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Author(s): **Elzbieta Gozdziaik Ph.D. ; Micah N. Bump, M.A.**

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*VICTIMS NO LONGER: RESEARCH ON CHILD SURVIVORS OF
TRAFFICKING FOR SEXUAL AND LABOR EXPLOITATION IN THE
UNITED STATES*

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FINAL REPORT

AUTHORS:

ELŻBIETA GOŹDZIAK, PH.D.
PRINCIPAL INVESTIGATOR
AND
MICAH N. BUMP, M.A.
RESEARCH ASSOCIATE

INSTITUTE FOR THE STUDY OF INTERNATIONAL MIGRATION
Georgetown University
Harris Building
3300 Whitehaven St NW
Suite 3100
Washington, DC 20007
Tel: 202-687-2193
Fax: 202-687-2541
e-mail: emg27@georgetown.edu

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EXECUTIVE SUMMARY

Human trafficking for sexual exploitation and forced labor is believed to be one of the fastest growing areas of criminal activity. Child victims are particularly vulnerable but there is little systematic knowledge based on empirical research about their characteristics, experiences, and prospects for long-term integration into the mainstream society. Children are often subsumed under the women and children heading without allowing for analysis of their special needs, vulnerabilities and resiliencies. Many writers use the word “children” but focus on young women and research on young boys is non-existent. Limited knowledge impedes identification of child victims of trafficking, obstructs provision of culturally appropriate, effective services and limits prevention of repeat victimization.

This report is based on findings from a 12-month study undertaken by the Institute for the Study of International Migration (ISIM) at Georgetown University and the Migration and Refugee Services (MRS) of the US Conference of Catholic Bishops (USCCB), and supported by a grant from the National Institute of Justice (NIJ), to:

- examine patterns of abuse of child victims of trafficking for sexual and labor exploitation;
- analyze the challenges service providers face in assisting child victims; and
- assess prospects for integration of child survivors into the wider society.

More specifically, the research was designed to provide recommendations vis-à-vis the following issues:

- Assessment of current efforts to identify child victims of trafficking;
- Strategies necessary to develop procedures for federal and local law enforcement personnel to refer children in “trafficking like situations” for a needs assessment and age determination;
- Understanding of the effects of trauma related to the trafficking experience on children and their psycho-social development;
- Understanding of the resiliency of child survivors of trafficking and ways to maintain and enhance this resiliency in the course of adjustment to life post-trafficking; and
- Cultural appropriateness of existing assistance programs aimed at re-integration of child survivors of trafficking into local communities; and

- Collaboration and cooperation between the law enforcement and the NGO community to ensure the best possible emancipation process for child victims of trafficking, including their participation in prosecution proceedings.

The research focused on the cohort of child victims receiving services through foster care and unaccompanied refugee minors (URM) programs, funded by the Office of Refugee Resettlement (ORR) and implemented by the Migration and Refugee services (MRS) at the US Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS). It is important to note that this is the only network of programs serving child victims of trafficking officially identified and determined eligible for services by the US Federal Government.¹

The project was based on three primary data sources:

- 1) Key informant interviews with service providers in the USCCB and the LIRS refugee foster care and unaccompanied refugee minors URM programs serving child victims of trafficking;
- 2) In-depth case files reviews; and
- 3) Ethnographic interviews with child survivors of trafficking selected from among children currently in care in the United States.

The primary data was augmented by statistical information about trafficked children receiving assistance from federally funded projects as well as a thorough review of peer-reviewed, research-based literature on child trafficking. The analysis of the statistical data and the critical review of literature provided a way to contextualize the analysis of qualitative data collected in the course of this research. By analyzing patterns of victimization before emancipation as well as post-emancipation experiences of child survivors within the US federal system of care, this project attempted to expand the knowledge base of the special service needs of child victims of trafficking, enhance existing treatment modalities, inform understanding of repeat victimization of trafficked children, and take steps to prevent it in the future.

Trafficked Children in Federal Care: A Statistical Portrait

142 children trafficked across international borders received assistance from programs funded by the Office of Refugee Resettlement (ORR) since the passage of the TVPA in 2000 through September 2007. Significant number of child victims of trafficking had been referred to the Federal Government but were determined ineligible

¹ Programs serving trafficked children who have not been officially identified by the Federal Government as child victims of trafficking were not the focus of this research. However, it would be important to study those children in order to determine why service providers and advocates do not refer them to federally-funded programs as well as compare their prospects for long-term integration with that of children in federally-supported care.

for federally funded services. Between 2004 and 2007, USCCB and LIRS referred to the Federal Government a total of 151 cases, including an estimated 808 to 2,308 child victims. Only 23 children (accounting for 14 of the 151 cases) received benefits. The remaining children, estimated at 787 to 2,287 victims, did not receive benefits. The reasons why so many children did not receive benefits are numerous. In some cases federal law enforcement agents or US attorneys were not sympathetic to the children's plight and/or deemed them victims of smuggling not trafficking. In other cases, the children were reluctant to disclose detailed information about their experiences which led to insufficient evidence of the crime of trafficking. In some cases lack of sufficient evidence to support the endorsement of trafficking benefits led to the children being placed in removal proceedings and receiving deportation orders. There is little systematic data on these children. Field coordinators and case managers at USCCB and LIRS do keep notes, but there is no central database of these children.

Country of Origin

Mexico and Honduras were the two largest countries of origin of child survivors of trafficking in federal care. Overall, 43 children came from Mexico and 21 from Honduras. The cohort of Mexican children included 16 unaccompanied and 18 accompanied children; all 19 Hondurans were unaccompanied. In the group of unaccompanied children, after Mexico and Honduras, China, El Salvador, Guatemala, and Morocco accounted for the most children with six, three, two, and two, respectively. Two African countries, Ghana and Cameroon, were the source countries of one victim each. India and Argentina, the Dominican Republic and Nicaragua were source countries of the remaining four unaccompanied victims. Fourteen of the accompanied children were from Peru and were freed as part of the same case. Three accompanied children were from Guatemala; Russia, Thailand, and Pakistan each accounted for two accompanied children, and there was one accompanied child from each of the following countries: Albania, China, Ecuador, El Salvador, Micronesia, India, and Pakistan.

Age

The children ranged in age from two to 17 years. The vast majority (83.3%) of the children were between 14 and 17 years of age when they were trafficked and approximately two-thirds of all trafficked children were concentrated in the 16 to 17 year age range when trafficked. The unaccompanied and accompanied cohorts differed in terms of age breakdown. The unaccompanied children were older on average than those who were trafficked with other family members; the mean unaccompanied age was 16 while the mean accompanied age was 13 years. The range of ages is much larger for the accompanied than the unaccompanied survivors. The accompanied children ranged in age from two to 17 while the unaccompanied children ranged in age from 13 to 17. All but four of the 15 trafficked children who were younger than 13 years of age came from Peru. The age difference between accompanied victims and unaccompanied victims indicates that the risk of unaccompanied trafficking increases with age.

Gender

The population of trafficked minors was predominantly female, with females comprising 83% and males 17% of the survivors. There was a substantial difference in the male/female ratio between the unaccompanied and accompanied cohorts. Among the accompanied children, 15 of the 46 survivors, or 33 percent, were males, while only two, or four percent, of the 56 unaccompanied children were males. The disproportionate distribution of female victims (96% among the unaccompanied and 67% among the accompanied) seems to indicate a higher vulnerability of teenage girls for trafficking.

Type of Trafficking

All of the accompanied Peruvian children (14 in total) were trafficked to the United States for labor exploitation. Together with their families, they were recruited to work in construction. The unaccompanied children were trafficked for labor, sexual exploitation and domestic servitude or a combination thereof. Trafficking for sexual exploitation was the most prevalent form of abuse. More than 70 percent of all the unaccompanied children were trafficked for sexual exploitation or a combination of sexual and labor exploitation. A smaller percentage, 24 percent, was trafficked solely for labor, including domestic servitude.

Victim identification: Year, type, and place of identification

The Trafficking Victims Protection Act (TVPA) was enacted in 2000. The first child victim determined eligible for services was identified in 2001. The low number of victims identified each year highlights the fact that overall identification of child victims of trafficking remains a challenge. One of the most urgent issues facing the anti-trafficking community is the improvement of identification of trafficking victims.

Improvements at the border have the most potential for increasing the identification of trafficked victims. US immigration officials apprehend annually more than one million migrants, including approximately 100,000 minors, at US borders. A large pool of possible victims is likely slipping through the proverbial cracks. Currently, there are no bilateral protocols in place to identify trafficking cases at initial apprehension. The problem of developing trust between governments is often viewed as a barrier to proper identification. None of the unaccompanied children in this cohort has been identified by the US border patrol at the southern US land border since the passage of the TVPA in 2000.

Six of the 56 unaccompanied trafficking victims were fortunate to have been rescued from their trafficking situation before the exploitation actually occurred. It is important to gain a comprehensive understanding of these cases for several reasons. The effects of trafficking on a child that has not yet been exploited are potentially less dire and as a result re-integration of such a child may be less problematic. Additionally, one of the barriers to improved identification of trafficked victims at the US-Mexico border is the fact that at the time of apprehension at the border trafficked individuals may not have

suffered through the most terrible exploitation or may not have even known that they were being trafficked.

The circumstances that led to the preemption of exploitation in the six cases were quite similar and provide some insight into what might be done at the border to improve victim identification. All six cases involved Chinese females; five of them were 17 years old and one was 13 years old. They were all apprehended at ports of entry. All were put in removal proceedings and transferred to the Division of Unaccompanied Children's Services (DUCS) within the Office of Refugee Resettlement (ORR). After varying length of time in DUCS care, ranging from three to 21 months, all of the girls were reclassified as trafficking victims. The delay in the trafficking determination is the result of the length of time it took to develop rapport with the children, understand the complexities of their trafficking history, and convince federal officials that the girls were victims of trafficking even though they had been apprehended before they reached their final destination.

The Need to Improve Identification of Child Victims of Trafficking and Access to Services

Despite generous provisions to protect and prevent re-victimization as well as provide appropriate services, child victims of human trafficking fall through the proverbial cracks and are neither identified as victims nor determined eligible for available services in a timely fashion. In this report we use the case of Analis to illustrate both the inadequacies of the current system to properly identify trafficked children and to point out the many gaps that still exist in the system of care established for trafficked children.

Identification Challenges

Analis is an example of a child who could have been identified as a victim of human trafficking much earlier in the course of her journey to the United States if the authorities she came into contact with were properly equipped to identify child victims. Unfortunately, the fact that Analis traveled to the U.S. on fraudulent papers in the company of a young woman who was neither her mother nor her legal guardian did not cause any suspicion on the part of immigration officials at the US-Mexico border. Later on, representatives of local police also did not seem to be overly concerned that a 12-year old child did not attend school nor did they inquire who her legal guardians were. They simply ordered her to enroll in school and thought the matter resolved. When she stopped attending school, officials apparently did not follow up. Still later, authorities at a checkpoint also failed to identify Analis as a victim of trafficking. Again, a minor traveling alone without any documentation was thought of as a child violating immigration laws, not as a possible victim of trafficking. Additionally, she spent time in the custody of state CPS without being identified as a victim and was released to a stranger connected to her trafficker. Analis could also have been identified as a child victim of human trafficking while in the detention facility. She spent eight months in the facility. This length of time should have given the staff ample opportunity to identify her

as a trafficked child, not a mere violator of immigration law. As a child detainee she must have been interviewed by social service personnel about her family and migration experiences. The staff seemed to have been ill-equipped to ask appropriate questions that could have led to proper identification of her trafficking circumstances. The detention center's personnel not only had more time, but also more responsibility than border patrol to assess her situation. It appears from this case study that they missed the problem entirely.

An in-depth analysis of this case, points out that the following issues need to be addressed:

- *There is a need to simplify and streamline the system of accessing benefits for child victims of trafficking*
- *There is a continued need to increase anti-trafficking resources for law enforcement, especially at the border and other ports of entry.*
- *There is a need for on-going comprehensive training programs for immigration officials and local law enforcement.*
- *Additionally, ORR facilities for undocumented children need to be alerted to trafficking issues and the children in their care need to be screen appropriately for trafficking.*
- *Further, information gathered while a child victim is in the initial placement center needs to be forwarded to the final placement program in order to design the best possible service plan.*
- *There is a need for on-going training of representatives of non-governmental organizations and service providers (educators, child welfare personnel, social service providers, medical personnel).*
- *There is a need to enhance ORR's ability to determine child victims of trafficking eligible for services regardless of who identifies them as victims.*
- *Identification of child victims of trafficking needs to be made a priority by the government*
- *There is an urgent need to appoint a legal guardian as soon as possible after a child is identified as a possible victim of trafficking. The guardian's responsibility is to ensure that the child receives necessary services.*
- *There is a need to decrease reliance on pro bono attorneys in favor of paid legal providers.*

- *There is a need to improve information flow about potentially trafficked children apprehended by immigration officials (at the border or at any point afterwards) and between and among appropriate governmental and nongovernmental entities.*

Shortcomings in the United States' Effort to Protect Child Trafficking Victims

The title of the Trafficking Victims Protection Act (TVPA) suggests that the primary emphasis of the act is on *protecting* trafficking; the act also focuses on the *prosecution of* traffickers, and *prevention* of further trafficking. Although it may appear that *protecting* trafficking victims and *prosecuting* traffickers go hand-in-hand in furthering the ultimate goal of *preventing* and eradicating human trafficking, considerable tension exists between these two aspects of the anti-trafficking fight. Researchers and advocates are increasingly voicing their concern that the US government's approach is too heavily focused on *prosecuting* crimes to the detriment of *protecting* victims. In other words, there is a concern that the US government is taking a law enforcement approach and not a victim-centered approach to combating trafficking.

