Researching Human Trafficking Law and Policy

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Spring 2017
Human Trafficking Research Guide

What Is Human Trafficking?

Human trafficking involves the recruitment, transportation, transfer, harboring or receiving a person, by threat, use of force, coercion, or abduction for the purpose of exploitation. Exploitation shall include prostitution, forced labor, slavery, servitude, use of child soldiers, or the removal of organs.

Looking for a library database?

This is an alphabetical list of FSU databases useful for researching legal issues dealing with the law of human trafficking:
- HeinOnline
- Index to Foreign Legal Periodicals

Writing a Paper?

Choose a Paper Topic
Do a Pre-Emption Check
Avoid Plagiarism
Cite Correctly

Narrow your topic on which you can write a 20-30 page paper. Select a topic that addresses an international law question that is of interest to you and also is original and topical.

To find ideas for your topic, go to the following sources with an international perspective:

Class Presentation 2016
- Researching Human Trafficking Law & Policy

http://guides.law.fsu.edu/humantrafficking
TODAY’S AGENDA

Secondary Sources

U.S. Law

International & Foreign Law
Secondary Sources

- Background Sources
- Books and Treatises
- Articles and Reports
- News
Forced Labour/Slave Labour
Santiago M Villalpando

Content type: Encyclopedia Entries
Product: Max Planck Encyclopedia of Public International Law [MPEIL]

Subject(s):
Published under the auspices of the Max Planck Foundation for International Peace and the Rule of Law under the direction of Rüdiger Wolfrum.

A. Introduction
1 Forced or compulsory labour has been defined, for the purposes of international law, as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’ (Art. 2 (1) Convention [No 29] concerning Forced or Compulsory Labour; ‘Forced Labour Convention No 29’). The notion is thus characterized by two basic elements, i.e. the lack of consent to work and the menace of a penalty, but not by the context and nature of the service demanded, the specific
Secondary Sources

Books & Treatises

Using Search Engines to Locate Books

- OneSearch
- Online Catalog
- WorldCat
- Google Books
- Westlaw Treatises
- Lexis Treatises

Search Summon for articles, books, & more

books

books and articles
Secondary Sources

Articles

(human sex persons child!) /s trafficking

forced /2 labo*r

modern /3 slavery
Secondary Sources

Reports

Searching for Reports or Documents

Law Databases

- Columbia International Affairs Online (CIAO)
- National Criminal Justice Reference Service Abstracts
- PAIS International

Non-Law Databases
The UN Special Rapporteur on Trafficking: A Turbulent Decade in Review

IV. CHALLENGES

The work of the mandate has confirmed that the problem of human trafficking in all of its manifestations continues in all parts of the world. While the legal framework at every level is stronger than ever, and while awareness of traffickers and trafficking has improved significantly, it is difficult to be assured that substantial changes are happening.

A. CLARIFYING THE BOUNDARIES OF THE INTERNATIONAL LEGAL DEFINITION

The boundaries of the international legal definition of trafficking are not always sufficiently well defined. The term “human trafficking” is part of the United Nations Convention against Transnational Organized Crime and its Protocol, but the specific definition of trafficking has been the subject of various interpretations.

B. Strengthening International Oversight and Guidance

Over the course of the decade, disregard to trafficking (what actually happens) and national laws, too often, are too phenomenon, uncertainty.

C. Securing Accountability of Non-State Actors

Securing greater accountability of states is a trafficking movement over the past decade. This means understanding their legal responsibility to respond to trafficking by protecting victims, investigating and taking action.

D. Remedies for Victims

While many substantive issues drew the attention of the mandate over the past decade, as particularly urgent and compelling. Remedies are a critical aspect of the international status of trafficked persons as victims of crime and victims of human rights abuse. This report identifies the need for a more consistent approach to prevent future trafficking.

