Preventing and Intervening in the Labor Trafficking of Students

August 17, 2022
To access previous webinars in the Human Trafficking Series, go to https://safesupportivelearning.ed.gov/human-trafficking-webinar-series.
Webinar Logistics

Zoom Control Panel

Technical Issues

For assistance during the webinar, please contact Shoshana Rabinovsky at srabinovsky@air.org.

For webinar materials, visit the event webpage:

The content of this presentation does not necessarily represent the policy or views of the U.S. Department of Education, nor does it imply endorsement by the U.S. Department of Education.
Which of the following best describes your role?

- Other (33%)
- Specialized instructional support personnel (e.g., school counselor, school nurse, school psychologist, social worker, substance-abuse prevention specialist) (28%)
- State education agency (SEA) staff (10%)
- School administrator (9%)
- Federal grantee (e.g., School-based Mental Health Services, Project Prevent, Trauma Recovery, Promoting Student Resilience, Mental Health Service Professional) (7%)
- Community stakeholder (7%)
- Classroom teacher (3%)
- Parent (3%)
- Student (0.00%)

N = 1,400
Which of the following best describes your primary reason for participating in this webinar?

- **I have a personal interest in addressing human trafficking**: 38%
- **Other**: 30%
- **I have leadership responsibility to address human trafficking within a local education agency (LEA)**: 11%
- **I am part of a team addressing human trafficking within a local education agency (LEA)**: 11%
- **I am part of a team addressing human trafficking within a State education agency (SEA)**: 6%
- **I have leadership responsibility to address human trafficking within a State education agency (SEA)**: 4%

N = 1,400
Meet our Speakers and Panelists

Katherine Kaufka Walts, JD
Director
Center for the Human Rights of Children
Loyola University, Chicago, IL

Sheri Combs
Senior Program Manager
Human Trafficking-Special Populations
Covenant House of New Orleans, LA

Yuri Guerrero
Bilingual Survivor, Advocate, Speaker, Consultant and Community Health Worker, TX

Bios for the speakers are archived at the following location:
Webinar Agenda

1. Introduction and Logistics
2. U.S. Department of Education Welcome
3. Understanding Labor Trafficking Signs and Impacts
4. Panel Discussion
5. Wrap Up & Closing
Welcome from the U.S. Department of Education

Ruth Ryder, Deputy Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
Washington, DC
Prior Webinars in the Human Trafficking Series


- Identifying and Supporting Students Affected by Human Trafficking (1/30/2020)
- Human Trafficking: Online Safety (6/17/2020)
- Addressing Human Trafficking: An Expanded Look at Online Safety (8/27/2020)
- Supporting Vulnerable Populations and Effectively Reintegrating Students (1/25/2021)
Prior Webinars in the Human Trafficking Series


Effective Engagement of Individuals with Lived Experience (1/26/2022)

Reducing Student Vulnerability in the Face of Community Risk Factors (4/21/2022)

Emerging from Trafficking: Meeting the Mental Health Needs of Survivors (5/25/2022)

The Impact of Bias, Inequities, and Injustices in Supporting Students Impacted by Human Trafficking (7/29/2022)
Support from U.S. Department of Education Related to Human Trafficking
How Schools Can Combat Human Trafficking in Partnership with People With Lived Experience

Addressing Human Trafficking in America’s Schools: A Staff Development Series by the U.S. Department of Education

Human Trafficking

Combatting Human Trafficking in America’s Schools

Of 22,836 trafficking victims and survivors identified through contact with the National Human Trafficking Hotline in 2018, at least 5,269 were under age 18.1 Many underage victims of human trafficking are students in the American school system. No community, school, socioeconomic group, or student demographic is immune to the threat of human trafficking. Cases of child trafficking are found in every area of the country—in rural, suburban, and urban settings alike.

The U.S. Department of Education recognizes these facts and stands ready to support America’s schools in preventing, responding to, and helping students recover from human trafficking. It is fitting that schools take on this challenge: all social institutions, schools are perhaps the best positioned to identify and report suspected trafficking and connect affected students to critical services.

To support school’s efforts to combat trafficking, the Department offers helpful resources, for administrators, teachers, specialized instructional support personnel, parents, caregivers, and students.

