



MINNESOTA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Statutes

a. Minn. Stat. Ann. § 609.322, Subd. 1 (2009) – Sex Trafficking in the First Degree

i. Summary

It is a crime in Minnesota when a person, while acting other than as a prostitute or patron, intentionally “engages in the sex trafficking of an individual under the age of 18 years.” Minn. Stat. Ann. § 609.322, Subd. 1(4).

“Sex trafficking’ means:

- (1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).”

Minn. Stat. Ann. § 609.321, Subd. 7a.

“Acts by the defendant in violation of [the prohibition against sex trafficking] within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.” Minn. Stat. Ann. § 609.322, Subd. 1c.

ii. Sentencing

A person who commits the crime of sex trafficking in the first degree generally may be sentenced to imprisonment for not more than 25 years, to payment of a fine of not more than USD 50,000, or both. Minn. Stat. Ann. § 609.322, Subd. 1(a).

The possible sentence increases to imprisonment for not more than 30 years, to payment of a fine of not more than USD 60,000, or both, if one or more of these aggravating factors are present:

- (1) the offender has committed a prior qualified human trafficking-related offense;
- (2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;
- (3) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or
- (4) the offense involved more than one sex trafficking victim.

Minn. Stat. Ann. § 609.322, Subd. 1(b).

iii. Statute of Limitations

A prosecution under § 609.322 may be commenced at any time after the commission of the offense. Minn. Stat. Ann. § 628.26(e).

b. Minn. Stat. Ann. § 609.322, Subd. 1a (2009) – Sex Trafficking in the Second Degree

i. Summary

A person is guilty of a crime in Minnesota when, while acting other than as a prostitute or patron, the person intentionally engages in the sex trafficking of an individual. Minn. Stat. Ann. § 609.322, Subd. 1a.

“Sex trafficking’ means:

- (1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).”

Minn. Stat. Ann. § 609.321, Subd. 7a.

“Acts by the defendant within any six-month period in violation of [the prohibition against sex trafficking] within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.” Minn. Stat. Ann. § 609.322, Subd. 1c.

ii. Sentencing

A person who commits the crime of sex trafficking in the second degree generally may be sentenced to imprisonment for not more than 20 years, to payment of a fine of not more than USD 40,000, or both. Minn. Stat. Ann. § 609.322, Subd. 1a.

The possible sentence increases to imprisonment for not more than 30 years, to payment of a fine of not more than USD 60,000, or both, if one or more of these aggravating factors are present:

- (1) the offender has committed a prior qualified human trafficking-related offense;
- (2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;
- (3) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or
- (4) the offense involved more than one sex trafficking victim.

Minn. Stat. Ann. § 609.322, Subd. 1(b).

iii. Statute of Limitations

A prosecution under § 609.322 may be commenced at any time after the commission of the offense. Minn. Stat. Ann. § 628.26(e).

c. Minn. Stat. Ann. § 609.282 (2006) – Labor Trafficking

i. Summary

A person who knowingly engages in the labor trafficking of another is guilty of a crime. Minn. Stat. Ann. § 609.282.

“Labor trafficking” is defined as:

- (1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, for the purpose of:
 - (a) debt bondage or forced labor or services;
 - (b) slavery or practices similar to slavery; or
 - (c) the removal of organs through the use of coercion or intimidation; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

Minn. Stat. Ann. § 609.281, Subd. 5.

“Debt bondage” is defined as “the status or condition of a debtor arising from a pledge by the debtor of the debtor’s personal services or those of a person under the debtor’s control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.” Minn. Stat. Ann. § 609.281, Subd. 3.

“Forced labor or services” means labor or services that are performed or provided by another person and are obtained or maintained through an actor’s:

- (1) threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer bodily harm or physical restraint;
- (2) physically restraining or threatening to physically restrain a person;
- (3) abuse or threatened abuse of the legal process;
- (4) knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; or
- (5) use of blackmail.

Minn. Stat. Ann. § 609.281, Subd. 4.

In a prosecution for labor trafficking, the consent or age of the victim is not a defense. Minn. Stat. Ann. § 609.282, Subd. 3.

ii. Sentencing

A person who knowingly engages in the labor trafficking of an individual under the age of 18 may be sentenced to imprisonment for not more than 20 years, to payment of a fine of not more than USD 40,000, or both. Minn. Stat. Ann. § 609.282, Subd. 1.

