



CHILD LABOR TRAFFICKING AND CHILD WELFARE

AB 1985 (Rubio) Ensuring Equal Treatment of Sex and Labor Trafficked Children in the Child Welfare System

PURPOSE

California must act to ensure our children's protectors in the child welfare system are preventing trafficking, identifying victims as early as possible, and ensuring that child victims are not arrested for crimes they are forced to commit by their exploiters. AB 1985 ensures that every child trafficking victim receives specialized supportive services. Though California's child welfare system has made great strides in protecting sex-trafficked youth in the last five years, California must act now to ensure that **both sex and labor trafficked youth** receive the same level of support and protection. Only when our child welfare system fully responds to the complex and multifaceted faces of this crime will all of California's youth be equally protected, and California will have begun the difficult process of preventing this crime from happening to any young person.

WHY YOU SHOULD SUPPORT AB 1985

- **Many other states are far ahead of California in identifying and serving child labor trafficking victims.** At least 15 other states¹ have included child sex and labor trafficking in their definitions of child abuse, paving the way for services for all trafficked children through the child welfare system. California has failed to do this.
- **The State of California leads the nation in all forms of human trafficking.** However, in the last five years, the State has focused on child sex trafficking in terms of data collection, training, and resource allocation in its child welfare system. California must now act to build on the work already done for commercially sexually exploited children (CSEC) and rectify this disparate treatment, so that a large number of trafficked children in the child welfare system do not remain unidentified and underserved.

¹ Connecticut, Hawai'i, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, North Dakota, Texas, and Utah. In all these states, the word "trafficking" is used in the relevant statutes, and it is defined to include labor as well as sex trafficking. Other states could be added to this list — e.g. Delaware and Florida — if one looks beyond the word "trafficking."

- **Child labor trafficking is a significant problem in California, affecting many thousands of children.** Cast's data show that labor trafficking is nearly as prevalent as sex trafficking (48% vs. 52%), and this is consistent with data from San Francisco and Santa Clara County. A recent study of runaway and homeless youth found that in Oakland, more youth were labor trafficked than sex trafficked.² In Los Angeles, the same study found that youth were trafficked for sex and labor at similar rates. Yet all of these Counties have focused only on CSEC in their response to addressing trafficking in their child welfare systems.
- **Like child sex trafficking victims, child labor trafficking victims are abused, neglected, and often sexually assaulted children.** A recent report that looked at the dynamics of both sex and labor trafficked children concluded: "the dynamics of labor trafficking appeared very similar to those of sex trafficking, with traffickers exploiting vulnerable people's desperation and isolation."³ The response to labor and sex trafficking victims are similar as the nature of these crimes are about **commercial** exploitation. Traffickers in both scenarios use similar methods of recruitment, coercion, and control. The health and welfare consequences are similar: "The adverse health effects associated with child sex and labor trafficking are numerous. . ."⁴ In both sex and labor trafficking, children are often forced to commit crimes, which can lead to detentions and criminal records that follow them throughout their lives. Data from CAST and others consistently show that many victims are subjected to both labor and sex trafficking, demonstrating that the two types of trafficking cannot be separated.
- Because of the good work that has already been done in the child welfare system, updating child welfare's response to child sex and labor trafficking can be done with existing resources.

BILL SUMMARY

- AB 1985 protects all trafficked children fully in the child welfare system.
- AB 1985 updates the definition of child abuse to clarify 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.
- AB 1985 updates Welfare & Institutions Code Sections 16524.6 to 16524.10 to ensure that all child victims are treated equally by changing the language establishing the "sexually exploited children's program" to the "trafficked children's program" and ensures data

² Murphy, Laura, "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>.

³ Covenant House, *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*, 13 (May 2013).

⁴ Greenbaum, Jordan, et al, "Global Human Trafficking And Child Victimization," American Academy of Pediatrics, *Pediatrics* 2017:140 (italics added).

collection, training, protocol development, and county specialized services plans are inclusive of both sex and labor trafficking.

CASE EXAMPLES (not their real names)

Jessica, a US citizen, was 17 when she was recruited to sell magazines in the southern United States. She was forcibly transported and made to work in various locations until finally escaping in California. She went to a police department for help. The police department did not call child welfare as would have occurred in a child sex trafficking case. Instead she was considered homeless and was only later identified as child labor trafficking victim by Cast.

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.

Nathan, a 13 year old youth from Las Vegas, was convinced by a family from his boy scout troop to run away from his family. However, once he went to their home he was subjected to constant emotional abuse, in addition to being statutorily raped, and physically beaten by the "new" parent. During this time, he also began performing work at the request of the "parent" who abused him. For two years, he washed dishes, scrubbed the floors, vacuumed the home, cooked for the family, and cared for the children while being raped, belittled, and emotionally abused. He was a domestic servant trapped by psychological and emotional attachment to a trafficker.

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.

Mary was recruited to join a cult at the age of 17. While with the cult, she was forced to work making movie effects at a compound outside of Los Angeles. If she refused to work, she was locked in a room. She was never paid despite working 18 hours or more a day.

Mike was forced to work in a restaurant as an ice cream seller. He had to pay for his housing and food through this work. The trafficker was a family member.

Daniel, a 13 year old boy from Mexico, was first forced to work in a warehouse making furniture in the Los Angeles area, and then after escaping when he was 15 years old, he was re-trafficked when he was forced to drive trucks carrying drugs. Stopped by the police for driving without a license, child welfare was not called. Instead, he was arrested for transporting drugs and placed in juvenile detention. He was only later identified by Cast as a child labor trafficking victim.

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Coalition to Abolish Slavery & Trafficking (CAST)

Systemic change is at the core of CAST's mission. Taking a survivor-centered approach to ending modern slavery, CAST has a proven track record of working directly with survivors of human trafficking which builds an important bridge between practice and policy to inform effective policy initiatives. By developing broad-based partnerships, CAST effectively advocates for policies that work to end human trafficking and help survivors rebuild their lives.

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