



Protecting All Child Victims of Human Trafficking

In 2023 reports across the United States highlighted the dramatic increase of child labor violations in our country.¹ In the wake of the COVID-19 pandemic systems meant to protect children have broken down leaving even more children vulnerable to labor exploitation and labor trafficking.² Indeed, for over 10 years child labor trafficking survivors have been identified in a diverse array of industries, including agricultural work, restaurant service, hair braiding, domestic work, forced peddling, and a range of illegal work activities.³ Children are exploited by family members and large corporations and remain unprotected in California today.⁴

For example, in October 2023, the Department of Labor (DOL) uncovered three poultry processing factories in southern California violating child labor laws.⁵ This report comes in the wake of Federal inquiries made into the child exploitation and trafficking occurring at Tyson and Perdue factories, the nations' largest poultry producers, where children as young as 13 were working in hazardous, overnight jobs.⁶

In 2020 the Little Hoover Commission reported that labor trafficking, especially child labor trafficking has not received equal attention as sex trafficking in California. The Little Hoover Commission recommended that existing statutory protections in the child welfare system that

¹ From 2018 through December 2022, there was a 69% increase in child labor violations across the nation. *See* Hannah Dreier, "Migrant Children Were Put to Work, U.S. Ignored Warnings," *NEW YORK TIMES* (Apr. 17, 2023), *available at* <https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html#:~:text=U.S.%20Ignored%20Warnings%3A%20After%20The,Biden%20administration%20ignored%20r%20missed.>

² *See* Hannah Dreier, "Alone and Exploited, Migrant children Work Brutal Jobs Across the U.S." *NEW YORK TIMES* (Feb. 25, 2023), *available at* <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html#:~:text=New%20York%20Times-,%20Alone%20and%20Exploited%2C%20Migrant%20Children%20Work%20Brutal%20Jobs%20Across%20the,and%20Fruit%20of%20the%20Loom.>

³ Child Trafficking for Labor in the United States: Overview, FREEDOM NETWORK USA (June 2011), *available at* http://freedomnetworkusa.org/wp-content/uploads/2012/05/FN_Child_Trafficking_Updated.pdf

⁴ Hannah Dreier, "Alone and Exploited, Migrant children Work Brutal Jobs Across the U.S." *NEW YORK TIMES* (Feb. 25, 2023), *available at* <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html#:~:text=New%20York%20Times-,%20Alone%20and%20Exploited%2C%20Migrant%20Children%20Work%20Brutal%20Jobs%20Across%20the,and%20Fruit%20of%20the%20Loom.>

⁵ "Court Orders Poultry Processors to Stop Endangering Children, Withholding Pay, Retaliating, Shipping 'Hot Goods' at La Puente, City of Industry Locations," DEPT. OF LABOR (Oct. 23, 2023), *available at* <https://www.dol.gov/newsroom/releases/sol/sol20231023>

⁶ Juliana Kim, "Perdue Farms and Tyson Foods under Federal inquiry over reports of illegal child labor," *NATIONAL PUBLIC RADIO (NPR)* (Sept. 25, 2023), *available at* <https://www.npr.org/2023/09/25/1201524399/child-labor-perdue-farms-tyson-foods-investigation>



presently only protect CSEC victims be extended to child labor trafficking victims.⁷ Despite this recommendation, years later legislators have not taken action to provide the same protections for all trafficked children within our child welfare systems.⁸ **The result is that almost ten years after special protections were put in place for child sex trafficking victims in California, the state has not addressed child labor trafficking within the welfare system at all.** Indeed, we are currently witnessing an explosive number of cases involving child labor trafficking without essential protective measures in place in our child welfare system.

Only when our child welfare system can fully respond to the complex and multifaceted faces of all forms of trafficking will California's youth be protected. The time is now to enact the same measures protecting sex trafficked youth in California so that the state can take important steps towards better identifying and preventing this crime from happening to any young person.

