

**INTERNATIONAL COMPARATIVE SEX TRAFFICKING
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW**

SUMMER Semester 2023

LAW 206 - 001 Sex Trafficking

M-F 8:45 to 10:15 am

Professor Blanche Bong Cook

Oberyn Martell: They don't hurt little girls in Dorne.

Cersei Lannister: Everywhere in the world, they hurt little girls [and little boys].¹



COURSE DESCRIPTION

Sex trafficking exists on a continuum of sexualized violence from sexual harassment to sexual assault. It extends from amateur family-run operations, to sophisticated transnational organized crime syndicates, to the systemic operations of highly industrialized nations around the globe. The insatiable desire for vulnerable human flesh for the express purpose of sexual exploitation is ubiquitous.

Vulnerability is the lynchpin of sexual exploitation. Sex trafficking thrives on pain and vulnerability. Historically, the law is instrumental in the process of creating and sustaining vulnerability for the express purpose of exploitation.² Around the globe, countries are (and have been) plagued with ever-increasing instances of sex trafficking. The Internet has made access to vulnerable flesh increasingly problematic. Most unfortunately, access to vulnerable children is just a few clicks away in thousands of game rooms around the world.

¹ *Game of Thrones: First of His Name* (HBO, 2014).

² For example, during the Transatlantic Slave Trade, the category of citizenship was denied to the enslaved for centuries for the specific purpose of making them susceptible to unbridled exploitation.

This class will examine the ways in which different countries attempt to regulate sex trafficking. More specifically, this class will compare and contrast federal law in the United States and the Nordic and Dutch models of sex trafficking legislation. Federal law in the United States criminalizes commercial sex acts with children and with adults through force or fraud. The Nordic model decriminalizes the sale of sex acts, criminalizes the purchase of sex acts, strives to provide social services to victims of trafficking, and attempts to reduce the overall demand for sex trafficking. The following countries have adopted legislation that advances the Nordic model: Sweden, Norway, Iceland, the Republic of Korea, Northern Ireland, Ireland, Canada, France, and most recently, Israel.

Other countries such as the Netherlands, Germany, New Zealand, and some counties in Nevada have adopted the Dutch model. Under the Dutch model, both the purchase and sale of sex acts are legal so long as the acts take place between consenting adults. This class will engage a comparative analysis of each of the aforementioned nations and their attempts to regulate sex trafficking. We will also engage relevant statistics, in an attempt to identify particular attributes of legislation that have made a noticeable impact on a country's attempt to prosecute, protect, and mitigate the demand for vulnerable human flesh.

As an example of issues we will discuss, Loyola Law student Madeleine Paulsen writes, "What is sex? Can it be labor? Or is it something so inherent to the body that it cannot be sold? As society progresses there are open debates as to how acts of intimacy should be regarded. And against the backdrop of moral framings, these questions of what a sexually liberal society is and what sexual liberation looks like, sex can, and is, used as a tool of power and control."

COUNSELING:

From time to time, the content of this class may trigger past or current trauma due to personal experiences with crime. In addition, you may just want a shoulder to lean on and/or someone to talk to. Loyola University of Chicago Wellness Center ("WC") provides free and reduced cost counseling services. The WC is an invaluable resource for every student. At any time, you may feel the need, seek assistance from the WC counselors, your friends, and family. Support can mean everything during your entire career. WC Services are available at 6439 N. Sheridan Rd, Suite 310 and the telephone number is 773-508-2530. The WC also has a website available online: <https://www.luc.edu/wellness/>

COMPUTER USE:

The use of personal computers during class is a distraction when used for non-curricular purposes. Students are not allowed to surf the web, send email, check Facebook, Tweet or work on other projects or assignments during class.

ETHICAL GROUND RULES REGARDING CLASSROOM DISCUSSION

This course aims to create and maintain an atmosphere conducive to rigorous intellectual dialogue, analysis, critique, and a politics of professionalism and respectability. Think of these as ground rules or guidelines for our time together.

1. We shall listen to one another – patiently, carefully – assuming that each one of us is always doing the best that she or he can. (And because we assume this about each other, each of us shall do the best that she or he can).
2. We will speak thoughtfully by: speaking in the first person; not engaging in foul language; refraining from remarks showing a lack of respect for the feelings, beliefs, and thoughts of others; refusing to make comments that disparage any person or group on the basis of race, gender, ethnicity, national origin, religion, social class, or sexual orientation; and remembering that the social locations of persons, whether present in the class or not, are to be respected at all times.
3. We will be faithful in using gender inclusive and anti-racist language in our writing and speaking.
4. We will address our colleagues in our classroom by name in recognition of their humanity and individuality. We will refer to our professor by her appropriate title in recognition of her training and position.
5. We will claim ownership of our own assumptions, our conclusions, and their implications for development and social change.
6. We will be open to each other’s intellectual growth and change.
7. We cannot be blamed for the misinformation we have been taught and have absorbed from U.S. society and culture, but we shall be held responsible for repeating and acting out on misinformation after we have learned otherwise.
8. We each have an obligation to actively combat stereotypes so that we can begin to eradicate the biases that prevent us from envisioning and realizing the wellbeing of us all.

