

Stop Trafficking !

Anti Human Trafficking Newsletter



Awareness

Advocacy

Action

October 2017 Vol. 15 No. 10

This issue highlights the role of the legal profession and law in stemming human trafficking.



U.S. Catholic Sisters Against Human Trafficking Sponsors of 'Stop Trafficking'

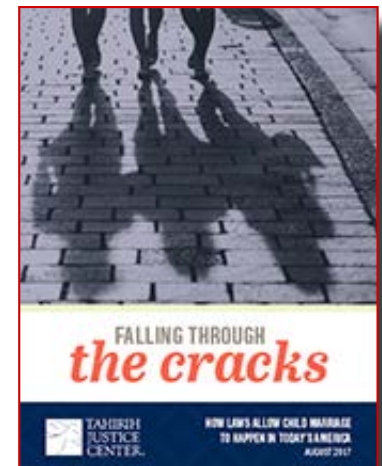
- Adorers of the Blood of Christ
- Benedictine Sisters of Chicago
- Benedictine Sisters of Mount St. Scholastica, Atchison, KS
- Cenacle Sisters, N. Amer. Prov.
- Congregation of Notre Dame
- Congregation of Sisters of St. Agnes
- Congregation of St. Joseph
- Daughters of Charity, Prov. of Los Altos Hills, CA
- Daughters of Charity, Prov. of St. Louise
- Dominican Sisters of Adrian, MI
- Dominican Sisters of Mission San Jose, CA
- Dominican Sisters of Peace
- Dominican Sisters of San Rafael, CA
- Dominican Sisters of Sinsinawa, WI
- Dominican Sisters of Springfield, IL
- Felician Sisters
- Franciscan Sisters, Little Falls, MN
- Franciscan Sisters, Rochester MN Human Trafficking Educators' Grp.
- Franciscan Sisters of Peace
- Franciscan Sisters of Perpetual Adoration
- Franciscan Sisters of the Sacred Heart
- Holy Spirit Missionary Sisters
- Marianites of Holy Cross
- Maryknoll Sisters
- Medical Mission Sisters
- Our Lady of Victory Missionary Sisters
- Religious of the Sacred Heart of Mary
- Religious Sisters of Charity
- School Sisters of Notre Dame, Shalom North America
- School Sisters of St. Francis, PA
- School Sisters of St. Francis of Christ the King
- Servants of the Holy Heart of Mary, USA Prov.
- Sisters of Charity of the Blessed Virgin Mary
- Sisters of Charity of Cincinnati, OH
- Sisters of Charity of Halifax
- Sisters of Charity of the Incarnate Word, Houston
- Sisters of Charity, Leavenworth, KS
- Sisters of Charity of Nazareth, KY
- Sisters of Charity of New York
- Sisters of Charity of St. Joan Antida
- Sisters of Christian Charity Mendham, NJ & Wilmette, IL
- Sisters of the Divine Savior
- Sisters of the Good Shepherd
- Sisters of the Holy Cross
- Sisters of the Holy Family, Fremont, CA
- Sisters of the Holy Names of Jesus and Mary
- Sisters of the Humility of Mary
- Sisters of Mercy of the Americas
- Sisters of Notre Dame, CA Prov.
- Sisters of Notre Dame de Namur, USA
- Sisters of the Precious Blood
- Sisters of the Presentation, San Francisco, CA
- Sisters of Providence of St. Vincent de Paul, Canada
- Sisters of St. Francis, Clinton, IA
- Sisters of St. Francis of Colorado Springs
- Sisters of St. Francis, Dubuque, IA
- Sisters of St. Francis of the Providence of God
- Sisters of St. Francis of Redwood City
- Sisters of St. Joseph of Carondelet, Los Angeles
- Sisters of St. Joseph of Chestnut Hill, PA
- Sisters of St. Joseph of Cluny, USA & Canada Prov.s
- Sisters of St. Joseph of Orange, CA
- Society of the Holy Child Jesus, Amer. Prov.

USCSAHT Partner
•Society of the Divine Savior USA

Pro Bono Lawyers Fight for Trafficked Persons



2017 Reports from HT Pro Bono (left) and Tahirih (right) featured.



Jasna's Fight

Jasna• was held in domestic servitude for months by a trafficker who brutally sexually and physically abused her. Jasna escaped with nothing but the clothing on her back, terrified and traumatized.

Bravely, she sought free legal representation through *HT Pro Bono's* network. When federal authorities failed to prosecute her case, Jasna and her team of *pro bono* lawyers turned to civil litigation. *HT Pro Bono* provided extensive technical assistance to Jasna's attorneys.

