



REGENT UNIVERSITY SCHOOL OF LAW

# JOURNAL OF GLOBAL JUSTICE AND PUBLIC POLICY

IN COLLABORATION WITH HANDONG INTERNATIONAL LAW SCHOOL

Volume 2, Number 1

Fall 2015

## ARTICLES

TANGLED UP: RESTORING THE PARENTAL RIGHTS OF IMMIGRANTS CAUGHT BETWEEN  
IMMIGRATION COURT AND FAMILY COURT

*Jessica N. Flores*

PROSECUTION AS A MERE PRETEXT OF PERSECUTION: GRANTING REFUGEE STATUS TO  
CHINESE CITIZENS WHO FACE PROSECUTION UNDER  
UNSPOKEN, UNOFFICIAL CHINESE "LAW"

*Ra Hee Jeon*

## NOTES

FIGHTING WAR AND FURTHERING SLAVERY: THE ALARMING TRUTH ABOUT PRIVATE  
MILITARY FIRMS AND THE SOLUTION TO END THEIR  
INVOLVEMENT IN HUMAN SEX TRAFFICKING

*Carissa A. Rarick*

"THE SUGGESTIONS ON THE RIGHTS OF THE CHILD": WHY THE UNITED NATIONS  
CONVENTION ON THE RIGHTS OF THE CHILD IS A TWENTY-FIVE YEAR FAILURE

*Sherilyn C. Baxter*

VERBOTEN: FORBIDDEN HOMESCHOOLING IN GERMANY AND ITS CONFLICT WITH  
INTERNATIONAL RELIGIOUS FREEDOM

*Jacob A. Aschmutat*

## COMMENT

BABY STEPS: THE EUROPEAN COURT OF HUMAN RIGHTS MOVES CLOSER TO PROTECTING  
THE UNBORN IN *PARRILLO V. ITALY*

*Palmer E. Hurst & Christina A. Hurst*

## BOOK REVIEW

AN ALTERNATIVE TO "BUSINESS AS USUAL"?

*Kathleen A. McKee*

## SYMPOSIUM

*JOURNAL OF GLOBAL JUSTICE AND PUBLIC POLICY*

AND THE CENTER FOR GLOBAL JUSTICE, HUMAN RIGHTS AND THE RULE OF LAW  
4TH ANNUAL SYMPOSIUM: HUMAN RIGHTS AND THE SEXUALIZATION OF CULTURE



*Journal of Global Justice and Public Policy's (JGJPP) seal reflects JGJPP's mission – יהוה is the Hebrew tetragrammaton, which traditionally has been associated with the name of God. ἀλήθεια is the classical Greek concept of truth. Iustitia is the Latin legal principle of justice. JGJPP believes that with a knowledge of God, one is able to perceive truth, which permits the dissemination and establishment of justice. The Mercator world map represents JGJPP's global focus; and the azure border color and corresponding laurel identify JGJPP with transnational efforts to achieve international peace.*

*JGJPP is Regent University School of Law's premier academic journal presenting original legal research related to the study of international human rights. JGJPP features articles, notes, case comments, and book reviews submitted by prominent authors, practitioners, and students. JGJPP actively solicits manuscripts that address international law, global justice, the rule of law, public policy (foreign and domestic), international relations and diplomacy, comparative law, and decisions adopted by the European Court of Human Rights, the International Court of Justice, the Inter-American Court of Human Rights, and the International Criminal Court.*

*JGJPP is committed to publishing interdisciplinary scholarship critically analyzing the significant social challenges and the persistent legal issues affecting the marginalized, disenfranchised, indigent, and abused, and works in association with the Center for Global Justice, Human Rights, and the Rule of Law.*

**Visit us online at**  
[jgjpp.regent.edu](http://jgjpp.regent.edu)  
[facebook.com/jgjpp](https://www.facebook.com/jgjpp)  
[twitter.com/regentjgjpp](https://twitter.com/regentjgjpp)

*The cover image is entitled **The Feast in the House of Levi** by Paolo Veronese (1573). It is a depiction of Luke 5:29-32.*

## EDITORIAL POLICY STATEMENT

*Journal of Global Justice and Public Policy* (JGJPP) is published biannually under the authority of Regent University School of Law. The views expressed in JGJPP are those of individual contributors and do not necessarily reflect the view of the editorial board, Regent University School of Law, its administration and faculty, or Regent University.

