



# CHILD LABOR TRAFFICKING: RESEARCH, POLICIES, AND IMPLICATIONS FOR PRACTICE



PRESENTED BY  
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**CENTER FOR THE HUMAN RIGHTS OF  
CHILDREN, LOYOLA UNIVERSITY  
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**THREE PRIORITY ISSUES:**

**1. Child Trafficking - A  
Right to Freedom from  
Exploitation and  
Violence.**

**2. Child Migrants - A  
Right to Safety, Family  
Unity, and Nationality.**

**3. Climate Crisis - A  
Right to Life and  
Health.**

# TRAFFICKING VICTIMS PROTECTION ACT (TVPA) 2000

## Forced Labor, 18 USC Sec. 1589

- (a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means— (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
- (2) by means of serious harm or threats of serious harm to that person or another person;
- (3) by means of the abuse or threatened abuse of law or legal process; or
- (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint...

## Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor 18 USC Sec. 1590

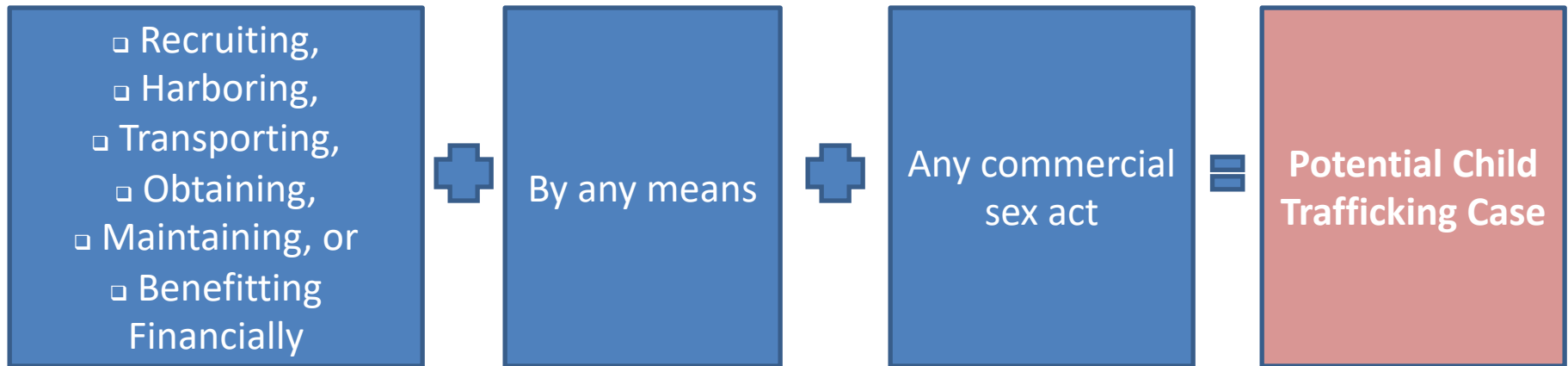
“Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.”

# BRIEF LEGAL HISTORY

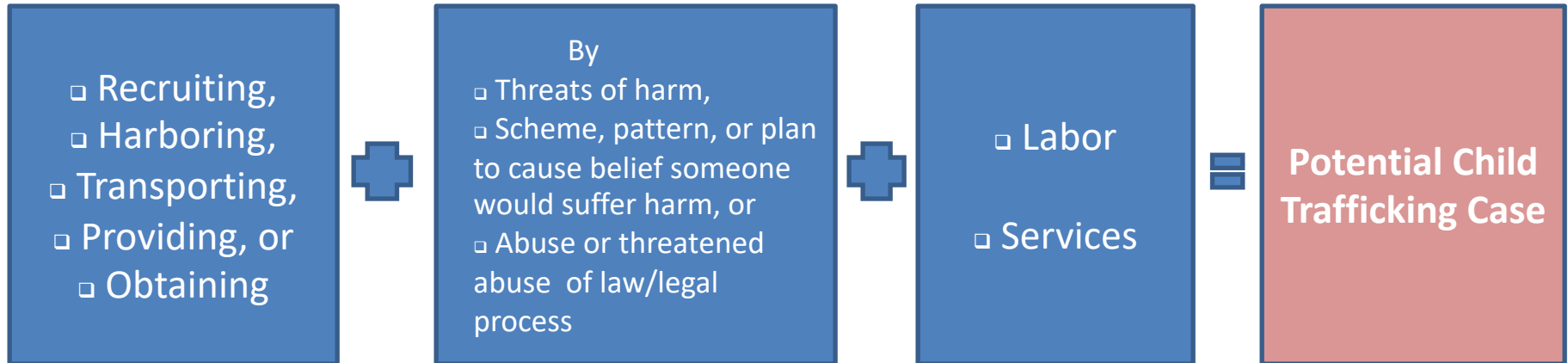
*“Trade in slaves,” “slavery,” “indentured servitude,” “involuntary servitude”, “debt bondage,” “peonage,” “human trafficking,” “labor trafficking”, “forced labor”, “sex trafficking”*