We use the case study of Paula and Melinda to bring to light the troubling practice of federal prosecutors and investigators pressuring child survivors of trafficking and their caretakers to aid the prosecution in their investigations and prosecutions of traffickers. In doing so, government prosecutors ignore the concerns of child welfare professionals related to the adverse effects forced testimony and numerous interviews might have on a child survivor's healing progress. To illustrate the detrimental effects of this practice, we discuss a specific case in which federal prosecutors used a subpoena to compel child survivors to testify in front of a grand jury against their will. While this is the only case to date known to the research team in which authorities used a subpoena to force a child's participation in a trafficking prosecution, the incipient nature of the anti-trafficking movement warrants discussion to prevent future problems and avoid precedent setting. Furthermore, the examined case is indicative of the more routine practice of federal investigators and prosecutors bullying child welfare professionals to make child trafficking victims available for interviews.

The following measures should be enacted to further guarantee that the best interests of child trafficking survivors are upheld.

Specifically, the following measures should be enacted to further guarantee that the best interests of child trafficking survivors are upheld.

- *The TVPA should be amended to explicitly state that all child trafficking victims, upon being certified as such, do not have to comply with 1.) any subpoena issued to compel appearance in court or other legal proceeding; 2.) any investigative interview requests; or 3.) any other interview requests not approved by the URM program tasked to care for them. This should be accompanied by the issuance of*

a legal document which explicitly states this rule. As it currently stands, the federally funded programs in charge of upholding the best interests of child trafficking survivors are not in the position the effectively deny interview requests from ICE investigators and US Attorneys working on a prosecution. Thus, in response to any subpoena or request for an interview the URM program would only have to make reference to the legal document. The fact that the TVPA specifically states that children are not required to cooperate with law enforcement has not stopped US attorneys and immigration investigators from distorting the intent and spirit of the TVPA and more proactive steps must be taken.

- *The US federal government needs to develop interagency protocols for child trafficking prosecutions and investigations to ensure 1.) the child remains safe throughout a prosecution,, 2.)the number of interviews is limited, and 3.) the interviews are conducted in a child-friendly matter.* Investigating and prosecuting perpetrators is an essential element in eradicating human trafficking but should not come at the expense of a child trafficking survivor's well-being. Traumatization can occur each time conveys an abusive experience. Thus, every effort should be made to develop a cohesive and mutually respectful relationship between the child welfare professionals in the URM program and the law enforcement professionals at DOJ and ICE, with the understanding the DOJ and ICE heed the expert opinions of URM staff and consultants.

Organized crime networks or Mom and Pop operations?

Trafficking in persons is often portrayed as the world's fastest growing criminal enterprise, with profits that rival the illegal drugs and arms trade. Reports repeatedly quote the number of seven billion dollars in profit to indicate the magnitude of the phenomenon. Reports also talk about networks of international organized crime which are attracted to the trade in human beings because of low risk and because the criminal penalties for human trafficking are light in most countries. Different TIP Reports produced by the US Department of State reiterate this assertion, describing how traffickers enjoy virtually no risk of prosecution by using sophisticated modes of transportation and communication; avoid punishment by operating in places where there is little rule of law, lack of anti-trafficking laws, poor enforcement of such laws, and wide-spread corruption.

Family involvement in child trafficking

Although many reports indicate involvement of large criminal networks in child trafficking, family involvement in child trafficking should not be underestimated. These smaller operations based on kinship or friendship ties may, of course, be part of larger criminal networks. It is also important to remember that many different people were involved in the trafficking of these children at different stages of their journey to the United States as well as during the time the children were held in captivity and were

being abused and exploited. There was not one case in our study where a single person would be involved in every phase of the trafficking process: from making the decision to smuggle the child across international borders through accompanying the child on her journey to exploiting and abusing her. Several different people with varying relationships to the child were involved in the trafficking ordeal at different times.

Our research shows that family involvement in the child's trafficking was quite prevalent in the group of unaccompanied trafficked minors. Close family members facilitated the journey to the United States of 17 (or 30 percent) of the 56 unaccompanied children. Family involvement was most prevalent among the Honduran cases. Family members were involved in trafficking of six Honduran, three Chinese, two Mexican children and one child each from Guatemala, Ghana, El Salvador, the Dominican Republic, Morocco, and Argentina. These operations appeared to truly be of the "mom and pop" variety. In fact, in virtually all cases examined in this study the information on 'travel' to the United States was obtained from known individuals: relatives, family friends or other trustworthy acquaintances. On a few occasions, girls migrated to follow 'boyfriends' who ended up trafficking them. When the idea to migrate did not come from the girls themselves but from others, it was usually presented as a favor. Traffickers told the children they could give them an opportunity in the US to earn money. They may have also engaged the parents with promises of a better life for the child. When the idea to migrate came from a family member, it was presented as a way to help the child 'pay back' or support parents.

Many different types of people, including parents and grandparents, aunts and uncles, cousins, in-laws, family friends, acquaintances, and 'strangers' were involved in trafficking the child victims interviewed for this study. In some cases more than one person was involved in the trafficking of a particular child. Different people played different roles in the trafficking journey, including planting the idea of migrating to the United States for work or education; providing financial resources to cover the cost of the smuggling operation; serving as the *coyote* who assisted the child in crossing international borders; transporting the child from the border to their destination; arranging "employment;" directly exploiting and physically and emotionally abusing the child.

Despite family members' involvement in the trafficking, many children did not vilify their relatives. Instead, they thought the parents were helping them get education or access to employment that would improve the family financial situation. This perception of relatives as "helpers" was often an obstacle both for the prosecutors and for the service providers. The children's perception of their relatives as facilitators of a better life in the United States and the resulting conceptualization of their trafficking experiences as "work" sometimes interfered with gathering information by the prosecution team. Children were reluctant to provide law enforcement with details about their journey to the United States and identify their relatives as perpetrators of crimes. The notion that the traffickers were "helpers" and the trafficking experience was "work" made the children's initial adjustment to the rehabilitation services difficult as well. Several children, particularly the older ones, thought that attending school and pursuing

high school diplomas deprived them of the ability to make money, the main reason they wanted to be in the United States. They were also reluctant to see themselves as victims and avail themselves of mental health counseling services.

Some children who clearly understood that their parents wronged them were nevertheless ready to forgive and reconcile with their families. Eva, for example, told us that she would very much like to go and visit her parents to tell them that she has forgiven them for sending her away. She is particularly keen “to hug her father, who did not want her to go to the States because he thought she was too young to be living with strangers in a different country.” When asked whether she calls her parents often, she admitted that it is hard to have a close relationship with people whom she barely remembers; Eva spent almost a decade in domestic servitude in the United States.

Agency and vulnerability, victimhood and resiliency

Studies of children and childhoods increasingly see children as ‘at once developing beings, in possession of agency, and to varying degrees vulnerable.’ Developments occurring in the field of childhood studies parallel developments in women’s studies which consider women as social actors and place them in theories of behavior, culture and society. Unfortunately, the discourse on child trafficking which is often not grounded in any particular theoretical framework focuses mainly on the vulnerability and victimization of trafficked children. And yet the recognition of the coexistence of agency and vulnerability is particularly important in the child trafficking domain. It is important because it influences the way we conduct research with trafficked children and affects our ethical responsibilities to the children in our studies. It is also important because it affects (or should affect) both policy and programmatic responses to trafficked children. While there is no denying that trafficked children have often been severely abused and exploited, one must also consider issues of agency and resiliency while analyzing this phenomenon, designing services and programs for trafficked minors, and crafting policy responses aimed at preventing child trafficking, providing assistance to rescued children, and prosecuting perpetrators of child trafficking.

Understanding the children’s perception of their identity as vulnerable victims plays an important role in post-trafficking adjustment. While we recognize the legal necessity to use the term ‘victim,’ therapeutically speaking the identity of a ‘victim’ may be counter-productive. By Western standards, all of the children in this study were vulnerable albeit the type and the degree of their vulnerability varied considerably. Moreover, within the parameters of their native culture and social and economic context the assessment of the children’s vulnerability and associated identity might need further modification. For example, without an exception all children worked. While none were engaged in what the international labor regime deems ‘worst forms of child labor,’ all were pressured to go beyond helping at home or on a family farm and earn wages. The vulnerability of the children was exacerbated by lack of social and economic safety nets in their homelands.

Extreme poverty drove most of the survivors to migrate. In some situations, parental illness compounded already dire economic circumstances and placed even more pressure on the children to contribute to the family's income. They were frequently forced by their parents to leave school to work or care for younger siblings. Irene, the youngest of three children, came from a small town in Honduras. Her unmarried parents struggled to make ends meet. Irene's mother never worked outside the home due to severe asthma. Her father had kidney problems and worked as an itinerant farmer. Irene was just starting 7th grade and planned to go to technical school. She liked school and wanted to continue, but it was expensive. Thus, she decided to go to the United States to help her family. Irene was not the only child among the studied survivors who had to abandon her education.

The children's lack of identity as victims was closely related to their expectations about coming to the United States. Almost all of the children were highly motivated to migrate to the US in the hope of earning money. Many of them had compelling reasons to send money home; virtually all had to repay smuggling fees. Typically, the children's desire to earn money did not change once they were rescued. Obviously, the programs carrying for the children followed US laws requiring children to attend school, defining the age of employment and number of hours a minor child is allowed to work, and requiring a work permit. These laws limited considerably the children's ability to engage in waged employment and ran counter to many children's financial goals. This, in turn, led to a struggle between the children and their care takers who often had very different goals for the children. All of these issues have long-term consequences for the children's commitment to education and affect their desire to remain in care.

The children's perceptions of themselves and of their trafficking situation affected the way they coped with life after trafficking and correlated with the effects of trafficking on their well-being. Research on sexual abuse suggests that children who clearly hated what was happening to them accept treatment and advice more easily and are less likely to hold themselves accountable for their mistreatment (Hindman 1989). Children who cooperated with the perpetrators or enjoyed aspects of their trafficking experiences--such as pretty clothes, freedom, boyfriends, drugs or alcohol—seemed to have been affected more severely by the experience or in the words of the social workers 'more susceptible to trauma,' but also more resistant to therapy. Thus, their self-identity, understanding of their situation and subsequent goals often conflicted with the goals of service providers and law enforcement officers. Clear identification of someone as a perpetrator, on the other hand, correlated with less traumatic aftermath. However, in situations where the perpetrator was a relative or a boyfriend, there seemed to have been a feeling of greater betrayal resulting in a higher likelihood of a traumatic response. The situation was even more complex in cases where the traffickers were family members. The survivors were hesitant to speak openly of the situation for fear of implicating their relatives or reprisals on family members left behind in the country of origin.

The children's reluctance to see themselves as victims stood in sharp contrast to the perceptions of service providers who referred to the children as victims, often because

the law conceptualizes them as victims. Literature confirms the prevailing notion that the ‘degree of victimization and exploitation of trafficking victims varies, but fundamentally, *all* are victimized and exploited. This reality coexists with the fact that trafficking victims have “agency.” The idea that a person may be responsible for some of the decisions that resulted in their finally being trafficked seems unattractive to media and governments alike’ (Cameron 2008: 85). Policy makers and service providers have particular difficulty in accepting agency in a person under the age of 18. They regard them “exclusively as victims, ‘lured’ or ‘duped’ by the ‘false promises’ ostensibly made by traffickers of a better and more prosperous life elsewhere” (Kapur 2008: 119). They also tend to criminalize the children’s families, regarding them as part of the trafficking chain, and do not recognize that children migrate or are smuggled partly to seek out economic opportunities to support their families.

Conceptualizing children exploited and abused by those who facilitated their migration to the United States as trafficked victims provides them with access to services, including an immigration relief. However, extending this concept beyond the rights framework to other frameworks, particularly to the therapeutic one, is often counter-productive to their long-term integration into the new community. We posit that conceptualizing these children as survivors with a great deal of resilience might be more suitable to promoting their best interests. Unfortunately, the otherwise limited literature on child trafficking emphasizes mainly the trauma of the trafficking experiences and focuses on pathology. Service providers interviewed for this project were also quite conflicted. They spoke more frequently about the isolated cases of children with suicidal ideations or depression than about the children that were slowly but surely adjusting to their new circumstances. There were few exceptions, however. Some caseworkers emphasized the children’s resilience and appreciated our deliberate use of the term ‘survivors’. Angie was described by her case worker as “sensitive, friendly and resilient.” Similar descriptions were found in Josefina’s case file; her social worker noted: “Josefina has incredible resiliency. There is something about [that girl] that goes beyond being a survivor.”

Trauma and treatment

The prevailing conceptualization of trafficked children as victims, not resilient survivors, is evident in the treatment modalities used to integrate these children into the new community. Unaccompanied Refugee Minor (URM) programs, a group of specialized foster care programs designed to provide culturally and linguistically appropriate care for refugee, asylee, trafficked, and Cuban or Haitian children include a wide range of services from providing shelter in foster homes or small group homes to enrolling children in schools or vocational training as well as providing case management. These programs are funded by ORR and implemented by MRS/USCCB and LIRS. They are run in accordance with US child welfare guidelines, and are licensed in the state in which they operate. These programs have been in existence for several decades and have served well other vulnerable children, including most recently the Sudanese Lost Boys.

In interviews service providers did enumerate long lists of services available to trafficked children, including independent living skills training, job skills training and career/college counseling. However, all interviews had always gravitated to the trauma of the trafficking experiences and the need for mental health counseling. Each trafficked child had undergone medical, including mental health, and dental screening. The results were recoded by the child's case manager in their case files. Content analysis of case files of the 17 children interviewed for this project indicates that all of them were deemed 'depressed.' Seven children (or 41%) were apparently diagnosed with Post-Traumatic Stress Disorder (PTSD). Forty one percent is a very high prevalence rate, much higher than, for example, for many refugee children. Only five to 20 percent of most refugee cohorts present with PTSD. It is unclear whether PTSD rates were indeed very high in this group or whether the case files reflected 'diagnoses' made by case workers rather than by trained clinicians. There was some inconsistency in these prevalence rates. When we first started recruiting trafficked children to participate in this study, only three (or 11%) of the 27 victims approached by the research team were determined by their social workers to be mentally too fragile to participate in the research. Our own assessment of the 17 children in the final sample also differed from the 'diagnoses' found in their case files.

