

# **Seeing Race & Sexuality**

## **Child Welfare & the Response to Forced Labor**

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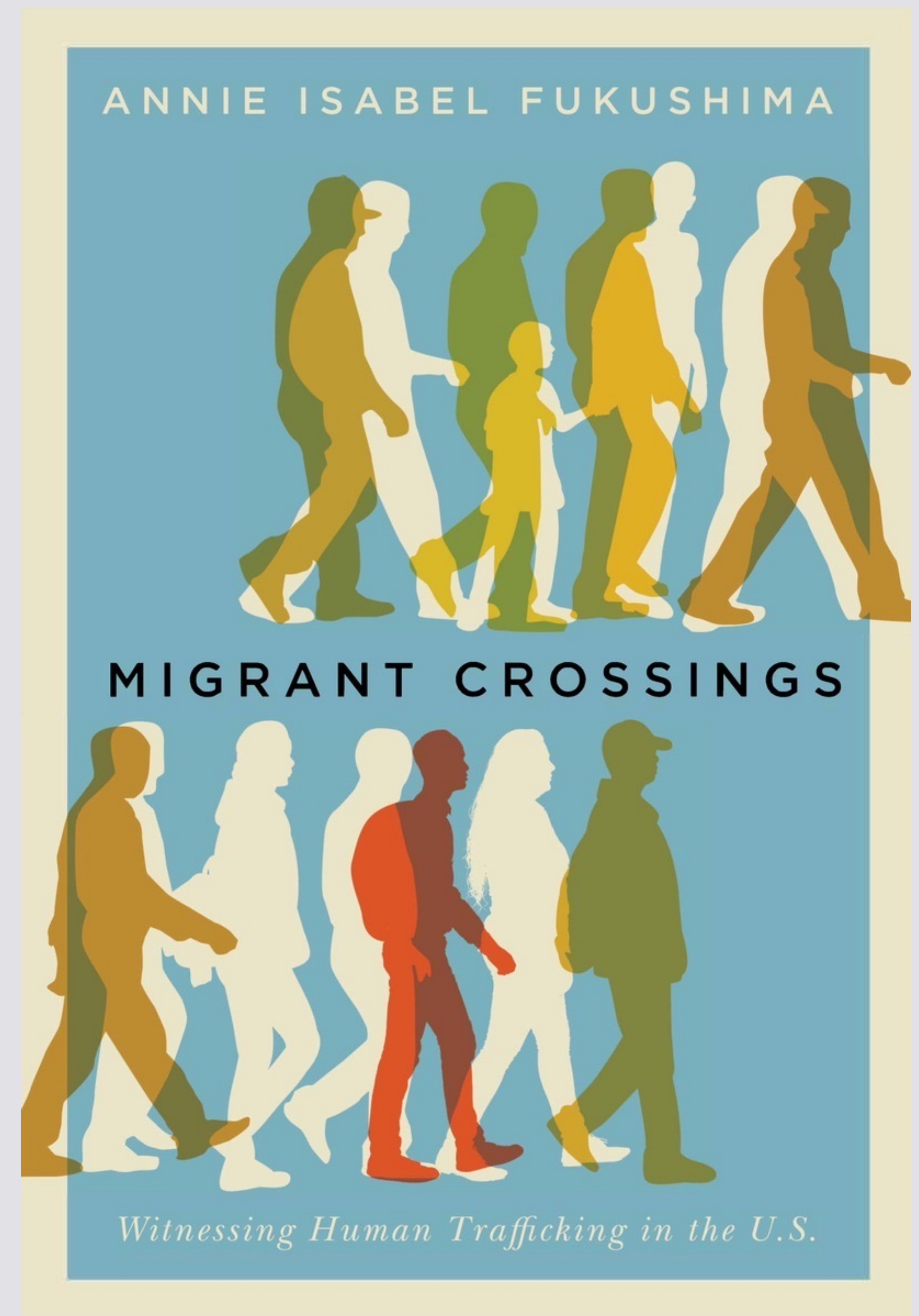
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Focus

**How intersectionality frames  
children who work and experience  
human trafficking**

# Child Welfare

- Child protection investigation, family-centered supports and services, foster-care, and adoption
- Organizations that are called upon when a child experiences abuse (Peterson et al., 2014, p. 176).
- Widely recognized that youth are more likely to be identified as trafficked in the child welfare system (O'Brien et al., 2017; Piening and Cross 2012).
- The role of the state is often to shape "people" into "good citizens" (Soss et al., 2011; Woodward 2021). Consequently, the very same mechanisms of reporting and responding to child abuse are also those that police and discipline children who are perceived of as not complying with societal norms or expectations



# The problem

- “federal efforts around addressing human trafficking in the child welfare system focused almost exclusively on child sex trafficking and [advocates] called for equal efforts to address child labor trafficking within the system” (Department of State 2021, p. 590).
- Children continue to be criminalized.
- The reality: economic inequalities necessitate some to work younger than others.
- Racial and sexual discrimination manifests in the form of who gets to count as receiving help as a “victim” (see Fukushima 2019), and who is exploited.