# FEDERAL CRIMINAL STATUTES

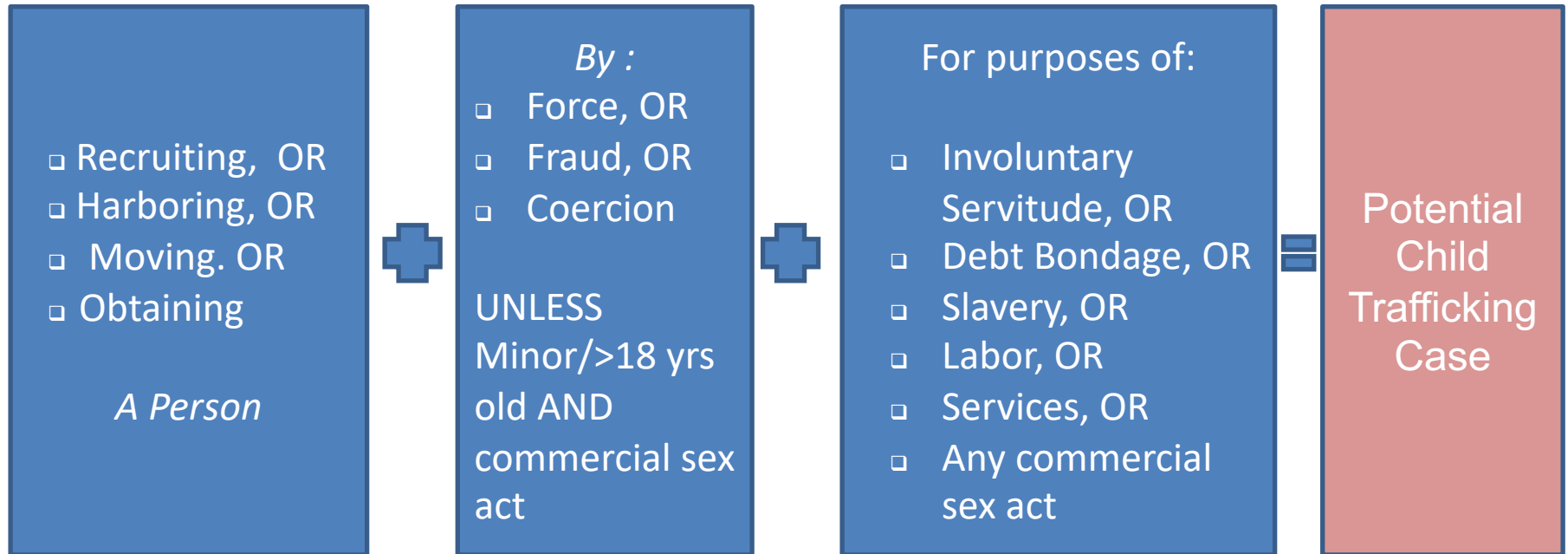
## Sex Trafficking of children OR by force, fraud, or coercion, 18 USC Sec. 1591