With the prevailing diagnosis of depression and PTSD came a very strong desire on the part of service providers to enroll all the young people in individual therapy or counseling. According to case files, every single child was referred for mental health counseling. Initially, most children refused to avail themselves of psychological services but program staff was persistent. Eventually, most children were in treatment. Service providers clearly wanted all children to participate in therapy and were convinced about the efficacy of this treatment. Case workers followed their agency's protocol as to the appropriate use of therapy. With one exception, programs did not consider indigenous healing strategies; for most programs cultural competence was limited to finding a Western trained therapist who could communicate with the survivor in her native language.

The push for mental health services is consistent with strategies employed to deal with traumatic experiences of other victimized populations. The number of programs established to provide psychological help to traumatized populations such as refugees, victims of wartime violence, and more recently trafficked victims has grown exponentially. The expansion of such programs in the West and the considerable zeal with which they are exported to non-Western countries indicates the prominence of mental health concepts and approaches in the forced migration field. Particularly prominent is the discourse of 'trauma' as a major articulator of human suffering (Summerfield 2000: 417). This prominence is based on the premise that trafficking, ethnic cleansing, war, and civil strife constitute mental health emergencies and result in 'post-traumatic stress,' which has in turn led to the use of treatment modalities based on the Western biomedical model. At the same time, other models, building on the victims' own resilience, indigenous coping strategies, and spirituality, are not being explored as much as they could or should.

The examination of these issues call for the following recommendations:

- *There is a need to be flexible.* Children's perception of the nature of their trafficking experiences and their families' involvement in their trafficking may be at odds with the perceptions of law enforcement and the plans of service providers to address the children's relationship to families of origin. Despite the differences in perceptions, law enforcement and service providers need to be flexible enough to allow children to have different assessment of what happened to them and who wronged them.
- *There is a need to educate parents about the danger of child smuggling turning into severe form of child trafficking.* Some parents genuinely believed that they were sending their children with a trusted coyote or snakehead across international border to provide them with educational or employment opportunities. Without endorsing human smuggling, parents need to be educated about the dangers involved in such journeys as well as about the possibility that the 'travel agent' they hired might turn the child over to an employer who purchases and then sells the 'commodity' to the customer who sexually exploits the children, places them in domestic servitude situations or sweatshops.
- *There is a need to educate children about their rights and about international conventions protecting children.* Trafficked children need to be educated about the way the law views certain actions of adults as criminal. This kind of training should focus on the legal aspects of child trafficking and not equate them with moral assessments of the parents' and other family members' actions.

TOWARD SOLUTIONS AND RESOLUTIONS

This research identified several emerging themes all of which require creative solutions and resolutions. However, the ultimate solution is related to prevention and eradication of child trafficking. In order to prevent the trafficking phenomenon, one needs to understand its root causes. There is much emphasis in the literature and in the political discourse on poverty as a root cause of child trafficking. Examination of the trafficking trajectories of the children in our study suggests that poverty in and of itself does is not the primary root cause of child trafficking. Two cultural phenomena--child fostering and child labor—appear to be the main risk factors significantly contributing to children's vulnerability for trafficking. At the same time, the commonality and cultural acceptance of child fostering and child labor provide insights into the ways trafficked children conceptualize their trafficking experiences. The cultural acceptance of child labor also affects the emancipated survivors' attitudes toward rehabilitation services and treatment modalities offered to them.

Recommendations

If we agree that child fostering and child labor are the root causes of child trafficking, how do we deal with these culturally acceptable practices in order to prevent child trafficking? Will legislating against child labor be the desirable solution?

A recent report by the International Labor Organization (ILO) optimistically entitled "*The end of child labor: Within reach*" indicates that the number of child laborers globally fell by 11 percent between 2002 and 2006, while that of children in hazardous work decreased by 26 percent. The ILO attributes these positive outcomes to the adoption of the watershed Convention on the Rights of the Child in 1989 and the International Program on the Elimination of Child Labor (IPEC) launched in 1992. These important initiatives notwithstanding, one has to wonder about the connection between efforts to reduce child labor in particular countries and child migration and child trafficking for labor and sexual exploitation. The same report (ILO 2006: 41) quotes the 2002 Global Report on Child Labor which suggested that some 1.2 million children were victims of trafficking.

Neoclassical proposals argue that schooling is the best antidote to child labor. Proponents of compulsory education have also argued that literate youngsters are likely to be more productive later in life than uneducated ones, who may have experienced adverse effects of work at an early age on their health. However, a closer look at children's work patterns reveals that work is often combined with going to school. High cost of education, including the need to look respectable in dress and appearance, incites poor children to engage in remunerative work which conflicts with the belief that compulsory education would work as an antidote to child labor.

In recent years, non-governmental organizations advocating on behalf of children have been tasked by funding sources to develop low-cost solutions to address the problem of child labor. Many of these solutions include a combination of work and education as well as a recognition that that poor children have to contribute to their own upkeep because their parents do not have the resources to support them.

Recommendations:

- *There is a need to earmark development resources to establish high quality educational programs in order to reduce child labor and prevent child trafficking.* These programs should focus especially on children between 14 and 17 years of age; this age group is the most numerous among the children trafficked to the United States. This group is also important because in many countries where the children come from compulsory education ends at around age 13. Educational efforts should focus on vocational training. Vocational training has the potential to prepare the children
- *There is a need for continued monitoring and assessments of both national and international initiatives to reduce child labor.* Child labor monitoring has evolved over the years and is closely related to the development and

enforcement of national child labor legislation. Child labor monitoring has been performed both by professional evaluators as well as local resource persons; “community-based monitoring,” developed in conjunction with different Central American coffee and agricultural projects, has demonstrated the capacity of non-traditional actors to engage in child labor monitoring.

- *There is a need to shift away from monitoring industries and workplaces employing children to the monitoring of the children removed from work.* It is important to know what alternatives await these children and what risks do they face for re-victimization, including pressure to migrate for work which can easily end up in a trafficking situation.
- *There is a need to enhance collaboration between actors in source and destination countries interested in reducing child labor and preventing child trafficking.* Each year US immigration officials apprehend approximately 100,000 unaccompanied children at US borders. Some return voluntarily, some are returned because of bi-lateral agreements. Mexican children, for example, are routinely returned because of existing agreements between Mexico and the United States. Little is known about the children who return to their countries of origin. Approximately 8,000 children remain annually in the custody of the US Federal Government. Experts stress that there is a good possibility that both the larger population of children returned to their countries of origin as well as the smaller group of children in federal custody include many unidentified trafficked children.

In the end many challenges still remain.

I. INTRODUCTION

As the number of traffickers apprehended, and the number of victims offered protection have both increased, an opportunity has been afforded to the research community to make an empirical assessment of the trafficking phenomenon in different parts of the world, including collection of baseline data on the prevalence of human trafficking, trafficking trajectories, the characteristics of both victims and traffickers, and the services needed to protect and support victims. However, despite these opportunities there has been little systematic, empirical, and methodologically rigorous research on trafficking in human beings, particularly on the special needs of child victims.

This report is based on findings from a 12-month study undertaken by the Institute for the Study of International Migration (ISIM) at Georgetown University and the Migration and Refugee Services (MRS) of the US Conference of Catholic Bishops (USCCB), and supported by a grant from the National Institute of Justice (NIJ), to:

- examine patterns of abuse of child victims of trafficking for sexual and labor exploitation;
- analyze the challenges service providers face in assisting child victims; and
- assess prospects for integration of child survivors into the wider society.

More specifically, the research was designed to provide recommendations vis-à-vis the following issues:

- Assessment of current efforts to identify child victims of trafficking;
- Strategies necessary to develop procedures for federal and local law enforcement personnel to refer children in “trafficking like situations” for a needs assessment and age determination;
- Understanding of the effects of trauma related to the trafficking experience on children and their psycho-social development;
- Understanding of the resiliency of child survivors of trafficking and ways to maintain and enhance this resiliency in the course of adjustment to life post-trafficking; and
- Cultural appropriateness of existing assistance programs aimed at re-integration of child survivors of trafficking into local communities;
- Collaboration and cooperation between the law enforcement and the NGO community to ensure the best possible emancipation process for child

victims of trafficking, including their participation in prosecution proceedings; and

- Assessment of the current system of repatriation of child survivors of trafficking to their countries of origin, including issues of safety and protection from re-trafficking.

The research focused on the cohort of child victims receiving services through foster care and unaccompanied refugee minors (URM) programs, funded by the Office of Refugee Resettlement (ORR) and implemented by Migration and Refugee Services (MRS) at the US Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS). It is important to note that this is the only network of programs serving child victims of trafficking officially identified and determined eligible for services by the US Federal Government.²

The project was based on three primary data sources:

- 1) Key informant interviews with service providers in the USCCB and the LIRS refugee foster care and unaccompanied refugee minors URM programs serving child victims of trafficking;
- 2) In-depth case files reviews; and
- 3) Ethnographic interviews with child survivors of trafficking selected from among children currently in care in the United States.

The primary data was augmented by statistical information about trafficked children receiving assistance from federally funded projects as well as a thorough review of peer-reviewed, research-based literature on child trafficking. The analysis of the statistical data and the critical review of literature provided a way to contextualize the analysis of qualitative data collected in the course of this research. By analyzing patterns of victimization before emancipation as well as post-emancipation experiences of child survivors within the US federal system of care, this project attempted to expand the knowledge base of the special service needs of child victims of trafficking, enhance existing treatment modalities, inform understanding of repeat victimization of trafficked children, and take steps to prevent it in the future.

The report commences with a presentation of the current state of knowledge and major debates pertaining to child trafficking. It begins with a discussion of definitions of

² Programs serving trafficked children who have not been officially identified by the Federal Government as child victims of trafficking were not the focus of this research. However, it would be important to study those children in order to determine why service providers and advocates do not refer them to federally-funded programs as well as compare their prospects for long-term integration with that of children in federally-supported care.

human trafficking and the definition of a child and an overview of the major US legislation governing human trafficking. It then moves to discuss the challenges of identifying child victims of trafficking and discusses the state of current research on the topic. This section includes a presentation of the literature review carried out in the course of this project and closes with a discussion of methodologies used to study child trafficking. The key findings portion of the report follows. This section highlights key findings from the year-long empirical research project based on primary data collected during interviews with 26 key informants, representing 19 foster care and unaccompanied minors programs, review of 31 case files reviews, and interviews with 17 survivors of child trafficking. This part of the report is divided into three sections. The first section presents a statistical portrait of 142 children trafficked across international borders that had received assistance from programs funded by (ORR since the passage of the TVPA in 2000 through September 2007. The second section includes two in-depth case studies. Five additional emerging themes follow the two case studies. They include:

- Organized crime networks or Mom and Pop operations?
- The journey into the hands of the traffickers
- Agency and vulnerability, victimhood and resiliency
- Trauma and treatment
- Prospects for long-term integration

The report concludes with a discussion of child labor and child fostering which were identified as root causes and/or risk factors for child trafficking. They both remain a major challenge to the fight against child trafficking.

II. BACKGROUND AND UNDERSTANDING

1. Child trafficking defined

According to the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000), child trafficking is defined as “the recruitment, transportation, transfer, harboring or receipt of any person under the age of 18 for the purposes of sexual or labor exploitation, forced labor, or slavery.” The US law mirrors this definition and concurs with the general agreement in the international community that in the case of minors, the trafficking term applies whether a child was taken forcibly or voluntarily (Miko 2004), simply because children do not have volition and cannot consent to being smuggled. The issues of agency and vulnerability will be discussed in more detail later in this report. At this point it is important to emphasize that the children in our study were already identified by the federal government as victims of human trafficking and determined eligible for federally funded services. The research team did not have to make this determination.

The UN Protocol and the US law on child trafficking use the definition of a child promulgated by the UN Convention on the Rights of the Child (CRS), which states that “every human being below the age of 18, unless under the law applicable to the child, majority is attained earlier” (CRC, Part 1, Article 1) is considered a child. The Convention uses chronological age as the universal measure of biological and psychological maturity and rejects cultural and social meanings attached to local systems of age ranking (La Fontaine 1978). There is no distinction in this definition between a four and a 17 year old. Both are defined as children who need special safeguards and care. In addition, this definition assumes a natural progression from childhood to adulthood, from incompetence to competence and from immaturity to maturity (Bluebond-Langer and Korbin 2007).

In reality the concepts of “child” and “childhood” vary according to social, cultural, historical, religious and rational norms as well as according to one’s personal circumstances. There are tremendous differences between a four and a 17 year old. There are also often considerable differences between two different 17 year olds, particularly individuals coming from different cultural, social, and economic backgrounds. Gender differences need to be accounted for as well. Indeed, we were hard pressed to find two children that were very similar and could be used as examples of the proverbial poster victim of trafficking. Even girls who were part of the same trafficking operation appeared to be very different. Interestingly, the traffickers treated them differently as well. In one case we examined, four adolescent girls were trafficked together and forced to work in the same bar. The girls with kinship ties to their ‘employers’ were treated very differently than those who could not claim such a relationship; they could keep money they earned and send some of their income to their families, and were given prettier clothing.

Most of the 16-17 year olds in our sample considered themselves adults not children and had considerable difficulties in adjusting to programs which wanted to assist

them in “reclaiming their lost childhood.” They did not want, for example, to follow rules not commensurable with their own self-image. They not only budged at things like curfews and chores, but also often valued work more than education. In fact, some of the adolescent boys trafficked for labor exploitation wanted to continue to work for the same employer. They liked working in construction and liked being able to send remittances back home; all they hoped for were remuneration commensurate with the work they performed and better working conditions. Their self-image stood in sharp contrast with childhood ideals championed by the programs serving them.

In the United States the system of care for trafficked children has been developed within a framework based on middle-class Western ideals about childhood as a time of dependency and innocence during which children are socialized by adults and become competent social actors. Economic and social responsibilities are generally mediated by adults so that the children can grow up free from pressures of responsibilities such as work and child care. Children who are not raised in this way are considered “victims” who have had their childhood stolen from them. This framework views universal concern for children as transcending political and social divides; assumes a universally applicable model of childhood development; presupposes a consensus on what policies should be in place to realize the best interest of the child; assumes that child victims have universal needs, such as a need for rehabilitation; and promotes a therapeutic model of service provision.

