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Child Labor Trafficking

The Trafficking Victims Protection Act (TVPA) of 2000 defines labor trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force or fraud or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery¹” (as cited in Office on Trafficking in Persons 2015a, 5). Child labor trafficking² is the trafficking of individuals who are 18 or younger. According to the TVPA definition, involuntary servitude (or forced labor) involves forcing someone to work by using physical and/or psychological tactics or by abusing the legal system (U.S. Department of State 2016). Involuntary servitude³ tends to be associated with occupations that take place in informal workplaces (e.g., domestic workers who work in private residences). Unfortunately, these types of workplaces are conducive to employee abuse because they are often isolated and less likely to be inspected by authorities (U.S. Department of State 2016). Another type of labor trafficking outlined in the TVPA is debt bondage, or bonded labor, which occurs when a trafficker demands labor as repayment for a loan or service; the value of the labor typically outweighs the loan/service (Office on Trafficking in Persons 2015b; U.S. Department of State 2016).

As stated above, child labor trafficking requires the presence of force, fraud, and/or coercion (Administration on Children, Youth and Families [ACYF] 2013). Force involves physically restraining or harming a victim; fraud intentionally deceives victims about certain aspects of their employment such as job duties, work conditions, and payment. The coercion aspect of labor trafficking includes threats of serious psychological/physical harm to the victims or their loved ones, as well as real or threatened abuse of the legal system (Office on Trafficking in Persons 2015a).

One important difference between child labor trafficking and child sex trafficking is that force, fraud, and/or coercion is present in child labor trafficking; whereas any minor involved in a commercial sex act with or without the use of force is considered a sex trafficking victim (for more information, see the *Model Programs Guide* literature review on [Commercial Sexual Exploitation of Children/Sex Trafficking](#).) The different requirements for the two types of trafficking may be related to the ability of children to work legally in the United States in certain situations (Owens et al. 2014). Notably, child

¹ This definition refers to eligibility for victim services, as stipulated in the TVPA [22 U.S.C. § 7102(9)-(10)]. However, the federal criminal definition of labor trafficking (18 U.S.C. §1589) is different from this definition. For example, only fraud, which is serious enough to compel a person to engage in work, is sufficient to charge a suspect with forced labor.

² Although not prevalent in the United States, child soldiering, or the unlawful recruitment or use of minors by armed forces for armed combat, labor, or sex, is also a form of involuntary servitude (Tiefenbrun 2007; U.S. Department of State 2016).

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labor trafficking can and often does overlap with child sexual exploitation and abuse (Freedom Network USA 2012). In fact, victims may experience labor and sex trafficking simultaneously, such as being forced to engage in both prostitution and burglaries (Gibbs et al. 2014; National Human Trafficking Resource Center [NHTRC] 2015a).

The force, fraud, or coercion requirement of labor trafficking is particularly important when distinguishing among legal child employment, child labor trafficking, child labor, and labor exploitation⁴ (Owens et al. 2014). Although employment laws vary by state and industry, children are typically allowed to work legally when they are between 14 and 16 (U.S. Department of Labor 2014). If children are working legally, but are denied basic legal rights (such as fair compensation), they are experiencing *labor exploitation* (Dottridge and Jordan 2012; Owens et al. 2014). In contrast, if minors under the legal working age are engaging in illegal work and/or work that is harmful to their health, development, or education, then this situation would constitute *child labor* (Owens et al. 2014). Child labor trafficking can have many of the same components as child labor and labor exploitation, but is only considered *labor trafficking* if force, fraud, or coercion is present (e.g., forcing a child to work by threatening harm).

A common model that is used to determine if an individual is being labor trafficked is the “Actions-Means-Purpose” (AMP) model (Polaris Project 2012). In the AMP model, “actions” include inducing, recruiting, harboring, transporting, providing, or obtaining an individual. The “means” component involves using force, fraud, and/or coercion. Finally, the “purpose” aspect is related to the reason an individual is being exploited, which, in the case of trafficking, is for labor or other services (Polaris Project 2012).