## Forced Labor, 18 USC Sec. 1589



# FEDERAL CRIMINAL STATUTES



- ✓ Subjective
- ✓ Can be physical OR psychological

# OPTIONS FOR RELIEF UNDER FEDERAL LAW

**Prosecution  
Protection  
Prevention**

**Protection  
Prevention**

**Protection  
Prevention**

**Criminal**

**Immigration**

**Civil**

**Repatriation**

- U.S. Citizen
- Non-U.S. Citizen

- Non-U.S. Citizen

- U.S. Citizen
- Non-U.S. Citizen

- Non-U.S. Citizen



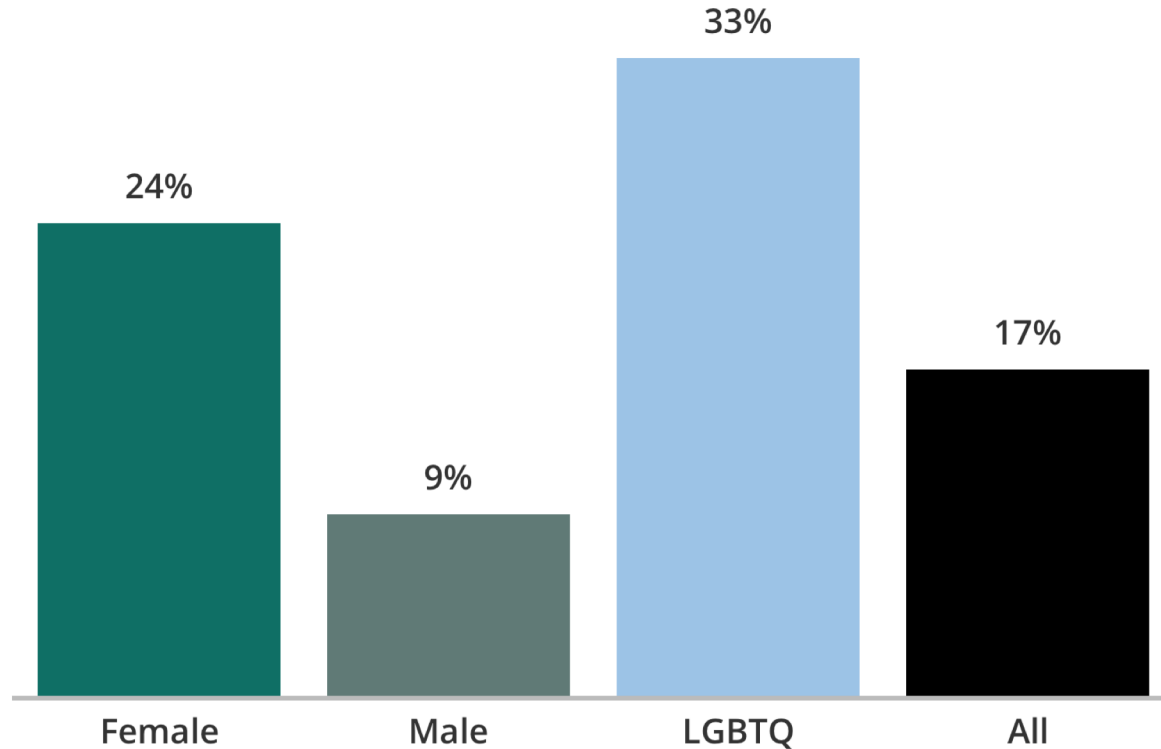
# Why Labor? Why Children?



# SOME CHALLENGES IN IDENTIFYING & RESPONDING TO TRAFFICKING OF BOYS & LGBTQI+ SURVIVORS (BOTH SEX AND LABOR)

- Research is overwhelmingly focused on those who identify as cisgendered female
- Gender bias in victimization
- “Adultification” of brown and black boys
- 2008 NYC CSEC study indicated 53.5% are male, 42% are female and 4.5% are transgender. See <https://www.ojp.gov/pdffiles1/nij/grants/225083.pdf>
  - Companion Chicago Study in 2012 had similar findings

## Sex Trafficking Rates



Labor and Sex Trafficking Among Homeless Youth, Covenant House, available at <https://www.covenanthouse.org/homeless-issues/human-trafficking-study> (2018)

# SOME CHALLENGES IN IDENTIFYING & RESPONDING TO CHILD LABOR TRAFFICKING

- Don't self-identify as crime victim – trauma, age, developmental capacity, culture, normalization of experience and trauma.
- Definitions of child labor trafficking not uniformly applied by agencies, stakeholders, and courts.
- Poor data collection = underreported of cases in in the U.S.
- “Smuggling” vs. Trafficking in context of child.
- Policies, Screening practices, data collections measures and protocols are overwhelmingly focused on sex trafficking.

# CASE EXAMPLES

# EXAMPLES OF CRIMINALLY PROSECUTED CASES (CHILD LABOR TRAFFICKING)

- **U.S. v. Weston, 960 F.2d 212.** The traffickers (known as "The Weston Family") targeted mentally disabled individuals who were estranged from their families and offered them a place to stay as a scheme to collect their social security benefits. Once they moved in, they were subject to extreme physical and sexual abuse and dangerous living conditions. Two people died as a result of the abuse and neglect.
- **U.S. v Tiffany Walsh.** The traffickers were the mother of the victims and her boyfriend. The children were forced to create handmade goods and walk door-to-door selling them. If they refused, or did not hit their daily quota, they were subject to extreme physical and psychological abuse. See <https://www.justice.gov/usao-edky/pr/hazard-couple-sentenced-labor-trafficking-charges>
- **United States v. Callahan, 801 F.3d 606 (6th Cir. 2015).** A couple from Ohio used extreme physical and psychological abuse to traffic a disabled women and her infant daughter for domestic work, running their errands, and getting drugs.

