



# FRAMEWORK

tools to combat labor trafficking



# Labor Trafficking and Forced Criminality

Understanding the Scope, Trends and Response

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# Today's Speakers



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# Learning Objectives



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## Learning Objective 1

Recognize definitions and trends of labor trafficking through forced criminality

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## Learning Objective 2

Understand the challenges and opportunities of forced criminality

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## Learning Objective 3

Learn response and services after identification

# Framework: Tools to Combat Labor Trafficking



Increase **collaboration** of labor trafficking professionals

Improve **service delivery** to labor trafficking survivors

Dedicated to the creation of **tailored, engaging, and user-friendly** training, resources, and individualized support.

Enhance anti-trafficking programs by supporting intentional and sustainable **survivor engagement**



**FRAMEWORK**  
tools to combat labor trafficking

## Activity - Poll



**What is your field of work?**

**Do you interact with youth?**



**As a survivor of both child sex trafficking and child labor trafficking, the artificial hierarchy of trauma created by gaps in service and legislation is incredibly harmful. I was labor trafficked in the Sacramento region as a child, separately from when I was sex trafficked. One form of trafficking should not be considered more severe or in need of services than another. The current status of legislation that ignores the equally urgent needs of child labor trafficking survivors endorses cruelty and child abuse, and wholly disregards the egregious torture of children.**



**- Sabra Boyd | Consultant, Survivor Leader**

The background features a silhouette of a person standing in a doorway, looking out. The scene is backlit by warm, golden light from the window. A large, semi-transparent teal rectangle is overlaid on the right side of the image, containing the title text. In the bottom right corner, there is a decorative graphic consisting of three overlapping, tilted rectangular outlines in teal, yellow, and pink.

# Forced Criminality Definition and Trends



## Defining Labor Trafficking

### Trafficking Victims Protection Act

U.S. federal law defines “severe forms of trafficking in persons”

- **Sex trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or *in which the person induced to perform such an act has not attained 18 years of age*, (22 USC § 7102; 8 CFR § 214.11 (a)).
- **Labor trafficking** 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 purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).



Listen to **James Dold** as he describes labor trafficking and forced criminality.



Hear from survivors in this webinar!



# Forced Criminality: Using force, fraud, or coercion to compel someone to commit a crime.



## Defining Forced Criminality

### Labor Trafficking by Forced Criminality

- In many cases, LTFC and sex trafficking intersect. Victims may be coerced into committing crimes such as theft, drug/weapons dealing, or assault while also being subjected to sex trafficking.
- Children can also be both labor and sex trafficking victims.
- LTFC can manifest as singular instances of exploitation or multiple.