After three years, Jasna won a significant damages award against the trafficker. Today, she can afford a home and has created a new life for herself and her family. •Name changed to maintain confidentiality

(http://www.htprobono.org/wp-content/uploads/2017/04/HT_Pro_Bono_Impact_Report.pdf)

Diana's Escape

Diana• was studying at a university in West Africa when her life was upended. To her dismay, her father sold her into a forced marriage with a much older, powerful man within their community.

Against her will, Diana was abducted by the man's guards and held captive for eight grueling months where she not only starved, but also beaten, raped, and threatened with female genital mutilation/cutting in 'preparation' for her wedding night. Diana did not know how to escape this pending marriage, or the daily atrocities to which she was subjected.

One of the older wives of Diana's future

Tahirih cont. pg. 2



Awareness

Tahirih *cont. from pg. 1*

husband saw and could not stand how Diana was treated. She risked her own safety to help Diana escape -- a kindness Diana will always remember.

Diana traveled to Mexico and then eventually across the U.S. border, where she was held by immigration officials. She had to endure being locked in a detention center while waiting to plead her case for asylum -- imprisoned once again in the fight for her own life.

When she was finally released, the *Tahirih Justice Center's* social workers helped Diana find treatment for the terrible medical and mental health wounds caused by her detention here and abroad. Tahirih's staff and network of pro bono attorneys prepared her case for asylum. At long last, the U.S. court system heard Diana's case and she was finally granted asylum.

With the strong support of Tahirih's pro bono attorneys and social workers, Diana was able to slowly rebuild her life from a place of safety and strength. She is now taking English classes and training to become a hospice worker. She has joined a local church and is reaching out to other community members. Diana has at last been able to free herself from a life of violence and start afresh. •Name changed to maintain confidentiality (http://www.tahirih.org/success_stories/diana/)

Child Marriage

Child marriage is a real and persistent problem in the U.S. Between 2000 and 2015, well over 200,000 children under age 18 were married in America. The majority of them were girls, and the majority married adult men. Mounting U.S.-specific research shows that child marriages can result in devastating consequences, putting young people at risk of lifelong harm.

Many people are surprised to learn that state laws allow children to marry in the U.S. today. Currently, most states' laws set the minimum age of marriage at 18 but allow for exceptions, such as parental consent, that can drop the true minimum marriage age much lower in practice. In fact, half of U.S. states do not set any bottom line age 'floor' whatsoever, meaning that as long as exceptions are met, a child of any age could be married.

While the *status quo* is alarming, a growing movement to end child marriage in the U.S. is making progress. In 2016, after a legislative campaign led by the *Tahirih Justice Center*, Virginia became the first state in the nation to limit marriage to adults age 18 or older, with a narrow exception only for court-emancipated minors who have been given the full legal rights of adults. In June 2017, Texas and New York also signed bipartisan bills into law that limit marriage to legal adults and establish meaningful safeguards against forced marriage.

These reforms are just the beginning. Lax laws around the country still allow for thousands of children to be married. Tahirih's 2017 Report, "*Falling Through the Cracks: How Laws Allow*

Child Marriage to Happen in Today's America," provides state lawmakers and advocates in the U.S. with the information they need to pass laws that more effectively protect children from the harms of child marriage.

Tahirih's analysis of relevant laws across all 50 U.S. states and Washington, DC, combined with experience serving hundreds of girls and young women facing forced marriages, reveals that the most straightforward, and powerful solution is to set the minimum marriage age at 18, without exceptions. In states where this is not immediately possible, alternative reforms must legally empower those permitted to marry to advocate for themselves and be protected against forced marriage and other harm.

(<http://www.tahirih.org/wp-content/uploads/2016/11/FINAL-State-Marriage-Age-Requirements-Statutory-Compilation-PDF.pdf>)

Texas 2000 - 2010

From 2000 to 2010 there were 34,793 marriages involving minors (under age 18) in Texas. These marriages were legal because:

- There was no age floor.
- Only parental consent was required for ages 16-17.
- Judicial approval was required for those younger than age 16 and it was in the child's best interest.
- If the minor was a legal child before marriage.

Texas 2017

- The age floor is legal adulthood.
- Ages 16-17: requires judicial approval of the minor's petition to emancipate; an attorney is appointed.
- If age 16, the minor must already live apart from parents; a judge must evaluate emancipation criteria that relate not to marriage, but to whether minor is self-supporting and managing own financial affairs, and must find that emancipation is in minor's best interest.
- Only court-emancipated minors may marry.