# U.S. v. Ibrahim, et al. (2006)



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**Hidden Girl: The True Story of a Modern-Day Child Slave Paperback – June 9, 2015**  
by Shyima Hall (Author), Lisa Wysocky (Illustrator)  
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**An inspiring and compelling memoir from a young woman who lost her childhood to slavery—and built a new life grounded in determination and justice.**

When Shyima Hall was eight years old, her impoverished parents sold her to pay a debt. Two years later, the wealthy family she was sold to moved to Orange County, California, and smuggled her with them. Shyima served the family eighteen hours a day, seven days a week

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[https://www.amazon.com/Hidden-Girl-Story-Modern-Day-Child/dp/1442481684/ref=asc\\_df\\_1442481684/?tag=hyprod-20&linkCode=df0&hvadid=312125785651&hvpos=&hvnetw=g&hvrnd=13488297469475644193&hvpon=&hvptwo=&hvqmt=&hvdev=c&hvdcmdl=&hvlocint=&hvlocphy=9021564&hvtargid=pla-567500447230&psc=1](https://www.amazon.com/Hidden-Girl-Story-Modern-Day-Child/dp/1442481684/ref=asc_df_1442481684/?tag=hyprod-20&linkCode=df0&hvadid=312125785651&hvpos=&hvnetw=g&hvrnd=13488297469475644193&hvpon=&hvptwo=&hvqmt=&hvdev=c&hvdcmdl=&hvlocint=&hvlocphy=9021564&hvtargid=pla-567500447230&psc=1)

## **FALSE RATIONALIZATION**

**“They are still getting paid more and/or treated better than they would be in their home country.”**





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## Four accused of aiding slave-labor ring on Ohio egg farms

### Trillium Farms



By [Holly Zachariah](#)

*The Columbus Dispatch* • Thursday July 2, 2015 8:06 PM

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A federal indictment unsealed today accuses four people of running or aiding a slave-labor ring that smuggled Guatemalan teenagers as



# Vietnamese Children/UK- Labor Trafficking

Vietnamese children brought to the UK, and forced to work for criminal gangs engaged in cannabis production and distribution were first convicted as offenders. Later, a UK appellate court overturned the lower courts convictions and issued guidance to courts about how potential trafficking victims should be treated by the criminal justice system.



See the  
European Court  
of Human Rights  
Court Opinion  
(Feb, 2021)

<https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%5B%22001-207927%22%5D%7D>

# “Sarah” – Chicago, IL (not prosecuted)

- Forced labor, involuntary servitude
- Came to US at 10 yrs old from Western Africa
- Forced to perform household cleaning, child care, and other duties
- Not allowed to attend school or communicate with outsiders for four years
- Coerced via fraud, trickery, lies about mother, sexual assault/abuse, physical assault/abuse
- Ran away and became victim of sexual assault and commercial sexual activity by several men

# WHAT DOES RESEARCH TELL US ABOUT CHILDREN WHO HAVE BEEN TRAFFICKED IN THE US FOR LABOR?

# WHAT, WHERE, HOW, AND WHO?

## INDUSTRY WHERE TRAFFICKING OCCURS

- Hotel
- Construction
- Cleaning Services
- “Care” work – nanny, maid,
- Elder care
- Agriculture
- Factories
- Restaurants
- Begging
- Carnivals
- Salons (hair, nail)
- Resorts
- Dancing/strip clubs

## HOW TRAFFICKED?

- Family or friend referral
- Employment and Recruitment Agencies
- Newspaper ads
- Word of mouth
- Legal status

## TRAFFICKERS

- Family member
- Acquaintance
- Recruiter
- Employer
- Someone posing as family member

