other disciplines: psychologists, education specialists, human rights advocates, and so on. We expect that you in your various stations would give life to the document -- be it at the level of the OSCE, the State Department, the Department of Justice, the Department of Homeland Security, Health and Human Services, your local law enforcement agencies, your universities, or the NGOs that push the envelope in developing protections of human dignity against new and abiding threats, or the psychologists and medical specialists who deal with the victims of this debilitating offense that cannot be called but a “crime against humanity.”

In the interest of the present victims, and in the memory of those who have died before we could reach out to help, I urge you to find a consensus on these principles. Their guiding light may shine across continents, across cultures, across religions. I wish you the greatest success in this endeavor that many of you have made your life's cause. May God shine His blessings on our work.