LAW REVIEW GENERAL MEMBERS

Nazish Ahmad
Alexandra Audate
Louisa Barnes
Kristina Billan
Francoise Blanco
Jacqueline Bowden
David Cantor
Mindy Clarke
Veronica Cordova
Christina Delgado
Allari Dominguez
Sarah Dunaway
Natalie Eusebe
Matthew Ferran
Peter Falowo
Catherine Galvis
Sean Gold
Lisette Hall
Aileen Hernandez
Renee Jadusingh
Daniel Jovanov
Ryan Korsunky
Justin Leftko
Jennifer Levy
Marti Louden
Neidy Marcelo
Melissa Mastrapa
Glorian Maziarka
Francis A. Minton
Laura Muniz
Father Linus Nangwele
Alexandria Nguyen
Maritza Pasternak
Nicole Perez
Isabella Poschl
Garcendi Registre
Miriam Revoredo
Alberto Rodriguez
Alejandra Rosero
Alexandra Salvador
Brad Scheslinger
Ryan Shaw
Janelle Shoemake
Lauren M. Smith
Sarah Strickland
Tina Trunzo
Janette Valdes
Andres Vasquez
Justin Werthan
Denise Yeakey
Ben Zeskind

INTERNATIONAL EDITORIAL ADVISORY BOARD

Professor W. Michael Reisman, Ph.D.
Myres S. McDougal Professor of Law, Yale Law School
Former President, Inter-American Commission of Human Rights

Professor Dr. iur. Eckart Klein
University of Potsdam Faculty of Law
Former Member, United Nations Human Rights Committee

Professor Nora V. Demleitner
Dean and Roy L. Steinheimer, Jr. Professor of Law
Washington and Lee School of Law

Professor Dr. iur. Erica-Irene Daes
The Honorable Fausto Pocar, Ph.D.
Former President, International Criminal Tribunal for the former Yugoslavia
Professor of Law, University of Milan, Italy

Professor Dr. iur. Herbert Petzold
University of Saarbrücken Faculty of Law
Former Registrar, European Court of Human Rights

Dr. iur. Toni Pfanner
Former Editor-in-Chief, International Review of the Red Cross
Former Chief Legal Advisor, International Committee of the Red Cross

Professor Dr. Domingo Acevedo
Former Deputy Executive Secretary
Inter-American Commission of Human Rights

Professor Pierre-Michel Fontaine, Ph.D.
Former Principal Legal Advisor, United Nations High Commissioner for Refugees
Former Director, Office of the UNHCHR in the Democratic Republic of Congo

Professor Dr. Christoph Heyns
Dean, University of Pretoria Faculty of Law, South Africa

José Miguel Vivanco
Director, Human Rights Watch, Americas Division
Washington, D.C.

Professor Dr. iur. Kalliopi Koufa
University of Thessaloniki Faculty of Law
Former United Nations Special Rapporteur on Human Rights and Terrorism

Professor Vivian Krsticevic
Executive Director, Center for Justice and International Law
Washington, D.C.

Professor Frans Viljoen
Editor-in-Chief, African Human Rights Law Journal
Director, Center for Human Rights
University of Pretoria Faculty of Law, South Africa

Professor Federico Lenzerini
University of Siena, Italy

Professor Dr. iur. Martin Nettesheim
Professor of Public Law, European Law and International Law
University of Tübingen Faculty of Law, Germany

Professor Dr. Jonathan Cohen
Dean, Hebrew Union College, University of Cincinnati
GENERAL INFORMATION

The Intercultural Human Rights Law Review is published once a year and is an internationally distributed legal publication.

Submissions. The Intercultural Human Rights Law Review invites the submission of manuscripts on topics of interest in the field of human rights and related issues. All text and footnotes should be double-spaced. Manuscripts should be formatted in Microsoft Word version 6.0 or greater. Our preference is to receive submissions in digital format. Our e-mail address is ihrlawreview@stu.edu. Footnotes should conform to The Bluebook: A Uniform System of Citation (19th ed. 2010). The Review retains the right to determine the final form of every article. The Review acknowledges the receipt of submitted manuscripts, and assumes no responsibility for the return of submissions.

Subscriptions. The subscription price is $30.00 per year, and $38.00 per year for foreign subscribers. All subscriptions are for one year unless otherwise requested and are renewed automatically unless the subscriber sends timely notice of termination. Please inform the Review promptly of any change of address by sending the new address and a mailing label with the former address.

Citation. All references to materials included in the Intercultural Human Rights Law Review conform to The Bluebook: A Uniform System of Citation (19th ed. 2010), published by the Harvard Law Review Association.