The realities experienced by the children in our study, even before their trafficking ordeals, were very different from these ideals. Extreme poverty drove most of them to migrate. In some situations, parental illness compounded already dire economic circumstances and placed even more pressure on the children to contribute to the family’s income. Family members who facilitated their migration often presented it as an opportunity to help the child ‘pay back’ or support parents. Also, although many of these children worked in their countries of origin—took care of their siblings, did housework, worked on family farms, sold wood or foodstuffs in the street—they seldom earned wages for their labor. Thus, a chance to work for wages was seen as an opportunity not to be missed.

The challenge before the research team was how to reconcile the universal definition of a ‘child’ and ‘childhood’ found in the human rights and child welfare frameworks and the associated US laws proscribing particular policy and programmatic responses towards survivors of child trafficking with the local, culturally diverse, conceptualizations of childhoods, including children’s responsibilities vis-à-vis their families and livelihoods. In this project we had to accommodate both perspectives in order to provide policy and programmatic recommendations. We understood that the Western assumptions of what constitutes childhood underlie the apparatus of assistance programs caring for trafficked children and care takers have to abide by the laws set forth in the Trafficking Victims Protection Act (TVPA) and its reauthorizations. At the same time we tried to assess whether individual agencies allowed room for maneuver in terms of adjusting services to the individual circumstances and the self-image of the children in

their care. We saw the study as action research that provided an opportunity to improve the understanding of child trafficking and enhance the system of care.

2. Access to services under the Trafficking Victims Protection Act (TVPA) of 2000

In October 2000, Congress passed the TVPA to comprehensively address the human trafficking phenomenon. As indicated above, the Act defines trafficking as all acts involved in the recruitment, abduction, transport, harboring, transfer, sale, or receipt of persons within national or across international borders, through force, coercion, fraud, or deception, in order to place persons in situations of slavery or slavery-like conditions, forced labor or other services such as forced prostitution, domestic servitude, bonded sweatshop labor, or debt bondage. The TVPA sets forth a three-pronged strategy to combat the crime of trafficking in persons:

- (1) *protection* (by providing protection and assistance to victims);
- (2) *prosecution* (by prosecuting offenders), and
- (3) *prevention* (preventing human trafficking by working with authorities in the victims' home countries).

As a part of the TVPA, child victims of trafficking are eligible for a number of services and benefits regardless of their immigration status. They can also apply to remain in the United States under the T-Visa program. Eligibility for services and access to the trafficking related visas are two separate processes that may or may not intersect. Victims are not required to have a T-Visa in order to gain access to assistance. In fact, with regard to child victims, timely access to services is of greater importance than the T-visa to avoid re-victimization. Thus, in theory, the law is designed to make the services as readily available as possible to children. This is reflected in the fact that children face different service eligibility requirements than adults. Children under age 18 need a "determination of eligibility" from the Office of Refugee Resettlement (ORR) in order to gain access to services. In order to receive this determination, a child must be found to have been a victim of trafficking as defined in the TVPA. In the case of a child victim, ORR will issue letters of eligibility determination stating that a child is a victim of a severe form of trafficking, once they confirm that a child meets the definition.

Certain publicly funded services related to the protection of life and safety of victims of human trafficking do not require certification or determination of eligibility. These services include access to appropriate forms of shelter, medical and legal assistance, witness protection, translation services, and repatriation (TVPA §107c). Certified victims are eligible for work permits, vocational training, job placement, and social services through referral to appropriate non-governmental organizations (NGOs). Thus, the TVPA entitles child victims to benefits and services to the same extent as refugees, but does not consider them refugees. These benefits include access to the URM programs, the Children's Health Insurance Program (CHIPS), and the Temporary Assistance to Needy Families (TANF) program. Victims between ages 16 and 24 who

have received work permits may be eligible for Job Corps, a program run by the US Department of Labor (DOL).

Trafficked children are considered to be some of the most vulnerable victims who may suffer long-term consequences—physical, psychological, and social—of their trafficking ordeal. Because they are typically identified in an emergency situation, the urgent immediate needs for basic care—safety, food, shelter, and medical care—are the focus of most discussions. However, child welfare planning emphasizes permanency for children in addition to immediate and long-term safety. Therefore, service planning for trafficked children must also take into account their long-term best interest as well as their urgent care needs. For example, finding a stable long-term placement for a trafficked child is as important and as urgent a need as immediate safety and shelter. Once trafficked children are in stable long-term placement, they are in need of linguistically appropriate and culturally sensitive comprehensive care and a supportive and safe environment. We will discuss the efficacy of the service system for trafficked children as well as the service gaps later in the report. Below is a short description of services for unaccompanied child victims of trafficking and services for trafficked children rescued with their families.

a. Services for unaccompanied child victims of trafficking

Once unaccompanied children are determined eligible for benefits by ORR, they may choose to enter the URM program, a group of specialized foster care programs designed to provide culturally and linguistically appropriate care for refugee, asylee, trafficked, and Cuban or Haitian children. These programs are funded by ORR and implemented by MRS/USCCB and LIRS. They are run in accordance with US child welfare guidelines, and are licensed in the state in which they operate. Children are provided shelter in a foster family, small group home or independent living arrangement, appropriate to the youth's developmental needs. These families and homes must be licensed by their state or county child welfare provider and receive on-going training in child welfare matters. Foster care placements are based on the individual needs of a particular youth, with attention to the cultural, linguistic, and religious background of a youth; special health, educational, and emotional needs; as well as the personality, temperament and opinions of the youth. The programs have found that while some children do well in a family setting, others are unable to adjust to the intensity of family life and do better in small group care.

Once in care, the children are provided with indirect financial support for food, clothing, and other basic necessities. The URM program or the foster family makes arrangements to take the child to initial medical and dental evaluations and ongoing medical care. The URM program also provides intensive case management, which includes ensuring access to mental health counseling as needed and connecting the child with a *pro bono* attorney to assist the child in obtaining legal immigration status. Children in the URM program are enrolled in public schools and the URM case manager assists in connecting the child with English as a Second Language (ESL) tutoring or special educational services as needed. After the initial placement period, the child is

provided with independent living skills training, job skills training and career/college counseling. Children must enter the program before their 18th birthday and may stay in the program until they are 20 or 21, depending upon particular state emancipation guidelines.

All programs continually evaluate family reunification possibilities for children in their care. Generally, trafficked children placed in these programs have not had appropriate family members in the U.S. or overseas with whom they could be reunified. In one case, a child requested reunification with a family member overseas but her request was denied by the juvenile court judge overseeing her care due to concerns about her safety were she to return to a relative of the family members who trafficked her. In some cases, children have chosen to emancipate from the program after turning 18 and have joined family members in the U.S. or overseas. These family members may not have been appropriate to be the sole caregiver for a child but may provide valuable support for an emancipated young adult. Additionally, the T-visa application process allows for children to apply for parents, spouses, and unmarried siblings under 18 years of age to join them in the U.S. At the time of this research, none of the unaccompanied children have had their family members join them through the T-visa process, but a few such applications were in process.

b. Services provided to child victims of trafficking as part of family cases

Trafficked families or adult individuals are typically offered a package of services which is designed to enable them to attain economic and social self-sufficiency. Children who are part of family cases receive services as part of families but may need and receive extra services depending on where they are living and what their situation is upon rescue from the trafficking situation. Families are provided immediate housing and safety as well as basics of food, immediate medical care and other urgent necessities. The agency with case management responsibilities either will assist the family themselves or will arrange assistance from *pro bono* attorneys to assist with the application for immigration benefits such as continued presence or T-visa.

After the urgent phase of care, families are assisted to find permanent housing and to access either jobs or public assistance. Children are eligible for public school and are enrolled in classes appropriate to their language and educational needs. Children frequently have not had their immunizations and other basic medical care and the agency will assist the parents to arrange for such care as soon as their public Medicaid cards are issued. Some of the children and families experience disruptions and stress which may need intervention from counselors. This assistance is available to the same extent as for any other American but is sometimes difficult to access because of language barriers.

The programs providing assistance to children rescued with their families are also funded by ORR and provided by a wide range of non-governmental organizations, including voluntary agencies experienced in providing services to refugees and other limited English-speaking populations.

3. The challenge of identifying child victims

The number of trafficked children is notoriously difficult to measure. Many scholars have discussed the challenges of estimating the scale of human trafficking and the production of reliable statistics and called for improved methodologies to describe the unobserved (Laczko and Gramegna 2003; Tyldum and Brunovskis 2005; Goździak and Collett 2005). While the United States has allocated a significant amount of resources and expanded considerable efforts to the anti-trafficking campaign and other counter-trafficking activities, the scope of the problem remains vague. The U.S. Office to Monitor and Combat Trafficking in Persons, established in 2000 and located within the State Department, provides estimates of the number of victims trafficked yearly to the United States in its annual Trafficking in Persons (TIP) report. These estimates are wide ranging and the methodologies used to calculate the number of trafficking victims lack transparency (Goździak and Collett 2005). The figures presented in the TIP report dropped significantly from approximately 50,000 in 2002 to 20,000 in 2003. The most recent official Government estimate is 14,500 to 17,500 persons annually (USDOJ 2005), although others believe the number to be much higher. Unfortunately, these estimates do not differentiate between adult and child victims of trafficking. Interestingly, the 2007 Trafficking in Persons Report (TIP) no longer provides estimates of the number of victims trafficked into the United States across international borders.

Richard Estes estimates that as many as 17,000 children are trafficked into the United States every year (Estes and Weiner 2001). It is apparent that these estimates do not correspond with the above-cited figures provided by the federal government. The average age of trafficked persons is reported to be 20 years old, indicating that a significant number of trafficked persons are under the age of 18 (Spangenberg 2002). However, the number of trafficked children identified to date does not bear out these estimates. Since the passage of the TVPA through September 2007, a total of 142 children (individuals under the age of 18 years old) have been identified as victims of human trafficking and “determined eligible” for services by ORR in U.S. Department of Health and Human Services (DHHS) responsible for their care. This represents approximately 10 percent of the total number of victims, adults and minors, who have been certified as trafficking victims under the TVPA provisions. This research focused on children identified as victims of trafficking prior to August 2006. At that time, the cohort of trafficked children included 102 individuals. Fifty-six of the 102 child victims of trafficking were unaccompanied at the time of identification and were placed in the federally-funded national network of URM programs. The remaining 46 were accompanied at the time of emancipation and received services as part of the emancipated family unit.

The small number of trafficked children identified so far could be as much a result of the clandestine nature of the phenomenon as the inadequate and misplaced strategies used to identify trafficked children or the fact that the estimates far exceed the reality and gravity of the situation. The majority of trafficked children have been identified either through law enforcement raids of suspicious establishments or through tips from Good

Samaritans. Some experts suggested that the government should broaden their strategies to include an enhanced screening of children at US borders, particularly unaccompanied children. Each year, immigration officials apprehend approximately 100,000 unaccompanied children at US borders. Some return voluntarily, some are returned because of bi-lateral agreements. Mexican children, for example, are routinely returned because of existing agreements between Mexico and the United States. Little is known about the children who return to their countries of origin: Were they trafficked into the United States? Are they at risk for repeat victimization?

Additionally, many children who cross the border successfully albeit without documentation remain undetected within the United States and their well-being is largely unknown. Numerous service providers suggested that these children are at risk for further victimization and re-trafficking. Approximately 8,000 children remain annually in the custody of the US Federal Government. Some 900 children are in the custody at any given time (US DHHS, 2006). Experts stress that there is a good possibility that both the larger population of children returned to their countries of origin as well as the smaller group of children in federal custody include unidentified trafficked children (Bump and Duncan, 2003).

While we did not question the existence of the child trafficking phenomenon, we also understood that ‘disagreements over its magnitude are underpinned by different understandings of the term ‘child’ and ‘trafficking’ and that ‘this is a conceptual and political problem that cannot be resolved by more data alone’ (Manzo 2005: 394). Given the small numbers of trafficked children identified thus far in the United States, we knew we had a rare opportunity to interview some of the children who were lucky enough to escape the trafficking situation and receive assistance in rebuilding their lives.

4. Existing knowledge

Despite recent proliferation of publications and media attention focused on human trafficking, there exists limited academic literature on human trafficking based on rigorous empirical research. Most of the literature comes in the form of reports by non-governmental or international organizations (e.g.; Burke *et al.* 2005; Human Rights Watch 2003; ILO 2001; ILO 2002; Salah 2001 UNICEF 2003; Zimmerman *et al.* 2003). Frequently, works that refer to the trafficking of women and girls discuss only the trafficking of women who were over the age of 18 when trafficked. Trafficked children, particularly those that were unaccompanied, have special needs and vulnerabilities when compared with their adult counterparts, such as psychological trauma that impacts their future attachments and development and require a special focus in the literature. Research into the trafficking of men and boys is extremely limited, save a few examples, though these are again generally limited to reports by non-governmental organizations or advocacy groups and do not include academic works (e.g.; ILO 2002; Human Rights Watch 2003). Notably absent in the literature are works written by trafficked persons themselves; Jean-Robert Cadet’s testimonial about his harrowing youth as a *restavec* in Haiti is one notable exception (Cadet 1998).

When we began our research in 2006, there were two major reports on child trafficking to the United States: a pioneering study by Richard Estes and Neil Weiner entitled *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico* (Estes and Weiner, 2001), and a more recent report by Mia Spangenberg of End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes-USA (ECPAT-USA) on *International Trafficking of Children to New York City for Sexual Exploitation* (Spangenberg, 2002). The Estes and Weiner study is a wider survey of all forms of commercial sexual exploitation of children in the United States, with only a small portion of the study devoted to trafficking of children. Estes' study is often used to highlight the magnitude of child trafficking in North America. As indicated above, he estimates that as many as 17,000 children are trafficked into the United States every year (Estes and Weiner, 2001); this number exceeds the most recent estimates of trafficked persons (both adults and children) provided by the Trafficking in Persons (TIP) office (USDOS, 2005).