CRITICAL PROVISIO

Please be advised that I may change, add, condense, or drop topics, assignments, and reading as warranted via SAKAI, and/or in-class announcements. I will make sure that you have abundant notice. You will receive notices via email. Please make sure you check your Loyola email accounts regularly. Please also make sure that you sign up on our SAKAI site. SAKAI is my primary means of communication with you outside of class and office hours.

COURSE REQUIREMENTS

CRITERIA FOR EVALUATION:

Attendance & Participation	30%
<ul style="list-style-type: none"> • Social Inventory • Oral Arguments • Class Discussion • In class assignments 	
Quizzes	10%
Final Paper	60%
Total	100%

ATTENDANCE

Full attendance is necessary to establish the interactive community on which a successful seminar depends. Do not sign up for this class if you anticipate any conflicting demands on your attendance or participation. No more than 1 absence is allowed in this course. Any additional absence will result in the lowering of your final grade by 10% (That is one full letter grade!) Absences harm your ability to keep up with course material and detract from your participation in discussions – both of which are crucial for our learning and your grade. Therefore, anyone with excessive absences, i.e., more than one, will not be given course credit. I reserve the right to drop students from this class based on excessive absences. If you miss 2 classes, you will be dropped from this class. The instant syllabus constitutes notice of the attendance policy and disclosure of your being dropped from the class if you miss 2 classes.

PARTICIPATION

An open and willing mind is a fundamental requirement. You must be willing to entertain thoughtfully and carefully ideas and questions that may be different than your own. You must be willing to work on your own – to wrestle with ideas or questions – suspending rash judgment until you have filled in overlooked or missing components in your own framework.

Preparation of required reading is expected to be complete before each class meeting. Students who have not adequately prepared for class are considered absent. As important as physical presence in the classroom is, each student's ability to be present mindfully, i.e., engaged consciously and intentionally with material treated in reading assignments and the class lectures, exercises, and discussions that evolve from the reading is mandatory. Reading is critical; and is the only way you will successfully understand and follow lectures. The lectures and handouts will reinforce your reading, but they will not repeat the readings verbatim.

Class participation is critical since lively, substantive, and serious class discussion is the result of careful and thoughtful preparation. It goes without saying that engaged, active classroom conversation as well as attentive and respectful listening is necessary. Class participation entails: attendance, punctuality, preparedness, class etiquette, and engagement. Each student is expected to come to class having thoroughly prepared for discussion. This means either to contribute to an

explanation of key arguments or be able to raise appropriate questions of the material. At the professor's discretion, brief quizzes and assignments may be given in order to insure comprehension and retention of assigned material and lectures. Active participation in responsible, reflective and respectful discussion is critical for educational growth and success in this course. Your registration in class is a contract with yourself and with me to learn all you can.

- Before we meet on the first day, post your Social Inventories.

ORAL ARGUMENTS:

We will have oral arguments, where one or two students will represent two sides of an argument. Oral arguments will count toward participation. We will have oral arguments to build the following practice-oriented skill set:

1. How to construct a legal argument;
2. How to construct an argument if you are the government (for example);
3. How to construct an argument if you are the defendant (for example);
4. How to recognize your objective if you are the government or the defendant;
5. How to build persuasive narratives;
6. How to characterize and recharacterize events in light of an informed sense of their potential legal significance;
7. How to create analogies, and how to use them in the application and distinction of precedents;
8. How to enlarge and shrink the scope, and shift the focus, of legal issues presented for decision; and
9. How to draw from and contribute to the law's evolving fund of policy arguments.

QUIZZES

Quizzes will not be more than ten multiple choice and/or true/false questions based on the required reading, viewings, and podcasts. Quizzes will be taken electronically on Sakai.

FINAL PAPERS

Final papers must be at least 25 pages double-spaced with standard margins. The page length does not include title pages, pictures, graphs, and/or charts. Please do not submit a final paper that does not meet the minimum threshold requirements, for example page length. Papers that are late and do not meet the minimum page length will not be accepted and will constitute an inability to pass this course. Absolutely no late papers will be accepted under any set of circumstances.