**Subscriptions:** If you are interested in subscribing to, purchasing advertising spaced from, or making a tax-deductible contribution to JGJPP, please address all correspondence to the official business address listed at the bottom of this page. Subscriptions costs per issue are \$14.00 domestic and \$18.00 foreign surface mail payable in advance.

**Submissions:** JGJPP welcomes the submission of scholarly articles, manuscripts, essays, book reviews and student notes and comments in all areas affecting global justice and public policy both in domestic and international law. JGJPP is interested in articles, for example, that discuss international constitutional law, international humanitarian law, international human rights law, international arbitration and international investment arbitration inter alia. Submissions to JGJPP should conform to the latest edition of *The Bluebook: A Uniform System of Citation* (20th ed. 2014). Submissions also should include the author's curriculum vitae, and a short abstract or description of the work submitted. JGJPP anticipates most articles to be between 20,000 and 35,000 words, including footnotes; and book reviews and comments to be approximately 15,000 words, including footnotes. JGJPP as a general rule, however, welcomes all submissions. JGJPP prefers electronic submissions, which may be sent either via email (jgpp@mail.regent.edu) or through ExpressO (<http://law.bepress.com/expresso/>). Please include your mailing address, telephone numbers, facsimile number and e-mail address. JGJPP will notify authors as quickly as possible as to the status of their submissions. Further information is available at [jgpp.regent.edu](http://jgpp.regent.edu).

**Permission to Copy:** All articles are copyright ©2015 *Journal of Global Justice and Public Policy* (ISSN 2374-491X), except where otherwise expressly indicated. For permission to reprint an article or any portion thereof, please address your written request to the holder of the copyright. For any article that JGJPP holds the copyright, permission is granted to reprint any portion of the article for educational purposes, including distribution to students, provided that in the case of copies duplicated in class, students are charged no more than the cost of duplication; the article is identified on each copy according to the most recent edition of *The Bluebook: A Uniform System of Citation* (20th ed. 2014); proper notice of copyright is affixed to each copy; and JGJPP is notified in writing.

**Official Business Address:** Please submit all correspondence to

Editor-in-Chief  
*Journal of Global Justice and Public Policy*  
Regent University School of Law  
Robertson Hall 225  
1000 Regent University Drive  
Virginia Beach, VA 23464

You may also submit correspondence via email at [jgpp@mail.regent.edu](mailto:jgpp@mail.regent.edu).

PRINTED BY THE SHERIDAN PRESS, HANOVER, PENNSYLVANIA

REGENT UNIVERSITY SCHOOL OF LAW

# JOURNAL OF GLOBAL JUSTICE AND PUBLIC POLICY

IN COLLABORATION WITH HANDONG INTERNATIONAL LAW SCHOOL

Volume 2, Number 1

Fall 2015

## EDITORIAL BOARD

**Editor-in-Chief**  
CHRISTOPHER A. TROYE

**Executive Editor**  
CARISSA A. RARICK

**Managing Editor**  
SHERILYN C. BAXTER

**Managing Editor**  
L. CARTER BUDWELL III

**Articles Editor**  
MARIETHERESE WALCH

**Notes and Comments Editor**  
AUBREY M. CROSS

**Symposium Editor**  
CHRISTINA A. HURST

**Public Relations Editor**  
PALMER E. HURST

**Business Editor**  
PARKER M. WORNALL

**Technology Editor**  
JOSHUA G. GAMBOA

## Staff Editors

JULIANNA E. BATTENFIELD  
SARAH J. BREYER  
MOLLY E. BRICKER  
JENNIFER L. GEBLER  
CODIE B. HOGBIN  
NATASHA S. JOHNSON  
BRITTANY M. JONES

SO HEON PARK  
VENECIA M. PATTERSON  
JESSICA M. RIGSBEE  
JESSICA N. SAMMS  
SOPHIE TATOT DE RUPILLY  
WILLIAM R. THETFORD, JR.  
LUCILLE M. WALL

