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*Because the right to just compensation shouldn't end  
Even when a victim returns home*

# Civil Litigation For Victims of Human Trafficking

*A Case Study, and Potential Strategies from the US*

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## A Definition of Trafficking in Persons

"Trafficking in persons" shall mean the:

**What:** recruitment, transportation, transfer, harbouring or receipt of persons

**How:** by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,

**Why:** for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; --*Palermo Protocol, Art. 3(a)*



## Jane Doe I v. Lakireddy Bali Reddy

*2003 U.S. Dist. LEXIS 26120, 2004 U.S. Dist. LEXIS 30792*

**Case overview:** Eleven plaintiffs, all girls or young women, alleged that Lakireddy Bali Reddy, members of his family, and employees in his real estate business, fraudulently induced them to come to the United States from India on promises that they would be provided an education and employment opportunities.



- Most of the victims were forced into domestic servitude through physical and verbal abuse.
- The victims were forced to work long hours for little or no pay.
- Many suffered sexual assault as well.



## Jane Doe v. Reddy

### No civil remedies for human trafficking at the time

“When we filed the civil suit, federal law did not yet provide civil action for victims of sex and labor trafficking,” *Michael Rubin, lead lawyer for the plaintiffs*

- Fraud and misrepresentation
- Coercion
- Sexual abuse of a minor
- False imprisonment
- Embezzlement
- Battery
- Sexual battery
- Intentional infliction of emotional distress
- Negligent infliction of emotional distress
- Federal claims, including:
  - Racketeering
  - Breach of civil rights

In the complaint, Rubin accused the defendants of exploiting the victims’ “youth, their fear, their caste status, their poverty, their unfamiliarity with the American legal system, their inability to speak English, and their immigration status” for the defendants’ “personal pleasure” and “illicit profit.”



## Jane Doe v. Reddy

### Outcome of the litigation

- Class-action suit involving 10+ plaintiff-victims was settled.
- Originally US \$100 million sought. Settled for \$8.9 million.
- Reddy was charged, convicted and eventually sentenced to 8 years' prison in 2001. Restitution of \$2 million ordered to a sister and parents of one deceased victim, and one other party.



## US Trafficking Victims Protection Act of 2000

22 U.S.C. 7103

- **Severe forms of trafficking in persons** – 22 U.S.C. § 7102(8)

“sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”

- Or -

“the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

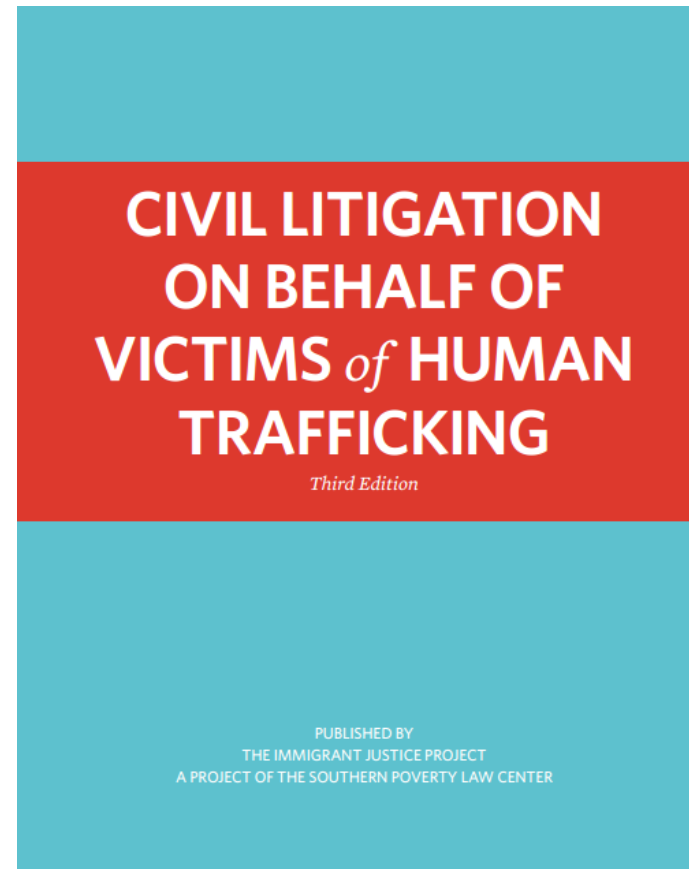
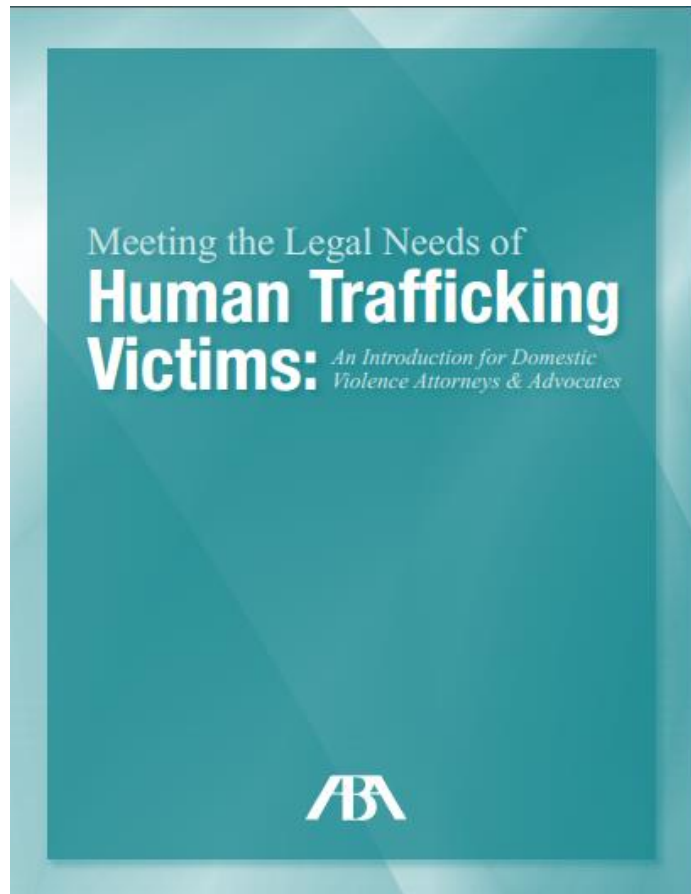
- **Civil Remedy** – 18 U.S.C. 1595 (2011)