# Intersectionality

- Concept of intersectionality to denote the various ways in which race and gender interact to shape the multiple dimensions of experience (Crenshaw 1991)
- The literature “points to the ways that structural inequality, persistent disadvantages, and structural abandonment are some of the root causes of microlevel violent interactions and at the same time influence how effective macrolevel justice policies are at responding to or preventing violent victimization...” As such an intersectional approach, “illustrate[s] how discussions of the effects of violence on communities are enhanced by the use of a critical framework that links various microvariables with macro-institutional processes” (Richie 2022, pp 84 – 85).

# Intersectional Frames

- Not all victims of human trafficking are counted reproducing a “tethered subjectivity” whereby survivors of human trafficking are bound to be seen in dualities of victim/criminal, “illegal”/legal and those who have access to citizenship and those who are denied. What one knows about violence occurs from “micro to macro contexts... More difficult to know are those who fall below and are considered the unknown, and therefore unmeasurable” (Fukushima 2019).

## Supervisor of Child Social Workers

“I do not believe that [child welfare workers] intentionally do not take the [child labor trafficked] minor seriously. I think that because we look at physical abuse, sexual abuse, and neglect as such high indicators, the labor trafficking might be something that is not viewed as needing as much safety intervention.”



# The argument

- racialized and gendered poverty governance that perseveres in anti-trafficking legal responses and strategies, prevents effective responses to child human trafficking in all its complexities.
- Assessments of responders found that mis-identification continues to be the norm, and much of this is due to sexualized and racialized assumptions surrounding victimhood.
- Multiple strategies need to occur to change how we “see” children’s experiences with work: legislative, education, and outreach.

# Children work

- 10.8% of the workforce are children
- 50% of the summer workforce were 16 – 24 years-old

# Human Trafficking

It is a crime ([DOJ](#), [DHS](#))

The Trafficking Victims Protection Act of 2000:

**Sex trafficking** is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to *perform such act has not attained 18 years of age.* (22 U.S.C. § 7102(11)(A)).

**Forced labor** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(11)(B)).

# Children & Human Trafficking

- Children who experienced forced labor – are labor trafficked
- Range of industries, from being forced into illicit drug economies (from sales, transportation, to handling products), pan handling, labor in clothing industries, agriculture (pine trees, flower picking, dairy industry, fruit), hospitality, festival workers, domestic work (housekeeping, nanny, cooking), street vendors, door-to-doors (chocolate and magazine sales).

# Tied to Supply Chains

- The global nature of child labor and forced labor is reported on by the [Bureau of International Labor Affairs \(2022\)](#) which found that globally, 153 goods imported to the US from 78 countries are produced by child labor and forced labor and that 73 million children engaged in hazardous labor.
- California Transparency in Supply Chains Act (2010)\* requires businesses and manufacturing companies to disclose their efforts to eradicate “slavery and human trafficking.”
- Executive Order 14001 (2021) “On a Sustainable Public Health Supply Chain” to create a national strategy to establish standards and governance of biological threats and security threats, that included sub-goals of “Ensure equitable labor conditions by promoting best practices and U.S. adherence to child labor and forced labor laws and regulations in supply chains” (Austin et al., 2021).

\* This law does not apply to sellers or manufacturers with less than \$1 million in annual worldwide gross receipts, meaning that laborers in small business in some states may be invisible to responses to prevent trafficking.



# Child Labor Trafficking in the US

- Beyond sexualized industries
- Labor in commercial and noncommercial industries outside of sexualized industries is perceived of as hidden and understudied (Gibbs 2020; Walts 2017)

# Tied to Supply Chains cont.

**Artificial flowers** (China)

**bamboo** (Burma), bricks (Afghanistan, India, Nepal, Pakistan, Russia)

**carpets** (India, Nepal, Pakistan)

**cattle** (Brazil, Paraguay, South Sudan)

**charcoal** (South Sudan)

**chestnuts** (Brazil)

chile peppers (Mexico)