Estes' data is problematic in many other ways. When presenting his research at a conference on identifying and serving child victims of trafficking in Houston, Texas in 2004, Estes was not able to differentiate between children who were trafficked across international borders and those who were trafficked within a particular North American country. He also did not collect data on nativity, and therefore was not able to provide information whether the children he studied were foreign-born or US-born. Data on nativity is important for many reasons, including referral and determination of eligibility for particular services. In the United States, foreign-born child victims of trafficking are eligible for a full complement of assistance, including immigration relief, under the provisions of TVPA, while US-born child victims obviously do not need immigration assistance and would be referred to child protective services for appropriate protection and services. Nativity and linguistic background are also important in designing culturally sensitive and linguistically appropriate services.

The ECPAT study, on the other hand, is the first report to specifically address cross-border trafficking of children to New York City for sexual purposes and their special service needs. The report is based on interviews with three primary groups of informants: law enforcement officials (immigration, police, and district attorneys), service providers (workers at youth shelters, faith-based groups, rape crisis services, and advocacy groups) and observers (mainly academics and journalists). Unfortunately, not a single child survivor was interviewed for this study. The report is geared toward service providers, policy makers, and advocacy groups looking to gain insight into the phenomenon of child trafficking. It makes limited recommendations vis-à-vis the special needs of young victims. It endorses the Unaccompanied Alien Child Protection Act and calls for establishment of housing designated especially for trafficked minors as well as a coordinated response to child victims in order to spare the victims from secondary traumatization through repeated interviews.

More recently, the RAND Corporation published an interesting monograph on *Human Trafficking in Ohio. Markets, Responses and Considerations* (Wilson and Dalton 2007). The monograph is based on content analysis of news articles spanning the period

of January 1, 2003 to June 30, 2006 from the *Columbus Dispatch* and the *Toledo Blade* as well as interviews with 26 key respondents representing 19 agencies; 11 of the respondents represented the criminal justice system (local and federal law enforcement and prosecutors, probation officers, judges, and secure placement officers) and eight represented social service providers (health care providers, sexual assault recovery service providers, and behavioral and human service agencies).

The full-text review of 585 articles yielded 64 articles relevant to human trafficking. Of the relevant articles, 28 highlighted four concrete cases of human trafficking, all of which involved juveniles engaged in commercial sex. Juvenile victims of sex trafficking in these cases were almost exclusively female, ranging in age from 10 to 17, and were equally likely to be black as white. There were also a small percentage of Hispanic victims in each case study site. Almost all were thought to be born and raised in the United States (Wilson and Dalton 2007). In addition to child victims of trafficking for sexual exploitation, the monograph discusses several labor-trafficking cases involving women born outside the United States in countries such as Russia, Ethiopia, Eritrea, Guinea, and Morocco.

Existing literature generally focuses on different forms of sexual exploitation of children (prostitution, pornography, and sex trafficking) (Campagna 1988; Barnitz 1998; Farr 2004) or child labor (Bales 2005). Some of these works do address the unique situation of child victims of trafficking specifically, but these works are limited. There is, however, significant literature on child sexual exploitation and abuse. Researchers examined the use of “survival sex” by runaway and throwaway children to provide for their subsistence needs (Flowers 1994; Greene *et al.* 1999; Haq 1996; Johnson *et al.* 1996; Kral 1997; Whitbeck and Simons 1990); the presence of pre-existing adult prostitution markets in communities with large numbers of street youth (Farley and Kelly 2000; Flowers 1994; Hofstede 1999); prior history of child sexual abuse and child sexual assault (Briere 1998; McClanahan 1999; Mullen 1996; Powers and Jaklitsch 1989; Rotheram-Borus *et al.* 1996); poverty as a root cause (Azaola 2001; Hood-Brown 1998; Longford 1995); the presence of large numbers of unattached and transient males in local communities, including military personnel, truckers, and conventioners (Moon 1997; Sturdevant *et al.* 1992); for some girls, membership in gangs (Hazelhurst and Hazelhurst 1998); and the promotion of child prostitution by parents, older siblings and boyfriends (Dembo *et al.* 1992; Faugier and Sargent 1997).

Works on child trafficking outside the United States are more readily available and include articles that address a variety of issues. One of the most recent reports prepared by ECPAT UK and Safe the Children (2007) has examined the evidence of and agency responses to child trafficking in Newcastle. The report presents findings from a small-scale qualitative study to assess evidence of confirmed or suspected cases of trafficking in children in Newcastle; levels of awareness about the phenomenon; and children’s social service agencies’ response to different cases of child trafficking. Several papers examined trafficking of children into the sex industry in Thailand (Andrews 2004; Arnold and Bertone 2002). There are also a number of works on trafficking issues in particular regions (e.g.; Tumlin 2000 on Asia; Burke, et al. 2005 and Finger 2003 on

Latin America; Azola 2000 on Mexico; Chase and Statham 2005 on the United Kingdom; Denisova 2001, on Eastern Europe; and Dottridge 2002, Salah 2001 and HRW 2003 on West and Central Africa).

In 2003, the Human Rights Watch prepared a report on child trafficking in Togo, in particular the trafficking of girls into domestic and market work and the trafficking of boys into agricultural work. The report is based on open-ended interviews with 90 children (of whom 72 would qualify, according to the authors, as having been trafficked under the legal definition in the UN Trafficking Protocol), prefects, village and canton chiefs, social workers, police officers, parents, and teachers. According to this report, Togo's trade in children is illustrative of a larger, regional phenomenon involving at least 13 West African countries. Girls interviewed for this study were typically recruited into domestic or market work either directly by an employer or by a third-party intermediary. Most indicated involvement of family members in the transaction, including parents accepting money from the traffickers, distant relatives paying intermediaries to find work abroad, or parent handing over their children based on the promise of education, vocational training or paid work. Boys interviewed by Human Rights Watch were mainly recruited into agricultural labor in southwestern Nigeria. A small number worked on cotton fields in Benin. Traffickers made direct overtures to the boys, tempting them with the promise of a bicycle, a radio, or vocational training abroad. The report calls for increased prosecution of traffickers; establishment of regional anti-trafficking convention; creation of 'vigilance committees' to identify vulnerable children and track potential traffickers; and address the pressures that induce parents and other caretakers to authorize movement and exploitation of children.

In 2004 Mohammad Anwar prepared a report for the Center for Research and Social Development on child trafficking for camel races with a particular focus on trafficking of children from Pakistan to participate in the age-old Bedouin tradition in many Gulf States (Anwar 2004). The study elucidates the linkages between poverty and vulnerability of marginalized children in the Rahim Yar Khan district, one of the most socio-economically impoverished districts in Pakistan which has been neglected by development projects. The paper also points out to the practice in the 1970s of different Sheikhs descending upon this region for hunting and the resulting connections between an area of supply of young children and that of demand for young camel jockeys.

Several international research institutions have conducted studies of different service needs of trafficked victims and/or programs serving trafficking victims. In 2003, the London School of Tropical Health and Medicine produced a report based on a two-year study of women's health and trafficking in the European Union. Women and minors trafficked to and from various countries, including Albania, Italy, the Netherlands, Thailand, and the United Kingdom, were interviewed, as well as service providers, including health care providers, NGO workers, law enforcements officials, and policy makers. The FAFO Institute for Applied Social Science in Norway conducted a year-long study on the rehabilitation of survivors of trafficking for sexual exploitation in Serbia. It focused on the identification, rehabilitation and reintegration of trafficking

survivors; half of the studied participants were under the age of 18 at the time of trafficking (FAFO, 2005).

The International Labor Organization (ILO) has also produced a number of works on the rehabilitation of child trafficking victims in Asia (2002, 2002b, 2004, 2006a, 2006b). The first three of these reports highlight the troubling fact that in many developing countries in Asia there is no systematic approach to rehabilitating victims of trafficking, with different institutions employing different approaches. The ILO advocates for the use of a multidisciplinary approach to the rehabilitation of victims of child trafficking in an effort to streamline, professionalize and improve the rehabilitation process. The reports outline child-friendly standards and guidelines for the recovery and integration of trafficked children and best practices for implementing the standards. The later two studies, both published in 2006, focus on the legal response to child trafficking in the region and the demand side of trafficking, respectively.

While the academic literature is limited, there are some contributions that address the cultural and religious backgrounds, as well as social norms, that contribute to a child's vulnerability for sexual or labor exploitation (Muecke 1992; Care 1994; White 1999; Woodhead 1999). It has been suggested that child labor and trafficking may, in some societies, be culturally condoned (White 1999; Aronowitz 2001). For example, Alexis Aronowitz analyzes the status of trafficking in children from the Philippines and West Africa and concludes that trafficking is an economically accepted concept in the Philippines and a culturally accepted practice with a long historical tradition in West Africa (2001). Patterns of fostering children to other families, common in much of Africa and Polynesia, may also increase the susceptibility of children to trafficking due to weakened family connections. (Burton, *et al.* 2002, on foster patterns in Polynesia and East and West Africa; and Renne 2005 on West Africa; Madhavan 2004 on South Africa).

Trafficking in persons has often been connected with organized crime (Clark 2003; Haynes 2004; ECPAT 2002), as well as located within a human security framework through the identification of factors that heighten the vulnerability of children to trafficking. Commonly cited conditions of vulnerability include poverty, the entrenchment of organized crime, civil war, and political unrest (Azaola 2001; Clark 2003; Staiger 2005). Some recent publications debate traditional risk factors for trafficking. Lisa Rende Taylor determines, in an article based on a 14-month study in two villages in Northern Thailand, that birth position, parental marital instability, and education attainment are indicators of whether or not a child will enter the labor market (2006). In addition, Taylor argues that hazardous labor occurs because of a concern with status symbols on the part of the family and the opportunity costs of education, not lack of education and poverty as is commonly assumed. Theravada Buddhism strongly influences the way these Thai villagers react to women who have entered the commercial sex market. The belief in one soul but multiple bodies and lives indicates multiple opportunities for redemption; thus female sex workers do not face the same stigma, or sense of shame, as their Christian counterparts. This finding may have significant implications for the rehabilitation of trafficked children.

Cultural backgrounds may also affect the perception of victimhood (Bastia 2005; IOM 2004). The International Organization for Migration (IOM) has highlighted the importance of considering the psychosocial approach not merely as a confined professional domain, but as a possible - and perhaps indispensable - component of a variety of programs and interventions for trafficked children (IOM 2004). Children who were trafficked have generally experienced the trauma of many forms of abuse, including sexual, physical and emotional. They may have physical illness or psychological problems as a result of their experiences (UNICEF 2005). The background of trafficking victims is important in determining how they are rehabilitated post-trafficking (Zimmerman 2003). Programs dealing with the unique needs of child trafficking victims may have a tendency to medicalize suffering (Gozdziak and Tuskan 2000).

Trafficking in persons is now recognized as a global public health issue, as well as a violation of human rights. Despite some literature on the impact of trafficking on health, very little research has been done on how childhood psychological development is affected by childhood trafficking (Gushulak 2000; Zimmerman 2003; Bales 2005). A recent study identified trafficking to be associated with health risks such as psychological trauma, injuries from violence, sexually transmitted infections, HIV and AIDS, other adverse reproductive health outcomes, and substance misuse (Busza 2004). Although some research has been undertaken on the connections between trafficking and poor health outcomes, there has been little discussion of the health outcomes of trafficked children. Given the alcohol consumption, drug abuse and lack of family structure inherent in many trafficking situations, it is possible that the children of trafficked children will suffer poor health outcomes in the future, such as fetal alcohol syndrome (Hoyme, et al. 2005).

Research fulfills a number of roles, one of which is to offer an independent and critical assessment of current policy and practice. The list of issues that need to be explored in future research projects is long, but the most important arena which needs urgent exploration in the United States is the way the knowledge upon which the public debate about trafficking for sexual and labor exploitation is based is generated. Where does this knowledge come from and how is it used? The US government prides itself in leading the anti-trafficking movement and providing policy and programmatic guidance to other governments. The data and the knowledge the government uses must therefore be valid, reliable, and based on empirical research.

In order to acquire the broadest possible picture of the trafficking phenomenon several different data collection methods, both quantitative and qualitative, need to be tested. Estimation methods that have been gaining currency in studies of hidden populations include rapid assessment, capture-recapture methodology and Respondent-Driven Sampling (RDS). These methods have been successfully used to study the homeless (Williams and Cheal 2002), street children (Gurgel 2004), and women in street prostitution (Brunovskis and Tyldum 2004). Researchers in Norway, for example, were quite successful in employing telephone surveys of sex workers operating through individual advertisements (Tyldum and Brunovskis 2005).

Given the fact that services to trafficked persons are in their infancy, monitoring and evaluation studies should be an integral part of every assistance program, public and private. Well-designed monitoring and evaluation studies, particularly external evaluations, can identify effective policies and ‘best practice’ approaches as well as assess the success of different programs. Particularly important are longitudinal studies of the effects of rehabilitation programs on the ability of survivors to integrate into the new society or re-integrate into their native one. The US has spent considerable amount of resources supporting ‘Rescue and Restore’ initiatives around the world but no follow-up study has been conducted on any of the victims returned to their home countries. Have survivors of trafficking for sexual exploitation been accepted by their families and local communities? Are survivors of all forms of trafficking at risk for re-victimization? How are the children who had been trafficked with the approval of their families doing?

5. Bibliography on child trafficking

Review of English language literature using the key phrase ‘child trafficking’ performed as part of this project resulted in 516 references. However, after eliminating duplicates and discarding references which did not deal with trafficked children (on the surface some appeared to cover both women and children, but upon closer inspection it was determined that no substantial discussion of trafficked children was included), the references were narrowed down to 196.

Figure 1 demonstrates the breakdown of the child trafficking references by type of publication. Reports account for the majority of those references: 74 percent of all publications, while articles published in peer-reviewed journals account only for 23 percent.

