

# Section A

## Anti-Human Trafficking Law

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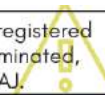
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**Anti-Human Trafficking Law**

Iowa Association for Justice

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How many people are being trafficked?

**30-40 MILLION**

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Purpose	Percentage
Trafficking for sexual exploitation	59%
Trafficking for forced labour	34%
Trafficking for other purposes	7%

**What are people being forced to do?**

Unless otherwise noted, demographic graphics are from the United Nations

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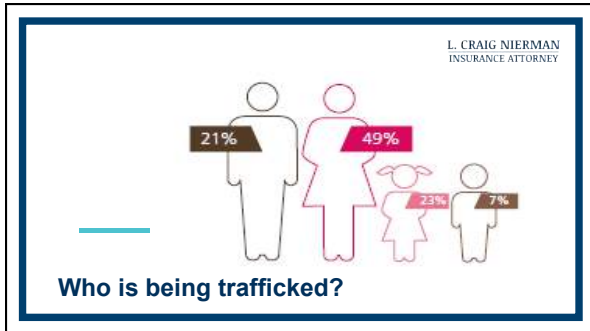
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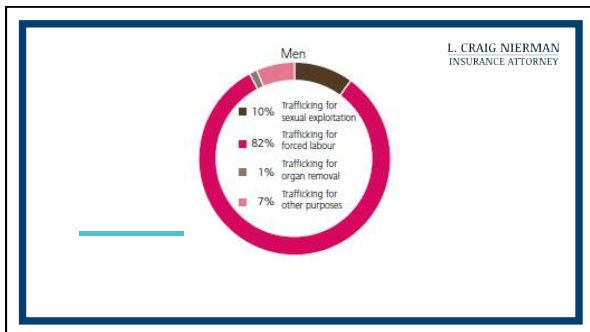
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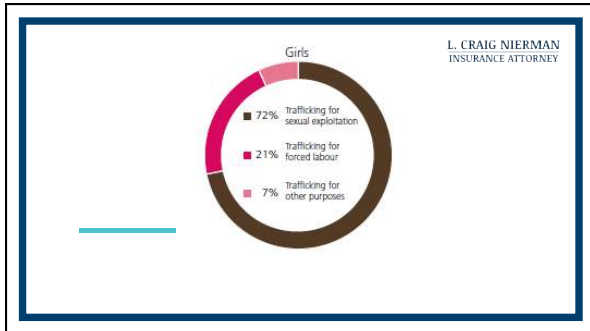
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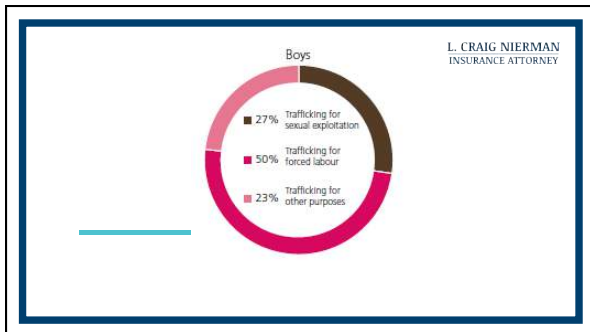
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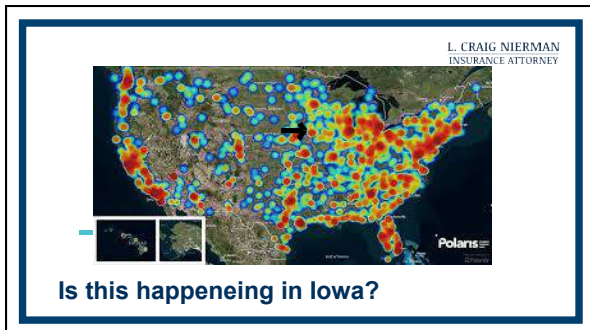
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### Criminal Trafficking Statutes

- o Holding person in condition of peonage. 18 U.S.C. § 1581.
- o Building, loading, equipping, operating, etc., vessel for slave trade. 18 U.S.C. § 1582.
- o Intentionally kidnaping to sell into slavery or enticing, persuading, or inducing to board any vessel to enter slavery. 18 U.S.C. § 1583.
- o Willfully holding or selling into slavery. 18 U.S.C. § 1584.
- o Intentionally working on slave vessel. 18 U.S.C. § 1585-88.
- o Providing or obtaining labor by force, threats, abuse of law, or scheme causing fear of serious harm or restraint. 18 U.S.C. § 1589.

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### Criminal Statutes (continued)

- o Knowingly recruiting, harboring, transporting, obtaining, providing etc. person for labor or services. 18 U.S.C. § 1590.
- o Knowingly or recklessly (in a way that affects interstate commerce) recruiting, harboring, transporting, providing, obtaining, advertising, patronizing, etc., a person under 18 for commercial sex by force, threats of force, fraud, or coercion. 18 U.S.C. § 1591.
- o Knowingly destroying, concealing, confiscating, etc., another's immigration document to further trafficking. 18 U.S.C. § 1592.
- o Knowingly benefitting financially or by receiving anything of value from trafficking. 18 U.S.C. § 1593A.