E. Prevention of Trafficking

In the context of trafficking, the term “prevention” is plagued by conceptual and full range of measures aimed at preventing future acts of trafficking from occurring. For example, while there is general agreement that states should be as proactive as they can to prevent trafficking, this is often not the case. For instance, the need to address the root causes of trafficking and to develop a comprehensive approach to prevention is not always fully recognized.
Secondary Sources

News

Background Sources
Books
Articles & Reports
Country Reports

Current Awareness
Advanced: (victim human person sex labor) /s traffick! % (drug goods)
First Amendment Defenses Apply to Class Actions Demanding 'Confessions' About Human Trafficking Supply Chain Risks

Constitutional Law—Right of Privacy
L.A. Hotels Can Refuse Registry Searches; Google, Others Take Note of SCOTUS Ruling
Secondary Sources

- MaxPlanck Encyclopedia
- OneSearch is a Google-type search for FSU books and articles
- There’s a wealth of databases to search for articles.
- Use regular and country reports to point to data and laws
- Current awareness tools such as BloombergBNA and blogs point to trends and to laws.
U.S. Law

- Finding Federal Legislation
- Finding State Legislation
- Finding Cases
U.S. Law

Federal Legislation

- U.S. Code
- U.S. Laws
- Uniform Acts

- 18 USC, Chapter 77 - Peonage, Slavery, and Trafficking in Persons Crimes
- 18 USC, Chapter 212A - Extraterritorial Jurisdiction over Certain Trafficking in Persons Offenses
- 22 USC, Chapter 78 - Trafficking Victims Protection
- 42 USC, Chapter 136, Part O - Prevention of Domestic Trafficking in Persons
• Florida Statutes and Regulations
• Florida Legislative History
• Legislation of Other States
Florida Legislative History

Using Florida *Online Sunshine* site

**STEPS FOR LOCATING FLORIDA LEGISLATIVE HISTORY**

*When you have a Statute Section Number*

1. Go to Online Sunshine
2. Locate relevant statute
3. In the history notes (end of the statute section), identify all the session laws
4. Locate each session law to identify the bill number
5. Using bill number, locate bill information & legislative history
STEP 3

In the history notes (end of the statute section), identify all the session laws.

The 2014 Florida Statutes

Title XLV
TORTS

Chapter 772
CIVIL REMEDIES FOR CRIMINAL PRACTICES

772.104 Civil cause of action.—

(1) Any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 shall have a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of $200, and reasonable attorney’s fees and court costs in the trial and appellate courts.

(2) As an alternative to recovery under subsection (1), any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 due to sex trafficking or human trafficking shall have a cause of action for threefold the amount gained from the sex trafficking or human trafficking and in any such action is entitled to recover reasonable attorney’s fees and court costs in the trial and appellate courts upon a finding that the claimant raised a claim which was without substantial fact or legal support.

In awarding attorney’s fees and costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover attorney’s fees or costs provided under other provisions of law.

History.—s. 3, ch. 86-277; s. 1180, ch. 97-102; s. 3, ch. 2006-168.
STEP 4
Locate each session law to identify the **bill number**
STEP 5
Using bill number, locate bill information & legislative history

- S 0248: Automated External Defibrillators
  Last Action: 05/05/2006 H Died in Committee on Education Appropriations (FC), Link/Iden/Sim/Comp/Compare passed, refer to CS/CS/SB 772 (Ch. 2006-301)

- S 0250: Human Trafficking
  Last Action: 06/12/2006 Approved by Governor; Chapter No. 2006-168

- S 0252: Gordon & Mulli Act
  Last Action: 04/28/2006 S Placed on Special Order Calendar -SJ 00696; Substituted HB 67 -SJ 00680; Laid on Table, Link/Iden/Sim/Comp/Compare passed, refer to HB 67 (Ch. 2006-125), HB 93 (Ch. 2006-206)
787.06 & (person victim human) /5 traffic!
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- **Proposed Text (17)**
- **Current Text: October 1, 2015 - Current (2)**
  - June 30, 2015 - September 30, 2015 (19)
  - October 1, 2014 - June 29, 2015 (46)
  - July 1, 2014 - September 30, 2014 (14)
  - July 1, 2012 - June 30, 2014 (17)
  - October 1, 2006 - June 30, 2012 (18)
  - October 1, 2004 - September 30, 2006 (15)
Other State Legislation