Guides
- Human Trafficking in America’s Schools, 2nd Edition (2017). This guide provides:
  - Awareness of the current prevalence of child trafficking and the forms it takes:
  - Information on risk factors and indicators of child trafficking;
  - Details about three prevention tests and the implications for schools’ role in addressing child trafficking;
  - Information on how professional development of school staff and prevention education for students and families can reduce the likelihood of trafficking and
  - Details on how policies, procedures, and partnerships with other community sectors can help prevent trafficking.
- Human Trafficking in America’s Schools (2015). This guide was developed to help school officials:
  - Understand how human trafficking impacts schools;
  - Recognize the indicators of possible child trafficking and
  - Develop policies, protocols, and partnerships to address and prevent the exploitation of children.

Briefs
- Addressing the Growing Problem of Domestic Sex Trafficking in Minors through Positive Behavioral Interventions and Supports (2019). Particularly relevant to schools or districts currently utilizing multi-tiered systems of supports, this resource provides information on how to utilize such existing support strategies to support students impacted by sex trafficking.

Webinars
- Identifying and Supporting Students Affected by Human Trafficking (February 2020): This event focused on how to effectively identify and support students impacted by trafficking activity.
- Human Trafficking: Online Safety (June 2020): This event focused on trauma-informed and student-centered strategies for protecting students from falling prey to online trafficking activity.
- Addressing Human Trafficking: An Expanded Look at Online Safety (August 2020): This event
Setting the Context

Katherine Kaufka Walts, JD
Director of the Center for the Human Rights of Children
Loyola University Chicago
THREE PRIORITY ISSUES


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

FEDERAL CRIMINAL STATUTES

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

- Recruiting,
- Harboring,
- Transporting,
- Obtaining,
- Maintaining, or
- Benefitting Financially

By any means

Any commercial sex act

Potential Child Trafficking Case

Forced Labor, 18 USC Sec. 1589

- Recruiting,
- Harboring,
- Transporting,
- Providing, or
- Obtaining

By
- Threats of harm,
- Scheme, pattern, or plan to cause belief someone would suffer harm, or
- Abuse or threatened abuse of law/legal process

- Labor
- Services

Potential Child Trafficking Case
Recruiting, OR
Harboring, OR
Moving, OR
Obtaining

By:
- Force, OR
- Fraud, OR
- Coercion

UNLESS
Minor/>18 yrs old AND commercial sex act

For purposes of:
- Involuntary Servitude, OR
- Debt Bondage, OR
- Slavery, OR
- Labor, OR
- Services, OR
- Any commercial sex act

Potential Child Trafficking Case

✓ Subjective
✓ Can be physical OR psychological
OPTIONS FOR RELIEF UNDER FEDERAL LAW

- **Criminal**
  - U.S. Citizen
  - Non-U.S. Citizen

- **Immigration**
  - U.S. Citizen
  - Non-U.S. Citizen

- **Civil**
  - U.S. Citizen
  - Non-U.S. Citizen

- **Repatriation**
  - Non-U.S. Citizen
Why Labor? Why Children?
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 the U.S.

• Policies, Screening practices, data collections measures and protocols are overwhelmingly focused on sex trafficking.

• Gender bias in victimization
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

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&hvrand=13488297469475644193&hvpos=&hvnetw=g&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.”
Four accused of aiding slave-labor ring on Ohio egg farms

By Holly Zachariah

A federal indictment unsealed today accuses four people of running or aiding a slave-labor ring that smuggled Guatemalan teenagers as young as 13 onto farms in central Ohio. The indictment says the ring operated from 2009 to 2013, and that workers were kept in squalid housing and forced to work long hours for little pay.
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 (February 2021)

https://hudoc.echr.coe.int/fre#{%22itemid%22:%2001-207927%22}
WHAT DOES RESEARCH TELL US ABOUT CHILDREN WHO HAVE BEEN TRAFFICKED IN THE US FOR LABOR?
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
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?
SOME IMPLICATIONS FOR PRACTICE

• 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.
• Consider both intended and unintended consequences of reporting, and to whom.
• Consider how to create agency in situations where children may not have agency.

HOW DO THESE IMPLICATIONS FOR PRACTICE HELP CHILDREN WHO ARE VICTIMS OF TRAFFICKING?

• Aligns with policy intentions of international, federal and state anti-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


RESOURCES – SCHOLARSHIP AND RESEARCH


• 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:_iMYNb0kN3QDNlPBqQQbXF1myzVzGbbK2CmSpiGSmNCAyo slKioA-UbU7ZzJxFvAUNz7oBvjbd

To link to this article: https://doi.org/10.1080/23322705.2019.1594551
THANK YOU!