Papers should be thoroughly footnoted, substantiated, and edited, free of all typos. **Papers must demonstrate a thorough and comprehensive command of the reading and subject matters covered in the class. Concretely, your paper must demonstrate that you have thoroughly done the**

assigned reading, seizing upon the larger themes in the class. Papers will be significantly downgraded if you fail to demonstrate that you have done all the reading.

You will submit this final paper on July 21, 2023, my 11:55 p.m. central time. Do not. I repeat do not send me papers after July 21, 2023, my 11:55 p.m. Late papers will not be accepted.

Grade(s) given in this course represent an evaluation of actual work – not good intentions, inherent ability, intelligence, and/or personal and professional qualities.

Please see the directions the final paper in a separate attachment.

READING ASSIGNMENTS

Reading assignments will include law review articles, chapters from books devoted to Human Trafficking, and news articles. Readings will be available via link and/or hardcopy on Sakai.

Please note: Several assignments require long viewing. Please check the assignments and allot the necessary time you will need before we meet.

Meeting 1 June 5	What is Sex Trafficking? What are the Myths? Why Does It Exist?
Required Reading:	Chapters 1 to 4 from the upcoming sex trafficking textbook.
	<p>Required Viewing: There are two:</p> <p>Sex Trafficking in America, PBS, Frontline, May 28, 2019 (one hour) https://www.pbs.org/video/sex-trafficking-in-america-tptgui/</p> <p>If the above link does not work, Google “Sex Trafficking in America PBS.”</p> <p>Still I Rise (one hour, forty three minutes) To watch the feature length film Still I Rise: https://vimeo.com/289013832 password RiseUp</p>
Assignment	<p>There may be a quiz on the reading and viewing. There may be a quiz every day.</p> <p>Complete and submit your social inventories. Due June 4. They can be found in Sakai. These are not graded for substance. In other words, answer the questions and this need not be a Pulitzer Award winning piece.</p> <p>Complete and submit your syllabus attestation. Due June 5. They can be found on Sakai.</p>

	<p>Discussion questions:</p> <p>Be prepared to be called on for the following:</p> <p>What is sex trafficking? Is it on the rise? How do you know? Why is it or isn't on the rise? How is sex trafficking similar or different from other forms of sexualized violence, such as sexual harassment, sexual assault, and/or rape? How is sex trafficking similar or different from other forms of gender, race, and/or class domination, exploitation, and/or torture? What are the parallels between sex trafficking and the murder of George Floyd? Compare and contrast the two documentaries.</p>
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Meeting 2	Jeffrey Epstein: Pedophiles, Prosecutors, and Power
June 6	
Required Reading:	<p>Blanche Cook, Jeffrey Epstein: Pedophiles, Prosecutors, Power.</p> <p>https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4440221</p>
Required Listening	<p>A Dead Cat, A Lawyer's Call And A 5-Figure Donation: How Media Fell Short On Epstein, Listen to Parts I and II,</p> <p>https://www.npr.org/2019/08/22/753390385/a-dead-cat-a-lawyers-call-and-a-5-figure-donation-how-media-fell-short-on-epstein</p>
Assignments	Make sure you have done all the reading up until this point.
Discussion questions and paper topic suggestions.	<p>Using the Jeffrey Epstein case as a case study, how did the criminal justice system fail and why? Be prepared to discuss the facts and the problems. Does Epstein present a case study on how the prosecution could have prosecuted the case? Does Epstein solidify calls for abolition because it presents a case study of underprosecution in an age of hyper incarceration? How did the CJS fail the children that Epstein raped? How do you explain the exercise of prosecutorial discretion (or lack thereof) in the age of mass incarceration? In other words, how did the most carceral nation in history with unprecedented expertise in placing people in prison fail to prosecute Jeffrey Epstein? Is the failure to prosecute a miscarriage of justice that undermines the legitimacy of the CJS?</p>

Meeting 3	Cynthoia Brown
June 7	
Required Reading	<p>Criminalized Survivors: Today's Abuse To Prison Pipeline For Girls, Yasmin Vafa & Rebecca Epstein</p> <p>https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2023/04/Criminalized-Survivors_Georgetown-Gender-Justice.pdf</p>

