

Human Trafficking, Law and Policy

Course Syllabus, Summer 2017

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

The grade in this class will be based on a written exam at the end of the semester made up of true/false, multiple choice, short answer, and short essay questions. Attendance and participation will make up 10% of the grade.

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)
- Chapter 2, Peonage (pages 21 – 34)
- *Slavery by Another Name*, Douglas Blackman, Excerpts from Chapters 1 and 4. Readings will be provided by Professor

Class 2

Modern Day Slavery – United States Policy and Statutory Response

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

- Chapter 3, Involuntary Servitude (pages 43-85)
- Chapter 5, Trafficking Protection Victims Protection Act (pages 109-128)
- [Typology of Modern Day Slavery](#), March 2017 Report by Polaris Project

Class 3

Curtailing Trafficking – Prevention, Various Policy and Legal Approaches

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

- Chapter 6, The Palermo Protocol
- 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 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)

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.

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.

- SEX AND SLAVERY: AN ANALYSIS OF THREE MODELS OF STATE HUMAN TRAFFICKING LEGISLATION
Melynda H. Barnh
- TRAFFICKING, PROSTITUTION & INEQUALITY, Catherine A. MacKinnon
- 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)
- Review for Test