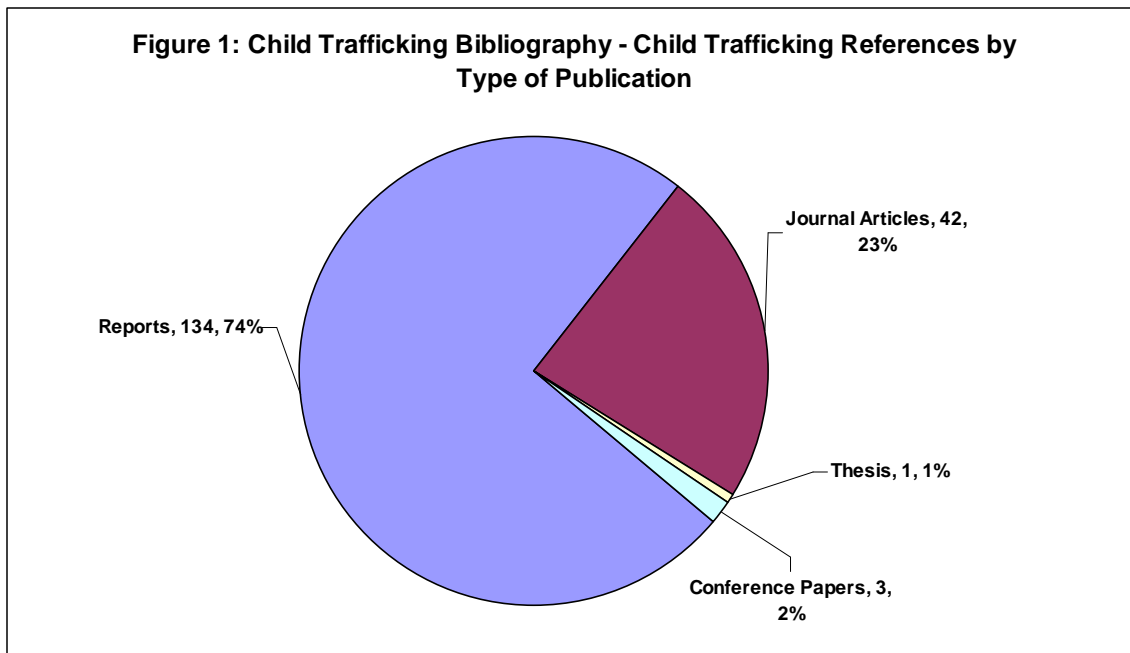
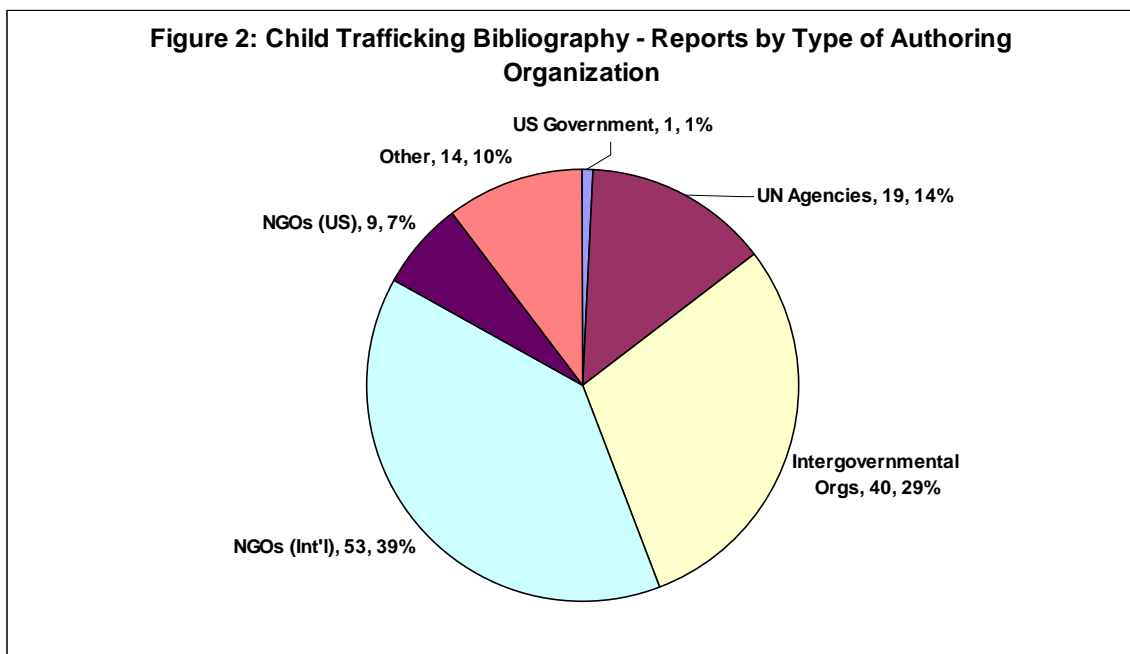


Figure 2 shows that of the 134 references categorized as reports 53, or 39 percent, were authored by international NGOs. Forty of the reports were authored by intergovernmental organizations. Fewer reports were authored by UN Agencies (14 percent) and even fewer by US-based NGOs, 9.7 percent. The US government authored only one report. Fourteen reports were categorized as other (including reports produced by research centers, university-based researchers or other not easily classifiable entities).



It could be argued that the much larger number of reports published by non-US entities is related to both access to child victims and very serious rules related to protection of human subjects, particularly those under the age of 18. Few reports authored by international NGOs or non-US based researchers indicate needing to go through any institutional review boards to get approval for conducting research with trafficked children.

6. Methods and Disciplines Employed in Previous Studies on Human Trafficking

Literature that discusses issues surrounding childhood trafficking, culturally condoned fosterage patterns, the implications of childhood labor and prostitution, health and trafficking connections, is crucial to understanding the particular needs of child survivors of trafficking. Given the absence of academic literature on child trafficking, rigorous empirical research is warranted in order to appropriately aid the survivors of childhood trafficking.

The reason for the dearth of academic research on human trafficking, including child trafficking, stems from the fact that primary data on trafficking are difficult to obtain. Many researchers have been forced to draw on newspaper and media reports to compile a picture of trafficking. The latest research conducted by the RAND Corporation in Ohio relied in part on this methodology (RAND, 2007). An earlier study that used this approach is the *Factbook on Global Sexual Exploitation*. The “factbook” is based mostly on newspaper accounts of trafficking cases and criminal investigations related to exploitation of female victims of trafficking (Coalition Against Trafficking in Women, 1999)

There is a handful of studies based on empirical research. The *Comparative Study of Women Trafficked in the Migration Process*, coordinated by Janice Raymond (2002), is one example. This study looked at patterns of trafficking in five countries, and included interviews with 34 women trafficked to and within the United States. In total, the researchers interviewed 146 women trafficked both internationally and domestically. Though attempting to draw the interviewees from a random sample, the researchers found that this was difficult with an undocumented and clandestine group: instead, the researchers used a ‘snowball’ sampling method, relying on contacts and networks provided by initial interviewees, and volunteers coming forward to participate (Raymond, 2002: 6).

Other studies were based on interviews with intermediaries: social service providers, counsellors, law enforcement, victim advocates, *pro bono* attorneys and others working with trafficking victims. This methodological approach offered a different, but equally important viewpoint. *The Needs Assessment for Service Providers and Trafficking Victims* conducted for the National Institute of Justice (NIJ) (Clawson et.al for Caliber Associates, 2003), is based on interviews with 207 service providers, representing shelters, health clinics, and legal assistance groups, as well as focus group discussions with trafficking victims. It is notable that the research, initially limited

regionally to New York, Florida and Atlanta, had to be expanded to other regions, as only a limited number of service providers emerged in those regions with experience in trafficking. The RAND study in Ohio also employed this method. Other research has assessed information from prosecuted cases, often high-profile ones. This methodological approach yields a great deal of information, but can potentially skew the data as only certain type of cases reaches the courts. However, as the DOJ increases its numbers of indictments and prosecutions, this information should become more useful.

Researchers have also explored trafficking by conducting in-depth reviews of case files of trafficking survivors that have received medical and social service assistance. Silverman *et. al* employed this approach to explore mechanisms and contexts related to sex trafficking victimization among 160 South Asian women and girls rescued from brothels in Mumbai, India (Silverman, et al, 2007). These researchers reviewed 160 records of residents at a major non-governmental organization providing rescue, shelter and care to minor girls and women held against their will in brothels in Mumbai. Descriptive statistics were calculated, and demographic differences in trafficking mechanisms and pre-disposing contexts were explored. Silverman led another study that used case file reviews to determine the prevalence of HIV infection among repatriated sex-trafficked Nepalese girls and women and to identify trafficking-related predictors of such infection (Silverman, *et al.* 2007b).

Other researchers have employed a mixed methods approach. Bales and Lize (2005) carried out in-depth case studies of several trafficking cases in the United States by conducting interviews with the victims, relevant agencies, community groups, and individuals relevant to the case. The interviews were augmented by secondary source materials, including previous interviews by participating organizations, medical and psychological assessments, law enforcement reports, court records, immigration documents, and news reports.

Researchers often face a choice between conducting an in-depth study of a particular region, perhaps skewing the results toward a certain profile of trafficker and victim, and a more scattered approach, which risks forgoing “ethnographic richness”. Some research has taken the former approach and focused upon the problem in a particular geographic area. The Global Survival Network completed an eight-month investigation into forced labour in the garment industry in the Commonwealth of the Northern Mariana Islands, a US territory, concluding that there were approximately 40,000 indentured workers in the province (1999). Due to the difficulties in accessing these workers, the authors used several undercover researchers, one posing as a garment buyer, and the other as a university researcher interested in migrant workers. The result was not only an in-depth look at the characteristics of the problem in the region, but also an enlightening window into the lucrative business model presented by trafficking in persons.

Researchers representing different disciplines have studied trafficking in human beings in North America. Legal scholars have explored anti-trafficking laws and legal frameworks extensively (Scarpa, 2006; Chuang 1998; Langevin and Belleau 2000; Miller

1999). More recent studies have focused on the barriers to effective implementation of the TVPA (Haynes 2007), the conceptual focus of the TVPA (Chang and Kim, 2007), and the use of the civil right of action that was made available under the TVPRA of 2003 (Na, 2007).

Scholars of criminology have investigated organized trafficking/smuggling networks as a manifestation of transnational crime (Sheldon 2007; Bruckert and Parent 2002). Human rights and anti-trafficking non-governmental organizations have produced perhaps the largest body of literature on this subject (Center for the Advancement of Human Rights 2003; Human Rights Watch 2001), although many NGOs conduct such research within particular ideological frameworks. Notably absent are works written by victims of trafficking themselves; Jean-Robert Cadet's testimonial is one exception (1998). Journalists have conducted interviews with anti-trafficking activists and trafficked persons (DeStefano, 2007; Bowe 2003; Cockburn 2003; Yeung 2004), while documentaries also present the voices of these individuals (Hilton and Woolf, "Dying to Leave" 2003). Finally, activists and advocates working with trafficked persons have published book chapters, conference papers, and magazine articles grounded in their work on trafficking and with trafficked persons (Zarembka 2003).

Much remains to be done in the area of research on trafficking in persons. The list of issues that need to be explored in future research projects is long, but the most important arena which needs urgent exploration is the way the knowledge upon which the public debate about trafficking for sexual and labor exploitation is based is generated. Where does this knowledge come from and how is it used? The US government prides itself in leading the anti-trafficking movement and providing policy and programmatic guidance to other governments. The data and the knowledge the government uses must therefore be valid, reliable, and based on empirical research.

In order to acquire the broadest possible picture of the trafficking phenomenon, several different data collection methods, including quantitative and qualitative methods, need to be tested. Estimation methods that have been gaining currency in studies of hidden populations include rapid assessment, capture-recapture methodology and Respondent-Driven Sampling (RDS). These methods have been successfully used to study the homeless (Williams and Cheal 2002), street children (Gurgel *et al.* 2004), and women in street prostitution (Brunovskis and Tyldum 2004). Researchers in Norway, for example, were quite successful in employing telephone surveys of sex workers operating through individual advertisements (Tyldum and Brunovskis 2005).

There is a need for both quantitative and qualitative research that would provide both macro-and micro-level understanding of the trafficking phenomenon. Methodologically sound compilation of official statistics on the number of trafficked victims would enable quantitative analysis and inform appropriation of funds for counter-trafficking efforts and services to victims. Sadly, as of August 2006 the Office of Refugee Resettlement (ORR) in the US Department of Health and Services (DHHS) ceased to provide data on trafficked persons in their care. Prior to August 2006, researchers were able to get access to limited non-identifiable data on victims, including their

ethnicity/nationality, date of birth and age at the time of rescue, gender, marital status, and number of children. Data related to prosecutions is also unavailable.

Given the fact that services to trafficked persons are in their infancy, monitoring and evaluation studies should be an integral part of every assistance program, public and private. Well-designed monitoring and evaluation studies, particularly external evaluations, can identify effective policies and ‘best practice’ approaches as well as assess the success of different programs. Particularly important are longitudinal studies of the effects of rehabilitation programs on the ability of survivors to integrate into the new society or re-integrate into their native one. The US has spent considerable amount of resources supporting ‘Rescue and Restore’ initiatives around the world but no follow-up study has been conducted on any of the victims returned to their home countries. Have survivors of trafficking for sexual exploitation been accepted by their families and local communities? Are survivors of trafficking for labor exploitation at risk for re-victimization? How are the children who had been trafficked with the approval of their families doing?

III. METHODOLOGY

1. Methodological challenges in studying trafficked children

Studying vulnerable and elusive populations is never easy. One of the main obstacles is related to gaining access to trafficked children. For obvious reasons, to study them while they are still in the hands of traffickers is impossible and dangerous. But is it easier to engage trafficked children in research once they have been rescued?