**Christmas decorations** (China)

**coal** (China, Pakistan, South Korea)

**coca** (Columbia)

**cocoa** (Côte d'Ivoire, Nigeria)

**coffee** (Brazil, Côte d'Ivoire)

**corn** (Brazil), cotton (Benin, Burkina Faso, China, Kazakhstan, Tajikistan, Turkmenistan)

**cotton** seed (India)

**diamonds** (Angola, Sierra Leone)

**dried fish** (Bangladesh)

**electronics** (China)

**embellished textiles** (India, Nepal),

**fireworks** (China)

**fish** (Ghana, India, Taiwan, Thailand)

**footwear** (China)

**garments** (Argentina, Bangladesh, India, Thailand, Vietnam)

**gold** (Burkina Faso, Democratic Republic of the Congo, North Korea, Peru, Venezuela)

**granite** (Nigeria)

**gravel** (Nigeria)

**hair products** (China)

**Jade** (Burma)

**Palm fruit** (Indonesia, Malaysia)

**Palm thatch** (Burma)

**peanuts** (Bolivia)

**polysilicon** (China)

**rice** (Burma, India, Mali)

**rubber** (Burma)

**rubies** (Burma)

**sandstone** (India)

**sesame** (Burma)

**shrimp** (Thailand)

**stones** (India, Nepal)

**soy** (Burma)

**sugarcane** (Bolivia, Brazil, Burma, Dominican Republic, Pakistan)

**sunflowers** (Burma)

**Tea** (India)

Teak (Burma)

**Textiles** (China, Ethiopia)

**Thread/Yarn** (India)

**Timber** (Brazil, North Korea, Russia)

**Tin Ore** (Congo)

**Tobacco** (Malawi)

**Tomato products** (China)

**Tomatoes** (Mexico)

**Toys** (China)

**Wheat** (Pakistan)

# Methods

Case study analysis of California response to child labor trafficking

Mixed methods (2019 – 2021)

- Stage 1 in 2019 Surveys (n=186) participants recruited across the state of California
- Stage 2 from 2020 to 2022 (n=1,384) pre and post tests at 18 trainings across the state of California.
- Interviews (n=11) during 2021

# California response

- **California Trafficking Victims Protection Act of 2005 (AB 22)**
- **California Abolition of Child Commerce, Exploitation, and Sexual Slavery Act (2011)**  
increased fines against a person procuring a minor for sex.
- **SB 1133 (2012)** authorized that forfeiture provisions would allow forfeited property to go towards funding services for minor victims of commercial sexual exploitation
- **Commercially Sexually Exploited Children's Program (SB 855) (2014)** gave guidance and funding to child welfare to respond to the needs of commercially sexually exploited children.
- **California Victim Compensation Board (AB 629) (2019)** trafficked youth are able to access mental health services reimbursed, receive cash payment for job training, fund relocation costs, and cover medical costs.
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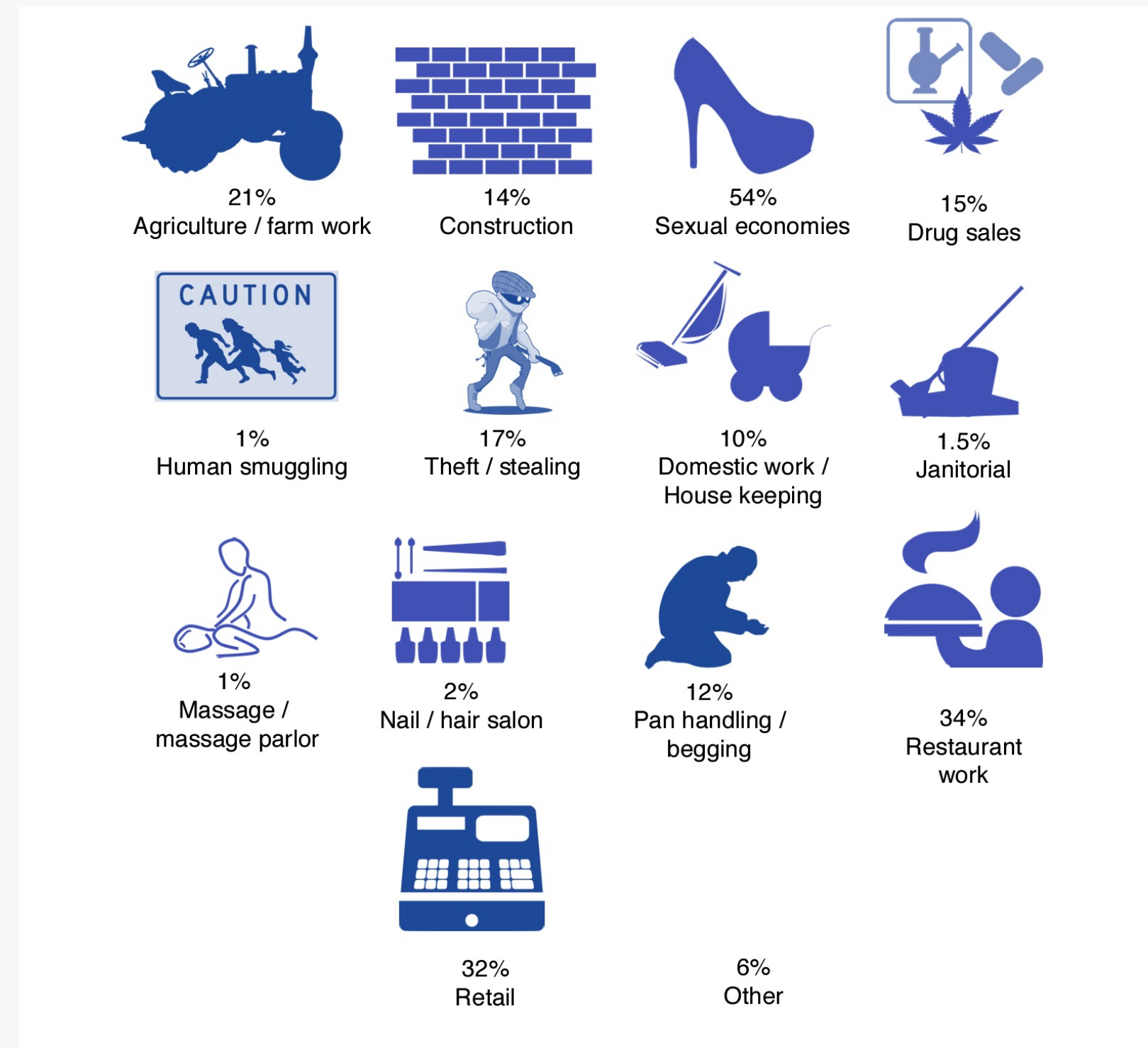
# Stage 1 Survey (n=186)

