

International Trafficking In Persons

*The Johns Hopkins University
School of Advanced International Studies*

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Course Description

Trafficking in women and children is a global human rights violation that constitutes a contemporary form of slavery. This course is designed to examine the various issues related to trafficking in women and children from an international and comparative perspective. While the course primarily focuses on commercial sexual exploitation and trafficking for the purpose of prostitution, trafficking for other slave-like practices will also be fully addressed. Such practices include forced labor, the exploitation of immigrant females for domestic service, the sale of children for irregular inter-country adoption, and the sale of wives legalized by transnational marriages.

The course will study the international trafficking prohibitions of the various international conventions including the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; the Convention of Suppression of the Trafficking in Persons and the Exploitation of the Prostitution of Others; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; the Convention to Eliminate the Worst Forms of Child Labor; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; the Hague Convention on the Protection of Children and Cooperation in respect to Intercountry Adoption; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; and the International Labor Organization Convention Concerning Abolition of Forced Labor. The course will also study the Council of Europe Convention on Action against Trafficking in Human Beings and European Union Framework Decisions and Directives.

The course will analyze legislative texts of the domestic trafficking laws of selected jurisdictions worldwide, whether these laws are enacted as a part of the penal code or as a special act related to protection of women and children. Regional case studies will include discussion of the problems of trafficking in women and children in the Middle East, combating trafficking in persons in accordance with the principles of Islamic Law, UN peacekeeping and trafficking in Bosnia, trafficking in Central Asia and state responsibilities and other cases of trafficking in persons.

The course will also analyze the U.S. statutes prohibiting trafficking in human beings, including those related to alien smuggling, the importation of an alien for immoral purposes, the establishment of commercial enterprises for the purpose of evading immigration, involuntary servitude, the transportation of a person in interstate or foreign commerce for the purpose of prostitution under the Mann Act, and the 2000 Trafficking Victims Protection Act, as amended in 2003, 2005 and 2008. The course will also cover the 2003 Protect Act, especially Section 105 that provides penalties in cases of child sex tourism, as well as the 2005 International Marriage Broker

Regulation Act. The course will specifically address trafficking in persons as a foreign policy objective of the U.S. and sanctions imposed on foreign countries that do not comply with the minimum standards for the elimination of trafficking.

The course will emphasize the human rights based approach to trafficking in persons and the recognition of the trafficked person as a victim of a crime. The course will also inquire into the role of government corruption in facilitating the crime of trafficking.

A United Nations Model Law will form the basis of discussion on drafting a comprehensive anti-trafficking legislation that covers prevention of the act of trafficking, protection of the trafficking victim, and prosecution of the trafficker.

Students may elect to take a written examination or write a research paper in lieu of the exam.

1. OVERVIEW OF COURSE MATERIALS, REQUIREMENTS AND OBJECTIVES (Jan 26)

Assigned Materials

- a. Mohamed Y. Mattar, "Trafficking in Persons, an Annotated Bibliography," 96 Law Library Journal 669 (2004).
- b. Mohamed Y. Mattar, "Trafficking in Persons, an Annotated Bibliography Delineating Five Years of Development 2005-2009," 2 Journal of Human Rights and Civil Society (2009).

2. INTRODUCTION TO THE CONCEPT OF TRAFFICKING IN PERSONS; THE SCOPE OF THE PROBLEM AND APPROPRIATE GOVERNMENT RESPONSES (Feb 2)

Assigned Materials

- a. Mohamed Y. Mattar, Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective. The Protection Project at The Johns Hopkins University School of Advanced International Studies http://www.protectionproject.org/sites/default/files/PP_Chartbook_English.pdf (Pages 8-19).

3. THE U.S. LEGAL APPROACH: FROM THE MANN ACT TO THE TRAFFICKING VICTIMS PROTECTION ACT (Feb 9)

Assigned Materials

- a. Text of the Mann Act and Amendments thereto.
- b. Text of the Trafficking Victims Protection Act of 2000.
- c. Text of the Trafficking Victims Protection Reauthorization Act of 2003.
- d. Text of the Trafficking Victims Protection Reauthorization Act of 2005.

