CHAPETER TWENTY

BEYOND THE DUTY TO PROTECT: EXPANDING ACCOUNTABILITY AND RESPONSIBILITIES OF THE STATE IN COMBATING HUMAN TRAFFICKING

Roza Pati

I. DEDICATION: IN KALLIOPI KOUFA’S FOOTPRINTS TO SECURE A LIFE OF DIGNITY FOR EVERYONE

It is humbling to write on the occasion of paying tribute to a great academic mind, a dedicated individual, an accomplished diplomat, a lifelong professor with an awe-inspiring career in one of the most noble and cherished fields of international law: human rights. Kalliopi Koufa has particularly made and continues to make remarkable contributions to the intricate philosophy, law, and policy of dealing with terrorism and counter-terrorism while respecting human rights.1 One of the most ominous threats to nations and their citizens, terrorism remains a challenge that puts to test 21st century humanity. Equally challenging is the issue of trafficking in human beings, modern-day slavery—the perennial phenomenon, it seems, of the barbaric enslavement of society’s most vulnerable, an infamy that poisons human society,2 that continues to linger for centuries, alive and well, causing devastation and human disaster of unforeseen, and of immeasurable, magnitude. Having dealt with the issue of balancing security and liberty vis-à-vis terrorism in my previous work,3 I now turn to examine the trafficking in human beings,

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3 Roza Pati, Due Process and International Terrorism (Brill/Martinus Nijhoff, Leiden/Boston, 2009).
this insidious phenomenon menacing our civilization, while corrupting its conscience.

II. HUMAN TRAFFICKING: THE MAGNITUDE OF THE PROBLEM

The humankind continues to be tormented by one of its worst scourges: the treatment of man, women, and children as commodities that can be sold and bought. After that initial purchase, they are used and abused in all sorts and ways. They can ultimately be discarded with no second thoughts on the part of the buyer-perpetrator. This massive criminal activity only grows, and just like the plague that persists in terrifying and perplexing the world, modern-day slavery, a.k.a. human trafficking, continues to sweep through the cities and villages, be they in United States, Nigeria, Greece, Japan, Russia, the Philippines, Thailand, Sweden, Albania, Mexico or Brazil. No community seems to be safe. The ugly phenomenon does not spare anyone. It could originate in the poorest and remotest of places, but also in the well-to-do locations. It could travel through national borders, but it could also blossom within them. It crawls into the miserable and forgotten places, but also sits comfortably behind the walls of the most luxurious edifices of some of the richest denizens of our communities. This insidious trend must be vigorously combated.

III. THE CHALLENGE: WHAT FRAMEWORK TO EMPLOY?

Generations of humankind have faced many challenges that in the eyes of some might have seemed insurmountable at the time they lived in. In his famous Gettysburg address, President Lincoln called his compatriots that the challenge of their generation was to put an end to slavery, and

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4 According to the U.S. Department of State's 2007 report, the ILO estimates that there are 12.3 million people in forced labor, bonded labor, forced child labor and sexual servitude at any given time. Other estimates, according to the report, range from four million to 27 million. Further the report specifies that from research completed in 2006, approximately 800,000 people are trafficked across national borders and these do not include millions trafficked within their own countries. Also, approximately, 80 percent of transnational victims are women and girls and up to 50 percent are minors. The majority of transnational victims are females trafficked into commercial sex exploitation.

5 A disease that has been responsible for some of the worst catastrophes and changes in the course of the history of humankind. Its first cycle is thought to have originated in 540–mid 8th century, its second cycle in 1330s, and it has periodically reappeared through centuries. It has been evidenced to still exist in 21st century with approximately 2000 new cases and 180 deaths per year, with 98.7 percent of cases happening in Africa. See Mary Dobson, Disease (BCS Publishing, Oxford, 2007), p. 8.