



Reference Library: Case Adjudication

[Bhabha, Jacqueline and Christina Alfrev](http://www.hks.harvard.edu/cchrp/isht/pdf/UNHCR_Trafficking_Study_2009.pdf). (October 2009). The Identification and Referral of Trafficked Persons to Procedures for Determining International Protection Needs. United Nations High Commissioner for Refugees. Retrieved from: [http://www.hks.harvard.edu/cchrp/isht/pdf/UNHCR Trafficking Study 2009.pdf](http://www.hks.harvard.edu/cchrp/isht/pdf/UNHCR_Trafficking_Study_2009.pdf)

- This research paper, commissioned by the Division of International Protection Services of the UNHCR, seeks to identify and address the current gaps in protection mechanisms for trafficked persons. The study provides background research and information on three connected issues: the protection challenges that arise out of existing state mechanisms for identifying trafficked persons; the establishment of a national referral system that guarantees assessment of the needs for international protection of persons identified as trafficked; and procedures adopted to address the special protection needs of trafficked children.

[Busch-Armendariz, Noel Bridget, et al.](http://www.utexas.edu/ssw/dl/files/cswr/institutes/idvsa/publications/humantrafficking.pdf) (October 2009). Understanding Human Trafficking: Development of Typologies of Traffickers Phase II. Institute on Domestic Violence and Sexual Assault. The University of Texas-Austin. Retrieved from: www.utexas.edu/ssw/dl/files/cswr/institutes/idvsa/publications/humantrafficking.pdf

- This report is a follow-up to Understanding Human Trafficking: Development of Typologies of Traffickers, which involved a review of literature, government reports, and media reports of prosecuted cases related to human trafficking and in-depth interviews with prosecutors and national experts who have experience working cases involving human trafficking crimes. This phase of the study addresses the following research questions: 1) what types of traffickers and trafficking crimes exist? and 2) how can they be categorized into criminal typologies?

[Clawson, Heather J., et al.](http://www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf) (September 2008). Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices. U.S. Department of Justice. Retrieved from: www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf

- This study examines the effects of existing federal and State legislation from the perspective of the prosecution and identifies critical challenges and barriers to successful prosecution of cases. The data consists of primarily Federal Case Reviews and Federal Prosecutor Interviews.

[Goodman, Jill Laurie and Dorchen A. Leidholdt](http://www.courts.state.ny.us/ip/womeninthecourts/LMHT.pdf). (2011). Lawyer's Manual on Human Trafficking. New York State Judicial Committee on Women in the Courts. Retrieved From: <http://www.courts.state.ny.us/ip/womeninthecourts/LMHT.pdf>

- This manual addresses the legal remedies at the disposal of prosecutors, lawyers defending victims on criminal charges, and family law practitioners, government benefits experts, and immigration advocates helping victims to rebuild their lives. It explores the relation of trafficking laws to other social justice concerns, such as labor exploitation and domestic violence, and it spotlights particular groups of victims, such as male sex trafficking victims and children exploited in the commercial sex industry.

[Georgia Department of Labor](http://www.dol.state.ga.us/pdf/rules/child_labor_laws_and_rules.pdf). (February 2011). Georgia Laws and Rules Regulating Employment of Children. Retrieved From:
http://www.dol.state.ga.us/pdf/rules/child_labor_laws_and_rules.pdf

- A comprehensive overview of the state of Georgia's laws and rules regulating childhood employment.

[Harris, Kamala D.](http://oag.ca.gov/sites/all/files/pdfs/ht/human-trafficking-2012.pdf) (2012). The State of Human Trafficking in California. California Department of Justice: Attorney General's Office. Retrieved from:
<http://oag.ca.gov/sites/all/files/pdfs/ht/human-trafficking-2012.pdf>

- Attorney General Kamala D. Harris created a Human Trafficking Work Group to examine the nature and scope of human trafficking in California in 2012; to evaluate California's progress in combating human trafficking; and to identify challenges and opportunities in protecting and assisting victims and bringing traffickers to justice. The Work Group included more than 100 representatives of state, local and federal law enforcement, state government agencies, victim service providers, nonprofit groups, technology companies, and educational institutions. This report reflects the Work Group discussions as well as supplemental research and investigation by the California Department of Justice.