- Before participating in any specific state-wide trainings
- 186 participants (47% child welfare, 25% probation/juvenile justice, 14% CBO, 14% Other)
- 50% work with children who labor
- 25% worked with children who had been trafficked
- 26% did not know if they worked with children who were trafficked

# 2019 survey (n=186)

40% of all respondents were very likely to work with “children who were forced to cultivate, sell, and/or transport drugs”

26% said “no” to work with children who were labor trafficked, yet 45% said yes to having likely to working with “children who had been coerced or controlled for their labor commercial and noncommercial”



# Trainings

- Led by CFPIC and CAST
- 2 hours on zoom
- Focused on child labor trafficking, laws, and identifying

# Stage 2 Survey (n=1,384)

- Pre & post tests as part of their training.
- 36% worked with labor trafficked children (n=884; n=306 **pretest**)
  - 46% pretest participants said “no” to working with labor trafficked children
    - Of those who said “no,”
      - **More than half.** 58% were likely to work with children who “How likely are you to work with children who experienced being coerced or controlled by another person for their labor”
      - **Nearly 2/3rds.** 60% worked with children who worked for pay
      - **1 in 2.** 50% were likely to work with children who “who were forced to cultivate, sell, and/or transport drugs?”

# Stage 2 Survey (n=1,384)

- 500 surveyed in post-test
- 435 respondents to assessment of their confidence after their training
  - 97% agreed that a result of the training they can identify labor trafficking "red flags"
  - 96% agreed that they know how to report child labor trafficking (n=417)
  - 95% are able to identify services for labor trafficked children as a result of the training



Analyst, Child Services Department

“[It’s] easier to identify [sex trafficking] than labor trafficking because you can see sex trafficking happening right on the streets versus labor trafficking that's hidden behind doors. When you look at labor trafficking in the industries like hospitality, and in your own personal home of domestic servitude, and all of that, that's behind doors versus sex trafficking it's out on the streets. So, I don't know if that's indicating or to say it's easier to identify”

# Protecting white innocence

- “White slave trade panic” sustained by the passage of the Mann Act (1910), also known as the White-Slave Traffic Act, reified a particular type of racialized sexuality that was to be protected: white innocence (Doezema 2010; Fukushima 201).
- The of white slavery narratives as celebrating a “racialized victim as white” (Pliley 2014, p. 21). As a result, “protecting girls and women from the threat of sex trafficking often legitimates and masks the increased policing and criminalization of consensual domestic sex work and regulates sexuality and gender” (Meiners 2016, p. 66; Also see Soderlund 2005).  
Furthering the regulation and control of sexuality and “white innocence.”