- 25 states do not set any age floor by statute.
- 3 states (Virginia, Texas, and New York, in order of enactment) limit marriage to legal adults.
- In 8 states and Washington, DC, clerks alone — without judges — can approve marriages of all minors.
- Only 17 states require judges to consider the minors' best interests.
- 9 states expressly permit pregnancy to lower the minimum marriage age.

Learn more about the
Tahirih Justice Center on pg. 4.



Awareness

‘Mandatory’ Victim Restitution

In 2014 the *Human Trafficking Pro Bono Legal Center*, in collaboration with *WilmerHale*, conducted an in-depth examination of all federal criminal human trafficking cases brought between 2009 and 2012 to study victim restitution.

As background the study cited the *Trafficking Victims Protection Act* (TVPA), passed in 2000, broke significant new ground by providing mandatory restitution for trafficking victims. Congress unambiguously directed that “[U.S. federal] court[s] shall order restitution for any offense” committed under the anti-trafficking statutes. The mandatory restitution law, 18 U.S.C. § 1593, requires recovery – from the defendant – of the “full amount of the victim’s losses.” In the hands of a skilled prosecutor, the mandatory restitution law is a powerful tool. Three decisions illustrate the law’s potential to aid victims and strip defendants of their ill-gotten gains.

United States v. Sabhnani, a labor trafficking case, is a model for obtaining restitution under the federal trafficking statutes. A jury in the Eastern District of New York convicted the defendants of crimes including forced labor and conspiracy, finding that the husband and wife had trafficked two Indonesian women into forced domestic servitude in their 5,900-sq.ft. Long Island home. The court sentenced the defendants to lengthy prison terms and entered a comprehensive restitution order in the amount of \$936,546.22, for which the defendants were jointly and severally liable.

The defendants appealed to the Sec-

ond Circuit Court of Appeals, which endorsed the trial court’s significant restitution order theory, concluding that the victims should receive not only back wages, but also liquidated damages under the *Fair Labor Standards Act* (FLSA), 29 U.S.C. § 201 et seq. After reassessing the hours worked by both victims, the trial court ultimately ordered \$679,866.98 in restitution under 18 U.S.C. § 1593.

United States v. Edwards, a criminal case prosecuted in the District of Maryland, took the *Sabhnani* case a step further. The defendants in *Edwards* pled to lesser, non-trafficking crimes. Still, prosecutors successfully pressed for restitution under the trafficking restitution statute, 18 U.S.C. § 1593. The defendants, also a husband and wife, faced an initial indictment charging them with holding a domestic worker in forced labor in their home for ten years. The defendants each pled guilty to harboring an alien in violation of 18 U.S.C. § 1324(a)(1)(A)(iii) (a non-trafficking offense). The defendants received sentences of three months and one year in prison, respectively.

After obtaining the plea agreement, federal prosecutors filed multiple memoranda advocating for restitution. Prosecutors submitted spreadsheets documenting the number of hours and days the victim worked, and presented expert testimony from a *Department of Labor Wage and Hour* expert at a sentencing hearing. The restitution request covered minimum wage payments for all labor performed, as well as liquidated damages equal to the back wages, as allowed under the FLSA. In the memorandum requesting restitution, the prosecutors correctly noted that, while the FLSA does not require live-in domestic workers to be paid time-and-a-half for overtime, the workers must be paid for all time during which they are working or on call. By the government’s measure, the victim was owed back wages for approximately 100 hours of work per week, without interruption, for 10 years.

Although the defendants had pled guilty to a non-trafficking crime, the court awarded the victim \$369,580.80 in restitution. *Edwards* broke new ground in three ways: 1) The plea agreement required the defendants to pay \$50,000 into an escrow account prior to sentencing. 2) The government successfully obtained the restitution under 18 U.S.C. § 1593, rendering the amount exempt from federal taxation as income. 3) The court awarded liquidated damages and back wages under the *Fair Labor Standards Act*.

In contrast to these labor trafficking restitution successes, sex trafficking prosecutions frequently fail to live up to the restitution requirements of the TVPA. The law requires a human trafficking restitution award to include whichever is greater: the value of the victim’s work under the FLSA or the value to the defendant of the services the victim was forced (or induced, in the case of children) to provide. The value to a defendant of commercial sexual services tends to vastly exceed the minimum wage. One would expect restitution amounts in sex trafficking cases to dwarf those awarded in forced labor cases. This rarely occurs.