Correspondence. All correspondence should be addressed to:

Managing Editor
INTERCULTURAL HUMAN RIGHTS LAW REVIEW
16401 N.W. 37th Avenue
Miami Gardens, Florida 33054-6459
ihrlawreview@stu.edu
ST. THOMAS UNIVERSITY SCHOOL OF LAW

ADMINISTRATION

Reverend Monsignor Franklyn M. Casale, B.A., S.T.B., M.Div.,
President, St. Thomas University
Douglas E. Ray, B.A., J.D., Dean and Professor of Law
Cecile Dykas, B.A., J.D., Associate Dean for Academic Affairs, Director of
Clinical Program and Visiting Associate Professor of Law
John F. Hernandez, B.S., J.D., LL.M., Assistant Dean for Student Affairs and
Visiting Associate Professor of Law
Barbara Singer, B.A., J.D., LL.B., Assistant Dean for Academic Support and
Visiting Associate Professor of Law
Peter T. Kelly, B.A., J.D., Assistant Dean for Alumni Relations
Iraida Acebo, B.A., Law School Registrar
J.D.L., Associate Director of Student Affairs, Chaplain and Director of
Summer-in-Spain Program
Roy Balleste, B.A., J.D., M.L.S., LL.M., J.S.D., Law Library Director and
Professor of Law
Jiovanna Bryant, B.A., Director for Admissions
Larry C. Fedro, Director of the Tax Clinic
The Rev. Raúl Fernández-Calienes, B.A., M.Div., M.A.R., Ph.D., Coordinator of
Writing Skills and Visiting Associate Professor of Legal Writing Skills
The Honorable David L. Levy, B.A., J.D., Director of Professionalism
Olga Leyva, B.A., Budget and Building Manager
Alfred R. Light, Director, Graduate Program in Environmental Sustainability and
Professor of Law
Roza Pati, B.A., J.D., LL.M., Dr. iur., Executive Director, Graduate Program in
Intercultural Human Rights and Professor of Law
Mercedes Pino, B.S., J.D., Director of Career Services
Jennifer Portwood, B.A., J.D., Director of Pro Bono Programs and Public Service
Career Counselor
Keith W. Rizzardi, B.A., J.D., M.S., Assistant Director, Graduate Program in
Environmental Sustainability and Assistant Professor of Law
Todd Sullivan, B.A., J.D., Director of Academic Support and Visiting Assistant
Professor of Law
Siegfried Wiessner, J.D., LL.M., Dr. iur., Director, Graduate Program in
Intercultural Human Rights and Professor of Law
LAW FACULTY

Roy Balleste, B.A., J.D., M.L.S., LL.M., J.S.D., Law Library Director and Professor of Law
Gordon T. Butler, B.E.E., J.D., LL.M., M.B.A., Professor of Law
Anna M. Chan, A.B., J.D., Director of Legal Writing and Associate Professor of Legal Writing Department
Dennis Corgill, B.A., M.A., J.D., Associate Professor of Law
Cecile L. Dykas, B.A., J.D., Associate Dean for Academic Affairs and Director of Clinical Program and Visiting Assistant Professor
Rev. Raúl Fernández-Calienes, B.A., M. Div., M.A.R, Ph.D., Coordinator of Writing Skills and Visiting Associate Professor of Legal Writing Skills
Jessica Fonseca-Nader, B.S., J.D., Assistant Professor of Legal Writing Department
Alfredo Garcia, B.A., M.A., J.D., Professor of Law
Lauren Gilbert, B.A., J.D., Professor of Law
Marc-Tizoc Gonzalez, B.A., M.A., J.D., Assistant Professor of Law
John F. Hernandez, B.S., J.D., LL.M., Assistant Dean for Student Affairs and Visiting Associate Professor of Law
Alicia Hogges-Thomas, B.A., J.D., Assistant Professor of Law
Beverly Horsburgh, B.A., J.D., Professor of Law
John Min Kang, B.A., J.D., M.A., Ph.D., Professor of Law
Gary Kravitz, B.S., J.D., Assistant Professor of Legal Writing Department
Tamara Lawson, B.A., J.D., LL.M., Professor of Law
Lenora P. Ledwon, B.A., M.A., J.D., Ph.D., Professor of Law
Alfred R. Light, B.A., Ph.D., J.D., Professor of Law and Director, Graduate Program in Environmental Sustainability
Kathleen Mahoney, B.A., M.S., J.D., Associate Professor of Legal Writing Department
John Makdisi, B.A., J.D., S.J.D., Professor of Law
June Mary Makdisi, B.A., M.S., J.D., Professor of Law
Richard H.W. Maloy, A.B., J.D., LL.M., Professor Emeritus
Jennifer S. Martin, B.S., J.D., Professor of Law
Robert E. Mensel, B.A., J.D., M.A., Ph.D., Associate Professor of Law
Patricia Hatamyar Moore, B.A., J.D., Professor of Law
Anthony Musto, B.G.S., J.D., Associate Professor of Legal Writing
Ira Nathenson, B.A., J.D., Assistant Professor of Law
Roza Pati, J.D., LL.M., Dr. iur., Executive Director, Graduate Program in Intercultural Human Rights and Professor of Law
Leonard D. Pertnoy, A.B., B.A., J.D., Professor of Law
Stephen Plass, B.A., J.D., LL.M., Professor of Law
Douglas E. Ray, B.A., J.D., Dean and Professor of Law
Keith W. Rizzardi, B.A., J.D., M.S., Assistant Director, Graduate Program in Environmental Sustainability and Assistant Professor of Law
Iris Rogatinsky, B.A., J.D., Assistant Professor of Legal Writing Department
Amy D. Ronner, B.A., M.A., Ph.D., J.D., Professor of Law
Jay Silver, B.A., J.D., LL.M., Professor of Law
Barbara Singer, A.B., J.D., LL.B., Assistant Dean for Academic Support and Visiting Associate Professor of Law
Nadia Soree, B.M., M.M., J.D., Assistant Professor of Law
Todd Sullivan, B.A., J.D., Director of Academic Support and Visiting Assistant Professor of Law
Michael Vastine, B.A., M.A., J.D., Director of Immigration Clinic and Assistant Professor of Law
Siegfried Wiessner, J.D., LL.M., Dr. iur., Director, Graduate Program in Intercultural Human Rights and Professor of Law
Mark J. Wolff, B.A., J.D., LL.M., Professor of Law
Carol Zeiner, B.S., J.D., Professor of Law

