Overview

A rapidly evolving body of international and national law focuses on human trafficking. While significant political and scholarly attention has been dedicated to the prevention of sex trafficking, there is a growing understanding that human trafficking is not unique to the sex industry but occurs in other labor sectors such as agriculture, construction, and domestic work. This course will focus on understanding the mechanisms of anti-trafficking law, the ideological and policy impulses that produced and sustain it, the complex ways in which it is interacting with other legal regimes affecting labor migration (immigration law; human rights law and governance; international and national labor law; etc.), and the distributive effects it is producing both in the developed and the developing world. The course will begin with a study of the origins of anti-trafficking law in the context of sex work, and disagreements among feminists about the legal approach towards sex work/prostitution, and will then turn to an exploration of the challenges facing the current anti-trafficking legal framework in effectively reducing labor exploitation in both the sex industry and other labor sectors.

Course Policies

Readings: All reading materials can be found in the course's moodle website http://moodle.tau.ac.il/.

Note that the uploaded files are usually the full documents. However, the syllabus assigns only selected pages from each document. Accordingly please consult the reading instructions in the syllabus for the exact reading assignments.

You should be prepared for each class to discuss and debate the assigned readings, which consist of legal and policy analyses drawn from interdisciplinary sources.

Readings marked by an asterisk (*) are optional.

Attendance: Attendance in every session is required. Please let me know if you are prevented from attending a session.

Grading Criteria: Your grade for the semester will be based on the following:
Class Participation 20%
I place a high value on attendance and informed participation in class discussions. The goal is to engage in critical analysis of the issues presented in the readings and discussion. Please note, however, that limitations experienced by non-native English speakers will not adversely affect the evaluation.

Final (take-home) Exam 80%
The final exam will be a take-home exam, consisting of essay questions (with a page limit).

Class Schedule

Session 1: April 29, 2014

INTRODUCTION - LABOR MIGRATION AND TRAFFICKING IN PERSONS – CONTEMPORARY TRENDS, DEFINITIONS AND SCOPE

Read pp. 41-48, the preamble to the Trafficking Protocol and Articles 1-11.

Skim sections 101-112 (pp. 1466-1490); read carefully sections 103, 108, 110

Read pp. 29-47, 64 + read one or two country narratives for any country that interests you [please be prepared to discuss in class one country narrative]. Country narratives in alphabetical order are available here: http://www.state.gov/j/tip/rls/tiprpt/2013/

4. ILO, Operational Indicators of Trafficking in Human Beings (Delphi Indicators) 2009.
Read pp. 3-7.

Read pp. 12-53.
Session 2: April 30, 2014

THE FEMINIST DEBATE OVER PROSTITUTION/SEX WORK AND THE TRAFFICKING PROTOCOL

THE PROSTITUTION/SEX WORK DEBATE


SEX WARS AND THE PROTOCOL


Session 3: May 7, 2014 – Guest Lecture – Prof. Guy Mundlak

MIGRATION OF LABOR/SERVICES/CAPITAL AND LABOR CITIZENSHIP

1. Jennifer Gordon, *People are Not Bananas: How Immigration Differs from Trade*, 1009 NORTHWESTERN U LAW REV 1109 (201)


4. Guy Mundlak, *De-Territorializing Labor Law*, 3(2) LAW AND ETHICS OF HUMAN RIGHTS 188-221 (2009) [focus: only the conclusion pp. 218-221]

Session 4: May 13, 2014

THE THREE "R"S: RESCUE, REHABILITATION AND REPATRIATION
1. Aziza Ahmed and Meena Seshu, *We Have The Right Not To Be “Rescued”….. ‘: When Anti-Trafficking Programs Undermine The Health And Wellbeing Of Sex Workers* 1 ANTI-TRAFFICKING REVIEW 149 (2012) Read pp. 149-164


Session 5: May 14, 2014

**UNINTENDED CONSEQUENCES? CRITIQUES OF THE TRAFFICKING FRAMEWORK**


Session 6: May 20, 2014

**IMMIGRATION POLICIES, GUEST WORKER PROGRAMS AND HUMAN TRAFFICKING**


Session 7: May 21, 2014

MIGRANT DOMESTIC WORKERS

1. ILO convention 189 and Recommendation 201 on Decent Work for Domestic Workers

   Read: pp. 67-78

   Read pp. 1-18

   Read pp. 15-31

   Read pp. 37-54

Session 8: May 27, 2014

DOCUMENTARY MOVIE AND DISCUSSION

We will watch and discuss the documentary film "A Working Mom" (76 min.)
http://www.itvs.org/films/working-mom
Session 9: May 28, 2014
A LABOR APPROACH FOR HUMAN TRAFFICKING

   Read pp. 3-17, 24-26.

   Read pp. 450-460, 468-484.

   Skim pp. 4-20

   Read pp. 93-119

   Read pp. 1-7, 10-19, 22-35, 38-41, 58-70

Session 10: June 10, 2014
LABOR MIGRATION AND HUMAN TRAFFICKING IN ISRAEL – PART I

1. ADRIANA KEMP, LABOR MIGRATION IN ISRAEL: OVERVIEW, SOCIAL POLICY, EMPLOYMENT AND MIGRATION WORKING PAPER 103, OECD (2010)
   Read: 7-9, 14-35

2. REBECA RAIJMAN AND NONNA KUSHNIROVICH, LABOR MIGRATION RECRUITMENT PRACTICES IN ISRAEL (2012).
   Read 60-97.

3. Prohibition of Trafficking in Persons (Legislative Amendments) Law, 5766 – 2006

   Read pp. 19-36
5. U.S. Department of State, TRAFFICKING IN PERSONS REPORT (2013).
   http://www.state.gov/documents/organization/210739.pdf
   Read the Israel Country Narrative pp. 207-209.

   Read pp. 58-77.

Session 11: June 11, 2014
LABOR MIGRATION AND HUMAN TRAFFICKING IN ISRAEL – PART II

   Read pp. 195-224 [pp. 16-30 of the pdf file]

8. Dafna Hacker, Is the Trafficking Victims Protection Act a Transnational Success? Lessons from Israel’s Strategic Compliance (Draft Article, Unpunished manuscript, 2014)
   Read pp. 9-19, 31-36.

   Read pp. 27-39.

   Read pp. 120-126.