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### Trafficking Victims Protection Reauthorization Act

Allows trafficked survivor to bring civil action against:

- o Perpetrator
- o Anyone who "knowingly" (or should have known) benefited from participating in trafficking venture (i.e., any group of two or more people)

18 U.S.C. § 1595

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## Limitation of Action

Case must be brought within:

- o Ten years after case arose; or
- o Ten years after victim reaches 18.

18 U.S.C. § 1595(c)

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## Immigration

Survivor may be eligible for a T-visa (which allows survivor to apply for permanent residency status after three years). 22 U.S.C § 7102(2); 8 C.F.R. § 214.11(a).

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## Compensation

- o **Value of Labor** *Rana v. Islam*, 887 F.3d 118, 119 (2d Cir. 2018); *Doe v. Howard*, 1:11-CV-1105, 2012 WL 3834867 (E.D.Va. Sept. 4, 2012); *Gurung v. Malhotra*, 851 F.Supp.2d 583 (S.D.N.Y. 2012)
- o **Emotional Distress** *Rana v. Islam*, 887 F.3d 118, 119 (2nd Cir. 2018); *Doe v. Howard*, 1:11-CV-1105, 2012 WL 3834867 (E.D.Va. Sept. 4, 2012)
- o **Attorney Fees** 18 U.S.C. § 1595(a); *Doe v. Howard*, 1:11-CV-1105, 2012 WL 3834867 (E.D. Va. Sept. 4, 2012); *Gurung v. Malhotra*, 851 F.Supp.2d 583 (S.D.N.Y. 2012)
- o **Punitive Damages** *Ditullio v. Boehm*, 662 F.3d 1091 (9th Cir. 2011) ; *Doe v. Howard*, 1:11-CV-1105, 2012 WL 3834867 (E.D.Va. Sept. 4, 2012); *Gurung v. Malhotra*, 851 F.Supp.2d 583 (S.D.N.Y. 2012)

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**Assault & Battery**

**Assault**

- Intent to inflict harmful or offensive contact
- Negligently putting another in apprehension of harmful or offensive contact
- Causation
- Damages
- 6 Am. Jur. 2d Assault and Battery § 84

**Battery**

- Intentional, harmful, or offensive contact
- Causation
- Damages
- *Nelson v. Winnebago Indus., Inc.*, 619 N.W.2d 385 (Iowa 2000)

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**Negligence / Injury**

- Duty of care
- Breach of duty
- Causation
- Damages

*Thompson v. Kaczinski*, 774 N.W.2d 829, 834 (Iowa 2009)

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## False Imprisonment

- Detention or restraint against person's will
- Unlawfulness of detention or restraint
- Causation
- Damages

*Nelson v. Winnebago Indus., Inc.*, 619 N.W.2d 385 (Iowa 2000)

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## Intentional Infliction of Emotional Distress

- Outrageous conduct ("atrocious and utterly intolerable")
- Intent (or reckless disregard)
- Severe or extreme emotional distress
- Causation
- Damages

*Mills v. Guthrie Cnty. Rural Elec. Coop. Ass'n*, 454 N.W.2d 846 (Iowa 1990)  
*Amsden v. Grinnell Mut. Reinsurance Co.*, 203 N.W.2d 252 (Iowa 1972)

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## Conversion

- Material misrepresentation
- Knowingly made
- Inducing plaintiff to act
- Justifiably
- Damages

*Beeck v. Kapalis*, 302 N.W.2d 90 (Iowa 1981)

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## Unjust Enrichment

- Plaintiff's ownership of property
- Defendant received equitable benefit at expense of plaintiff
- Defendant did not compensate plaintiff

*Slade v. M.L.E. Inv. Co.*, 566 N.W.2d 503 (Iowa 1997)

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## Iowa Code Chapter 91A

Intentional failure to pay employee wages warrants damages of:

- Wages
- Liquidated damages
- Court Costs
- Attorney fees

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## Limitation of Action

Cases must be brought within two years

Exceptions include:

- Unjust enrichment and fraud – five years. Iowa Code § 614.1(4).
- Sexual abuse against child under 14 – Discovery plus four years Iowa Code § 614.8A; see also § 702.5.
- Discovery rule. Iowa Code § 614.4.
- Majority (not necessarily 18) plus one year. Iowa Code § 614.8.

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### Other Related Civil Matters

- Consider other potentially relevant civil matters:
- o 236/236A – Domestic/Sexual Abuse Protective Orders (issue preclusion?)
  - o 598 Divorce
  - o 600 Adoption
  - o 600A Termination of Parental Rights
  - o 600B Paternity
  - o Others?

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### Jurisdiction & Venue

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### Considerations

- o Is there a statute of limitations issue?
- o Is there a federal issue or diversity jurisdiction?
- o Are there more damages under state or federal law?
- o Is there a preferable jury pool?
- o Should claims from the other jurisdiction(s) be included?
- o Are there other considerations?

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**Questions**

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