Required Viewing:	<p>Me Facing Life: Cyntoia's Story, 1h 10 min</p> <p>We have access to this movie through the Alexander Street Press video platform from University Libraries. The direct link to the video is at http://flagship.luc.edu/login?url=https://video.alexanderstreet.com/watch/me-facing-life</p> <p>From off campus, students will have to log in with their LUC ID and password before the movie loads.</p> <p>I encourage you to watch this together. You will want to talk about it.</p>
Oral Arguments	<p>We will have oral arguments based on the Cyntoia Brown case. If your last name begins with A to M, you will be the prosecution. If your name ends in N to Z, you will represent the defendant, Cyntoia Brown. As a prosecutor, you will make an opening argument to the jury. Your argument will be pro-prosecution. You will argue that Ms. Brown should be charged and convicted of homicide. As a defense attorney, you will argue to the jury why your client should not be prosecuted, including available defenses. You will have five minutes. You can have more time if you like. Simply ask the panel of judges for more time. If you are unprepared for class, do the best you can. You will be graded according to your preparedness and how well you can incorporate the reading.</p>
Discussion Questions	<p>Using intersectionality and the reading, discuss this film. Why was she prosecuted? Should she have been prosecuted? Why? Why not? What about the John? What about the trafficker? Use intersectionality to discuss them as well. Do you think she killed her John while robbing him? Should she have been pardoned? What about crimes committed by victims? Should they be prosecuted when they are simultaneously trafficked? Arguments for? Arguments against? What if their traffickers also have them sell drugs?</p>

Meeting 4	Cynthoia Brown continued
June 8	If you were not called on for oral argument, you will be. Be fully prepared to discuss all of the reading in your argument.

Meeting 5. June 9. No class

Meeting 6 June 12 Monday	Comparing ST Statutes Globally How do other countries define sex trafficking? What are the pros? What are the cons?
	<p>Required Reading:</p> <p>An International Comparative Analysis of Sex Trafficking Statutes: The Trafficking Victims Protection Reauthorization Act, Palermo Protocol, Nordic Model, and Dutch Model</p>

	<p>Posted on Sakai. This is a draft that you will be reading. Go to Module 5, Reading. The report is also linked here: https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf</p> <p>Read page 76, “How to Read a Country’s Narrative.” Then find your country’s narrative using the “find” function.</p>
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Meeting 7 June 13	<p>ATTACKING THE DEMAND. Legalization v. Criminalization: Is the Criminal Justice System the Way? The Limits of the Criminal Justice System in Eradicating Sex Trafficking. Using a Public Policy Model to Eradicate Sex Trafficking.</p>
	<p>Required Reading: Catharine Alice MacKinnon, Trafficking, Prostitution, and Inequality: https://harvardcrcl.org/wp-content/uploads/sites/10/2009/06/MacKinnon.pdf</p>
	<p>Other Requirements:</p> <ul style="list-style-type: none"> • Adult Victims • https://www.npr.org/2019/08/14/750881986/adult-victims-of-childhood-sex-abuse-in-new-york-can-sue-alleged-abusers • Should Sex Work Be Decriminalized? Some Activists Say It's Time https://www.npr.org/2019/03/22/705354179/should-sex-work-be-decriminalized-some-activists-say-its-time
Oral Arguments	<p>We will have oral arguments. If your last name begins with A to M, you will argue for the legalization of sex work. If your name ends in N to Z, you argue against legalization. You will have five minutes. You can have more time if you like. Simply ask the panel of judges for more time. If you are unprepared for class, do the best you can. You will be graded according to your preparedness and how well you can incorporate the reading.</p>
Discussion Issues	<p>Stop arresting and convicting prostitutes; how to attack the demand; problems with statutes; how do you eliminate an underground commercial economy where there is a clear demand, albeit illegal. Comparisons to drug trafficking.</p>

Meeting 8 June 14 Wednesday	<p>Looking at the Trafficking In Persons Report (TIP)</p>
Reequired Reading	<p>Read the page on “How to Read A Country Narrative,” at p. 76. Find your country narrative and read it. You can find your country using the “find” function.</p>
Assignment	<p>If you were not called on for oral arguments, you will be.</p>

Meeting 9	<p>India Thusi: A Name to Know. An absolutely incredible theorist.</p>
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June 15	
Required Reading	Radical Feminist Harms on Sex Workers https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2856647
Assignment	Take the opposite side of the argument you were given after you read the MacKinnon piece. In other words, if you were pro legalization, you are now against legalization. Be prepared to argue. Make sure you respond to the Thusi piece no matter what your side is. If Thusi supports your side, use it. If she does not, be prepared to argue why.

Meeting 10 June 16 Last Day	Comparing ST Statutes Globally
Required Reading	Make sure you are caught up on all the reading. Read the directions for the final paper. Be prepared to discuss the directions.
Assignment	We will discuss the format for the final papers.

NOTICE OF UNDERSTANDING

I _____ (your name) have read every word and understood the syllabus.

Signature

Date