However, one District of Columbia case stands out as an example of effective recovery of restitution in a sex trafficking prosecution. Indicted for sex trafficking of children and interstate transportation of a minor for purposes of prostitution, defendant ***Shelby Lewis*** pled guilty to multiple counts of sex trafficking of children. The court sentenced Lewis to twenty years in prison and ordered him to pay \$3,892,055 in restitution to four child victims. In calculating the restitution award, the court multiplied the average daily amount that each victim testified she earned for the defendant by the number of days the defendant held her. For example, one victim testified that she typically earned \$400 per day for her trafficker by performing commercial sex acts. The court multiplied this amount by 914 – the number of days the defendant forced her to provide commercial sexual services – and



Advocacy

“When victims have lawyers,
victims have rights.” HT Pro Bono

The Human Trafficking Pro Bono Legal Center

Restitution *cont. from pg. 3*

used this amount as the basis for one portion of her restitution payment. The court also appointed a *guardian ad litem* (GAL) for the girls. On behalf of the minors, the GAL, a pro bono attorney, submitted extensive evidence of other harms the children had suffered, all documented in an expert witness report. The restitution ultimately ordered by the court included not only the defendant's income obtained through the victims' services, but also money to cover medical, psychiatric, and educational expenses that the expert witness determined the children would incur during their recoveries.

Sabhnani, Lewis, and Edwards have three features in common: 1) Victims had *pro bono* legal representation from outside attorneys. 2) Federal prosecutors applied a victim-centered approach and affirmatively sought restitution in recovery. 3) In each of these cases, the courts enforced the federal restitution statute in the manner Congress intended.

In conclusion, the year-long investigation into restitution for trafficking crimes in the U.S. revealed that restitution outcomes in these cases are exceptions, rather than the rule. The TVPA's mandatory restitution provision is frequently overlooked, leaving trafficking victims empty-handed, deprived of the resources that would enable them to rebuild their lives.

Of the 306 federal indictments for human trafficking brought under Chapter 77 of Title 18 of the U.S. Code, researchers found restitution was awarded in only 36% of cases.

For trafficking victims, mandatory does not mean mandatory. (Report, pg. 1-3)

The Human Trafficking Pro Bono Legal Center (HT Pro Bono) is the only U.S. organization systematically training attorneys to pursue justice for trafficking survivors in civil courts. Since 2012 the organization has provided training and technical assistance to over 3,000 pro bono lawyers at international law firms, linked hundreds of victims to pro bono lawyers in over 220 cases, and educated over 14,000 community leaders on victims' legal rights. In over 90% of the cases the victims have won and become survivors. By linking trafficking victims with highly-skilled pro bono attorneys, HT Pro Bono works to obtain criminal convictions, criminal restitution, and civil judgments against traffickers.

HT Pro Bono uses a multi-pronged strategy to combat trafficking:

Advocacy

The Center joins forces with non-governmental organization partners to combat trafficking through policy reform. HT Pro Bono spearheads a coalition against trafficking by diplomats, seeking to end impunity for those diplomats who exploit victims in the U.S.

Strategic Litigation

HT Pro Bono coordinates impact litigation—cases that will affect future rulings. Careful monitoring of legal dockets nationwide permits intervention in cases where critical principles are at issue. Most recently, HT Pro Bono convened a meeting of litigators to discuss the power of strategic litigation to combat trafficking. HT Pro Bono partnered with the Freedom Fund to publish a report on strategic litigation, “*Ending Impunity, Securing Justice: Using strategic litigation to combat modern-day slavery and human trafficking.*” In one such instance, HT Pro Bono arranged for a pro bono

firm to brief a labor trafficking case on appeal to a Circuit Court of Appeals.

Research

HT Pro Bono undertakes in-depth research projects—often in partnership with pro bono law firm counsel—on implementation of U.S. law, as in the restitution study already featured on pgs. 3-4.

Education

HT Pro Bono educates judges, lawyers, practitioners, social workers, and service-providers nationwide. Through frequent media appearances, the Center also educates the public on the realities of trafficking into forced labor, forced prostitution, and the commercial sexual exploitation of children. HT Pro Bono attorneys speak frequently at public fora and participate in Human Trafficking Task Forces training programs on request.

Founded in 2012 with generous support from the Open Society Foundations (OSF) Fellowship Program, Martina E. Vandenberg serves as founder



and president of the now five-year old organization. Prior to becoming an OSF Fellow,

Vandenberg served as a partner at Jenner & Block LLP, where she focused on complex commercial litigation and internal investigations under the Foreign Corrupt Practices Act. She served as a senior member of the firm's Pro Bono Committee.