# RISK FACTORS

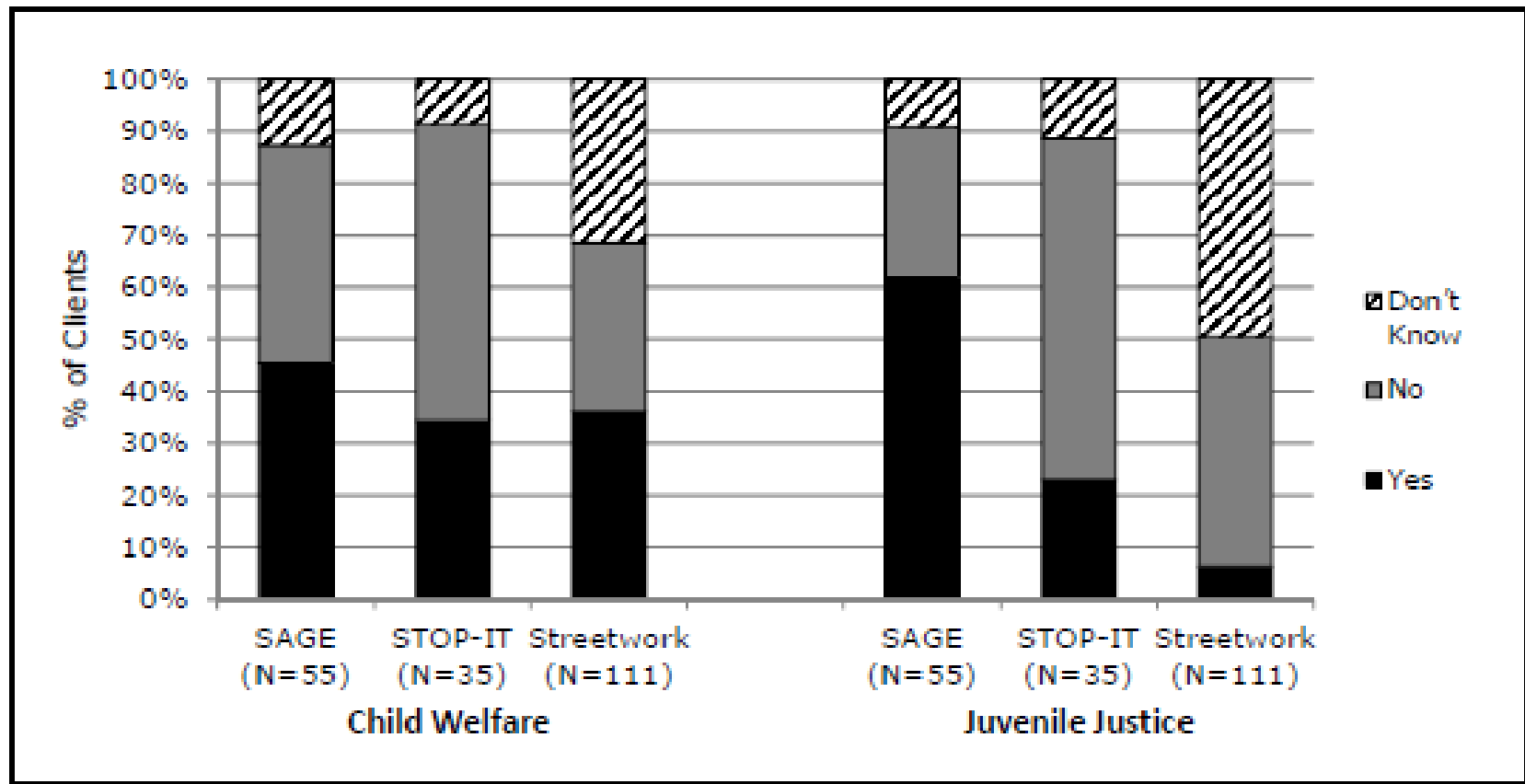
- Homelessness
- History of running away
- Poverty/Extreme economic hardship
- History of child sexual abuse
- Violent communities
- Poor or lack of education
- Lack of social support networks
- Dangerous migration
- Poor education or educational neglect
- “System” involved children – child welfare, juvenile justice
- Isolated migrant communities

# RESEARCH HIGHLIGHTS

- No single case profile: “Trafficked minors include youth who are pre-adolescents, adolescents and transition age; of any race and culture, male and female, heterosexual and LGBTQ, tragically disadvantaged and apparently privileged. ” (Gibbs, Hardison Walters, Lutnick, Miller, & Kluckman, 2015)
  - Has implications for program/response models. Need to be flexible.
- Many have history of abuse, homelessness, neglect and involvement with both child welfare and juvenile justice systems. ” (Gibbs, Hardison Walters, Lutnick, Miller, & Kluckman, 2015;
- Florida Child Protection (DCFS) Study (Gibbs, 2019)
  - Allegations of labor trafficking were one-quarter as likely to involve children who were in out-of-home placement, compared to allegations of sex trafficking allegations were more likely to be verified than sex trafficking allegations. Investigations for labor and sex trafficking frequently included allegations of other types of maltreatment
  - More than half of children with labor trafficking allegations were male
  - Children with labor trafficking allegations had higher odds of being Black or other race and were more likely to be Hispanic, compared to children with sex trafficking allegations