A person who knowingly engages in the labor trafficking of an adult may be sentenced to imprisonment for not more than 15 years, to payment of a fine of not more than USD 30,000, or both. Minn. Stat. Ann. § 609.282, Subd. 2.

iii. Statute of Limitations

If the victim was 18 years of age or older at the time of the offense, a prosecution for labor trafficking must be brought within six years after the commission of the offense. Minn. Stat. Ann. § 628.26(d). If the victim was under 18 years of age at the time of the offense, a prosecution may be brought at any time. Minn. Stat. Ann. § 628.26(c).

d. Minn. Stat. Ann. § 609.283 (2006) – Unlawful Conduct with Respect to Documents in Furtherance of Labor or Sex Trafficking

i. Summary

“Unless the person’s conduct constitutes a violation of section 609.282” (labor trafficking), a person commits the crime of unlawful conduct with respect to documents in furtherance of labor or sex trafficking if the person:

knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person:

- (1) in the course of a violation of section 609.282 [labor trafficking] or 609.322 [sex trafficking];
- (2) with intent to violate section 609.282 or 609.322; or
- (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, a person’s liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a violation of section 609.282 or 609.322.

Minn. Stat. Ann. § 609.283, Subd. 1.

In a prosecution under this section, the consent or age of the victim is not a defense. Minn. Stat. Ann. § 609.283, Subd. 3.

ii. Sentencing

If the crime involves a victim under the age of 18, a person may be sentenced to imprisonment for not more than 10 years, to payment of a fine of USD 20,000, or both. In other cases, a person may be sentenced to imprisonment for not more than five years, to payment of a fine of not more than USD 10,000, or both. Minn. Stat. Ann. § 609.283, Subd. 2.

iii. Statute of Limitations

A prosecution for unlawful conduct with respect to documents in furtherance of labor or sex trafficking must be brought within three years after the commission of the offense. Minn. Stat. Ann. § 628.26(j).

e. Minn. Stat. Ann. § 609.284 (2005) – Corporate Liability

If a corporation or other business enterprise is convicted of violating section 609.282 [labor trafficking statute], 609.283 [unlawful conduct with respect to documents statute], or 609.322 [sex trafficking statute], in addition to the criminal penalties and other remedies provided elsewhere in law, the court may, when appropriate:

- (1) order its dissolution or reorganization;

- (2) order the suspension or revocation of any license, permit, or prior approval granted to it by a state agency; or
- (3) order the surrender of its charter if it is organized under Minnesota law or the revocation of its certificate to conduct business in Minnesota if it is not organized under Minnesota law.

Minn. Stat. Ann. § 609.284, Subd. 3.

f. Minn. Stat. Ann. § 609.3241 (2018) – Penalty Assessment

A court sentencing an adult convicted of crimes including violations of sections 609.282 (labor trafficking), 609.283 (unlawful conduct with respect to documents), and 609.322 (sex trafficking) must also impose an assessment unless the adult was acting as a prostitute. For felonies, the court shall impose an assessment of not less than USD 750 and not more than USD 1,000. Minn. Stat. Ann. § 609.3241(a).

The assessment is distributed to three recipients:

- (1) 40 percent of the assessment shall be forwarded to the political subdivision that employs the arresting officer for use in enforcement, training, and education activities related to combating sexual exploitation of youth, or if the arresting officer is an employee of the state, this portion shall be forwarded to the commissioner of public safety for those purposes identified in clause (3);
- (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled the case for use in training and education activities relating to combating sexual exploitation activities of youth; and
- (3) 40 percent of the assessment must be forwarded to the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and are appropriated to the commissioner for distribution to crime victims’ services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31.

Minn. Stat. Ann. § 609.3241(c).

g. Minn. Stat. Ann. § 609.5312 (2013) – Forfeiture of Property Associated with Designated Offenses

All property used to facilitate trafficking crimes may be forfeited. Minn. Stat. Ann. § 609.5312.

h. Minn. Stat. Ann. § 609.25 (1994) – Kidnapping

i. Summary

A person who “confines or removes from one place to another, any person without the person’s consent or, if the person is under the age of 16 years, without the consent of the person’s parents or other legal custodian,” “to hold in involuntary servitude,” is guilty of kidnapping. Minn. Stat. Ann. § 609.25, Subd. 1.

ii. Sentencing

If the victim is released in a safe place without great bodily harm, the sentence for kidnapping is imprisonment for not more than 20 years, payment of a fine of not more than USD 35,000, or both. If the victim is not released in a safe place, if the victim suffers great bodily harm during the course of the kidnapping, or if the person kidnapped is under the age of 16, the sentence for kidnapping is imprisonment for not more than 40 years, payment of a fine of not more than USD 50,000, or both. Minn. Stat. Ann. § 609.25, Subd. 2.