Human Trafficking

(February 2013)

**LexisNexis 50 State Surveys, Legislation & Regulations ET Table of Contents** > **Criminal Law & Procedure** > **Criminal Offenses**

<table>
<thead>
<tr>
<th>State</th>
<th>Statutes &amp; Regulations</th>
<th>Victim Assistance</th>
<th>Sanctions Against Violators</th>
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<td>AL</td>
<td><strong>Code of Ala. §§ 13A-6-150 through 13A-6-161</strong>&lt;br&gt;<strong>Code of Ala. § 13A-6-155</strong>&lt;br&gt;<strong>Code of Ala. § 13A-6-157</strong>&lt;br&gt;<strong>Ala. Admin. Code r. 262-X-4-.02</strong></td>
<td>Mandatory criminal restitution&lt;br&gt;<strong>Code of Ala. § 13A-6-155</strong>&lt;br&gt;<strong>Availability of civil remedies</strong>&lt;br&gt;<strong>Code of Ala. § 13A-6-157</strong>&lt;br&gt;<strong>Rape victims of</strong></td>
<td>Liability/guilt imputed to businesses&lt;br&gt;<strong>Code of Ala. § 13A-6-152</strong>&lt;br&gt;(See also <strong>Code of Ala. § 13A-6-153</strong>)&lt;br&gt;<strong>Forfeiture of property</strong></td>
</tr>
</tbody>
</table>
Ongoing Cases

Bloomberg Law Docket Search
Drill down and select:
- All Florida U.S. District Court Dockets
- All Florida State Court Dockets

Keywords
- "human trafficking" OR "trafficking victims" OR "trafficking in persons"
Ongoing Cases

Bloomberg Law Docket Search

Decided Cases

Human Trafficking Data

American Law Reports (ALR)
# HUMAN TRAFFICKING DATA

<table>
<thead>
<tr>
<th>View Case Files</th>
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<th># of Victims</th>
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<td>6:06-cr-00118-GAP-DAB</td>
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<td>Case Files</td>
<td>USA v. Paulin et al</td>
<td>1:07-cr-20263-JAG</td>
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</tbody>
</table>

## Type of Trafficking
- Adult sex
- Minor sex
- Labor

## Type of Labor
- [ ]

## Type of Sex
- [ ]
1. **Validity, Construction, and Application of Section 112 of Trafficking Victims Protection Act of 2000 and Subsequent Reauthorizing Provisions amending Chapter 77 of Title 18, United States Code**

This annotation collects and discusses the cases that have addressed the validity, construction, or application of § 112 of the Trafficking Victims Protection Act of 2000 and its subsequent reauthorizing and amending provisions, the Trafficking Victims Protection Reauthorization Act of 2003 and 2005 and the William Wilberforce Trafficking Victims...

2. **Validity, Construction, and Application of State Statutes Proscribing Human Trafficking**