CENTER FOR THE HUMAN RIGHTS OF CHILDREN
WWW.LUC.EDU/CHRC

KATHERINE KAUFKA WALTS
KKAUFKAWALTS@LUC.EDU
Setting the Context

Sheri Combs
Senior Program Manager
Human Trafficking-Special Populations
Covenant House of New Orleans
TRAFFICKING AND EXPLOITATIVE LABOR AMONG HOMELESS YOUTH IN NEW ORLEANS

Laura T. Murphy
Rae Taylor
Christian L. Bolden

Modern Slavery Research Project
Loyola University New Orleans
MODERN SLAVERY RESEARCH PROJECT \ The Modern Slavery Research Project at Loyola University New Orleans produces thoughtful, geographically-informed, data-driven, community-based collaborative research that meets the needs of survivors and community stakeholders in addressing human trafficking in New Orleans, the US, and internationally.

COVENANT HOUSE \ For over 30 years, Covenant House New Orleans has provided a safe haven for homeless, runaway and at-risk youth ages 16-22. Located on the edge of the French Quarter, we shelter and care for neglected, abused, and exploited kids from the New Orleans area and from across the United States.
The Loyola Project interviewed 99 clients of Covenant House New Orleans, administering the HTIAM-14 (Human Trafficking Interview and Assessment Measure 2014) and asked follow-up questions that allowed respondents to elaborate on their experiences of trafficking. (1)
Human Trafficking

- 14% of respondents were identified as victims of some form of trafficking, following the legal definition outlined by the 2000 U.S. Victims of Trafficking and Violence Protection Act.
- 11% of the total population had been trafficked for sex, 5% for other forced labor. (Two respondents were trafficked for both sex and labor.)
- Based on the number of youth aged 16–23 that Covenant House New Orleans cares for over the course of a year (approximately 615), the findings indicate that approximately 86 residents a year are likely to be victims of human trafficking.
Key Findings

**Labor Trafficking**
- Few respondents (5%) were found to have been trafficked for labor.
- Four of the five labor trafficking cases involved forced drug dealing, which was equally prevalent among males and females. These four cases represent 11.7% of the 34 people who reported having sold drugs.
- Only one person reported labor trafficking in a factory setting, and that occurred in Mexico.

**Illicit and Exploitative Labor Activities**
- 31% of respondents reported having been approached by strangers on the street to trade sex or to engage in other illegal or informal work. The vast majority of those approached assumed or were told explicitly that they were being offered an opportunity to work in the sex trade.
- The youngest reported age of entry into the drug trade was 9 years old. All of these respondents (who were 18–23 at the time of their interviews) had begun drug dealing in their teenage years.
- The study revealed a high incidence of other forms of labor exploitation, which indicates significant labor vulnerabilities among homeless youth. Twenty-five percent (25%) of respondents had encountered exploitative and/or exceedingly dangerous labor situations, the most significant of which was wage theft (19%).
COVENANT HOUSE'S RECOMMENDATIONS FOR POLICY AND PRACTICE

I. SERVICES AND CARE

• Covenant House and similarly qualified shelters should increase the number of beds and space available for homeless youth. (38)

• Covenant House, their service partners, and the New Orleans community in general should continue to increase work opportunities and job skills training for young adults. (38)
COVENANT HOUSE'S RECOMMENDATIONS FOR POLICY AND PRACTICE

II. POLICY AND ADVOCACY

• Legislators and service providers must collaborate to address the problem of “aging out” of foster care. (39)

• Legislators must remedy the problem of “aging out” from legal protections. (39)

• The legislature and local police departments should fund and require law enforcement training for identification of victims of trafficking. (40)

• Researchers need to study the existence and realities of forced drug dealing, and our communities should pursue a more informed approach to this form of trafficking. (40)
Please see the website addresses below to read the Loyola Study in its entirety and to learn more about Covenant House and its’ services.

https://www.modernslaveryresearch.org/

https://www.covenanthousewenola.org/
Panel Discussion
Closing Comments & Webinar Feedback
Thank you!

Need Help? Reach out to NCSSLE at NCSSLE@air.org.


https://www.surveymonkey.com/r/HTWebinar9