In order to conduct research on trafficking to the United States, particularly research that highlights the perspectives of the trafficked persons themselves, researchers have to work closely with service providers. Trafficked children are considered an extremely vulnerable population and service providers are charged with protecting them from further exploitation as well as from the possible adverse effects of recounting their trafficking experiences in the course of a research project. While some assert that since the UN Convention on the Rights of the Child, “listening to the voices of children has become a powerful and pervasive mantra for activists and policy makers world wide” (James 2007: 261), many social service providers do not see research as a way to empower trafficked children by providing an opportunity to bring about justice and to affect policy-making and program design from the ground-up. Researchers often lament how difficult it is to convince practitioners—service providers, attorneys, law enforcement—about the value of research and gain their permission to recruit children and their care takers to participate in empirical studies (Brennan 2005).

Our research team was fortunate to have been working with a group of child advocates and service providers at USCCB and their local affiliates committed to practice-based research. USCCB did not merely provide access to the children in their care; the agency’s staff members were part of the research project from the very beginning of its conceptualization. Our partners and their local affiliates were very anxious to study systematically the trafficked children in their care and use the research findings to enhance the available services and advocate on behalf of trafficked children. This does not mean that they were not concerned with the well-being of the children in their care. Quite to the contrary, in order to ensure that the research would not harm the participants in any way, we had asked the social workers to conduct suitability assessments two weeks prior to commencing each round of interviews to make sure that the children were willing to talk to the researchers and were not experiencing any emotional problems bound to be exacerbated by the interviews.

The service providers’ interest in the research project coupled with a long-standing collaboration, including both research (Goździak and MacDonnel 2007; Goździak et al. 2006) and technical assistance activities (Bump et al. 2005; Bump and Duncan 2003), between Georgetown University and USCCB provided a wonderful opportunity to commence this research and resulted in an unprecedented access to trafficked children and their care takers. These opportunities and positive outcomes notwithstanding, we had met with some criticism from fellow-researchers—that precisely because of the close connection between the researchers and the practitioners the study would be less

“objective” and the involvement of the practitioners in the study would be self-serving. These criticisms reminded me of the old discourse in anthropology which juxtaposed the theoretical and the applied side of the discipline and treated the latter with ambivalence or sometimes even contempt (Bennett 1996). I wondered what has happened to the calls for ‘public anthropology’ (Scheper-Hughes 1995), ‘politically committed and morally engaged’ research (Farmer 1999; 2003) and the apparent dissolution of the divide between pure and applied work (James 2007). Having spent much of my professional life conducting applied research and being a firm believer in the value of practice-based action research, I had few qualms about pursuing this study as a joint project between academic researchers and service providers.

Practically speaking, given the choice between having no access to the trafficked children and having to rely solely on secondary data sources or worse sensationalistic media accounts and working hand-in-hand with the practitioners who valued research and wanted to turn the research findings into action, the decision was not difficult at all. More importantly, we were interested in conducting a study that would have the potential to affect the way services for trafficked children are provided and influence future policy-making and program designs. At the time when our research first commenced, services for trafficked children were in their infancy and practitioners were very interested in exchanging experiences to enhance their ability to provide the best possible care. It was a rare opportunity for academic researchers to be able to facilitate this process through sharing research findings, even the preliminary ones. Some time later, a national campaign to include domestic victims (children and adults) of human trafficking into the anti-trafficking legislation reached its peak and culminated in the TVPRA of 2005. This provided another opportunity to share lessons learned from studying child victims of cross-border trafficking with service providers engaged in assisting domestic victims. The opportunities far outweighed any initial dilemmas we might have had.

2. The genesis of the project

This research project built on previous collaborative efforts between ISIM at Georgetown University and MRS/USCCB. The two teams collaborated on a three-year project, funded by ORR, to develop a blueprint for technical assistance to service providers serving child victims of trafficking. As part of this project, ISIM and MRS/USCCB have convened three national working meetings on *Identifying and Serving Child Victims of Trafficking* to facilitate discussion among the key personnel and institutions with mandates to improve the United States’ ability to identify and serve child victims of trafficking. The first conference was held in Miami, Florida in May of 2003, the second meeting was held in Houston, Texas in March of 2004, and the third gathering took place in Portland, Oregon in April of 2005.

All three meetings benefited from a wide range of participants from the federal government (including the Civil Rights Division, Child Exploitation and Obscenity Section - Criminal Division, and the United States Attorneys of the Department of Justice as well as the Departments of Homeland Security, Health and Human Services, Labor and the Federal Bureau of Investigation), national and international non-governmental

organizations, advocacy groups, agencies serving trafficking victims, and academia. Participants explored strategies and protocols to identify child victims of trafficking and assess their special needs and circumstances in order to develop a blueprint for further technical assistance to a wide range of appropriate audiences. The conference reports, co-authored by Micah N. Bump of ISIM and Julianne Duncan of USCCB/MRS, were published in *International Migration* (Bump and Duncan 2003, Bump et al., 2005).

This collaborative technical assistance project allowed us to develop rapport with service providers assisting child survivors of human trafficking before the current research project commenced. The research team was fortunate to have been working with a group of child advocates and service providers within the US Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS) networks. Without this history of working together with the networks that were to be part of the present research project, access to trafficked children, their caretakers and case files would have been impossible.

3. Research design

This project combined a “top down” literature review with “bottom up” ethnographic fieldwork. This chapter presents a detailed description of the various data collection and data analysis methods used in the course of this research.

The project began with a thorough review of academic literature on child trafficking. Using a series of keywords the research team searched several databases—Academic Search Premier, ProQuest, LexisNexis, Westlaw, Medline, PubMed, and the UNICEF Innocenti Research Center—to identify peer-reviewed research-based publications on child trafficking as well as on the nexus of child trafficking and the worst forms of child labor and commercial sexual exploitation of children. In addition to academic databases, we also reviewed pertinent reports published or compiled by the International Labor Organization (ILO), the International Organization for Migration (IOM), and NGOs. The literature review was instrumental in identifying research gaps in the area of child trafficking and was invaluable in shaping the research questions guiding our own project. It also provided a broader context in which to discuss our research findings.

The ethnographic approach utilized in this project offered many advantages. Ethnography is defined as a qualitative research process for cultural interpretation. The ethnographer goes beyond reporting events and details of experience and works to explain how these represent the webs of meaning in which we live. Ethnographic research techniques are designed around the ideal of seeing the phenomenon under study from an *emic* perspective or the “insider's point of view.” The *emic* understanding is developed through close exploration of different sources of data, including participant observation and in-depth, open-ended interviews. Ethnographers have a long history of studying phenomena such as child survivors of the worst forms of labor (Taylor, 2005; White, 1999; Dottridge, 2002; Bastia, 2005; and Woodhead, 1999). There is also a growing interest among cultural anthropologists in issues of human trafficking

(Dottridge, 2002; Bastia, 2005; Goździak, 2006; Goździak *et al.*, 2005; Brennan, 2005; Rosga, 2005).

Although our collaboration with USCCB/MRS provided access to the programs serving child trafficking survivors and the survivors themselves, some fundamental obstacles challenged the effectiveness of the ethnographic approach. Principally, the actual amount of time researchers were able to spend with child trafficking survivors was limited. Most interviews lasted between one and two hours and because there was no possibility for follow-up with the survivors themselves, the topics of discussion were limited to the survivor's perspectives on post-trafficking integration. Given that many of the survivors display psychological symptoms such as distrust and suspicion of people, lack of concentration, excessive emotional attachment, and are dealing with multiple types of loss we believed that this was the best ethical approach to interviewing survivors for research.

The ethnographic fieldwork included three elements:

- 1) Key informant discussions with service providers providing a wide range of assistance to trafficked children;
- 1) Analysis of case files; and
- 2) Ethnographic interviews with child survivors of trafficking.

In the course of the key informant discussions, case file reviews, and interviews with child survivors of human trafficking, we were able to elicit baseline data on the children's characteristics, pre-trafficking experiences, trafficking trajectories, and post-trafficking challenges to integrate into local communities as well as insights into programmatic issues involved in tailoring linguistically appropriate and culturally sensitive assistance to trafficked children. Ethnographic interviews with child survivors and their service providers offered insights unknown to or unanticipated by all other "experts." By using open-ended questions, we were able to uncover issues important to improving the quality of care for child survivors of trafficking. Moreover, the ethnographic process offered the survivors dignity by encouraging them to take the lead in the interviews. They narrated their own experiences in their own words; highlighting issues, which "experts" might have not considered important.

4. Data collection

As indicated above, the collection of primary data involved three different data sources (key informants, case files, and child survivors) and two different data collection methods (interviews and case file review). Logistics permitting, we began our data collection in each site with interviews with key informants: directors of programs serving trafficked children, program managers, case workers, and therapists. Case file reviews followed. Interviews with child survivors constituted the last element of data collection at

a given site. This sequence of data collection was deliberate. We wanted to be well prepared for our interviews with survivors. We did not want to waste time uncovering details that were easily available in case files. At the same time we wanted to compare the accounts of service providers and attorneys with the children's narratives. In most instances, the site visit ended with a debriefing with program staff to check the accuracy of the collected data and to elicit initial reaction to our preliminary findings. Because we conceptualized this research as action research, these debriefings also allowed us to identify follow-up activities the program staff wished for, including training needs and ways to exchange information about programmatic challenges.

The data collection team included five researchers: a cultural anthropologist, a Latin American specialist, two child welfare experts, and a clinical psychologist. Most site visits were conducted by a team of two researchers; this particular team composition allowed for a more comprehensive approach to data collection and varied view points essential for a thorough data analysis.

a. Interviews with key informants

Access to a pool of key informants—program administrators, case managers, social workers, teachers, therapists—was facilitated by the staff of the Migration and Refugee Services (MRS) at the US Conference of Catholic Bishops (USCCB) and the staff of the Lutheran Refugee and Immigration Services (LIRS). Our previous collaborative work helped us build further rapport with program staff we wanted to interview and provided credibility to our project.

The selection of programs and key informants to be included in this study was determined by the key informants' willingness to participate in the research. With the help of colleagues at USCCB and LIRS, we contacted all 17 programs serving child survivors of trafficking, as well as two non-URM programs that had served trafficked children. Of the 19 programs providing services to child survivors at the time of our study, 14 (or 74 percent) agreed to participate in this research. This sample included programs in Massachusetts, Michigan, Arizona, Texas, Florida, Washington, The District of Columbia, Virginia, Pennsylvania, New York, and California. Overall, the research team interviewed 26 staff members.

The key informant interviews with program managers and caseworkers representing the URM programs provided an invaluable opportunity to probe the ways in which service providers understand the circumstances contributing to the repeat and continued victimization of survivors before emancipation. Although not obligated by law, some survivors of child trafficking have chosen to participate as witnesses in prosecutions against their traffickers; others were identified during the time when victims between 15 and 18 years of age had to cooperate with the law enforcement.³ Caseworkers

³ The TVPA § 107(e)(1) amends the Immigration and Nationality Act to permit trafficking victims under the age of 15 to gain access to benefits, including immigration relief, without having to participate in the investigation or prosecution of their traffickers. The Trafficking Victims Protection Reauthorization Act of 2003 § 4(a)(4)(A)(§ 1595)(b)(1)(A) amended and expanded the TVPA of 2000 so that minors under the age

were able to provide valuable insights into the determinants of victim/witness cooperation.

While the information about child victims already determined eligible by ORR provided some data on their characteristics and the circumstances that brought them to the United States, much less was known about their post-emancipation conditions, attainment of employment, earnings abilities, and recovery from trauma. During the course of the interviews, we asked participants to describe in detail their experiences in helping trafficked children deal with the consequences of trafficking from initial intake to their condition at the time of the research. (See Appendices A and B for copies of the discussion guide used in key informant interviews and with trafficking survivors.) Service providers were very willing to participate in the research. Many program directors saw this project as a way to exchange information and learn from each other. Child trafficking is a relatively new phenomenon and services for trafficked children are still in their infancy. There is an on-going need for information exchange and dissemination as well as training and technical assistance. Indeed, this project has always been construed as “action research;” as we were collecting and analyzing data, the research team was also involved in conducting presentations and providing technical assistance to the networks involved in service provision to survivors of child trafficking as well as writing articles for peer-reviewed journals. Appendix C includes a list of papers published to date. Appendix D lists presentations made at professional conferences, while Appendix E provides a list of training and technical assistance activities. All interviewees gave their consent to participate in the research. A copy of the consent form can be found in Appendix F.

b. Analysis of case files

The research team was able to supplement the individual interviews conducted with key informants and trafficking survivors with a review of individual case files. The review included a total of 31 files: 15 files pertained to child victims interviewed in person, and additional 16 files pertained to children who did not want to be interviewed, but consented to having their files reviewed. These files provided background information on the trafficked children, including place of birth, family, and education. The case files also included a varying degree of information related to the child’s migration and trafficking history. This variance is due to the lack of an established standard of what information is passed from law enforcement to the URM program staff upon placement. Additionally, the case files include a chronology of services provided to the child and in some instances comments on how the child responded to treatment and notations about further service needs. Thus, the research team was able to examine the enrollment and assessment/evaluation processes, service planning, service delivery and progress, housing plan, inpatient services, communication other agencies interacting with same client, communication with the family, discharge planning, medication prescription and monitoring, and counseling services.

of 18 did not have to comply with reasonable requests in the investigation or prosecution of traffickers in order to gain access to immigration benefits.

c. Interviews with emancipated survivors

The best information about how child survivors cope before and after emancipation comes from the survivors themselves. Our original research design called for selecting a non-random sample of 30 to 40 child survivors of trafficking from among the minors determined eligible for services to child victims of trafficking. At the time of our research, a total of 102 children (defined here as individuals under the age of 18 years old) have been identified as victims of trafficking⁴ and “determined eligible”⁵ for services by the Office of Refugee Resettlement (ORR) in U.S. Department of Health and Human Services (DHHS) responsible for their care. This represented approximately 10 percent of the total number of victims, adults and minors, who have gained access to services since the passage of the Trafficking Victims protection Act (TVPA) in November 2000 through August 2006. Fifty-six of the 102 child victims of trafficking were unaccompanied at the time of identification and were placed in the federally-funded national network of Unaccompanied Refugee Minors (URM) programs, implemented by USCCB and LIRS. The remaining 46 were accompanied at the time of emancipation and received services as part of the emancipated family unit.