An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) ...and may recover damages and reasonable attorneys fees.



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## Important Practitioner's Manuals for Civil Litigation

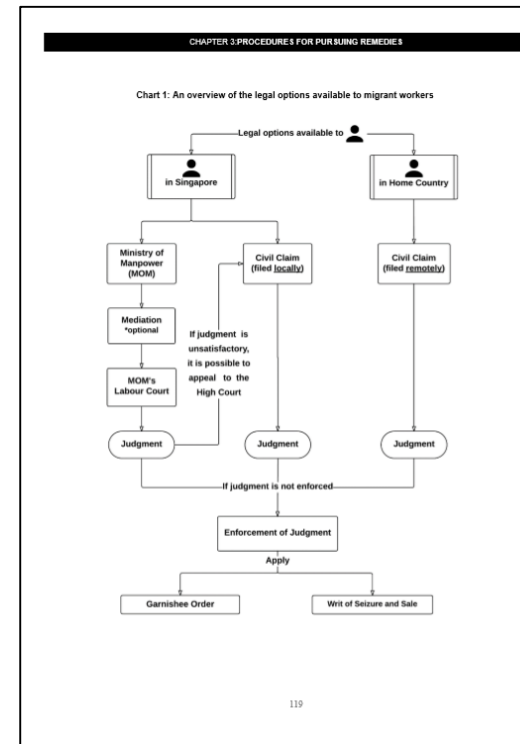
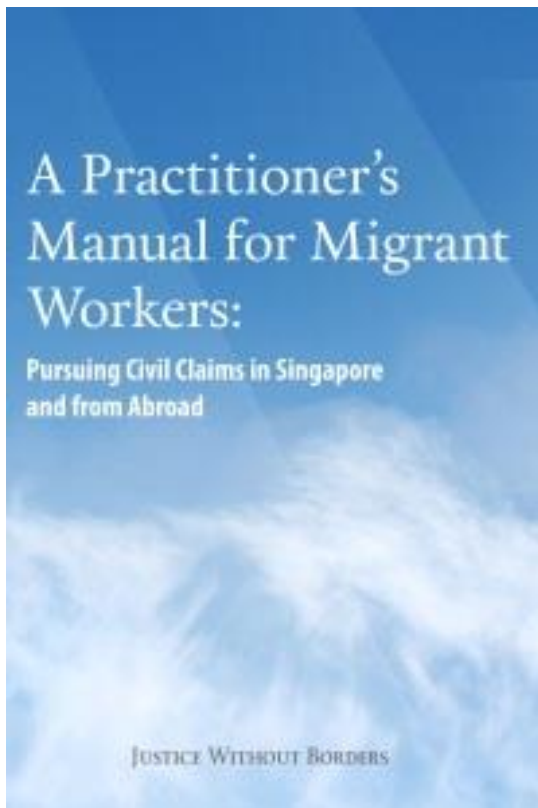


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## JWB's Practitioner's Manuals in Southeast Asia







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Thank you!