[Haynes, Dina F.](http://www.ssrn.com/abstract=1091743) (2009). Exploitation Nation: The Thin and Grey Legal Lines Between Trafficked Persons and Abused Migrant Laborers. Notre Dame Journal of Law, Ethics and Public Policy. Retrieved from: www.ssrn.com/abstract=1091743

- This *Immigration and Nationality Law Review* article argues that it is time the law recognized migration as such and responded evenhandedly to the exploitation of all migrants, rather than protecting exploited trafficked persons (and even then not always well) while failing to protect and recognize those migrants who fall just short of the trafficking definition. The article explores the notion of exploitation and the extent to which people in transit are particularly vulnerable due to the very factors, which drove them to migrate. It looks at the characteristics of exploitation, from the perspective of both the exploiter and the exploited, setting forth the legal theory and laws available to those who are exploited, and detailing the marked differences between those available to trafficked persons as opposed to those not trafficked, but merely exploited. The article also details the variety of ways in which law enforcement officials are not fully employing the available laws, and the reasons why the available laws fail both trafficked persons and those who are exploited.

[International Labour Office](http://www.ilo.org/global/publications/books/WCMS_173363/lang--en/index.htm). (2013). Domestic Workers Across the World: Global and Regional Statistics and the Extent of Legal Protection. International Labour Organization. Retrieved from:
http://www.ilo.org/global/publications/books/WCMS_173363/lang--en/index.htm

- This report attempts to capture the size of the domestic work sector and the extent of legal protection enjoyed by domestic workers on the basis of a verifiable and replicable methodology. Addressing exclusions from working conditions laws is an important focus in this regard and the statistics presented here set a benchmark against which future progress can be measured.

[Loftus, Britta S.](http://www3.law.columbia.edu/hrlr/hrlr_journal/43.1/Loftus.pdf) (2011). Coordinating US Law on Immigration and Human Trafficking. *Columbia Human Rights Law Review*, 43: 143-214. Retrieved from:
http://www3.law.columbia.edu/hrlr/hrlr_journal/43.1/Loftus.pdf

- This *Columbia Human Rights Law Review* article argues that, despite measures designed to protect victims of human trafficking, human trafficking laws often conflict with immigration enforcement policies. The author contends that because trafficking laws and immigration laws have developed in isolation, inconsistencies exist within these two bodies of law and advocates for a coordinated governmental approach to immigration enforcement and human trafficking laws to ensure better protection for human trafficking victims.

[Office of the Attorney General](https://www.oag.state.tx.us/AG_Publications/pdfs/human_trafficking_2008.pdf). (October 2008). The Texas Response to Human Trafficking: Report to the 81st Legislature. Office of the Attorney General. Retrieved from:
https://www.oag.state.tx.us/AG_Publications/pdfs/human_trafficking_2008.pdf

- This report provides both an overview of human trafficking in the State of Texas and the government's response to this horrendous crime. Human trafficking-related issues are identified, and recommendations are provided for the Legislature's consideration as it examines how to enhance existing statutes and services available to human trafficking victims.

[Owens, Colleen et. al.](http://www.urban.org/UploadedPDF/412593-State-and-Local-Human-Trafficking-Cases.pdf) (June 2012). Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases. Urban Institute. Retrieved from: www.urban.org/UploadedPDF/412593-State-and-Local-Human-Trafficking-Cases.pdf

- This study identifies and recommends strategies to overcome barriers to local investigation and prosecution of human trafficking using a systematic review of human trafficking case records and in-depth interviews with a variety of actors in a targeted sample of counties across the U.S. Cases. In addition to examining the investigation and adjudication of human trafficking cases, a sample of case records for other types of crimes that may include indicators of human trafficking but were not investigated or charged as such were also reviewed in each study site. This review helps us understand how often and under what circumstances incidents with

indications of human trafficking are classified, investigated or prosecuted as other types of crimes.

[Reichel, Philip L.](#) (July 2008). Cross-National Collaboration to Combat Human Trafficking Learning from the Experience of Others. U.S. Department of Justice. Retrieved from: www.ncjrs.gov/pdffiles1/nij/grants/223286.pdf

- This report seeks to more clearly understand how Europe-based organizations are accomplishing cross-national collaboration to combat human trafficking (detailed in part I). And second, how that information could be used to develop suggestions for improving U.S.-Canada anti-trafficking efforts (detailed in part II).

[Rieger, April.](#) Missing the Mark: Why the Trafficking in Victims Protection Act Fails to Protect Sex Trafficking Victims in the US. *Harvard Journal of Law & Gender*, Vol 30: 231-256. Retrieved from: <http://www.law.harvard.edu/students/orgs/jlg/vol301/rieger.pdf>

- This article in the *Harvard Journal of Law & Gender* argues that the eligibility requirements of the TVPA are overly rigid and enforcement is deficient, leaving many deserving sex trafficking victims unprotected. The author offers a detailed analysis of the mechanics of sex trafficking and analyzes the various barriers victims must overcome in order to obtain the benefits provided in the TVPA. Among these barriers are victim identification, the difficulty of qualifying as a “severe trafficking” victim, and the requirement of cooperating with the prosecution of a victim’s sex traffickers.