Vandenberg has spent two decades fighting human trafficking, forced

HT Pro Bono *cont. pg. 5*



Advocacy

HT Pro Bono *cont. from pg. 4*

labor, rape as a war crime, and violence against women. Vandenberg has represented victims of human trafficking pro bono in immigration, criminal, and civil cases. She has testified before the Senate Judiciary Subcommittee on Human Rights and the Law, the Helsinki Commission, the House Foreign Affairs Committee, and the House Armed Services Committee on an array of human rights issues.

A former Human Rights Watch researcher, Vandenberg spearheaded investigations into human rights violations in the Russian Federation, Bosnia & Herzegovina, Uzbekistan, Kosovo, Israel, and Ukraine. She is the author of two Human Rights Watch reports, *"Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia & Herzegovina for Forced Prostitution,"* and *"Kosovo: Rape as a Weapon of Ethnic Cleansing."*

As a researcher for the Israel Women's Network, she investigated and published the first report documenting human trafficking into Israel. While living in the Russian Federation in the 1990s, she co-founded *Syostri*, one of Russia's first rape crisis centers for women.

Vandenberg has received multiple awards for her leadership against human trafficking. Vandenberg currently serves as a co-chair of the International Bar Association's Human Trafficking Task Force. Vandenberg is admitted to practice in N.Y. and D.C.

For information on Vandenberg and the HT Pro Bono, visit:
<http://www.htprobono.org/>

Tahirih Justice Center



Layli Miller-Muro is the Founder and Executive Director of the Tahirih Justice Center. She established Tahirih in 1997 following her involvement in a high-profile case that set national precedent and revolutionized asylum law in the U.S. Fauziya Kassindja, a 17-year-old girl who had fled Togo in fear of a forced polygamous marriage and female genital mutilation, was granted asylum in 1996 by the U.S. Board of Immigration Appeals. This decision opened the door to gender-based persecution as grounds for asylum. Using her portion of the proceeds from a book she and Ms. Kassindja co-authored about the case, *"Do They Hear You When You Cry?"*, Layli established Tahirih.

Since 2001, Layli has led Tahirih in its service to more than 22,000 women and children, growing the non-profit from a staff of six to over 70, and expanding its offices from Greater DC to Houston, Baltimore, and the San Francisco Bay Area. In recognition of its sound management and innovative programs, under Layli's leadership, Tahirih won the *Washington Post Award for Management Excellence* and gained recognition for its innovative use of pro bono services in the *Stanford Social Innovation Review*.

Prior to joining Tahirih as Executive Director, Layli was an attorney at the law firm of Arnold & Porter, where she practiced international litigation and maintained a substantial pro bono practice. Prior to joining Arnold & Porter, Layli was an attorney-advisor at the U.S. Department of Justice, Board of Immigration Appeals. (<http://www.tahirih.org/about-us/people/staff/>)

The Tahirih Justice Center

is a national non-profit that has served over 22,000 women and girls fleeing violence since 1997. Using an efficient, effective, and innovative model of direct social and legal services, policy advocacy, training and education delivered from four locations (greater D.C., Baltimore, Houston, San Francisco), Tahirih is committed to serving as many immigrant women and girls as possible, protecting them from domestic violence, female genital mutilation, forced and child marriage, honor crimes, human trafficking, rape and torture.

In 2016 the Tahirih Law Center:

- Triaged 215 emergency requests from 66 individuals seeking protection and 149 professionals helping those facing forced marriage issues — from 26 states and nearly every region of the globe.

- Trained and educated 1,103 frontline professionals on the critical tools they need to identify forced marriages and protect victims.
- Trained all of Virginia's 150 juvenile and domestic relations judges on the new minimum marriage age law, which was critical for the law's successful roll out.
- Reached thousands of service providers through a peer-reviewed article published by the *National Resource Center on Domestic Violence* that shows how forced marriage intersects with other forms of abuse in the U.S.
- Convened 30 service providers, advocates, experts, and survivors from across the country for the first-ever national consultation on whether forced marriage should be criminalized in the U.S.

Tahirih *cont. pg.6*



Advocacy

Tahirih *cont. from pg. 5*

- Secured a high-level roundtable with the U.S. Department of State and members of the Tahirih-led *Forced Marriage Working Group* to discuss improving responses to U.S. victims taken overseas for forced marriages.
- Published a groundbreaking report with a complete 50-state analysis of laws that allow child marriages to occur in the U.S. (*Featured on pg. 2*)
- Achieved a historic new minimum marriage age law in Virginia that was signed by the governor in March and went into effect in July 2016.



