

Human Trafficking – CSEC

(CSEC = Commercial Sexual Exploitation of Children)
Sections 409.1754, 409.1678 and 39.524, F.S.

Definition:

Human Trafficking – Commercial Sexual Exploitation of a Child (CSEC) is the use of any person under the age of 18 for sexual purposes in exchange for anything of value, including money, goods or services, or the promise of anything of value, including money, goods or services.

Victims of trafficking, whether Labor or CSEC, rarely self-disclose. You cannot rely solely on an admission from this victim to support findings. Choice is an illusion when discussing human trafficking. While it may appear that victims have opportunities to leave or ask for help, often the threats, the psychological and emotional manipulation, and the lack of appropriate support systems prevent the child from leaving the situation and often drive the victim back to her/his trafficker, even when the victim is no longer in the situation for a period of time.

Examples of Human Trafficking – CSEC:

- Renegade/Survival Sex:** There is no third party. No pimp. The victim may “broker” exchanges for a sexual act independently. There may be an exchange of a sexual act for money, food, housing, clothing, etc. Any exchange of a sexual act for any tangible thing, or the promise of a tangible thing, is human trafficking.
- Pimp Trafficking:** There is a third party who is “brokering” the exchanges of the sexual act for a tangible item, typically money. Pimps can be any age and any gender, and they come from all types of backgrounds.
- Gang Trafficking:** The trafficking is a source of generating money for the gang, and the gang member is involved in the trafficking of the victim. This might be a local, state, national or transnational gang. A gang is defined as “An association of three or more individuals whose purpose, in part, is to engage in criminal activity.”
- Familial Trafficking:** This is the use or exchange by a family member of a child under 18 for sexual purposes in exchange for or with the promise of anything of value, including money, goods or services.

Assessing for Maltreatment

Factors to Consider in Assessment of Maltreatment:

- Does the child have attendance issues in school?
- Have there been frequent runaway episodes?
- Does the child have a pattern of running away?
- Does the child have “masking criminal charges” (e.g. battery, petty theft)?
- Does the child have a history of abuse or sexual abuse in her/his home of origin?
- Does the child have an older paramour?
- Does the child have involvement with law enforcement for alleged prostitution or human trafficking?
- Does the child show indications of having access to services or products she/he cannot afford (e.g., designer purses, nail and hair services, cell phones, etc.)?
- Does the child have a history of sexual exploitation?
- Does the child have tattoos or indications of branding?
- Has the child been advertised online, such as backpage.com?
- Does the child’s online social presence indicate drug use, sexually explicit photos, gang signs or excessive smart phone activity?

Note:

- If the victim is under the age of 18, there is not a requirement for force, fraud or coercion.
- No individual under the age of 18 can consent to an act of prostitution. If the individual is under the age of 18, it is automatically human trafficking.

Assessing for Maltreatment Finding

Information Necessary to Support a Verified Finding:

In order to verify a maltreatment, the information collected would need to show that a child under the age of 18 was used for sexual purposes in exchange for something of value, which can include money, goods or services, or the promise of something of value, such as money, goods or services. This can be established through the following:

- Interview and observation of the alleged child victim
- Interview of Parents, Foster Parents, Household Members/Witnesses/Collaterals

- Documentation from interview and/or observation of the caregiver(s) (if available) and other children in the home with the caregiver(s).
- Documentation from interviewing witnesses to the incident or persons who know the child or caregiver(s) well.
- Documentation that the child has engaged in prostitution or commercial sex acts, which can also be web-based.
- Documentation from any law enforcement reports and interviews and/or from the Juvenile Assessment Center.
- Information obtained from the U.S. Department of Health and Human Services for international victims.
- Legal documentation, such as birth certificates, visas, divorce papers, school records, etc.
- Review and analysis of a completed Human Trafficking Screening Tool (Section 409.1754, F.S., and Chapter 65C-43, F.A.C.)

Human Trafficking – Labor

Definition:

The recruitment, harboring, transportation, provisioning or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against his/her will to pay off a debt), debt bondage, or slavery.

There are several forms of exploitative practices linked to labor trafficking, including bonded labor, forced labor and child labor.

Bonded labor, or debt bondage, is probably the least known form of labor trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded laborers when their labor is demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined or in which the value of the victims' services as reasonably assessed is not applied toward the liquidation of the debt. The value of their work is greater than the original sum of money "borrowed."

Forced labor is a situation in which victims are forced to work against his or her own will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is exerted. Forms of forced labor can include domestic servitude; agricultural labor; sweatshop factory labor; janitorial, food service and other service industry labor; and begging/panhandling.