Scope of the Problem

There is no single estimate regarding rates of child labor trafficking in the United States, and estimates measuring occurrences of human trafficking in the United States and internationally vary substantially (Gibbs et al. 2014; Goodey 2008). There are many reasons for the lack of systematic, empirical data on victims of trafficking (Clawson et al. 2009; Clawson, Layne, and Small 2006). First, the covert nature of trafficking makes it hard to study trafficking victims; traffickers tend to guard their victims closely and/or isolate them to their workplace (Clawson et al. 2009). Trafficking victims may also not want to come forward for fear of violence, or, if they are in the country illegally, deportation (Farrell, McDevitt, and Fahy 2008). In addition, inconsistent definitions and beliefs surrounding trafficking make it hard to measure; for example, a migrant, trafficked child may be labeled as an illegal immigrant rather than a trafficking victim (Clawson et al. 2009; Gouty 2015). Some evidence suggests that law enforcement and social service providers may not have the training to identify victims of child labor trafficking, which could limit detection of victims (Gibbs et al. 2014; Farrell et al. 2012). Despite these limitations, there is some available data that may provide insight into the scope of child labor trafficking.

⁴ While not explicitly related to child labor trafficking, “the Federal Labor Standards Act (FLSA) is the federal law governing minimum wage, recordkeeping, overtime pay, and child labor in the United States” (NHTRC 2015a, 2). The FLSA prohibits the use of “oppressive child labor,” peddling, and any work that interferes with a child’s education or physical, social, psychological, and emotional well-being (Rizen 2015, 168).

In 2011, the U.S. Department of State (2016) began reporting on the number of labor-trafficking victims identified across the globe. In 2015, there were 14,262 labor-trafficking victims identified worldwide. According to a 2012 study by the International Labour Organization (ILO), there were about 5.5 million children (aged 17 and below) trafficked globally (both for sex and labor) between 2002 and 2011.

Using state and local law enforcement data, a Bureau of Justice Statistics report (Banks and Kyckelhahn 2011) found that 13.9 percent of trafficking investigations in the United States between 2008 and 2011 involved labor trafficking. The report also indicated that between 2008 and 2010, there were 257 reported cases of child trafficking in the United States; of these, 5 involved labor trafficking and 248 involved sex trafficking (Banks and Kyckelhahn 2011). In addition, data from the National Human Trafficking Resource Center (NHTRC) showed that 15.8 percent of their labor-trafficking cases in 2015 involved victims who were minors (NHTRC 2015b).

Overall, the numbers suggest that child labor trafficking is not as prevalent as child sex trafficking. However, the current limitations in collecting child labor trafficking data may be masking the extent of the problem.

Characteristics of Child Labor Trafficking Victims

Child labor trafficking victims have diverse sociodemographic backgrounds, and there is no standard typology; however, certain populations are more vulnerable to becoming victims.

Some research suggests that women and children are more likely to be victims of labor trafficking because of their “relative lack of power, social marginalization, and their overall status as compared to men” (Office on Trafficking in Persons 2015b, 2). Other populations that are likely to experience labor trafficking are lesbian, gay, bisexual, transgender, questioning, intersex, and asexual (LGBTQIA) youth runaways; homeless youths; and child welfare populations (ACYF 2013; Buckley 2008; Clawson et al. 2009). This aligns with research that trafficking perpetrators look for “youth with low self-esteem and minimal social support,” (ACYF 2013, 4) characteristics that are often found among foster care youths, youths experiencing homelessness, and runaway youths (Clawson et al. 2009). According to the Office for Victims of Crime (2015), juveniles with emotional vulnerabilities, those who come from impoverished backgrounds, and those who have been abused are vulnerable to becoming victims of trafficking. Growing research also indicates that Native American children, who are more likely to have experienced trauma, are at risk of becoming trafficking victims. Finally, children who experience child labor violations or labor exploitation are at risk for labor trafficking (ACYF 2013).