Jeanne Smoot, Tahirih's Senior Counsel for Policy and Strategy (bottom right), witnesses Virginia Governor Terry McAuliffe signing historic House Bill 703, making Virginia the first state in the country to limit marriage to legal adults.

According to the U.N. Children's Fund (UNICEF), child marriage is "perhaps the most prevalent form of sexual abuse and exploitation of girls," and "marriage before the age of 18 is a fundamental violation of human rights."

About 15 million girls around the world are married before their 18th birthdays each year – or about 40,000 per day, according to the *International Center for Research on Women*.

Educating Lawyers



St. Thomas University School of Law through its LL.M./ J.S.D. Program in *Intercultural Human Rights* is the first academic institution in South Florida to shed light on the magnitude and scope of human trafficking. It is also one of pioneer institutions in the field of human trafficking nationwide and the first law school to offer a course on human trafficking law in its J.D. curriculum.

In 2005, under the leadership of Professor Roza Pati, a set of law and policy recommendations were formulated under the name of "The Miami Declaration of Principles on Human Trafficking," which has guided law and policy in various states nationally and internationally.

The *Human Trafficking Academy*, founded in 2010 through a grant of the Department of Justice, Bureau

of Justice Assistance, aims at conducting research, outreach and education in the field of human trafficking. In particular, it offers specialized training and assistance to law enforcement, lawyers, healthcare providers, teachers, students, researchers, religious institutions and the community at large on issues related to this crime. In August 2017 it hosted another week-long training for 62 participants from the U.S. and Thailand.

The training was designed to empower participants with the theoretical perspective and legal framework of human trafficking as well as with

practical skills and tools that are essential in addressing and preventing this heinous crime.

The 2017 Academy guest speaker was Janet Basilan, a survivor of human trafficking and Vice Chairperson of *GABRIELA USA*, a Philippine-based organization in the U.S seeking justice for trafficked persons. Ms. Basilan was one of the many Philippine teachers who were lured to the U.S. with false promises of well-paid teaching positions – later shown to be a scam. As a survivor-advocate, Ms. Basilan is determined to combat human trafficking in her home country and in the U.S.

Roza Pati is a tenured Professor of Law at St. Thomas University School of Law, teaching International Law, Human Rights Law and Human Trafficking Law. She is Executive Director of the LL.M./ J.S.D. Program in Intercultural Human Rights and directs the *Human Trafficking Academy*.

Professor Pati served as a Member of the Albanian Parliament and as Cabinet Member served as Secretary of State for Youth and Women of Albania. She was also visiting professor of law at the Romanian-American University in Bucharest, Romania. In August 2012, Pope Benedict XVI appointed Professor Pati as a Member of the Pontifical Council for Justice and Peace, at the Vatican. She is the only Council member representing the U.S. (<http://www.humantraffickingacademy.org/>) (<https://www.stu.edu/law/faculty-staff/faculty/roza-pati>)



Professor Roza Pati



Advocacy

Human Trafficking Legal Access Center

The American Bar Association Task Force on Human Trafficking and *Polaris Project* have partnered up to create the *Human Trafficking Legal Access Center*. Hosted by *probono.net*, the site brings together attorneys and law firms with the non-profit service providers working with survivors of human trafficking.

In addition to a calendar of events and trainings, news, and legal cases, the site includes specific resources both for non-profits and pro bono attorneys.

(https://www.americanbar.org/groups/human_rights/projects/task_force_human_trafficking.html)

To learn more about the *Human Trafficking Legal Access Center* and the available resources, go to:

<https://www.humantraffickinglaw.net/learnmore/>

<https://www.humantraffickinglaw.net/probono/>

<https://www.humantraffickinglaw.net/probono/library/>



Voices for Victims: Lawyers Against Human Trafficking Tool Kit for Bar Associations

(https://www.americanbar.org/content/dam/aba/multimedia/trafficking_task_force/resources/TFHT_Toolkit/HumanTrafficking_Bar.authcheckdam.pdf)

Business Law and Social Responsibility

In its 2017 ABA Business Law annual meeting report, the ABA indicated that corporate social responsibility (CSR) has transitioned from being voluntary to taking on a legal status. Companies, such as Hewlett Packard, McDonalds and Amazon, are seeking lawyers with expertise in corporate supply chains and responsibility management systems. Factors driving this trend include, among others, having mobile/social technologies that allow for increased monitoring and enforcement. A survey indicated:

- 83% of people will trust a company more if it is socially responsible.
- 80% of young professionals are interested in securing jobs that have a positive impact on the environment.
- Approximately 50% of large companies report a financial gain associated with their CSR activities.
- 95% of CEOs indicate that society has higher expectations of business taking on public responsibilities than it did five years ago.
- \$1 out of every \$9 under professional management in the U.S. now involves an element of “socially responsible investment.”