**Figure 6. Reported System Involvement**



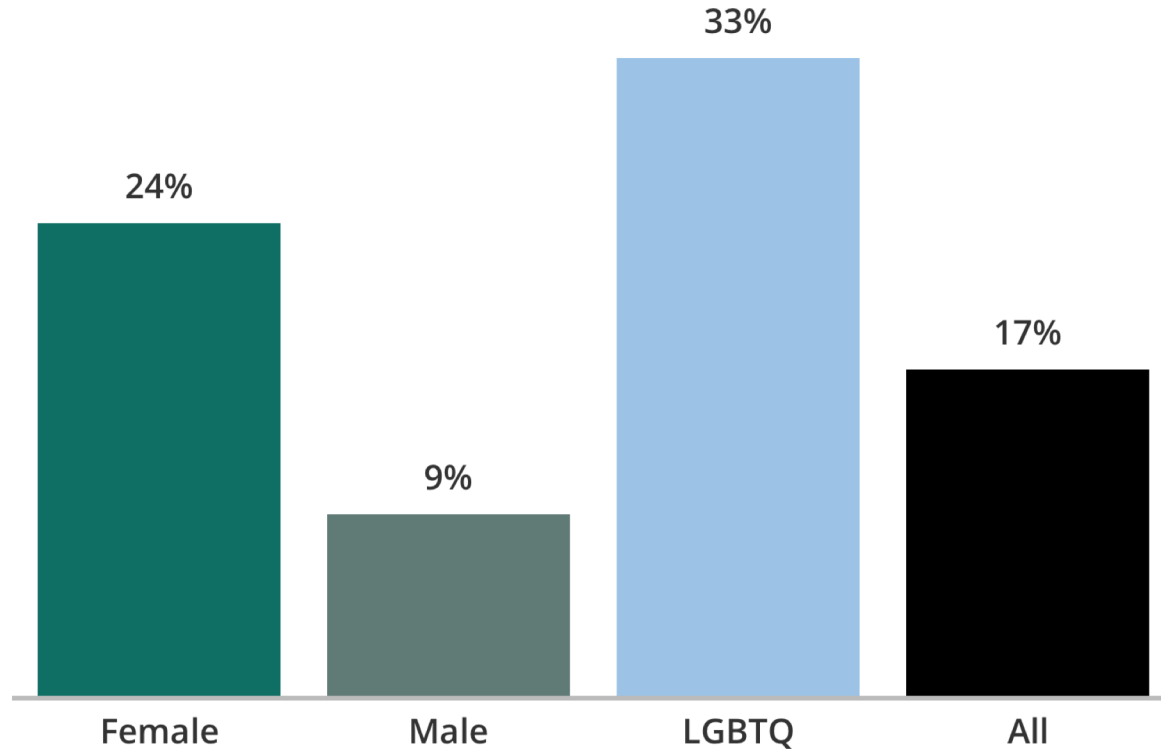
Note: Data represent all young people served.

**Source:** Evaluation of Services for Domestic Minor Victims of Human Trafficking  
 Gibbs, Hardison Walters, Lutnick, Miller & Kluckman, (2015); available at  
<https://www.ncjrs.gov/pdffiles1/nij/grants/248578.pdf>

# Research Project Understanding the Trafficking of Children for the Purpose of Labor in the United States (2019-2022)

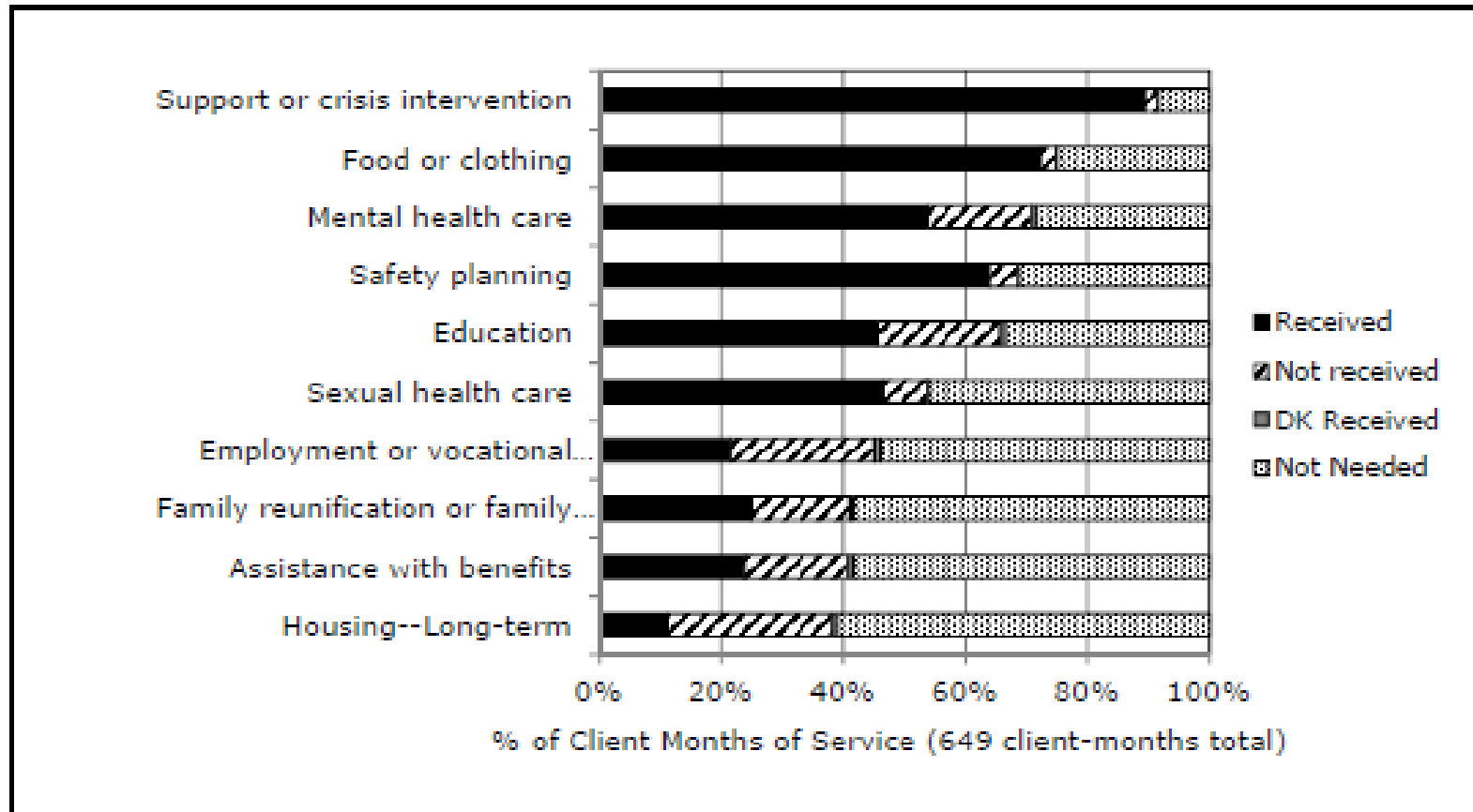
- What is the nature of child labor trafficking in the US and how is it distinct from other forms of labor abuse involving children?
    - Here we will explore how children are recruited into and experience labor trafficking and identify their needs.
  - Who are the perpetrators of child trafficking crimes (e.g. individuals, organized syndicates, families, etc.) and how do they operate?
  - How are cases of labor trafficking involving minors being identified and what are the challenges facing child-serving agencies, including child protection and law enforcement in identifying and responding to these cases?
- Northeastern University
    - Amy Farrell (PI), Callie Hansson
  - New York University
    - Meredith Dank (Co-PI)
  - Loyola University Chicago
    - Katherine Kaufka Walts (Co-PI), Chlece Neal