Child labor trafficking victims can be found in legal industries such as construction and illegal industries such as the arms trade (NHTRC 2015a). The most common industries in which child labor trafficking occurs are agriculture, domestic work, health and beauty, restaurants/small businesses, gang-involved drug sales and gun carrying, traveling sales crews (e.g., magazine sales), and peddling/begging rings (Gibbs et al. 2014; NHTRC 2015a). This can make identifying victims of labor trafficking difficult, especially if a child does not appear to be experiencing any type of physical force, psychological pressure, or other form of coercion.

Other populations that comprise child labor trafficking victims are unaccompanied and/or undocumented migrant youths and children of foreigners (Buckley 2008). These youths may have come to the United States to escape poverty and/or violence in their home countries. Their desperation to support themselves and their families makes them vulnerable to traffickers (Office on Trafficking in Persons 2015b). Sometimes, smugglers (referred to as snakeheads and coyotes) force children into debt bondage by requiring them to pay off an exorbitant smuggling debt (Uehling 2008). Traffickers may also manipulate these youths by threatening to have them deported (Office on Trafficking in Persons 2015b). In 2015, the U.S. Department of Health and Human Services assisted 124 child victims of trafficking through its Unaccompanied Refugee Minors (URM) Program. This involved connecting the victims with the same types of resources and services that are afforded to foster children, such as education and housing (U.S. Department of State 2016).

In a study of more than 142 migrant, trafficked children, about 70 percent were trafficked for sexual exploitation or for both sex and labor; roughly 24 percent were labor trafficked (Goździak 2012). Girls made up 80 percent of the sample and were more likely to experience sexual exploitation than boys. The youths in the sample ranged in age from 2 to 17, with 83 percent between 14 and 17. The sample varied greatly in socioeconomic background, ethnic/linguistic group, and the way they were trafficked (e.g., through strangers, family members). However, most of the youths in the study were from Mexico or Honduras and were trafficked by family members or friends (Goździak 2012).

Antitrafficking Legislation

Federal Legislation

The TVPA of 2000 seeks to combat trafficking by encouraging use of the “three Ps” paradigm: prosecution, protection, and prevention (U.S. Department of State 2016). The *prosecution* component ensures that trafficking offenders are held accountable and punished for their criminal actions. Next, the *protection* aspect involves taking a victim-centered orientation to identifying and supporting victims of human trafficking. Finally, *prevention* relates to raising awareness about human trafficking and offering social and economic solutions that discourage trafficking (U.S. Department of State 2011). The TVPA has been reauthorized four times (2003, 2005, 2008, and 2013) since its creation, with the 2005 reauthorization expanding the focus on forced labor and child labor (Serita 2013; Zhang 2012). Since the passing of the TVPA in 2000, there have been over 2,200 suspects prosecuted for crimes related to human trafficking at the federal and state levels (Farrell et al. 2016).

The TVPA is the only existing piece of trafficking legislation to include specific protections for immigrants who are victims. Specifically, the TVPA offers “permanent immigration relief and a path to citizenship” to victims of domestic trafficking (Goździak 2016, 47). Thus, migrant, trafficked minors have the option of applying for a T-Visa or Special Immigrant Juvenile (SIJ) status to obtain immigration protection, services connecting them to education and employment, and a path to citizenship (Goździak 2016). This form of immigration protection is invaluable to the thousands of undocumented and/or unaccompanied youths who enter the United States every year and are at risk for trafficking, exploitation, and abuse (Administration for Children and Families 2016).

State Legislation

At the state level, the majority of laws surrounding human trafficking mention some form of labor trafficking or involuntary servitude (Polaris Project 2014). Some states, such as Colorado⁵, offer harsher penalties for the labor trafficking of minors, as compared with adults. Overall, most states have some type of statute in place that can address child labor trafficking.

International Legislation

In addition to domestic laws that prohibit child labor trafficking, the United States has ratified the ILO's Worst Forms of Child Labour Convention and the Palermo Protocol (which was adopted by the ILO in 1999). It defines the worst forms of child labor, which include debt bondage and forced labor, illegal activities such as drug production and prostitution, and any work that harms children's health, safety, or morals (ILO 2016a). The Convention is supplemented by the Worst Forms of Child Labour Recommendation, which outlines the strategies and actions countries can take to ensure the prohibition and elimination of the worst forms of child labor (ILO 2016a). Further, the ILO's International Programme on the Elimination of Child Labour assists nations in combating the worst forms of child labor by promoting capacity-building, international partnerships, and awareness about child labor abuses (ILO 2016b).