The 2012 *California Transparency in Supply Chains Act* was a major impetus in this trend. This CA law requires every retail seller and manufacturer doing business in CA with more than \$100 million in annual worldwide gross receipts to disclose via a “conspicuous link” on its website its efforts (if any) to address risks related to slavery and human trafficking in its supply chain.

The U.S. government also has a policy on government solicitations and contracts that prohibits contractors, contractor employees, subcontractors, subcontractor employees, and their agents from:

- Engaging in severe forms of trafficking in persons during the period of performance of the contract.
- Using forced labor in the performance of the contract.
- Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee’s identity or immigration documents.
- Using misleading or fraudulent practices during the recruitment of employees or offering of employment.
- Using recruiters that do not comply with local labor laws of the country in which the recruiting takes place.
- Charging employees recruitment fees.
- Failing to provide an employment contract or other required work document. (https://www.americanbar.org/content/dam/aba/events/business_law/2017/09/annual/materials/humantrafficking-201709.authcheckdam.pdf)





Action

Tell Congress to: #ListentoSurvivors and Amend #CDA230

Sex trafficking is exploding online, finding a haven in online classifieds that provide a platform to facilitate sex trafficking. Despite knowingly facilitating this crime these websites are permitted to hide behind an outdated and misinterpreted provision of the *Communications Decency Act (CDA)*.

Section 230 of the CDA was never intended to protect entities that facilitate sex trafficking and yet, courts have repeatedly interpreted Section 230 as providing blanket immunity for online entities, including online entities that knowingly facilitate sex trafficking, such as Backpage.com.

The Solution:

To address this legal loophole, two bills were recently introduced in the House and Senate: **HR 1865, Allow States and Victims to Fight Online Sex Trafficking Act** and **S 1693, Stop Enabling Sex Traffickers Act**. These two bills would amend the CDA to ensure websites that facilitate sex trafficking face culpability for their role in this egregious crime.

The Opposition:

The tech industry is fighting any change to Section 230. They are working to silence the voices of survivors of sex trafficking and keep the status quo.

Take Action!

- Watch this video to hear the perspectives of sex trafficking survivors and their families: <https://vimeo.com/231775502>
- Send Out Sample Tweets - Spread the word on social media by retweeting tweets from Shared Hope International.
- Call your Members of Congress - Call to show your support for survivors and for amending the CDA.

For more details and for sample call scripts and sample tweets, go to: <https://sharedhope.org/what-we-do/bring-justice/legislative-action-center/stop-injustice-online/>

Tell Congress to: #Faith4DACA & #DefendDACA

The **DREAM Act 2017** would authorize “cancellation of removal and the adjustment of status of certain individuals who are long-term U.S. residents and who entered the U.S. as children and for other purposes.”

The original DREAM Act was authored in 2001. The DREAM Act of 2017 was introduced in the Senate by Dick Durbin (D-IL) and Lindsey Graham (R-SC) as **S. 1615** and in the House by Lucille Roybal-Allard (D CA-40) and Ileana Ros-Lehtinen (R FL-27) as **HR 3440**.

The DREAM Act would allow young people to earn lawful permanent residence, and eventually American citizenship, if they:

- Are longtime residents who came to the U.S. as children;
- Graduate from high school or obtain a GED;
- Pursue higher education, work lawfully for at least three years, or serve in the military;

- Pass security and law enforcement background checks and pay a reasonable application fee;
- Demonstrate proficiency in the English language and a knowledge of U.S. history; and
- Have not committed a felony or other serious crimes and do not pose a threat to our country.

Learn more about

Dream Act 2017 at:

<https://www.nilc.org/issues/immigration-reform-and-executive-actions/dreamact/dream-act-2017-summary-and-faq/>

‘SOAR to Health and Wellness Training’

It is reported that 88% of sex trafficking survivors had contact with a healthcare provider while being trafficked. These nurses, doctors, and EMTs have a unique opportunity to intervene and connect victims with law enforcement. They need training.

‘Stop, Observe, Ask, and Respond to Health and Wellness Training Act’ (or SOAR to Health and Wellness Training) is currently in both the Senate and House. The SOAR Act directs the *U.S. Dept. of Health and Human Services (HHS)* to provide a pilot program that would train emergency room staff and health care providers to identify potential human trafficking victims, report trafficking incidences, refer victims to service agencies, and provide victims with care tailored to their circumstances.