## Sex Trafficking Rates



Labor and Sex Trafficking Among Homeless Youth, Covenant House, available at <https://www.covenanthouse.org/homeless-issues/human-trafficking-study> (2018)

**Figure 13. Services Needed and Received**



Note: Data represent all young people served.

**Source:** Evaluation of Services for Domestic Minor Victims of Human Trafficking, Gibbs, Hardison Walters, Lutnick, Miller & Kluckman,( 2015); available at <https://www.ncjrs.gov/pdffiles1/nij/grants/248578.pdf>

## **INTERNATIONAL LAW: CONCLUDING OBSERVATIONS TO THE COMBINED THIRD AND FOURTH PERIODIC REPORT UNDER THE OPTIONAL PROTOCOL; ON THE SALE OF CHILDREN (UNITED STATES)**

21.(a) “The State party’s legislation concerning trafficking, including the Justice for Victims of Trafficking Act and Trafficking Victims Protection Act, addresses mainly trafficking for sexual purposes and does not sufficiently address the trafficking for the purpose of economic exploitation; (b) Burden of proof of “force, fraud or coercion” under the legislation against trafficking imposes heavy evidential burden on the victims of child labour;”

22. “The Committee urges the State party to take active measures to prevent the sale of children for the purpose of child labour by, inter alia, amending the legislation to cover modern forms of servitude related to child labour and ensure that the burden of proof at all times lies on the perpetrator and not on the exploited children, who do not have the capacity nor maturity to consent to being sold for that purpose.”

## **CONCLUDING OBSERVATIONS TO THE COMBINED THIRD AND FOURTH PERIODIC REPORT UNDER THE OPSC - US**

34. (d) "Consider adopting similar safe-harbour laws for children coerced or forced to engage in other forms of criminal activity where there is an economic and non-economic remuneration in exchange for children's services via criminal acts."

39. (c) "Provide access to legal counselling to all unaccompanied children to challenge their deportation or to submit their claim for protection."

# SOME IMPLICATIONS FOR PRACTICE

- Need to increase research and awareness about child labor trafficking in the United States
- Need for more screening of child labor trafficking at all points of intersection of vulnerable children; operationalize screening and assessment for labor trafficking in all agencies, courts, etc.
- Opportunities for findings of labor trafficking and exploitation helpful in immigration applications for relieve.
- Collaborate with labor inspectors and agencies
- Need more child-centric, developmentally oriented analysis of legal terms, such as “force, fraud, and coercion.”
  - Employ expert witnesses to demonstrate how “force” “fraud” and “coercion” manifest differently for children versus adults
- Need to improve civil child protection efforts in response to child labor trafficking

# SOME IMPLICATIONS FOR PRACTICE

- Brief examples of prevention efforts:
  - “Know Your Rights” presentation to youth in congregate care – rights as employee, labor laws, etc.
  - Laws defining door to door sales as a hazardous form of child labor (FL); and
  - Wisconsin’s “Malinda’s Act” which requires businesses using sales crews to document vehicle safety and compliance with employment safety and labor law.