GOALS

The primary goal of this legislation would be to recognize labor trafficking as a form of child abuse and by extension, provide the same model of care and protection to child survivors of labor trafficking that is currently provided to survivors of commercial sexual exploitation through Commercial Sexual Exploitation of Children Program (CSEC Program). In 2019, the Preventing and Addressing Child Trafficking (PACT) program, which supports child welfare departments in counties across the country in addressing child sex trafficking, began expanding these services to support child labor trafficking.⁹ In 2021 The Department of Social Services (CDSS) endorsed this work by releasing [ACIN I-17-21 \(May 11, 2021\)](#), the Introduction Of The Child Labor Trafficking Brief, Online Toolkit, And Mini-Desk Guide.¹⁰

Though the current state definition of human trafficking includes both sex and labor trafficked victims, current law does not provide labor trafficked children with the same procedural services or protections as sexually trafficked children. Despite the overlap of sex and labor trafficking, labor trafficked victims are often unidentified when in contact with county welfare professionals. In its current form, the CSEC Program lacks clarity and protocols to identify minors who have been victims of labor trafficking. As a result, many children who are at risk or are currently labor trafficked are unidentified and do not receive services. **California can improve early**

⁷ LITTLE HOOVER COMMISSION, Labor Trafficking: Strategies to Uncover this Hidden Crime, (Sept. 2020), available at <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/251/Report251.pdf> at p. 15.

⁸ See, e.g., California AB 2035 Veto Message, Sept. 29, 2014: "I am returning Assembly Bill 2035 without my signature. Efforts have just gotten underway with the passage of this year's budget to combat the commercial sexual exploitation of children, who are also victims of human trafficking. ***This bill, however, is premature. **More investigation and discussion needs to take place before local authorities are in a solid position to curb the tragedy of young people who are forced to work...**" (emphasis added.) https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201320140AB2035.

⁹ PREVENTING AND ADDRESSING CHILD TRAFFICKING (PACT), The Child Welfare Response to Labor Trafficking in California: A Ten-County Case Study on Integrating a Response to Child Labor Trafficking, (Sept. 2020), available at <https://pact.cfpic.org/wp-content/uploads/2020/12/Child-Labor-Trafficking-Brief.pdf>; See further resources developed by PACT i.e. Child Trafficking Briefing & Toolkit available at <https://pact.cfpic.org/the-child-welfare-response-to-labor-trafficking-in-california/>

¹⁰ https://cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACINs/2021/I-17_21.pdf



identification and increase protections for children who are being forced to work by simply adopting the same child welfare program model adopted for CSEC youth in 2014.

A survey conducted by Annie Fukushima, Ph.D., found that our child welfare workers in California cannot effectively identify child labor trafficking.¹¹ This fact is troubling considering research from the Coalition to Abolish Slavery and Trafficking (CAST) which demonstrates that labor trafficking in California makes up at least 39% of all *reported* human trafficking cases in the state. Further research that has looked at child trafficking in California among runaway and homeless youth – these are, youth who frequently have contact with the child welfare system because of housing instability - found that in cities like Los Angeles, sex and labor trafficking are equally prevalent among this population. In Oakland, labor trafficking was more prevalent among unhoused youth than sex trafficking.¹²

The current gap in our child welfare system to protect all vulnerable children can be fixed by recognizing child labor trafficking as a form of child abuse and equipping county welfare officials with the knowledge and skills to better identify labor trafficking in tandem with sex trafficking.

Through this legislation, the same model of care developed for the CSEC Program could be expanded to afford children who are victims of labor trafficking the same protections and services as children who have been sexually exploited thus ensuring protection for all youth who have been subjected to human trafficking and commercial exploitation in our state.

EXISTING LAW & BACKGROUND

In 2014, after the enactment of SB 855, which clarified that children experiencing commercial sexual exploitation be served through the child welfare system as victims of child abuse and neglect the Department of Social Services (DSS) established and implemented the Commercially Sexually Exploited Children Program (CSEC Program). The CSEC Program authorized the distribution of funding and resources to counties through an opt-in basis.¹³ Counties electing to participate received funding to establish intervention activities and services for children who were victims or are at risk of becoming victims of sexual exploitation.