H.R.767, SOAR was introduced by Steve Cohen (D-TN-9) and eleven co-sponsors, and **S.256, Soar** was introduced by Heidi Heitkamp (D-ND) with five co-sponsors.

If passed, SOAR would also mandate HHS to report on the number of facilities operating under the pilot program and the number of providers trained through the pilot program. The pilot program would be authorized through FY2022.



Toll-Free 24/7 Hotline
National Human Trafficking
Resource Center
1.888.3737.888
Text 'Help' at: BeFree
(233733)

Action

Other Bills Addressing Human Trafficking

S. 1312, the Trafficking Victims Protection Act of 2017, sponsored by Senators Charles E. Grassley (R-IA), Dianne Feinstein (D-CA), John Cornyn (R-TX) and Amy Klobuchar (D-MN.), includes provisions to improve training for school personnel, enhance the justice system response to human trafficking, and establish an Office of Victims Assistance.

S. 1311, the Abolish Human Trafficking Act of 2017, introduced by Senators John Cornyn (R-TX) and Amy Klobuchar (D-MN), would reauthorize the Domestic Trafficking Victims' Fund under the Department of Justice and institute mandatory restitution for victims, holistic training for federal law enforcement officers, a victim-centered approach to human trafficking, and an end to government partnerships with the commercial sex industry.

Both bills passed in the Senate and moved to the House of Representatives.

H.R. 2473, the Put Trafficking Victims First Act of 2017, sponsored by Rep. Ann Wagner (R-Mo.), would:

- Train government agencies, law enforcement, and prosecutors to implement victim-centered approaches to investigating and preventing trafficking.
- Evaluate state "safe harbor laws" that are meant to protect child trafficking victims from being treated like criminals.
- Establish a working group to develop methodologies to determine trafficking prevalence and trends, and evaluate how to identify victims and address their needs.
- Establish a survey of survivors to better understand how victims access help.
- Direct the Department of Justice to make mandatory restitution for trafficking victims truly mandatory and implement victim-friendly procedures in federal criminal cases.
- Encourage states to improve outreach to victims; screen vulnerable children and foreign nationals who may be trafficked; provide shelter and housing to victims; fully prosecute sellers and buyers; develop emergency response plans; and pass laws to give trafficking victims the ability to vacate criminal records related to non-violent offenses they were forced to commit.

The bill unanimously passed the House and was sent to the Senate.

H.R. 2480, the Empowering Law Enforcement to Fight Sex Trafficking Demand Act of 2017, sponsored by Rep. Vicky Hartzler (R-Mo.), would ensure that state and local governments can obtain and use federal law enforcement grants under the Edward Byrne Memorial Justice Assistance Grant (JAG) program to fund efforts to combat human trafficking, including programs to reduce demand for commercial sex.

The bill passed the House and was sent to the Senate.

HR 1625, the Targeted Rewards for the Global Eradication of Human Trafficking (TARGET) Act, introduced by Representatives Ed Royce (R-CA) and Lois Frankel (D-FL), turns the tables on human traffickers by allowing the State Department to use cash rewards for their arrest or conviction around the globe.

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Informative Web Sites: (Each contains information related to human trafficking)

Tahirih:

'Falling Through the Cracks'

<http://www.tahirih.org/wp-content/uploads/2017/08/TahirihChildMarriageReport-1.pdf>

HT Pro Bono: 'Mandatory'

https://www.wilmerhale.com/uploadedFiles/Shared_Content/Editorial/Publications/Documents/Human-Trafficking-When-Mandatory-Does-Not-Mean-Mandatory-2014.pdf

2015 Presentation

https://www.sccgov.org/sites/owp/Documents/Human%20Trafficking/Justice%20for%20Trafficking%20Victims_Vandenbergl.pdf

Contact Legislators:

https://www.senate.gov/general/contact_information/senators_cfm
<https://www.contactingcongress.org/>

Find Anti-Trafficking Bills:

<https://www.govtrack.us/congress/bills/browse>

Trafficking in persons is increasingly perpetrated by sophisticated transnational criminal enterprises. The traffickers themselves often operate outside of our borders, but the profits from the trafficking industry contribute to the expansion of organized crime and terrorism in the United States and worldwide. That is why combating human trafficking requires a global approach to identifying and apprehending the world's worst offenders.

The bill passed the House and was sent to the Senate.

Stop Trafficking! is dedicated exclusively to fostering an exchange of information among USCSAHT members and organizations, collaborating to eliminate all forms of human trafficking.

To access back issues of *Stop Trafficking!*, go to: <http://www.stopenslavement.org/>

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