- e. Text of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
 - f. *United States v. Marcus*, 487 F. Supp. 2d 289 (2007). (Defining a “commercial sex act” under the TVPA).
 - g. *United States v. Paris*, U.S Dist. LEXIS 78418 (2007). (Interstate commerce nexus for sex trafficking)
 - h. *United States v. Veerapol*, 312 F.3d 1128 (2002). (Conviction of holding another to involuntary servitude, mail fraud, and harboring aliens.)
 - i. *United States v. Castaneda*, 239 F. 3d 978 (Court of Appeals for the 9th Circuit 2001) (Filipino women were recruited to work in a night club where they performed sexual services)
4. RIGHTS OF VICTIMS OF A SEVERE FORM OF TRAFFICKING UNDER THE TRAFFICKING VICTIMS PROTECTION ACT: A HUMAN RIGHTS BASED APPROACH (Feb 16)

Assigned Materials

- a. Mohamed Y. Mattar, “Examining U.S. Efforts to Combat Human Trafficking and Slavery: An assessment of the United States’ recent legal responses to the problem of trafficking in persons on the federal, state and international levels.” Hearing before the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Property Rights, on July 7, 2004.
 - b. Mohamed Y. Mattar, *Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective*. The Protection Project at The Johns Hopkins University School of Advanced International Studies http://www.protectionproject.org/sites/default/files/PP_Chartbook_English.pdf (Pages 36-43).
 - c. T-Visa Application Form
5. MONITORING THE STATUS OF SEVERE FORMS OF TRAFFICKING IN FOREIGN COUNTRIES: SANCTIONS MANDATED UNDER THE U.S. TRAFFICKING VICTIMS PROTECTION ACT (Feb 23)

Assigned Materials

- a. Mohamed Y. Mattar, *Comparative Models of Reporting Mechanisms on the Status of Trafficking in Human Beings*, 41 *Vanderbilt Journal of Transnational Law* 1355 (Nov. 2008).
- b. Mohamed Y. Mattar, *Monitoring the Status of Severe Forms of Trafficking in Foreign Countries: Sanctions Mandated Under the U.S. Trafficking Victims Protection Act*, 10 *Brown Journal of World Affairs* 1 (Summer/Fall 2003).
- c. Text of the Trafficking in Persons Report issued by the Department of State (June 2009).

6. THE INTERNATIONAL LEGAL APPROACH: THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (Mar 2)

Assigned Materials

- a. Text of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000).
 - b. Mohamed Y. Mattar, Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective. The Protection Project at The Johns Hopkins University School of Advanced International Studies http://www.protectionproject.org/sites/default/files/PP_Chartbook_English.pdf (Pages 22-33).
 - c. Text of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).
 - d. Mohamed Y. Mattar, Incorporating the Five Basic Elements of a Model Anti-Trafficking in Persons Legislation in Domestic Laws: from the United Nations Protocol to the European Convention; 14 *Tul. J. Int'l & Comp. L.* 357-419 (2006).
 - e. Text of the Council of Europe Convention on Action Against Trafficking in Human Beings. (2005)
7. THE ROLE OF ORGANIZED CRIME AND CORRUPTION IN TRAFFICKING IN PERSONS: THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (Mar 9)

Assigned Materials

- a. Text of the UN Convention Against Transnational Organized Crime (2000).
 - b. Mohamed Y. Mattar, Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective. The Protection Project at The Johns Hopkins University School of Advanced International Studies http://www.protectionproject.org/sites/default/files/PP_Chartbook_English.pdf (Page 58).
8. TRAFFICKING IN CHILDREN: CHILD SOLDIERS, CHILD PROSTITUTION, AND THE ISSUE OF SEX TOURISM (Mar 16)

Assigned Materials

- a. Text of the UN Convention on the Rights of the Child, Articles 34 and 35.
- b. Text of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.
- c. Text of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

d. *United States v. Clark*, 315 F. Supp. 2d 1127 (2003).