**Faculty Advisor**  
PROFESSOR CRAIG A. STERN

**Editorial Advisor**  
PROFESSOR JAMES M. BOLAND

REGENT UNIVERSITY SCHOOL OF LAW

# JOURNAL OF GLOBAL JUSTICE AND PUBLIC POLICY

IN COLLABORATION WITH HANDONG INTERNATIONAL LAW SCHOOL

Volume 2, Number 1

Fall 2015

## ARTICLES

TANGLED UP: RESTORING THE PARENTAL RIGHTS OF IMMIGRANTS CAUGHT BETWEEN IMMIGRATION COURT AND FAMILY COURT

*Jessica N. Flores*.....1

PROSECUTION AS A MERE PRETEXT OF PERSECUTION: GRANTING REFUGEE STATUS TO CHINESE CITIZENS WHO FACE PROSECUTION UNDER UNSPOKEN, UNOFFICIAL CHINESE “LAW”

*Ra Hee Jeon*.....37

## NOTES

FIGHTING WAR AND FURTHERING SLAVERY: THE ALARMING TRUTH ABOUT PRIVATE MILITARY FIRMS AND THE SOLUTION TO END THEIR INVOLVEMENT IN HUMAN SEX TRAFFICKING

*Carissa A. Rarick*.....65

“THE SUGGESTIONS ON THE RIGHTS OF THE CHILD”: WHY THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD IS A TWENTY-FIVE YEAR FAILURE

*Sherilyn C. Baxter*.....89

VERBOTEN: FORBIDDEN HOMESCHOOLING IN GERMANY AND ITS CONFLICT WITH INTERNATIONAL RELIGIOUS FREEDOM

*Jacob A. Aschmutat*.....127

## COMMENT

BABY STEPS: THE EUROPEAN COURT OF HUMAN RIGHTS MOVES CLOSER TO PROTECTING THE UNBORN IN *PARRILLO V. ITALY*

*Palmer E. Hurst & Christina A. Hurst*.....155

**BOOK REVIEW**

AN ALTERNATIVE TO “BUSINESS AS USUAL”?  
*Kathleen A. McKee*.....165

**SYMPOSIUM**

*JOURNAL OF GLOBAL JUSTICE AND PUBLIC POLICY* AND THE CENTER FOR  
GLOBAL JUSTICE, HUMAN RIGHTS AND THE RULE OF LAW 4TH ANNUAL  
SYMPOSIUM: HUMAN RIGHTS AND THE SEXUALIZATION OF CULTURE.....173



## REGENT UNIVERSITY SCHOOL OF LAW

### UNIVERSITY OFFICERS

DANIEL C. "DANNY" SELLERS, JR., *Chairman of the Board of Trustees*

DR. M.G. "PAT" ROBERTSON, *Chancellor*

MICHAEL V. HERNANDEZ, *Dean; Professor*

B.A., J.D., University of Virginia

LYNNE MARIE KOHM, *Associate Dean for Faculty Development & External Affairs;*

*John Brown McCarty Professor of Family Law*

B.A., State University of New York at Albany; J.D., Syracuse University

BENJAMIN V. MADISON III, *Associate Dean for Instructional & Curricular Affairs;*

*Professor*

B.A., Randolph-Macon College; M.A., College of William and Mary; J.D.,

College of William and Mary, Marshall-Wythe School of Law

THE HONORABLE PATRICIA L. WEST, *Associate Dean of Students; Distinguished*

*Professor*

B.A., College of William and Mary, J.D., College of William and Mary,

Marshall-Wythe School of Law

### FACULTY

JOHN ASHCROFT, *Distinguished Professor of Law and Government*

A.B., Yale University; J.D., University of Chicago

W. WADE BERRYHILL, *Professor*

B.S., Arkansas State University; J.D., University of Arkansas-Fayetteville;

LL.M., Columbia University

JAMES M. BOLAND, *Director, Legal Research and Writing; Associate Professor*

B.A., Wheaton College; J.D., Regent University School of Law

JEFFREY A. BRAUCH, *Professor*

B.A., University of Wisconsin at Madison; J.D., University of Chicago

BRUCE N. CAMERON, *Reed Larson Professor of Labor Law*

B.A., Andrews University; J.D., Emory University School of Law

DOUGLAS H. COOK, *Professor*

B.A., Miami University; J.D., The Ohio State University

JAMES A. DAVIDS, *Associate Professor*

B.A., Calvin College; J.D., Duke University School of Law; Ph.D., Regent

University

ERIC A. DEGROFF, *Professor*

B.A., University of Kansas; M.P.A., University of Southern California;