iii. Statute of Limitations

A prosecution for kidnapping may be brought at any time. Minn. Stat. Ann. § 628.26(b).

i. Minn. Stat. Ann. § 609.325 (2015) – Prostitution; Affirmative Defense

It is an affirmative defense to a charge under Minn. Stat. Ann. § 609.324, subdivision 6 or 7 (certain prostitution crimes), that the defendant is a labor or sex trafficking victim and that the defendant committed the acts underlying the charge as a result of being a labor or sex trafficking victim. Minn. Stat. Ann. § 609.325, Subd. 4.

j. Minn. Stat. Ann. § 609.902 (1995) – Racketeer Influenced and Corrupt Organizations Act

Minnesota includes sex trafficking as a predicate offense in its racketeering statute. Minn. Stat. Ann. § 609.902, Subd. 4.

2. Online Child Exploitation and Child Pornography Offenses

Minn. Stat. Ann. § 617.245 (1992) – Use of Minor in a Sexual Performance

Minn. Stat. Ann. § 617.246 (2019) – Use of Minors in Sexual Performance Prohibited

Minn. Stat. Ann. § 617.247 (2019) – Possession of Pornographic Work Involving Minors

3. Minn. Stat. Ann. § 243.166 (2019) – Registration of Predatory Offenders

A person shall register under this section if “the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiring to commit any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances,” including solicitation, inducement, or promotion of the prostitution of a minor in violation of section 609.322; using a minor in a sexual performance in violation of section 617.246; and possessing pornographic work involving a minor in violation of section 617.247. Minn. Stat. Ann. § 243.166, Subd. 1b.

B. Civil Liability Statutes

1. Minn. Stat. Ann. § 609.284 (2005) – Labor or Sex Trafficking Crimes; Civil Liability

a. Summary

A labor trafficking victim may bring a civil lawsuit against a person who violates the labor trafficking statute (Minn. Stat. Ann. § 609.282) or the unlawful conduct with respect to documents statute (Minn. Stat. Ann. § 609.283). Minn. Stat. Ann. § 609.284, Subd. 2.

The consent or age of the victim is not a defense to a lawsuit brought under this section. Minn. Stat. Ann. § 609.284, Subd. 1.

b. Damages and Other Relief

A labor trafficking victim may recover damages, including punitive damages, reasonable attorney fees, and other litigation costs reasonably incurred by the victim. This remedy is in addition to potential criminal liability. Minn. Stat. Ann. § 609.284, Subd. 2.

c. Statute of Limitations

Section 609.284 does not contain its own statute of limitations provision. However, case law suggests that a six-year statute of limitations applies. *See Abarca v. Little*, 54 F. Supp. 3d 1064, 1070 (D. Minn. 2014). Moreover, Minnesota suspends the statute of limitations during periods of disability including the time while the plaintiff is a minor. Minn. Stat. Ann. § 541.15(a).

2. Minn. Stat. Ann. § 611A.81 (1994) – Civil Claim for Coercion for Use in Prostitution

a. Summary

An individual has a civil cause of action [claim] against a person who:

- (1) coerced the individual into prostitution;
- (2) coerced the individual to remain in prostitution;
- (3) used coercion to collect or receive any of the individual's earnings derived from prostitution [although this clause does not apply to minor children who are dependent on the individual and who may have benefited from or been supported by the individual's earnings derived from prostitution]; or
- (4) hired, offered to hire, or agreed to hire the individual to engage in prostitution, knowing or having reason to believe that the individual was coerced into or coerced to remain in prostitution by another person.

Minn. Stat. Ann. § 611A.81, Subd. 1(a).

An individual has a cause of action [claim] against a person who did the following while the individual was a minor:

- (1) solicited or induced the individual to practice prostitution;
- (2) promoted the prostitution of the individual;
- (3) collected or received the individual's earnings derived from prostitution; or
- (4) hired, offered to hire, or agreed to hire the individual to engage in prostitution.

Minn. Stat. Ann. § 611A.81, Subd. 1(b).