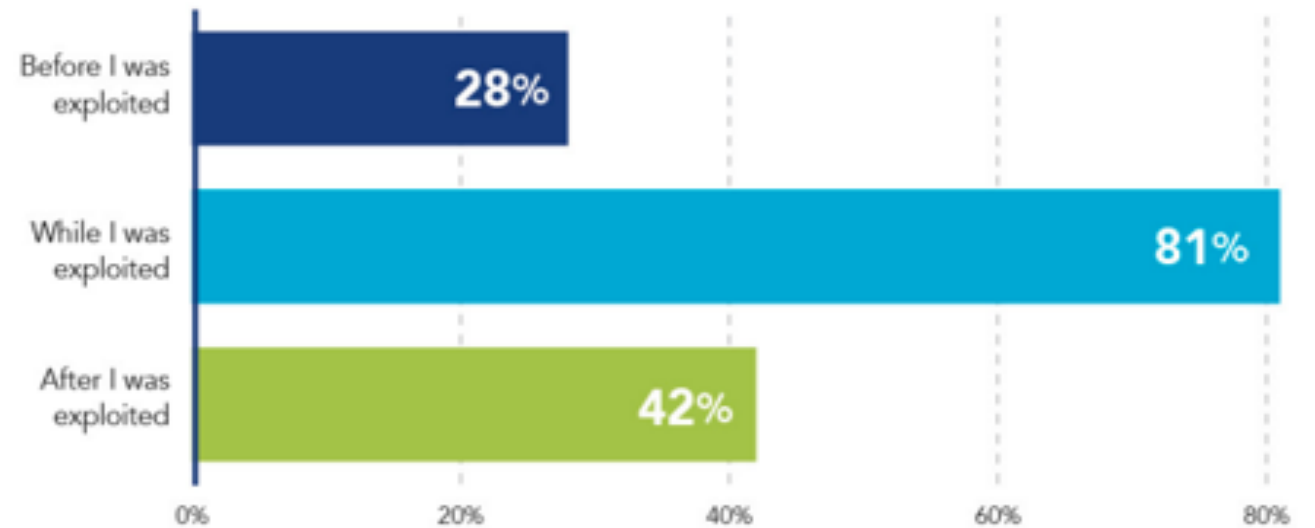
## **Trends on Forced Criminality**

- Comorbidity with child abuse, sexual violence, gang violence, and other form of trafficking
- Youth and children in the welfare system are frequently targeted
- 33% of Central American and Mexican unaccompanied and separated minors reported leaving home country due to gang violence
- 83% of victims faced arrest before 22
- 67% experienced periods of unsheltered homelessness
- 56% were under 18 during the trafficking (Youngest being 7)
- 47% were identified as a parenting youth





## Polaris National Data 2023



# Criminalization of Victims



## Arrested During Exploitation



81%

## All Arrests Related to Exploitation



54%




# Types of Forced Criminality

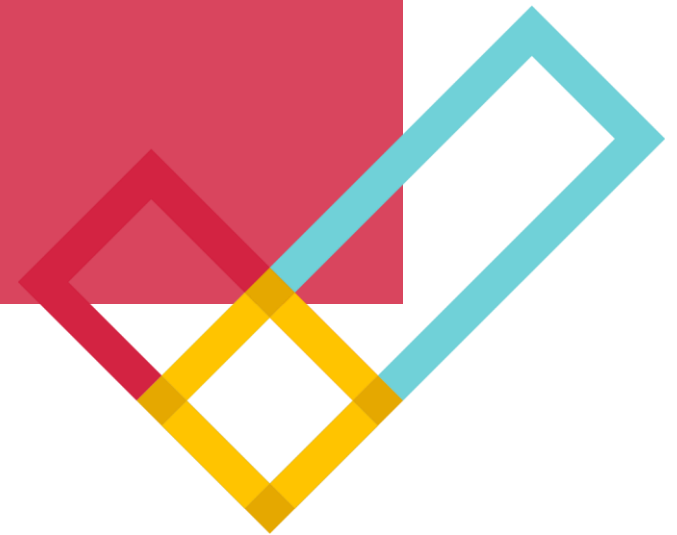
- Theft
- Robbery
- ID Theft
- Forgery
- Weapon dealing
- Drug trafficking/sales
- Gang activity
- Illicit marijuana cultivation
- Sicario jobs
- Recruitment for sex trafficking







# Challenges and Opportunities





**Victims of trafficking should not be held liable for their involvement in unlawful activities that are a direct consequence of their victimization. Trafficked individuals who are forced to commit a crime are commonly mistaken for criminals—rather than being identified as victims**



**- U.S Office to Combat and Monitor Trafficking in Persons, June 2014**

## Protecting Survivors of Trafficking

### The Non-punishment Principle



Victims and survivors of trafficking should not be inappropriately penalized for unlawful acts they committed as a direct result of being trafficked



# Challenges

- Absence of protection system for children
- Forced criminality is a lucrative, low-risk enterprise
- Treating victims as criminals
- Lack of identification/awareness
- Lack of clear legal definitions
- Trafficker manipulation
- Impunity
- Fear of authorities
- Biased police response





- Housing Insecurity, poverty
- Immigration status, language barriers, dependency
- Child welfare
- Family abuse
- Disability