9. BABY TRAFFICKING: THE SALE OF CHILDREN FOR ILLICIT INTERCOUNTRY ADOPTION (Mar 30)

Assigned Materials

- a. Text of the 1993 Hague Convention on Protection of children and co-operation in Respect of Intercountry Adoption.
- b. Mohamed Y. Mattar, *Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective*. The Protection Project at The Johns Hopkins University School of Advanced International Studies http://www.protectionproject.org/sites/default/files/PP_Chartbook_English.pdf (Pages 54-55).

10. TRAFFICKING FOR PURPOSES OF NON-COMMERCIAL SEX: MAIL ORDER BRIDES (Apr 6)

Assigned Materials

- a. A Text of the International Marriage Broker Regulation Act of 2005.
- b. A Text of INS Section 652 of the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) regarding Mail-Order Bride Business.
- c. *European Connections & Tours, Inc v Gonzales* 480 F. Supp. 2d 1355 (2007).
- d. Text of the U.N. 1962 Convention on Consent to Marriage; Minimum Age for Marriage and Registration of Marriages.
- e. Mohamed Y. Mattar, *Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective*. The Protection Project at The Johns Hopkins University School of Advanced International Studies http://www.protectionproject.org/sites/default/files/PP_Chartbook_English.pdf (Pages 52-53).

11. TRAFFICKING FOR THE PURPOSE OF FORCED LABOR (Apr 13)

Assigned Materials

- a. *United States v. Kozminski*, 108 S. Ct. 2751 (1988) Two mentally retarded men were found laboring on his farm. The term involuntary servitude means a condition of servitude in which the victim is forced to work by the use or threat of physical force, threat, or coercion.
- b. Mohamed Y. Mattar, *Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective*. The Protection Project at The Johns Hopkins University School of Advanced International Studies http://www.protectionproject.org/sites/default/files/PP_Chartbook_English.pdf (Pages 56-57).
- c. *Ramos & Castro v. Hoyle & Perales*, U.S. Dist. Lexis 102677 (2008).

- d. *United States v. Djoumessi*, U.S. App. Lexis 17689 FED App. 0306P (6th Cir.) (2008).

12. COMPARATIVE LEGAL ANALYSIS OF THE DOMESTIC TRAFFICKING LAWS OF THE VARIOUS COUNTRIES OF THE WORLD: DRAFTING A MODEL LAW (Apr 20)

Assigned Materials

- a. Mohamed Y. Mattar, "Combating Trafficking in Persons: A Handbook for Parliamentarians," UNODC (2009).
- b. Mohamed Y. Mattar, "A Comparative Analysis of the Anti-Trafficking Legislation in Foreign Countries: Towards a Comprehensive and Effective Legal Response to Combating Trafficking in Persons", Testimony before House Committee on International Relations, Subcommittee on International Terrorism, Nonproliferation and Human Rights, 108th Congress, 1st Session, June 25, 2003.
- c. Mohamed Y. Mattar, Remarks on the Anti-Trafficking Law of Mexico, Testimony before the Senate of Mexico, October 17, 2005.
- d. Mohamed Y. Mattar, Remarks on the Anti-Trafficking Law of the Russian Federation, Testimony before the State Duma of the Russian Federation, November 29, 2004.

13. REGIONAL CASE STUDIES OF TRAFFICKING OF WOMEN AND CHILDREN IN THE VARIOUS COUNTRIES OF THE WORLD: ROUTES, FORMS OF TRAFFICKING, AND CAUSES OF VULNERABILITY (Apr 27)

Assigned Materials

- a. Mohamed Y. Mattar, "Combating Trafficking in Persons in Accordance with the Principles of Islamic Law," UNODC (2009).
- b. Mohamed Y. Mattar, "State Responsibilities in Combating Trafficking in Persons in Central Asia," 27 *Loyola International & Comparative Law Review*, 145 (Spring 2005)
- c. Mohamed Y. Mattar, Trafficking in Persons, Especially Women and Children in Countries of the Middle East: The Scope of the Problem and the Appropriate Legislative Responses, 26 *Fordham International Law Journal* 721 (2003).