Mistake as to age is not a defense to a lawsuit brought under this section. Minn. Stat. Ann. § 611A.81, Subd. 1(b).

b. Damages and Other Relief

A plaintiff may recover damages that resulted from the use of the plaintiff in prostitution or to which the use of the plaintiff in prostitution proximately contributed including:

- (1) economic loss, including damage, destruction, or loss of use of personal property; loss of past or future income or earning capacity; and income, profits, or money owed to the plaintiff from contracts with the person; and
- (2) damages for death as may be allowed under section 573.02, personal injury, disease, and mental and emotional harm, including medical, rehabilitation, and burial expenses; and pain and suffering, including physical impairment.

Minn. Stat. Ann. § 611A.81, Subd. 2; *see also* Minn. Stat. Ann. § 573.02.

c. Statute of Limitations

A lawsuit for damages under section 611A.81 must be commenced not later than six years after the claim arises, except that the running of the limitation period is suspended during the time that coercion as defined in section 611A.80 continues, or as otherwise provided by section 541.13 or 541.15. Minn. Stat. Ann. § 611A.84.

3. Minn. Stat. Ann. § 617.245 (1992) – Civil Lawsuit; Use of Minor in Sexual Performance

a. Summary

A claim “exists for injury caused by the use of a minor in a sexual performance. The [claim] exists against a person who promotes, employs, uses, or permits a minor to engage or assist others to engage in posing or modeling alone or with others in a sexual performance, if the person knows or has reason to know that the conduct intended is a sexual performance.” Minn. Stat. Ann. § 617.245, Subd. 2.

Neither mistake as to the minor’s age nor consent by the minor or by the minor’s parent, guardian, or custodian is a defense to a lawsuit brought under this section. Minn. Stat. Ann. § 617.245, Subd. 2.

b. Damages and Other Relief

A person found liable for injuries under this section is liable to the minor for damages. Minn. Stat. Ann. § 617.245, Subd. 2.

c. Statute of Limitations

A lawsuit for damages under this section must be commenced within six years of the time the plaintiff knew or had reason to know injury was caused by the use of the plaintiff as a minor in a sexual performance. The knowledge of a parent, guardian, or custodian may not be imputed to the minor. This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15. Minn. Stat. Ann. § 617.245, Subd. 3.

C. Additional Statutes Specific to Human Trafficking

1. Minn. Stat. Ann. §§ 145.4716–145.4718 (2017) – Safe Harbor for Sexually Exploited Youth

The Commissioner for the Minnesota Department of Health must “establish a position for a director of child sex trafficking prevention.” The director shall also provide grants to regional navigators serving six regions of the state.

2. Minn. Stat. Ann. § 157.177 (2018) – Sex Trafficking Prevention Training Required

Hotels and motels must have ongoing sex trafficking awareness training for all employees.

3. Minnesota Wage Theft Prevention Act (2019)

Minnesota’s Wage Theft Prevention Act (**WTPA**) amended existing labor laws to include new notice requirements, expanded enforcement powers, and greater penalties for violations. First, at the time of hiring, employers must provide an employee with written notice of the employer’s contact information and specific information about the employee’s rate of compensation. Minn. Stat. Ann. § 181.032(d). Second, employers must also provide the rate of pay and the employer’s contact information on employees’ earning statements each pay period. Minn. Stat. Ann. § 181.032(a)–(b).

Failure to comply with the notice or earning statement requirements may result in civil and criminal penalties for employers. Minn. Stat. Ann. §§ 181.101, 609.52. Employees may directly sue employers for the nonpayment of

wages. However, the law does not expressly permit the recovery of attorney’s fees. In the alternative, employees may file complaints with the Department of Labor and Industry (**DLI**). The WTPA gives the DLI increased enforcement power, which includes the ability to order an employer to pay wages owed. The DLI may also order an employer to pay a civil penalty for repeated or willful violations. Minn. Stat. Ann. § 181.101. The Minnesota Attorney General also has the authority to enforce the wage theft laws. Minn. Stat. Ann. §§ 177.45, 181.1721. An employee who seeks to enforce rights or remedies under the WTPA, whether in an individual capacity or through the DLI, is protected from retaliation. Minn. Stat. Ann. § 181.03.

More information is available at: <http://www.dli.mn.gov/business/employment-practices/wage-theft-legislation-2019-and-summaries>.

4. Minn. Stat. Ann. § 243.166 (2019) – Registration of Predatory Offenders

Persons convicted of crimes including trafficking of minors must be registered.

5. Minn. Stat. Ann. § 260C.007 (2019) – Juvenile Safety and Placement

The definition of “child abuse” includes sex trafficking involving a minor.