[Shared Hope International.](#) (2011). The Protected Innocence Challenge: State Report Cards on Legal Framework for Protection of Nations Children. Retrieved from: http://sharedhope.org/wp-content/uploads/2012/09/ProtectedInnocenceChallenge_FINAL_2012_wcover_web.pdf

- The Protected Innocence Challenge determined a comprehensive report card for states on the legal framework for protection of children based on area-specific reports outlining the problem’s scope, how victims of domestic minor sex trafficking accessed the justice and social services system, how victims were labeled and whether, as a result of that label victims of domestic minor sex trafficking were able to access (or barred from) services as victims of a violent crime.

[Texas District County Attorneys Association.](#) Prosecuting Human Traffickers. Retrieved from: <http://www.tdcaa.com/node/7370>

- A primer on how Dallas County prosecutes human traffickers and the challenges of prosecuting human trafficking, particularly working with victims who are often unsympathetic and uncooperative due to the traumatic impact of being trafficked.

[The Texas Human Trafficking Prevention Task Force](https://www.oag.state.tx.us/ag_publications/pdfs/human_trafficking.pdf). (January 2011). Report 2011 to the Texas Legislature. Texas Human Trafficking Prevention Task Force. Retrieved from: https://www.oag.state.tx.us/ag_publications/pdfs/human_trafficking.pdf

- This is a follow-up report to the 2008 Office of the Attorney General's report on human trafficking in Texas. The report provides a comprehensive look at human trafficking cases in Texas, challenges of human trafficking, Texas' statewide response to human trafficking since 2008, and concludes with legislative recommendations.

[Wagner, Steven](http://renewalforum.org/wp-content/uploads/2012/01/State-Law-Analysis.pdf). (January 2012). An Examination of State Laws on Human Trafficking. The Renewal Forum. Retrieved from: <http://renewalforum.org/wp-content/uploads/2012/01/State-Law-Analysis.pdf>

- This report analyzes current anti-trafficking statutes passed at the state and local level, arguing that there continue to be significant defects. This analysis is intended to promote the passage of effective and authentically victim-centered anti-trafficking laws by the states.

[United Nations](http://www2.ohchr.org/english/law/protocoltraffic.htm). (November 2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Office of the United Nations High Commissioner for Human Rights. Retrieved from: <http://www2.ohchr.org/english/law/protocoltraffic.htm>

- Adopted and opened for signature, ratification and accession by General Assembly in 2000, this official protocol of the UN to prevent, suppress, and punish trafficking in persons includes a preamble, scope of application, use of terms, and criminalization. The primary objective of the protocol is to guarantee the protection of victims of trafficking in persons, assistance for victims of trafficking in persons, status and repatriation of victims of HT as well as identify prevention, cooperation and final provisions regarding trafficking in persons.

[United Nations](http://www.unhcr.org/4986fd6b2.pdf). (November 2000). The Protocol against the Smuggling of Migrants by Land, Sea and Air. United Nations General Assembly. Retrieved from: www.unhcr.org/4986fd6b2.pdf

- This is the 2000 UN General Assembly's official protocol against the Smuggling of Migrants by Land, Sea, and Air (includes preamble, general provisions, prevention, cooperation, and final provisions).

[U.S. Department of State](http://www.state.gov/j/tip/laws/). U.S. Laws on Trafficking in Persons. U.S. Department of State. Retrieved from: <http://www.state.gov/j/tip/laws/>

- Provides a brief overview of human trafficking and includes the titles and links for 6 major Federal US laws that effect trafficking in persons.

[U.S. Department of Justice](http://bjs.ojp.usdoj.gov/content/pub/pdf/cshti0810.pdf). (April 2011). Characteristics of Suspected Human Trafficking Incidents, 2008-2010 Retrieved from:
<http://bjs.ojp.usdoj.gov/content/pub/pdf/cshti0810.pdf>

- Data in this report are from the Human Trafficking Reporting System (HTRS), which is the only system that captures information on human trafficking investigations conducted by state and local law enforcement agencies in the United States. This report is the second in a Bureau of Justice Statistics (BJS) series about the characteristics of human trafficking investigations, suspects, and victims. It reports about case outcomes, including suspect arrests and the visa status of confirmed victims, and describes the characteristics of incidents entered into the HTRS prospectively by the task forces beginning in 2008.

[Women's Commission for Refugee Women and Children](http://www.humantrafficking.org/uploads/publications/ustraff.pdf). (2007). US Response to Human Trafficking: An Unbalanced Approach. Retrieved from:
<http://www.humantrafficking.org/uploads/publications/ustraff.pdf>

- This report is focused on the United States' efforts to protect trafficked persons found in the United States. The authors argue that the conceptual framework of trafficking as a law enforcement issue is detrimental for providing services to victims. They recommend adopting a rights-based approach, which entails providing protections to all trafficked persons.