¹¹ Annie Isabel Fukushima, "A Survey of Child Welfare and Labor Trafficking in California," PREVENTING AND ADDRESSING CHILD TRAFFICKING (PACT), (Jan. 2020), available at https://pact.cfpic.org/wp-content/uploads/2022/02/childwelfare_2020_whitepaper_afukushima-final-2.pdf; Annie Isabel Fukushima. (Oct. 13, 2023) *Seeing Rache & Sexuality: Child Welfare & Response to Forced Labor [Slides 1-37]*. School for Cultural and Social Transformation. University of Utah. Unpublished online.

¹² Murphy, Laura, P. 12 at "Labor and Sex Trafficking Among Homeless Youth: A 10-City Study," Loyola University New Orleans Modern Slavery Research Project (2016), <https://static1.squarespace.com/static/5887a2a61b631bfbbc1ad83a/t/5a7490fdc8302508d6b76f1c/1517588734590/Labor+and+Sex+Trafficking+Among+Homeless+Youth.pdf>

¹³ For a description of the funding history focused on CSEC only *see* additional information provided on THE CALIFORNIA DEPT. OF SOCIAL SERVICES (CDSS) website at <https://cdss.ca.gov/inforesources/child-welfare-protection/child-trafficking-response/csec-funding>



In addition to funding, DSS also provided county welfare service professionals with training to effectively identify, intervene and provide case management services to child victims of sex trafficking only. In addition to the creation of the CSEC Program, SB 855 clarified that child who has been commercial exploited and whose parent/guardian failed or was unable to protect the child, receive immediate protection and services through the child welfare system.

SB 855 explicitly excluded from the initial legislation child victims of labor trafficking. In 2014, the same year SB 855 was enacted Governor Brown, he vetoed a bill¹⁴ which would have created the same model of support and services for all child trafficking victims just as SB 855 enacted for CSEC children. The result is that 10 years after the enactment of SB 855 minors who are victims of labor trafficking remain under identified and unable to receive access to these same specialized child welfare services afforded to CSEC children. With increased reports demonstrating the prevalence of forced labor, California remains ill-equipped to identify and support children who have been subjected to this type of abuse.

For example, a survey conducted from 2020-2022 revealed that **those working directly with vulnerable youth do not understand labor trafficking and thereby are largely under identifying its prevalence in the high-risk communities they work with.**¹⁵ This study included surveying 779 participants, 43% of which were those who worked in the child welfare system. Though 46% of survey participants said "no" in response to whether they worked with labor trafficked children, more than half (58%) of those who answered "no" also said they were *likely* to work with children who were being coerced or controlled by another person for their labor. This discrepancy demonstrates that many who are working with children who are being labor trafficked do not realize that being made to work or provide your labor under coercion and control are elements of human trafficking.

Further, 50% of those who said "no" said they were likely to work with children who were forced to cultivate, sell and/or transport drugs. This type of labor in an illicit industry is akin to forced prostitution - while one is recognized as a form of human trafficking and by extension, child abuse, **nearly 50% of case workers and other service providers do not identify or support youth who are forced into drug crimes with the same logical framework.**

California can begin to address this gap in protection for children first by recognizing child labor trafficking as a form of child abuse, and subsequently expanding upon the model of care developed through the Commercial Sexual Exploitation of Children Program to also serve and support labor trafficked youth. Presently, 13 other states have already enacted similar legislation that protects all trafficked youth, and it is long over-due for California to follow this lead.¹⁶

¹⁴ See Governor Brown Veto Message AB 2035 (Chesbro) available at https://www.ca.gov/archive/gov39/wp-content/uploads/2017/09/AB_2035_Veto_Message.pdf

¹⁵ Annie Isabel Fukushima. (Oct. 13, 2023) *Seeing Rache & Sexuality: Child Welfare & Response to Forced Labor* [Slides 1-37]. School for Cultural and Social Transformation. University of Utah. *Unpublished*.