## Challenges

## Activity - Poll



**Given some of the vulnerabilities you just heard, what are some of the opportunities in your field to address this issue?**

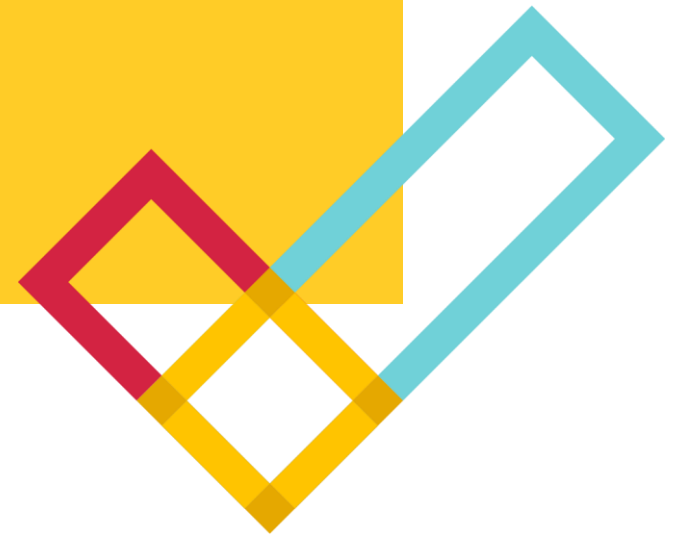
# Key Opportunities



- Recognizing and responding
- Improve legal and administrative shortcomings
- Train law enforcement
- Collaborate with regional partners
- Connect with international partners
- Increase awareness of expungement
- Improve job and housing for those with a criminal history
- Restorative justice



# Response and Services Available





Xavier McElrath-Bey

2022-07-20 15:45:15



## Activity - Poll



**What were some of the barriers to exit for Xavier?**

## **Barriers to Exit**

### **Why can't they leave?**

Youth forced or coerced to sell drugs, or commit other crimes for third parties benefit are some of the most vulnerable victims of child labor trafficking.<sup>57</sup> These youth are forced to work against their will for another's benefit, cannot leave their traffickers, and often extreme violence is used to maintain power and control over them.<sup>58</sup> Further, they face arrest for the crimes they were forced to commit and have nowhere to turn for help as they often feel complicit in the crimes they are forced to commit.<sup>59</sup>

# Barriers: Criminal Records



Of the 174 survivors who reported having a criminal record, survivors reported criminal records prevented them from:	Yes
Getting or keeping a job.	69%
Getting training, education, or a professional license.	63%
Getting good housing.	59%
Maintaining custody of their children (of those with children).	35%

“There's so many needs that you can't get when you have a criminal record. It makes it more difficult to get your employment, it makes it more difficult to get housing, it makes it more difficult to get services. It affects everything.”

-Research and Policy Team, Polaris (2023)



# Example of Indicators



- Persistently going missing from school or home and / or being found out-of-area;
- Unexplained acquisition of money, clothes, or mobile phones
- Excessive receipt of texts / phone calls
- Relationships with controlling / older individuals or groups
- Leaving home / care without explanation
- Suspicion of physical assault / unexplained injuries
- Parental concerns
- Carrying weapons
- Significant decline in school results / performance
- Gang association or isolation from peers or social networks
- Self-harm or significant changes in emotional well-being

# Florida Expungement



[Section 943.0583](#), Florida Statutes, allows a victim of human trafficking to petition for the expungement of the record, with certain exceptions, of any conviction, or of an arrest or the filing of charges, for an offense committed or reported to have been committed while he/she was a victim of human trafficking, and as a result of his/her having been such a victim

# Benefits of Proceeding Under the HT-Specific Statute



## EVIDENTIARY HEARINGS

- In cases without Official Documentation, judges may require evidentiary hearings.
  - Highlights importance of including any available documentation with the petition including police reports, affidavits from police officers, etc.
  - Working with local State Attorney's Offices to stipulate to Petitions can reduce the likelihood of a hearing
- Not all judges are aware of how modern-day human trafficking operates



# Call To Action



We invite you to continue the conversation on the opportunities to address forced criminality.