State statutes that forbid human trafficking may penalize one who recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act or a commercial sex act. This...
| 1 | ABANDONED AND LOST PROPERTY |
| 2 | ABATEMENT AND REVIVAL |
| 4 | ABORTION AND BIRTH CONTROL |
| 5 | ABSENTEES |
| 6 | ABSTRACTS OF TITLE |
| 7 | ACCESSION |
| 8 | ACCORD AND SATISFACTION |
| 9 | ACCOUNT |
| 10 | ACCOUNT, ACTION ON |
| 11 | ACCOUNT STATED |
| 11A | ACCOUNTANTS |
| 12 | ACKNOWLEDGMENT |
| 13 | ACTION |
| 14 | ACTION ON THE CASE |
| 15 | ADJOINING LANDOWNERS |
| 15A | ADMINISTRATIVE LAW AND |
| 141 | EASEMENTS |
| 141E | EDUCATION |
| 142 | EJECTMENT |
| 142T | ELECTION LAW |
| 143 | ELECTION OF REMEDIES |
| 145 | ELECTRICITY |
| 146 | EMBEZZLEMENT |
| 148 | EMINENT DOMAIN |
| 149 | ENTRY, WRIT OF |
| 149E | ENVIRONMENTAL LAW |
| 149T | EQUITABLE CONVERSION |
| 150 | EQUITY |
| 151 | ESCAPE |
| 152 | ESCEAT |
| 154 | ESTATES IN PROPERTY |
| 156 | ESTOPPEL |
| 348 | SEAMEN |
| 349 | SEARCHES AND SEIZURES |
| 349A | SECURED TRANSACTIONS |
| 349B | SECURITIES REGULATION |
| 350 | SEDUCTION |
| 350H | SENTENCING AND PUNISHMENT |
| 351 | SEQUESTRATION |
| 352 | SET-OFF AND COUNTERCLAIM |
| 352H | SEX OFFENSES |
| 353 | SHERIFFS AND CONSTABLES |
| 354 | SHIPPING |
| 355 | SIGNATURES |
| 356 | SLAVES |
| 356H | SOCIAL SECURITY |
| 358 | SPECIFIC PERFORMANCE |
Human trafficking
U.S. Law

- Federal legislation can be found on Research Guide.
- Westlaw for federal legislative history.
- BloombergLaw has both federal and state dockets to locate current and undecided cases.
- Human Trafficking Database Project
- American Law Reports (ALR) / Westlaw / Lexis Advance
Secondary Sources

U.S. Law

International & Foreign Law
International & Foreign Law

- Treaties
- Foreign Legislation
- International Cases
Relevant Treaties

Text and Status of Treaties
- EISIL - Electronic Information System for International Law - Slavery & Slavery-Like Practices
- International Conventions
- U.N. International Standards
- U.N. Treaty Collection - Status of Treaties (Pre-1950)
- U.N. Treaty Collection - Status of Treaties (Post-1950)

Drafting History
- The Annotated Guide to the Complete UN Trafficking Protocol
## Finding Foreign Legislation

### International Anti-Trafficking

(The Protection Project is regularly updating and adding new legislation and, when available, English translations will be provided to contribute new anti-human trafficking legislation and for further information please email: jeh wynnick@jhu.edu)

<table>
<thead>
<tr>
<th>Country</th>
<th>Act Description</th>
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<tr>
<td>Austria</td>
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<tr>
<td>Bahamas</td>
<td>Trafficking in Persons (Prevention and Suppression) Act</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Law No. 1 of 2008 with respect to Trafficking in Persons</td>
</tr>
<tr>
<td>Barbados</td>
<td>Transnational Organized Crime (Prevention and Control) Act,</td>
</tr>
</tbody>
</table>

**Database of Legislation**

- Austria
  - Penal Code
- Bahamas
  - Trafficking in Persons (Prevention and Suppression) Act
- Bahrain
  - Law No. 1 of 2008 with respect to Trafficking in Persons
- Barbados
  - Transnational Organized Crime (Prevention and Control) Act,
Finding Case Law

Free Databases

Human Trafficking Case Law
RefWorld
Finding Case Law

Free Databases

- Human Trafficking Case Law
- RefWorld

Subscription Databases

- Oxford Reports on International Law
• Locate treaty text and status from the Research Guide.

• Free websites, like *Protection Project* are good free websites for locating foreign law on human trafficking...as a start.

• Avoid straight keyword searching in *Westlaw* and *Lexis Advance*. Be sure to use Topic/Key Number system or search in advanced search by fields.
Final Words

• Give yourself plenty of time.
• ILL process may take a week or more
• Use the research guide.
• Keep a journal of what you’ve searched and where.
• Please ASK for help!
Questions?

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850-644-9244