¹⁶ Connecticut, Hawai'i, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, North Dakota, Texas, and Utah



NEED FOR ACTION

Adolescents are twice as likely as adults to be seriously injured at work yet reports reveal that preteens and teenagers are running industrial dough mixers, driving massive earthmovers, and burning their hands on hot tar as they lay down roofing shingles.¹⁷ These jobs — which are grueling and poorly paid, and thus chronically short-staffed — are exactly where many vulnerable children are ending up. Reports have established that there are minors who have had their legs torn off in factories and their spines shattered on construction sites, but most of these injuries go uncounted. Reviewing state and federal safety records and public reports, The New York Times found a dozen cases of young workers killed since 2017, the last year the Labor Department reported any data publicly.¹⁸

Case examples of child labor trafficking in California include:

- Liz and Marty, two American youth, were homeless after their families kicked them out of their homes and answered a website ad for au pair services. Once they were flown to the host family's home in California, they were forced to work every day and sexually assaulted by the father of the household, who used drugs to sedate them.
- When Rosa was 16 years old, she and her mother came to the United States as refugees. They moved around a lot seeking stability. At one point, a woman Rosa had met through church offered her place to live in Novato so she could finish school in one place in exchange for Rosa's help watching her younger two children after school. Instead of having a secure place to live so she could focus on her education, Rosa was forced to watch the children every moment she was not in school and was forced to work for this woman's cleaning business every night.
- Angela, who ran away from her foster home in California, was kidnapped, kept in a metal box, sexually assaulted, and forced to pick marijuana in northern California. Once located, she was misidentified as a child sex trafficking victim, and this was the only reason she was initially provided specialized services.
- Lin was 16 years old when her mother forced her to sell prescription drugs and took the money. She fled the home and stayed in a runaway and homeless youth shelter until she returned to her mother after 4 to 5 months.

¹⁷ Hannah Dreier, "Alone and Exploited, Migrant children Work Brutal Jobs Across the U.S." *NEW YORK TIMES* (Feb. 25, 2023), *available at* <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html#:~:text=New%20York%20Times-,%20Alone%20and%20Exploited%2C%20Migrant%20Children%20Work%20Brutal%20Jobs%20Across%20the,and%20Fruit%20of%20the%20Loom.>

¹⁸ Hannah Dreier, "Alone and Exploited, Migrant children Work Brutal Jobs Across the U.S." *NEW YORK TIMES* (Feb. 25, 2023), *available at* <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html#:~:text=New%20York%20Times-,%20Alone%20and%20Exploited%2C%20Migrant%20Children%20Work%20Brutal%20Jobs%20Across%20the,and%20Fruit%20of%20the%20Loom.>



The state needs to develop a response and protocols to identify minors who have been victims of labor trafficking. California must adopt the same model of care for children who have been subjected to labor trafficking as it has for children who have been subjected to sexual exploitation.

To provide services and protection for all child survivors of human trafficking, this legislation would revise the CSEC Program to the Trafficked Children Assistance Program (TCAP) in order to expand training and protocols to increase the effectiveness of identification of both sex and labor trafficking. Additionally, this legislation would also authorize a child who was/is a victim of human trafficking to be adjudged a dependent of the court as well as prohibit a social worker from taking custody of a child, to mirror existing law that currently applies to sexually trafficked children.

BILL PROPOSAL

This bill updates Welfare & Institutions code Sections 16524.6 to 16524.10 to provide:

- **Clarity:** The definition of child abuse will be clarified to ensure that child labor trafficking meets this definition. This is the exact same update provided in 2014 for child victims of commercial sexual exploitation (CSEC) or child sex trafficking victims.
- **Inclusion:** The language establishing the “sexually exploited children’s program” will be changed to the “trafficked children’s program” as to ensure that data collection, training, protocol development, and county specialized services plans are inclusive of both sex and labor trafficking.
- **Protection:** A way for all trafficked children to be fully protected in the child welfare system

See 2022 bill language in [AB 2628 \(Reyes\)](#)¹⁹

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¹⁹ See full bill text available at <https://legiscan.com/CA/text/AB2628/id/2523686>