The United Nations also adopted The Palermo Protocol in 2000. The Palermo Protocol is similar to the TVPA in its approach to addressing trafficking as an international phenomenon; it aims to prevent trafficking, protect trafficking victims, punish trafficking offenders, and promote cooperation among state actors. The Palermo Protocol encourages countries to improve circumstances such as poverty, which make people more vulnerable to becoming victims of trafficking. It also requires the punishment of any individual who carries out human trafficking. Most nations, including the United States, have ratified and implemented the Palermo Protocol and continue to use it as a guide in antitrafficking efforts worldwide (U.S. Department of State 2016).

Theoretical Foundation

Since the passage of the TVPA in 2000, child victims of labor trafficking have mostly been viewed from a rehabilitative lens that emphasizes their vulnerability. This view maintains that victims of child labor trafficking are not responsible for their involvement in criminal activity and need trauma-informed treatment to address their traumatic experiences (ACYF 2013). An alternative view maintains that child trafficking victims should be seen as survivors who, although vulnerable, have the resiliency and agency to successfully integrate into society (Goździak 2012).

Rehabilitative Perspective

The mainstream perception of child labor trafficking considers victims to be lacking the agency to refuse to consent to any trafficking activities. This is related to the United States traditionally holding youths to a lower criminal standard than adults, maintaining that children under 18 are cognitively underdeveloped and, thus, have diminished capacity to make rational decisions concerning criminal behavior (Bonnie et al. 2013; Rizen 2015). Further, the notion that childhood is a time of dependence

⁵ HB 14-1273 COL 18-3-503(2)

and innocence can be seen in legislation that restricts the amount children can work, emphasizing that children should not have the same burden of responsibilities as adults and limiting the possibility of child labor and exploitation (Goździak 2012). This perspective typically coincides with the belief that child victims of labor trafficking need protection and guidance to help them recover from their trafficking experience. Specifically, treatment providers often offer victims of child trafficking trauma-informed services and mental health treatment intended to help them cope with their trauma and successfully integrate into mainstream society (ACYF 2013; Bales, Fletcher, and Stover 2004).

The exception to this view involves juvenile gang members who participate in illegal labor activities (such as drug selling). These youths are rarely considered to be victims of child labor trafficking, even though their participation in illegal activities may be a result of coercion such as threats to harm their families (Gibbs et al. 2014; Rizen 2015). Despite a growing body of research that compares juvenile gang members with child soldiers in developing countries (Braunstein 1999; Kerig et al. 2013), there is a common perception that youths in gangs possess the agency to consent to join a gang and carry out illegal activities, while child soldiers do not (Rizen 2015). Thus, juvenile gang members tend to be held criminally culpable for their actions, are processed through the juvenile justice system, and are unable to receive the protections and services guaranteed under the TVPA (Gibbs et al. 2014; Rizen 2015).

There is some indication that the TVPA may offer some protection to juveniles who are involved in labor trafficking, gang-related or otherwise, through Safe Harbor laws. Safe Harbor laws were initially created to ensure that youths who are victims of commercial sexual exploitation receive legal protection and services instead of justice system processing (Polaris Project 2015). Although Safe Harbor laws have yet to be applied to minors who have been forced into labor, Safe Harbor protections could be extended to them (Polaris Project 2015). For example, the Safe Harbor law in Illinois⁶ “applies to investigations of forced servitude and labor trafficking and specifically mentions [gang activity]” (Rizen 2015, 168).

Empowerment Perspective

An evolving view of trafficking urges policymakers to consider child victims of human trafficking as resilient individuals who are survivors; they are vulnerable, but not necessarily helpless (Freedom Network USA 2012; Goździak 2012). This perspective also recognizes that victims of child trafficking have different needs based on age, gender, and socioeconomic background. To account for these differences and promote resiliency, services should be individualized, incorporate indigenous/cultural healing practices, and emphasize empowerment (Gouty 2015; President’s Interagency Task Force to Monitor and Combat Trafficking in Persons 2014).

