

Human Trafficking, Law and Policy

Course Syllabus, Summer 2018

Professor: Anne Chandler

Objective

In this course, you will explore the historical treatment of survivors of human trafficking, examine the Trafficking Victims Protection Act of 2000 and, review federal and state statutes, regulations, and case law governing how foreign born immigrants subject to human trafficking are treated under U.S. law. Legal concepts of peonage, involuntary servitude, forced marriage, labor trafficking and commercial sexual trafficking will be explored. Students will study various legal protections protecting foreign-born survivors of trafficking protections to live their lives safely, including the T visa, the U visa, Asylum, and Special Immigrant Juvenile Status. Using a case file approach, students will obtain a basic understanding of human trafficking networks, state and local efforts to respond to human trafficking, and various policy approaches to combat modern day slavery.

Book

Human Trafficking Law and Policy, Bridgett Carr, Anne Milgram, Kathleen Kim and Stephen Warnarth by Lexis Nexis

Grade

Students will be expected to submit a draft and a final paper of not more than 15 pages. Students will present content during two classroom sessions

Course material will include the following material

Human Trafficking Law and Policy, Bridgett Carr, Anne Milgram, Kathleen Kim and Stephen Warnarth by Lexis Nexis

Attendance

The American Bar Association mandates that you attend 80% of the classes.

Attendance will be taken each class.

Office Hours

Please email Anne Chandler at anne.chandler@gmail.com to set an appointment.

Class 1

Slavery, Peonage & Involuntary Servitude, Human Trafficking Historically & Today

This class will focus on human trafficking historically and today. You will become familiar with the following:

- Chapter 1, Slavery (pages 1 – 20)
- [Typology of Modern Day Slavery](#), March 2017 Report by Polaris Project
- THE HUMAN RIGHTS QUAGMIRE OF "HUMAN TRAFFICKING", James Hathaway

- HUMAN RIGHTS AND HUMAN TRAFFICKING: QUAGMIRE OR FIRM GROUND? A RESPONSE TO JAMES HATHAWAY, Anne Gallagher

Class 2

Modern Day Slavery – United States Policy and Statutory Response

We will take a look at trafficking through a national lens.

- Chapter 2, Peonage (pages 21 – 34)
- Chapter 3, Involuntary Servitude (pages 43-85)
- Presentations illustrating one form of modern day slavery

Class 3

Curtailing Trafficking – Prevention, Various Policy and Legal Approaches

This class will evaluate various efforts domestically and internationally to combat trafficking.

- Chapters 4, 5 and 6 (and discussion of Chapters 2 and 3)
- *Slavery by Another Name*, Douglas Blackman, Excerpts from Chapters 5, The Slave Farm of John Pace (article emailed on June 16)

Class 4

Prosecuting Trafficking – Federal and State Law & Policy June 30, 2016

We will look at the federal and local efforts to curtail trafficking through punishing those responsible. We will become familiar with the federal agencies and players involved with investigating and prosecuting labor and sex trafficking, and how survivors interact with the criminal justice system. In addition, we will look to prosecution happening in the states. Using California, New York and Texas as examples, we will evaluate various state based approaches to identify survivors and punish the perpetrators.

- Chapter 10, Federal Criminal Prosecution (pages 227 -272)
- In the Matter of B.W., 313 S.W.3d 818 (Tex. 2009)
- 18 U.S.C. § 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor)
- 18 U.S.C. § 1591 (Sex Trafficking of Children or by Force, Fraud, or Coercion)
- 18 U.S.C. § 1592 (Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor)
- 18 U.S.C. § 2423 (Transportation of Minors into Prostitution)
- 18 U.S.C. § 1546 (Visa Fraud)

Class 5

Mandatory Restitution and Private Rights of Action against Human Traffickers & Statutory Protections for Immigrant Survivors of Trafficking

This class will provide you a solid bases to understand the basic protections available for a survivor of trafficking.

- Chapter 11, Civil Litigation (273-322)
- 8 U.S.C. § 1593 (Mandatory Restitution) & 18 U.S.C. § 1595 (Private Right of Action)
- Chapter 12, Immigration Related Protections for Victims of Trafficking (323-352)
- Evaluation of Civil Suits available under Texas statutes

Class 6

Evaluating Legal Immigration Remedies for Survivors of Human Trafficking

Utilizing case files, you will evaluate various options available for an international survivor to assess what legal remedies available for an international survivor to stabilize his or her life.

- T Visa, Statute and Regulations
- U Visa, Statute and Regulations
- Asylum, SIJ and other humanitarian relief

Class 7

Special legal issues related to specific populations

Human traffickers are deceptive, and frequently brutal. Through a handful of case examples, we will take a look at a myriad of civil and criminal legal barriers survivors face as they rebuild their lives. We will look at policy approaches to address these barriers.

Focus on Houston, Houston's Strategic Plan

Chapter 13, Theoretical Definitional Challenges

Chapter 14, Special Issues Related to Specific Trafficked Populations (pages 381 – 407)

Class 8

Commercial Sex Prostitution & Emerging state & local laws to combat human trafficking

States and localities have put into place a significant range of laws and policies to combat human trafficking, ranging from statutes that encourage aggressive identification and prosecution of trafficking, to statutes that focus on victim assistance rights for survivors to seek civil damages against their traffickers. This class will evaluate various state based initiatives, including efforts by lawyers to creatively build institutional capacity at the local level to identify and combat human trafficking.

- Continue discussion from reading assigned for Class 7

- Appendix I.

Class 9

Market Approaches to Combatting Human Trafficking

Review and Exam Preparation

- Chapter 8, Corporate Accountability and Federal Contractors (182-209)
- *A Crime So Monstrous*, Ben Skinner (Professor Will Provide Readings)
- Question and Answers regarding Final Paper

Note: Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus.

http://www.uh.edu/caps/outreach/lets_talk.html