6. Minn. Stat. Ann. §§ 299A.785 (2018), 299A.79 (2006) – Trafficking Study; Minn. Stat. Ann. § 299A.795 (2006) – Trafficking Victim Assistance

The state must work with trafficking non-governmental organizations to collect information relevant to trafficking and to use the data to develop a plan to address current trafficking and to prevent future trafficking. The commissioner may also review the existing services and facilities to meet trafficking victims’ needs and recommend a plan that would coordinate services.

7. Minn. Stat. Ann. § 299A.7957 (2006) – Toll-Free Hotline for Trafficking Victims

The state must contract with a nonprofit organization to maintain a 24/7 hotline for trafficking victims.

8. Minn. Stat. Ann. § 462A.375 (2012) – Housing Infrastructure Bonds for Safe Houses

Proceeds from housing infrastructure bonds may be used toward safe houses for trafficked women.

9. Minn. Stat. Ann. § 609A.03 (1996) – Petition to Expunge Criminal Records

If the court finds a connection between the criminal record to be expunged and the person’s status as a crime victim, it can order the record of the case sealed. If it seals the record, the crime victim is legally restored to the status the person occupied before the arrest, indictment, or information. The person shall not be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment, information, or trial in response to any inquiry made for any purpose. The court may request a sworn statement from a staff member of a state-funded victim services organization or a licensed health care provider as evidence to support a determination of expungement.

10. Minn. Stat. Ann. § 13.82 (1979) – Confidentiality of Sex Trafficking Victim Identity

The identity of a victim of sex trafficking must be kept confidential, regardless of whether the victim requests confidentiality. A law enforcement agency or a law enforcement dispatching agency working under the direction of a law enforcement agency shall withhold public access to data on individuals to protect their identity when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or sex trafficking under sections 609.322, 609.341 to 609.3451, or 617.246, subdivision 2. Minn. Stat. Ann. § 13.82, Subd. 17.

D. Significant Cases

1. *State v. Ivy*, 902 N.W.2d 652 (Minn. Ct. App. 2017)

The defendant was convicted of second-degree sex trafficking, solicitation to practice prostitution, criminal sexual conduct, and other crimes. The district court imposed consecutive sentences for four counts of aiding and abetting second-degree sex trafficking and three counts of second-degree solicitation to practice prostitution. The state alleged there was a statutory aggravating factor present because the offense involved more than one sex-trafficking victim in violation of Minn. Stat. Ann. § 609.322, subd. 1(b)(4). The district court added 48 months to the defendant's sentence and ordered the terms to be served consecutively because the jury found the appellant guilty of seven charged offenses. In total, the defendant was sentenced to 700 months. On appeal, he argued that his sentence was unlawfully enhanced.

The appellate court found that the defendant's sentence was "inconsistent with the plain language of the statute" because the defendant was charged with multiple counts of soliciting prostitution and sex trafficking, each with a single victim, rather than a single count of each charged offense with multiple victims. A single charge with multiple victims allows for the use of the multiple-victims aggregating factor, while multiple individual charges do not. The court vacated the defendant's sentence and remanded for re-sentencing in accordance with the sentencing guidelines.

E. Academic Research/Papers

Erinn B. Valine, Note, *The Demand Side of Sex Trafficking in Minnesota: The Who, Where, and Why – and What We Can Do About It*, 45 MITCHELL HAMLINE L. REV. 79 (2019).

F. Resources

City of Minneapolis, Fighting Human Trafficking:

<https://www.minneapolismn.gov/government/programs-initiatives/human-trafficking-prevention/>

Hennepin County, Minnesota, No Wrong Door: Help for Sexually Exploited Youth:

<https://www.hennepin.us/nowrongdoor>

Minnesota Human Trafficking Task Force:

<https://mnhttf.org/>

Minnesota Attorney General's Office:

<https://www.ag.state.mn.us/Consumer/Publications/SexTrafficking.asp>

National Human Trafficking Hotline (Minnesota):

<https://humantraffickinghotline.org/state/minnesota>

Ramsey County (MN) Attorney's Office, Combatting Sex Trafficking:

<https://www.ramseycounty.us/your-government/leadership/county-attorneys-office/community-initiatives/combating-sex-trafficking>

Shared Hope International, Minnesota Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_MN.pdf

Shared Hope International, Minnesota Analysis and Recommendations (2019):

http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_MN.pdf

U.S. Department of Health & Human Services, *Minnesota: Efforts to Combat Human Trafficking* (2019):
https://nhttac.acf.hhs.gov/sites/default/files/2019-06/minnesota_profile_efforts_to_combat_human_trafficking.pdf

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