In the Goździak (2012) study, many of the migrant, trafficked children were connected with a foster family, education, mental health treatment, and other universal services. While many children were successful in the programs, some of the children found the services to be more detrimental than helpful to their integration into society and rehabilitation. For example, many of the older children in the sample (16 and 17 year olds), who were exploited for labor, wanted to find legal employment rather than attend school or therapy (Goździak and Bump 2008). Despite having been trafficked, they did not

⁶ 720 ILL. COMP. STAT. ANN. 5/14-3(g)

identify as victims and wanted to pursue opportunities that aligned with their cultural values such as independence and economic stability.

Outcome Evidence

There has been very limited research on the prevention, prosecution, and treatment of child labor-trafficking victims. Further, most evaluations on the legal and social services available to trafficked minors are on victims of sex trafficking (ACYF 2013). However, some studies analyzing the outcomes of child trafficking cases may shed light on the current responses by policymakers and social service agencies to victims of child labor trafficking.

Human Trafficking Legislation

Bouche, Farrell, and Wittmer (2015) conducted a three-part study to evaluate the effectiveness of legislative, legal, and civic responses to human trafficking. Specifically, they examined state trafficking laws and public awareness efforts about trafficking (such as creating human-trafficking hotlines). In the first part of their study, the authors created and analyzed a database of 3,255 human-trafficking suspects across all states from 2003 to 2012 and coded all state human-trafficking laws enacted during this period. Bouche and colleagues (2015) found that the state human-trafficking penalties for the labor trafficking of a minor have increased from 2003 to 2012, with the average penalty for child labor trafficking increasing from about 2 to about 20 years. The harsher punishment may indicate a growing awareness among lawmakers about child labor trafficking.

In the second part of their study, Bouche and colleagues (2015) analyzed 479 state human-trafficking prosecutions that took place between 2003 and 2012. The authors reported that only 8 percent of the suspects arrested for labor trafficking were charged with a state human-trafficking offense. The low application of state human-trafficking laws to labor-trafficking cases may indicate that lawmakers have a limited understanding of labor trafficking and how to properly apply state-trafficking statutes. The authors also found labor-trafficking suspects were less likely to be convicted of a trafficking crime or any state crime than sex-trafficking suspects. This may be a result of the increased awareness surrounding sex trafficking, compared with labor trafficking (Bouche, Farrell, and Wittmer 2015).

Farrell and colleagues (2016) examined the prosecution of human-trafficking suspects at the state level across 12 U.S. counties. They discovered that many state prosecutors were not familiar with their state trafficking laws, and none of the prosecutors in the sample had charged a labor-trafficking case. This was often due to labor-trafficking cases requiring different legal elements than sex-trafficking cases. This evidence suggests that state and county prosecutors need more education regarding human-trafficking laws and their application to labor trafficking (Farrell et al. 2016).

Overall, these findings indicate that lawmakers may need more education related to labor-trafficking legislation. However, awareness seems to be improving with more targeted and comprehensive antitrafficking efforts (Bouche, Farrell, and Wittmer 2015).

President's Interagency Task Force to Monitor and Combat Trafficking in Persons

The President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) was created in 2012 and includes the White House, U.S. Department of Health and Human Services, U.S. Department of Justice, U.S. Department of State, U.S. Department of Labor, U.S. Department of Homeland Security, and the U.S. Department of Defense. The PITF seeks to achieve the following four major goals: 1) align efforts across agencies to promote a strategic, coordinated approach to the provision of services for victims of human trafficking; 2) improve knowledge about human trafficking through research, data collection, and evaluation of evidence-based practices in victim services; 3) expand victims' access to services and improve victim identification; and 4) improve the outcomes of victims' services so that they are effective, culturally appropriate, and trauma-informed (President's Interagency Task Force to Monitor and Combat Trafficking in Persons 2014). The group created an action plan, which spans 2013–2017, to implement these goals. However, while the PITF initiatives are shaping the foundation for sustainable trafficking victims' programs and services, they have yet to be evaluated.