## **How do these implications for practice help children who are victims of trafficking?**

- Aligns with policy intentions of international, federal and state ant-trafficking laws – to prevent, protect and prosecute all forms of human trafficking
- Provides access to child victim benefits
- Provides access to restitution in criminal proceedings against trafficker
- Redirects children who may be deemed as perpetrators of crime as crime victims, especially in forced criminality cases
- Help immigrant children with SIJ, U, VAWA, T visa applications
- Improved services – if we know what led children to trafficking, and what needs may be unmet, can respond with more appropriate services



# RESOURCES –SCREENING INSTRUMENTS

- List/compilation of screening tools: [http://www.westcoastcc.org/wp-content/uploads/2020/05/Screening-Tool-Matrix-Labor-Trafficking-Tools\\_For-Website.pdf](http://www.westcoastcc.org/wp-content/uploads/2020/05/Screening-Tool-Matrix-Labor-Trafficking-Tools_For-Website.pdf)
- Vera Institute of Justice Screening tool - sex and labor trafficking. See <https://humantraffickinghotline.org/sites/default/files/human-trafficking-identification-tool-and-user-guidelines.pdf>
- Rapid Screening Tool: <http://www.ocwtp.net/pdfs/ht/rapid%20screening%20tool.pdf>
- Bulding Child Welfare Response to Child Trafficking Handbook (2010) (see pages 38-51) <https://ecommons.luc.edu/cgi/viewcontent.cgi?article=1002&context=chrc>

# RESOURCES – SCHOLARSHIP AND RESEARCH

- *Child Labor Trafficking in the United States: A Hidden Crime*, Kaufka Walts, K., 2007, Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3471535](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3471535)
- *An Eight Year Analysis of Child Labor Trafficking Cases in the US*, available at [https://www.sciencedirect.com/science/article/pii/S0145213421003380?casa\\_token=Hp4h5YTL82oAAAAA:iMYNb0kN3QDNIPBqQObXF1myzVzGbbK2CmSpiGSmNCAyosIKioA-UbU7ZzIJxFvAUNz7oBvjbd](https://www.sciencedirect.com/science/article/pii/S0145213421003380?casa_token=Hp4h5YTL82oAAAAA:iMYNb0kN3QDNIPBqQObXF1myzVzGbbK2CmSpiGSmNCAyosIKioA-UbU7ZzIJxFvAUNz7oBvjbd)
- Deborah A. Gibbs, Sue Aboul-Hosn & Marianne N. Kluckman (2019): *Child Labor Trafficking within The US: A First Look at Allegations Investigated by Florida's Child Welfare Agency*, *Journal of Human Trafficking*, DOI: 10.1080/23322705.2019.1594551  
To link to this article: <https://doi.org/10.1080/23322705.2019.1594551>

# RESOURCES – SCHOLARSHIP AND RESEARCH

- *And Boys Too*, An ECPAT-USA discussion paper about the lack of recognition of the commercial sexual exploitation of boys in the United States  
[https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/5977b2dacd0f688b2b89e6f0/1501016795183/ECPAT-USA\\_AndBoysToo.pdf](https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/5977b2dacd0f688b2b89e6f0/1501016795183/ECPAT-USA_AndBoysToo.pdf)
- Youth Involvement in the Sex Trade . Available at:  
<https://www.ncjrs.gov/pdffiles1/ojjdp/grants/249952.pdf>
- Experiences of Youth in the Sex Trade in Chicago. Available at  
[http://www.courtinnovation.org/sites/default/files/documents/Chicago\\_0.pdf](http://www.courtinnovation.org/sites/default/files/documents/Chicago_0.pdf)
- Surviving the Streets of New York: Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex (2015) Available at  
[http://www.urban.org/research/publication/surviving-streets-new-york-experiences-lgbtq-youth-ymsm-and-ywsw-engaged-survival-sex/view/full\\_report](http://www.urban.org/research/publication/surviving-streets-new-york-experiences-lgbtq-youth-ymsm-and-ywsw-engaged-survival-sex/view/full_report)

# THANK YOU!

**CENTER FOR THE HUMAN RIGHTS OF CHILDREN**  
**[WWW.LUC.EDU/CHRC](http://WWW.LUC.EDU/CHRC)**

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