What can you do to educate, prevent, identify and properly respond to this issue?

**Let's connect!**



## Satisfaction Survey



<https://www.surveymonkey.com/r/postsurveyframework>



# Resources and References



## Additional Resources

- <https://frameworkta.org/resource/forced-criminality-is-labor-trafficking/>
- <https://frameworkta.org/resource/forced-criminality-in-u-s-gangs-recruitment-and-internalized-perceptions/>
- <https://frameworkta.org/resource/trafficking-incarceration-survivor-how-the-criminal-legal-system-harms-victims/>
- <https://www.lls.edu/media/loyolalawschool/academics/clinicexperientiallearning/sji/documents/LTFC%20Report.pdf>
- <https://www.state.gov/wp-content/uploads/2023/12/Protecting-Victims-of-Trafficking-The-Non-Punishment-Principle.pdf>
- <https://www.jrcenter.org/>
- <https://polarisproject.org/criminal-records-relief/>
- <https://polarisproject.org/blog/2023/10/prioritizing-survivor-centered-state-policies-improving-criminal-record-relief/>
- <https://www.youtube.com/playlist?list=PLiuLs-X-5kf-wOBSqi8NHWk3opEF4Gu9f>



**Questions?**

**Thank you!**



# Stay Connected



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[@Framework](https://twitter.com/Framework)



[FrameworkTA.org](http://FrameworkTA.org)

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# Sources



- <https://www.ils.edu/media/loyolalawschool/academics/clinicexperientiallearning/sji/documents/LTFC%20Report.pdf>
- <https://frameworkta.org/resource/trafficking-incarceration-survivor-how-the-criminal-legal-system-harms-victims/>
- <https://www.unodc.org/unodc/en/frontpage/2022/May/exploitation-and-abuse-the-scale-and-scope-of-human-trafficking-in-south-eastern-europe.html>
- [https://www.unodc.org/roseap/uploads/documents/Publications/2023/TiP\\_for\\_FC\\_Policy\\_Report.pdf](https://www.unodc.org/roseap/uploads/documents/Publications/2023/TiP_for_FC_Policy_Report.pdf)
- <https://refugees.org/wp-content/uploads/2023/02/Special-Considerations-for-Foreign-National-Children-Youth-Survivors-of-Trafficking-Toolkit.pdf>
- <https://covenanthousenj.org/labor-trafficking-by-forced-criminality/>
- <https://polarisproject.org/wp-content/uploads/2020/07/Polaris-Analysis-of-2021-Data-from-the-National-Human-Trafficking-Hotline.pdf>
- Aequitasresource.org, Senior Attorney Advisor, Jane Anderson (Presentation 2023)
- <https://www.state.gov/wp-content/uploads/2023/12/Protecting-Victims-of-Trafficking-The-Non-Punishment-Principle.pdf>
- Northeastern University, MA. School of Criminology and Criminal Justice, Dr. Amy Farrell (Presentation, 2023)
- <https://www.ojp.gov/pdffiles1/nij/grants/308903.pdf>
- <https://frameworkta.org/resource/trafficking-incarceration-survivor-how-the-criminal-legal-system-harms-victims/>
- <https://mecpaths.com/child-trafficking/forced-criminality/>
- <https://www.togetherfree.org.uk/forced-criminal-exploitation>
- <https://www.fdle.state.fl.us/Seal-and-Expunge-Process/Human-Trafficking-Expungement.aspx#:~:text=Section%20943.0583%2C%20Florida%20Statutes%2C%20allows,of%20human%20trafficking%2C%20and%20as>
- <https://polarisproject.org/wp-content/uploads/2023/07/In-Harms-Way-How-Systems-Fail-Human-Trafficking-Survivors-by-Polaris-modifed-June-2023.pdf>