Screening Tools

There are a variety of screening tools available to identify victims of human trafficking. In their review of nine human-trafficking screening tools, Bepalova, Morgan, and Coverdale (2016) found that only the Vera Institute's Human Trafficking Identification Tool had been assessed for validity and reliability. The Vera Institute's screening tool includes a 30-topic questionnaire that can distinguish between victims of labor trafficking and sex trafficking (Simich 2014; Simich et al. 2014). To test the instrument, Simich and colleagues (2014) interviewed 180 potential trafficking victims associated with 11 victim service providers across five states. Results indicated that 71 percent of the questions were significant predictors of labor trafficking, and 60 percent of the participants were identified as labor-trafficking victims (Simich 2014; Simich et al. 2014). While the instrument showed promise, the study was limited in that its sample mainly comprised adults and foreign-born individuals. To date, there is no validated instrument that focuses solely on victims of child labor trafficking.

Treatment Programs for Victims

There are not many programs that focus exclusively on child labor trafficking. Further, many of the organizations and agencies that assist victims of human trafficking do not always provide comprehensive services to labor-trafficking victims, and labor-trafficking victims face more difficulty than other populations in accessing victims' services (U.S. Department of State 2016). Although child labor-trafficking victims are a challenging population to identify for treatment, there are some programs available that can address their needs.

Both the Salvation Army Trafficking Outreach Program and Intervention Techniques (STOP-IT) in Illinois and Safe Horizon's Streetwork in New York offer services to minors who are victims of both sex and labor trafficking. STOP-IT is an antitrafficking organization that features a drop-in center and individualized case-management services to connect clients with basic needs such as housing, education, and employment. Similarly, Streetwork serves street-involved youths, including those who may have been trafficked, by offering a drop-in center and access to housing, food, and other necessities. While these programs have not been rigorously evaluated, they have been made more accessible to child labor-trafficking victims through targeted outreach (Gibbs et al. 2014).

Another program that may be appropriate for child labor-trafficking victims is Trauma-Focused Cognitive Behavioral Therapy (TF-CBT). TF-CBT is an evidence-based treatment program that targets children ages 3 to 18 who have witnessed or experienced trauma. These children may have symptoms related to posttraumatic stress disorder (PTSD), stress, anxiety, fear, and/or sexual abuse. During TF-CBT, children and their parents are taught skills and coping mechanisms to process the negative emotions that are a product of physical, sexual, or emotional abuse. Eventually, children are encouraged to share their trauma narratives in a safe, supported environment.

Evaluations on TF-CBT (Deblinger, Lippman, and Steer 1996; Cohen and Mannarino 1996; Cohen, Deblinger, Mannarino, and Steer 2004) indicate that sexually abused children who received the treatment had improved symptoms, compared with counterparts who did not receive TF-CBT. Specifically, the children receiving TF-CBT scored significantly lower on measures of PTSD, depression, problem behaviors, sexualized behaviors, and externalizing behaviors. According to Deblinger and colleagues (1996), the effects of TF-CBT on externalizing behaviors, depression, and PTSD were sustained at the 2-year follow-up period. Although the study populations consisted of children who had experienced sexual abuse rather than forced labor, TF-CBT may be an effective treatment for child labor-trafficking victims because of their similar experience with trauma.

More information on this program can be found at the following site:

[Trauma-Focused Cognitive Behavioral Therapy \(TF-CBT\)](#)

Conclusion

Child labor trafficking is an often overlooked and misunderstood form of human trafficking (Freedom Network USA 2012; NHTRC 2015a). One of the main recommendations in the U.S. Department of State's Trafficking in Persons Report (2016) emphasizes "[increasing] efforts to identify child victims of labor trafficking" (388). To achieve this goal, more training and education about child labor trafficking could be given to the public, law enforcement, and policymakers (Bouche, Farrell, and Wittmer 2015). Further, more resources could be put into developing and implementing evidence-based programs and treatments for victims of child labor trafficking. Finally, data collection on child labor trafficking would inform the scope of the phenomenon and assist in developing coordinated responses to prosecute traffickers and connect victims to services (Clawson, Layne, and Small 2006).

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