J.D., Regent University School of Law

JAMES J. DUANE, *Professor*

B.A., J.D., Harvard University

TESSA L. DYSART, *Assistant Professor*

B.A., Willamette University; J.D., Harvard Law School

## REGENT UNIVERSITY SCHOOL OF LAW

THOMAS C. FOLSOM, *Professor*

B.S., U.S. Air Force Academy; J.D., Georgetown University Law Center

L.O. NATT GANTT II, *Director, Academic Success and Advising; Professor*

A.B., Duke University; J.D., Harvard Law School; M.Div., Gordon-Conwell  
Theological Seminary

LOUIS W. HENSLER III, *Professor*

B.A., Bob Jones University; J.D., University of Chicago

BRADLEY P. JACOB, *Associate Professor*

B.A., University of Delaware; J.D., University of Chicago

JANIS L. KIRKLAND, *Assistant Director, Legal Research and Writing; Instructor*

B.S., College of William and Mary; J.D., T.C. Williams School of Law,  
University of Richmond

KATHLEEN A. MCKEE, *Director, Civil Practice Clinic; Associate Professor*

B.A., State University of New York at Albany; J.D., Columbus School of  
Law, Catholic University; LL.M., Georgetown University Law Center

JAMES E. MURPHY, *Director, M.A. in Law Program; Manager, Business Affairs;  
Adjunct Professor*

B.A., University of Iowa; J.D., University of Oklahoma

JAY ALAN SEKULOW, *Distinguished Professor of Law*

B.A., J.D., Mercer University; Ph.D., Regent University

RANDY D. SINGER, *Attorney-in-Residence*

B.A., Houghton College; J.D., College of William and Mary, Marshall-Wythe  
School of Law

CRAIG A. STERN, *Professor*

B.A., Yale University; J.D., University of Virginia

KIMBERLY ROUSE VAN ESSEDELFT, *Instructor, Legal Research and Writing*

B.A., University of Virginia; J.D., College of William and Mary, Marshall-  
Wythe School of Law

GLORIA A. WHITTICO, *Assistant Professor of Law; Associate Director, Academic  
Success Program*

A.B., College of William and Mary; J.D., University of Virginia

### ADJUNCT FACULTY

RACHEL F. ALLEN

B.S., Liberty University; J.D., Regent University School of Law

TRACY W. BANKS

B.A., Rice University; J.D., Regent University School of Law

GREGORY P. BERGETHON

B.S., University of Richmond; J.D., College of William and Mary, Marshall-  
Wythe School of Law

GARY A. BRYANT

B.A., Bob Jones University; J.D., Washington & Lee University



## REGENT UNIVERSITY SCHOOL OF LAW

JAMES L. CHAPMAN IV

B.A., Virginia Polytechnic Institute and State University; J.D., Washington and Lee University School of Law

DARIUS K. DAVENPORT

B.A., Norfolk State University; J.D., University of Wisconsin

ERIN K. DEBOER

B.A., Hillsdale College; J.D., Regent University School of Law

JOSHUA DIDLAKE

Th.B., Louisiana Baptist University; J.D., Regent University School of Law

SHAHERYAR GILL

B.A., University of the Punjab, Pakistan; J.D., Handong International School of Law, South Korea; LL.M., Regent University School of Law

MARC V. HEDRICK

B.S., M.S.Ed., Southern Illinois University at Carbondale; J.D., Regent University School of Law

THE HONORABLE ROBERT J. HUMPHREYS

B.A., Washington and Lee University; J.D., Widener University School of Law

MARK L. JAMES

B.A., Grove City College; M.B.A., Michigan State University; E.M.L., Georgetown University; J.D., Regent University School of Law; LL.M., Marshall-Wythe School of Law, College of William and Mary

DAVID C. JOHNSON

B.S., Montana State University; J.D., Regent University School of Law

VICTORIA JOHNSON

B.A., M.S., Pensacola Christian College; J.D., Regent University School of Law

THE HONORABLE DENHAM ARTHUR KELSEY

B.A., Old Dominion University; J.D., College of William and Mary, Marshall-Wythe School of Law