Child labor is a form of work that is likely to be hazardous to the health and/or physical, mental, spiritual, moral or social development of children and can interfere with their education. The International Labor Organization estimates worldwide that there are 246 million exploited children between ages 5 and 17 involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade and other illicit activities around the world.

Examples of Human Trafficking – Labor:

- Unaccompanied minors with no documentation to support they reside in the United States. Labor trafficking can include bonded labor or debt bondage (where a child incurs a debt he or she is never able to pay off), or involuntary domestic servitude (where a child is forced to work in someone's home for long hours with little or no pay).
- Peddling is a prevalent yet lesser known form of child labor, where children sell cheap goods, such as candy, magazines or other trinkets, often going door-to-door or standing on street corners or in parks, regardless of weather conditions and without access to food, water or facilities.

Assessing for Maltreatment

Factors to Consider in Assessment of Maltreatment:

Assess for the totality of the information in determining if there is recruitment, harboring, transportation, provisioning or obtaining of a person for labor or services through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against his/her will to pay off a debt), debt bondage, or slavery.

- Are children being provided what they were promised (e.g., food, wages, water, etc.)?
- In Florida, for door-to-door sales, children under the age of 14 may not be employed and 14- and 15-year-olds must be within an adult supervisor's eyesight. Are they being supervised? Under age 16, they may not work more than 15 hours per week during school session.
- Are children transported to distant cities in a van? Is there a seat for each child? Are they provided food and water? Are they in unfamiliar neighborhoods? Are they being placed in dangerous environments?

- Describe the specific labor or services that child is being forced to participate in.
- Is debt bondage described? (Debt bondage is when a person under control of another person promises to pay money owed with his or her labor or through the personal services of a child under his or her control as a security for debt.)
- Are threats being made to the child or the child's parents or siblings?
- Is the child being threatened with deportation?
- Was the child given false promises of reunification with family, citizenship, education or eventual independence?
- Is the child isolated (e.g., not attending school, no access to telephones or friends, etc.)?
- What is the alleged perpetrator's legal relationship to the child?
- If the adult "responsible" alleges that the child was placed in his/her custody through a "family arrangement," does the alleged victim have an ongoing contact with her/his biological parents?
- Did the parents/legal guardians condone or make no efforts to stop another non-caregiver(s) from exposing the child to these behaviors or activities?
- Is food being withheld from the child or used as a means of control and threat?
- Is the child being physically confined as a means of controlling the child's access to others?
- Is drug and/or alcohol dependency being used by the perpetrator to control the child?
- Can the adults "responsible" for the child produce documentation legitimizing their role as legal caregivers (such as birth certificate, visa, divorce papers, school records, etc.)?
- Can the child identify or describe specific familial connections with the adult said to be responsible for his/her well-being (such as names of relatives, how family members are related, etc.)?
- Can the child describe traditional familial interactions with the caregiver(s) in the past (such as birthday parties, holiday celebrations, etc.)?
- Did the adults "responsible" flee when the child was reported or taken into custody?

Traffickers use various techniques to control their victims and keep them enslaved. Some traffickers hold their victims under lock and key. However, the more frequent practice is to use less obvious techniques, including:

- Debt bondage – enormous financial obligations or undefined/increasing debt
 - Isolation from the public – limiting contact with outsiders and making sure that any contact is monitored or superficial in nature
 - Isolation from family members and members of the victim's ethnic and religious community
 - Confiscation of passports, visas and/or identification documents
 - Use or threat of violence toward victims and/or family members
- The threat of shaming victims by exposing circumstances to family
 - Telling victims they will be imprisoned or deported for immigration violations if they contact authorities
 - Control of the victims' money (e.g., holding their money for "safe-keeping")

Excluding Factors:

- Unrealistic or excessive "chores" required by parents of their children should be assessed for "Bizarre Punishment" or "Mental Injury," not "Human Trafficking – Labor."

Assessing for Maltreatment Finding

Information Necessary to Support a Verified Finding:

In order to verify Human Trafficking – Labor, the information collected will need to support that a child was used for recruitment, harboring, transportation, provisioning or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against his/her will to pay off a debt), debt bondage or slavery. This can be established through the following:

- Interview, observation and documentation with the alleged child victim
- Interview with persons believed to be responsible for the child's care and welfare
- Documentation from any reports and interviews from law enforcement and/or the Juvenile Assessment Center
- Information obtained from the Department's Refugee Services
- Information obtained from the U.S. Department of Health and Human Services

- Legal documentation, such as birth certificates, visas, divorce papers, school records, etc.
- Documentation from interview and/or observation of the interactions between the parent, legal guardian, caregivers and the child and other children in the household