ADJUNCT FACULTY

Magda Abdo-Gomez
Bruce Alexander
Jeffrey Allen
Rev. Msgr. Andrew Anderson
Howard K. Blumberg
The Hon. Michael Chavies
Joni Coffey
Gary Mitchell Cohen
Jay Cohen
Attilio M. Costabel
Larry S. Davis
Steven J. Dell
Sheri Dennis
Lilliana Farinas-Sabogal
James Fierberg
The Hon. Rosa Figarola
The Hon. David M. Gersten
Murray Greenberg
Milton Hirsch
Joe Holland
Josef Klee
Marvin Klein
Dana Kulvin
Susan Labasky
Joseph Landolfi
Thomas W. Logue
The Hon. Peter R. Lopez

Caryn Lubetsky
Richard Lorenzo
Paul Marcus
The Hon. Stanley Marcus
Timothy Martin
Michael C. Mayer
James McDonald
Rhonda Montoya-Hason
Mary Munson
Hector O. Nava
Jacqueline Needelman
Kenneth Noto
Martha Perez
Brenda Rivera-Lopez
Robert J. Robes
Herman Russomanno
Stuart Saltzman
Jacqueline Schneider
The Hon. Frank Shephard
The Hon. Michele Towbin Singer
The Hon. Ronald Sonom
Rory Stein
The Hon. Daryl Trawick
The Hon. Lisa Walsh
Steven Wise
John R. Young
Enrique Zamora
LAW LIBRARY ADMINISTRATION AND STAFF

Roy Balleste, B.A., J.D., M.L.S., LL.M., J.S.D., Law Library Director and Professor of Law
Sonia Luna-Lamas, B.A., M.L.S., Associate Director and Head of Technical Services
Iris Garcia, B.A., M.L.S., Technical Services Librarian
Courtney Segota, B.A., J.D., M.L.S., Reference/ Faculty Services Librarian
Mathew Gran, B.A., J.D., M.L.I.S., Evening/ Reference Services Librarian
Jacob Hurst, B.S., J.D., Legal Researcher
Edward Douglas, B.S., M.S., Web/Information Systems Administrator
Richard Andre, Reference/ Circulation Specialist
Rosario Cruz, Serials/ Continuations Specialist
Max Ford, Reference/ Circulation Specialist
Diago Gumucio, Multimedia/ Circulation Specialist
Danniza Inguanzo, Cataloging/ Database Specialist
Amado Lugo, Multimedia/ Stack Maintenance Specialist
Judith Peguero, Accounting Operations Assistant
Juan Matos, Multimedia/ Circulation Specialist
INTERCULTURAL HUMAN RIGHTS LAW REVIEW

TABLE OF CONTENTS

JUSTICE AT THE DOOR: ENDING DOMESTIC SERVITUDE

Intercultural Human Rights Law Review Annual Symposium
January 27, 2012

The President’s Welcome Address
.....................................................Rev. Monsignor Franklyn M. Casale 1

Opening Remarks............................................Dean Douglas Ray 5

Domestic Servitude: A Contemporary Form of Slavery
.................................................................Roza Pati 9

Back to Freedom: From Surviving to Thriving
An Introduction..................................................Ana I. Vallejo 21

Back to Freedom: From Surviving to Thriving. A Panel Discussion........Ana I. Vallejo, Simone Celestin, Sabrina Salomon 35
Ensuring Decent Work for Domestic Workers: An Integral Approach to the Prevention of Labor Trafficking .................................................. Mark Ensalaco 45


U.S. Anti-Trafficking Policy and the J-1 Visa Program: The State Department’s Challenge from Within ........................................ Patricia Medige & Catherine Griebel Bowman 103

The New York Domestic Workers’ Bill of Rights: Justice at the Door .................................................. Talle D. Gilmore 147

Modern-Day Slavery Eclipsing the Sunshine State Compels Safe Harbor Legislation in Florida ................. Lydia Butler 191

ARTICLES

Double Jeopardy in the Inter-American System of Human Rights: Balancing the Right and the Remedy ........................................ Lisl Brunner 243

Equality, Procedural Justice, and the World Trade Organization ........................................................... Adam S. Chilton & Ryan W. Davis 277