THOMAS C. KLEINE

B.S.F.S., Georgetown University; J.D., Washington and Lee University

DAVID W. LANNETTI

B.S., U.S. Naval Academy; M.S., Troy University; J.D., College of William and Mary, Marshall-Wythe School of Law

STEPHEN D. LENTZ

B.A., Bowling Green State University; J.D., College of William and Mary, Marshall-Wythe School of Law

DONALD MARCARI

B.S., M.A., Appalachian State University; J.D., Campbell University School of Law

## REGENT UNIVERSITY SCHOOL OF LAW

JAMES A. METCALFE

B.A., U.S. Naval Academy; J.D., College of William and Mary, Marshall-Wythe School of Law

ANTHONY S. MULFORD

B.A., University of Nebraska; J.D., Regent University School of Law

THE HONORABLE H. THOMAS PADRICK, JR.

B.A., Old Dominion University; Virginia State Bar Law Reader Program

JOHN Y. PEARSON, JR.

B.A., Washington & Lee; J.D., University of Virginia

STEPHEN P. PFEIFFER

B.A., Carroll College; J.D., Regent University School of Law

CATHERINE L. SIX

B.A., University of Richmond; J.D., Regent University School of Law

JOHN G. STEPANOVICH

B.A., Kent State University; J.D., University of Akron School of Law

NORMAN THOMAS

B.A., University of Virginia; J.D., College of William and Mary, Marshall-Wythe School of Law

HUGO R. VALVERDE

B.S., College of William and Mary; M.E.M., Duke University; J.D., Regent University School of Law

DAVID D. VELLONEY

B.S., United States Military Academy; J.D., Yale Law School; LL.M., The Judge Advocate General's School, U.S. Army

SHAWN A. VOYLES

B.A., DePauw University; J.D., Regent University School of Law

S. ERNIE WALTON

B.S., Houghton College; J.D., Regent University School of Law

### LAW LIBRARY ADMINISTRATION

MARGARET CHRISTIANSEN, *Director of Law Library*

B.S., William Woods College; J.D., Regent University School of Law;  
M.S.I.S., Florida State University

WILLIAM E. MAGEE, *Assistant Research Services Librarian*

B.A., Old Dominion University; J.D., Regent University School of Law;  
M.L.S., Catholic University

MARIE SUMMERLIN HAMM, *Assistant Director for Collection Development; Adjunct Professor*

Dual B.S., Mount Olive College; J.D., Regent University School of Law;  
M.L.S., Syracuse University

## HANDONG INTERNATIONAL LAW SCHOOL

### UNIVERSITY OFFICERS

SOON HEUNG CHANG, *President*

B.S., Seoul National University; M.S., Massachusetts Institute of Technology; Ph.D., Massachusetts Institute of Technology

ERIC G. ENLOW, *Dean; Professor*

B.A., Yale University; J.D., Washington University School of Law

HEE EUN LEE, *Associate Dean; Professor*

B.A., Vassar College; M.A., Maxwell School of Citizenship and Public Affairs; J.D., Syracuse University College of Law; LL.M., New York University School of Law

JAMES T. DAVIS, *Associate Dean of Academic Affairs; Professor*

B.A., Louisiana Tech University; M.B.A., California State University at San Bernardino; J.D., McGeorge School of Law

### FACULTY

KENNETH O. CHINN, *Professor*

B.A., Whittier College; J.D., Loyola Law School

DAVID W. COLLIER, *Professor*

B.A., University of Cincinnati; J.D., Regent University School of Law

DAVID P. MCGINLEY, *Professor*

B.S., Penn State University; J.D., Regent University School of Law

DAVID L. MUNDY, *Professor*

B.A., William Jennings Bryan College; M.A., Regent University; J.D., Regent University School of Law

EUNSEOK PAIK, *Professor*

B.A., Harvard University; B.A., University of Oxford; M.A., University of Oxford; LL.M., Boston University School of Law

JOHN J. PARK, *Professor*

B.A., University of Maryland at College Park; J.D., University of Maryland School of Law

EDWARD A. PURNELL, *Professor*

B.A., Princeton University; J.D., Harvard Law School

FRED ROSS III, *Professor*

B.A., Samford University; M.A., University of Fribourg School of Law/IUKB of Switzerland; J.D., Regent University School of Law

JOHN T. SHIN, *Professor*

B.A., Binghamton University, Economics, J.D., Hofstra University School of Law