## Manager, Child Welfare

“There [have] been so many initiatives pushed to help our sex trafficking victims that that has put us in a place where we have to have protocols, but not for labor trafficking..... We focus on our female victims and the sex trafficking, but a lot of our young men, our young boys, they're asked to do the drugs and the guns for the gang members. And we never thought of that as labor trafficking, we just say, “Well, they've hooked up with these gang members and they're using them.”

# Misidentifying Children of Color

- racialized treatment of trafficked youth as having behavioral disorders, despite the being seen as common understandings of human trafficking as being furthering trauma, trauma disorders, and thereby requiring trauma informed approaches (Hopper and Gonzalez 2018; Ladd and Weaver 2018).

## Case Manager

As far as, like, your mental health is concerned, right, if you have been severely traumatized, you're going to have some, sort of, reaction. Boys tend to be more angry, and they also tend to be labeled with Oppositional Defiant Disorder. And I will say that that's more common for Black and brown boys. White boys get labeled with PTSD [Post-Traumatic Stress Disorder] and ADD [Attention Deficit Disorder]. So that's a significant difference. That same, or our Black and brown girls also get Oppositional Defiance Disorder, they get a bunch of stuff. They get a lot more diagnoses... They get medication thrown at them a lot. So, for mental health, emotional health, there's definitely abandonment issues, which manifests into a bunch of other behaviors, right.

# **Racial logics of US immigration**

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## Director, Nonprofit

Young people are often recruited through neighborhoods – generally, low socioeconomic neighborhoods – or kids who are struggling... I realized that they were being trafficked but they always used the term, “my boss,” is here with me in this neighborhood and we are selling magazines... these people who have recruited them, take them into cities where they don’t know anyone, often in a completely different state. And they feed them fast food and put them in small hotel rooms where they share multiple young people in a room. And these young people end up not profiting at all from the sales of the magazines. And then, the other form of trafficking that we’ve heard are actually young people who are brought in through traffickers from other countries. And these are young people who are asked – they assume they’re coming here to work and they come here to work and then, they recognize that when they get here, that it’s not the type of work that they thought. But the traffickers will force them to sell drugs in the schools or do things for them that they normally wouldn’t do... inevitably, they’ll get caught selling drugs in school. They get in trouble, they’re sent to ICE, ICE sends them back to their country.”

Manager, Department of Social Services

“We have children who are forced to stay home to take care of their siblings because their parents have to work. And I don’t know if this accurate or off, but I think at least in my history with child welfare, there has been a little bit of acceptance, like oh well that’s because they’re from Mexico and culturally that’s what they do... It’s this fine line between a cultural practice due to poverty versus being forced to work without pay”

# Disclosure and Intersectionality

- What do the formal assessments look like? What about soft assessments?
- Assessment and disclosure are already difficult processes.
- Biographic mediation, or the personal disclosures in bureaucracy shapes who gets to access resources (Coletu 2019).

## Case Manager, Nonprofit

Telling somebody your story over, and over, and over again... it's re-traumatizing. And then nothing happens so that's why they shut down. So it's basically a system that re-traumatizes them, blames them, says, "The reason why we wouldn't help is because you ran the whole time.." The reason why you didn't get your education is because you ran away the whole time. Those are the types of things that they hear; that I hear when I'm with them...– it's everybody, it's systemic. – Case Manager, Nonprofit

## Supervisor, Child Protective Services

Even the structured decision-making tools that we have related to like exploitation are much more, by definition, are much more about sex trafficking than labor... And that's been part of our limitation even as a department that we still want to investigate and look into labor trafficking, but we have some limitations because we don't really have definitions and parameters of exploitation that include that.

# Considerations

- Racist history of child separation impacting Native children haunt current anti-trafficking response and the child welfare system?
- The racial and sexual underpinnings of whose bodies are expected to labor in low wage industries and informal industries impacts who we see as a "victim" and who is relegated to criminality and/or ongoing exploitation.



## Medical case worker, Social Services

Labor trafficking? You know I think it's something that we don't talk about. Like let's say when I was in school we talked about the industrial revolution and children working in factories and working on farms and we really don't discuss labor trafficking of children. And even doing my own research, children make up a large amount of let's say farm accidents, industrial accidents like for OSHA. You know so even in California let's say we have a huge agricultural community, and a lot of children under the age of 18 make up a lot of the folks or children that are injured through industrial accidents or accidents on farms and so forth. I didn't even know that until I looked into labor trafficking of children... it's concerning because obviously that's when we talk about agriculture in California it may be children that are undocumented and their parents are undocumented and so forth. So, it has so many layers.

# Acknowledgements

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**Connect**