The research team decided to interview individuals who had been trafficked as children but had since reached 18 years of age or older. Limiting the study to those over 18 avoided any potential breach of confidentiality that researchers might encounter due to State child abuse mandatory reporting laws should a child interviewee disclose abuse. Since this study used funds from the Department of Justice (DOJ), per the DOJ confidentiality statute and regulations, any identifiable data collected can only be used for research and statistical purposes. Reaching this decision was the single most difficult methodological and logistical challenge of this project. This decision limited the sample frame and has made it difficult to meet our original goal of interviewing 30 to 40 survivors

The final sample included 39 survivors, 37 females and two males, who had turned 18 by the time of this study. However, not all of the 39 survivors were available to be interviewed. Fourteen of the 39 survivors, or 36 percent, had emancipated from the URM program by the time of our study and were no longer assisted by the programs that agreed to facilitate their participation in this study. Only two emancipated survivors of child trafficking were still in touch with the URM programs and the program staff was

⁴ The Act defines trafficking as all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons within national or across international borders, through force, coercion, fraud or deception, in order to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or debt bondage

⁵ Eligibility determination and certification for services lay in ORR. The certification must confirm that an adult victim is 1) willing to assist in the investigation or prosecution of traffickers and 2) has either made a *bona fide* application for a T-Visa with the Bureau of Citizenship and Immigration Services (BCIS) in the Department of Homeland Security (DHS) or is a person whose continued presence in the United States is assured by the Attorney General in order to assist with prosecution in trafficking cases. Children under age 18 are exempt from the certification process but still need the “determination of eligibility” from ORR in order to gain access to services. The federal government uses the child’s testimony as well as the dental and bone forensics for age determination.

able to assist us in arranging interviews. However, we were unable to contact the remaining 12 emancipated survivors. Thus, our overall sample was further reduced from 39 to 27.

The research team contacted the social workers for each of the 27 remaining survivors. In three instances, the social worker felt that given the survivor’s mental state, an interview would not be suitable. For the remaining cases, each child was contacted through their social worker and provided with a letter describing the project and a sample of the questions that would be asked (for those with limited English, the letters and sample questions were written in the child’s native language). We received consent from 17 survivors of child trafficking to participate in this research. We interviewed all of them and, with the exception of two cases, thoroughly reviewed their case files. Table 1 provides an overview of the trafficking survivors interviewed for this project.

Table 1 : Unaccompanied Trafficked Minors Interviewed by Selected Characteristics (As of 8/2006) n=17									
Country of origin	Gender	Age at Identification	Where found	Route to service	Trafficking type	Trafficking Preempted	Family involved in Trafficking	Pregnant or Parenting	Left URM Program
Cameroon	F	17	MD	Attorney	domestic servitude	No	No	No	Yes
China	F	17	IL	DUCS	unknown	Yes	Yes	No	No
China	F	17	TX	DUCS	sex	Yes	Yes	No	No
China	F	17	AZ	DUCS	unknown	Yes	No	No	No
El Salvador	F	17	TX	Raid	sex	No	No	No	No
Ghana	F	17	IL	Attorney	sex and domestic servitude	No	Yes	No	No
Honduras	F	14	TX	Raid	sex	No	No	No	No
Honduras	F	14	TX	Raid	sex	No	No	Yes	No
Honduras	F	17	NJ	Raid	sex	No	No	Yes	No
Honduras	F	15	TX	Raid	sex	No	Yes	No	No
Honduras	F	16	TX	Attorney service agency	domestic servitude	No	Yes	Yes	Yes
Honduras	F	16	TX	Raid	sex	No	No	Yes	Yes
Honduras	F	17	TX	Raid	sex	No	No	No	No
Mexico	F	17	NY	Raid	sex	No	No	No	No
Mexico	F	17	NJ	Raid	sex	No	No	No	No
Mexico	F	17	AZ	Self-identified	domestic servitude	No	No	No	No
Morocco	F	16	WA	Atty	labor	No	Yes	No	No

Source: Authors’ Analysis using data provided by the USCCB/MRS and ORR, 8/06.

As evident from the discussion above, the small size of the sample was beyond our control. However, the paucity of existing research on survivors of child trafficking was a strong motivation to continue the research.

All interviews were open-ended. However, a discussion guide was used to ensure coverage of the same issues in each interview in order to elicit comparable data. The primary focus of the interviews was to allow the trafficking survivor relate and discuss

their post-trafficking experiences in the URM program. The interviews did not touch upon the survivor's migration and trafficking experience. Rather, the interviewers asked for the survivor's feedback on the program in general as well as the different types of services offered to them. The open-ended nature of the interviews allowed the researchers to probe for deeper responses on how the survivors reacted to their living arrangements (foster care, group care, or independent living), school, work, spiritual life, relationships, therapy, and special programming offered by the URM program. (See Appendix B for a copy of the interview guide).

The core of the interview dealt with a series of structural questions relating to the child's thoughts on their program. Structural questions enabled us to discover information about *domains*, the basic units in an informant's cultural knowledge. These questions allowed the research team to find out how the children have organized their knowledge about their own experiences. Examples of structural questions are: How was the program you're in now described to you before you began? How was the first month of the program? What type of programs are you involved in? What did you like? What didn't you like? What were the different kinds of things you did not like doing? What were the different kinds of people that worked with you?

The study participants had a choice of being interviewed in their native language or in English. The majority of the study participants were native speakers of Spanish. The research team included a Latin American studies expert with native fluency in Spanish; therefore we did not need to rely on outside interpreters to facilitate communication between the researchers and the Spanish-speaking study participants. Ten interviews were conducted in English. The remaining seven interviews were conducted in Spanish. In two instances, Chinese speaking caseworkers were available in case interpretation was needed, but it ended up not being necessary.

Each interview lasted anywhere from one to two hours. Study participants were also able to choose a site where they wanted to be interviewed in order to ensure that they felt safe and familiar with the environment. Survivors were either interviewed in their homes or at the program site where they were cared for. One survivor was interviewed at a local restaurant. While we treated a few participants to lunch or other refreshments, no survivors were compensated monetarily for their participation in the study. Every effort was made to interview the survivors alone, but in one case the caseworker insisted on joining the research team. The caseworker's presence did not interfere too much with the interview process since she did not speak Spanish and the interview was conducted mainly in Spanish.

The interviews were not taped, but copious notes were taken during and immediately after an interview. As mentioned earlier, the research team included three child welfare specialists. The involvement of child welfare specialists, who were familiar with many of these children and knowledgeable about trafficking trauma, minimized psychological risks to study participants. The majority of survivors were interviewed by a two person team consisting of a child welfare specialist and a social scientist. Two were

interviewed by two social scientists, without the presence of a child welfare expert. Only one child was interviewed in the presence of their caseworker.

The objectives of the research project were carefully explained to study participants and we obtained consent from all research subjects. In order to guarantee anonymity and ensure confidentiality of the collected data and protect the identity of study participants, we have given all participants pseudonyms and changed the names of the cities and villages they came from and, in certain instances, names of the countries of origin as well as states where they were rescued and states where they were resettled.

5. Data analysis

The qualitative data was stored, organized, coded, and analyzed using N-Vivo, a qualitative data management and analysis software developed by Qualitative Solutions and Research International (QSR). N-Vivo is a useful and relatively easy to use tool that works like a notebook. N-Vivo provides a variety of tools for manipulating large data records, browsing, and coding, annotating, and gaining access to data records quickly and accurately. The software allowed us to store, access, browse, and compare coded information providing for more fluid data management, accurate analysis, and synthesis of ideas. Using a computer-based data storage and analysis system was particularly important since our project was carried out by a research team composed of several researchers. We were able to upload and organize raw data--field notes, observations, and interview notes written by different members of the research team--and code them or label certain aspects of our data and sort information into categories. The coding system allowed us to use words, phrases, and ideas directly from the text and capture emerging themes (such as pre-trafficking experiences; family involvement in trafficking; traffickers; trauma; etc.) and explore them further at a later point. It was a relatively easy way of keeping track of our ideas as well as documenting specific topics and emerging themes. Once the data was coded, N-Vivo offered the possibility of recording and linking ideas in a variety of ways, and for searching and exploring the patterns of data and ideas. As we linked and coded data, the software was very helpful in the management and synthesis of emerging findings and themes.

Skeptics worry that qualitative software is used to impose rigidity, imitate quantitative analysis techniques or oversimplify complex social processes (Walsh 2003). As experienced social scientists we knew that no software could do the analysis for us, but we certainly appreciated the ability of the software to organize and audit qualitative analysis.

Following Lewis and Collis (1997), Kaplan-Myrth (2000) and Izugraba (2005), each child victim was considered an individual case study. While the ultimate goal of this research was to identify patterns and themes, we were striving to move beyond static descriptions of “typical” or “extreme” cases of trafficking in order to understand the dynamics and variations in recruitment, exploitation, and rehabilitation experiences of child victims; push and pull factors involved in all facets and phases of trafficking; and

the ramifications of the operationalization of current anti-trafficking policies. The focus of this research was on generating empirical data by using primary data sources (semi-structured and ethnographic interviews as well as focus group discussions with key informants). Secondary data sources (academic and gray literature) were used only to supplement primary research collection methods.

Given the small number of trafficked children identified at the time of our research and the even smaller number available and willing to be interviewed for this project, the results presented in this report should be understood as a representative range of experiences rather than gross generalizations about child victims of trafficking as a category.

IV. KEY FINDINGS

This section of the report highlights key findings from the year-long empirical research project. It is important to note that these findings are based on primary data collected during interviews with 26 key informants, representing 19 foster care and unaccompanied minors programs, review of 31 case files reviews, and interviews with 17 survivors of child trafficking. Differences in responses and opinions expressed by service providers and survivors of child trafficking are discussed, particularly when they indicate very divergent conceptualization of certain events and phenomena and suggest different solutions.

This part of the report is divided into three sections. The first section presents a statistical portrait of 142 children trafficked across international borders that had received assistance from programs funded by (ORR since the passage of the TVPA in 2000 through September 2007. The second section includes two in-depth case studies. The first case study presents the struggles of Analis, a trafficking survivor from Honduras, to highlight the difficulties of identifying and serving child victims of trafficking. A second case study relates the story of Melinda and Paula in order to shed light on the negative consequences of the pressure exerted by federal prosecutors and investigators on both the child survivors and the program staff to aid them in their investigations and prosecutions of traffickers. Discussion of five additional emerging themes follows the two case studies. These themes include:

- Organized crime networks or Mom and Pop operations?
- The journey into the hands of the traffickers
- Agency and vulnerability, victimhood and resiliency
- Trauma and treatment
- Prospects for long-term integration

The report concludes with a discussion of child labor and child fostering which were identified as root causes and/or risk factors for child trafficking. They both remain a major challenge to the fight against child trafficking.

1. Trafficked Children in Federal Care: A Statistical Portrait

The following section provides a statistical portrait of the 142 children trafficked across international borders that had received assistance from programs funded by the Office of Refugee Resettlement (ORR) since the passage of the TVPA in 2000 through September 2007.⁶ It is important to bear in mind that this group of trafficked children is

⁶ In addition to providing services to child trafficking survivors, ORR also administers programs to unaccompanied refugee minors and unaccompanied undocumented children. While these three groups receive services from the same government entity, each has its unique legal and social service needs, making comparisons across groups inappropriate.

the only cohort of child victims of trafficking about whom reliable statistical information is available. While some non-governmental organizations claim they are providing services to trafficked minors, they keep these data confidential and in many cases do not refer their clients to the Office of Refugee Resettlement (ORR) for determination of service eligibility. One can only speculate about the reasons for not wanting these children to have access to federally-funded services: perhaps service providers fear that some of the children in their care would not meet the criteria of the trafficking definition and/or deem them too traumatized to share their trafficking story with federal officials.

Significant number of child victims of trafficking had been referred to the Federal Government but were determined ineligible for federally funded services. Between 2004 and 2007, the US Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS) had referred to the Federal Government a total of 151 cases, including an estimated 808 to 2,308 child victims. Only 23 children (accounting for 14 of the 151 cases) received benefits. The remaining children, estimated at 787 to 2,287 victims, did not receive benefits. Based on the information USCCB and LIRS had at the time of the referrals, both agencies considered the children to be victims of child trafficking.

The reasons why so many children did not receive benefits are numerous. In some cases federal law enforcement agents or US attorneys were not sympathetic to the children's plight and/or deemed them victims of smuggling not trafficking. In at least one case, underage victims of arranged marriages were considered to have been kidnapped rather than trafficked. In other cases, the children were reluctant to disclose detailed information about their experiences which led to insufficient evidence of the crime of trafficking. In yet another case, a group of choir boys was brought to the United States by a convicted sex offender who promised to pay them for their singing. Since he did not pay, they went back to Zambia before the case could be thoroughly investigated. In several instances, the child's original story changed and federal law enforcement chose not to endorse benefits. In some cases lack of sufficient evidence to support the endorsement of trafficking benefits led to the children being placed in removal proceedings and receiving deportation orders. There is little systematic data on these children. Field coordinators and case managers at the US Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS) do keep notes, but there is no central database of these children.

a. Data Overview

Until August 2006, the Office of refugee Resettlement (ORR) provided the research team with data detailing gender, date of birth, country of origin, and the certification date of the trafficking victim. Using the date birth and certification date data, the team was able to determine the age at which certification took place. Furthermore, by cross-checking the data provided by ORR with data on the cohort of children receiving care as unaccompanied children within the URM system, the researchers were able to identify a child's status as accompanied or unaccompanied. The URM programs were able to provide more detailed data on the unaccompanied children receiving care within

the system. This data included information on the type of trafficking, the year and place of identification, the type of person or organization that identified the child, family involvement in trafficking, and pregnancy/parenting status of the trafficking survivors.

After August of 2006, the Office of Refugee Resettlement (ORR) changed its policy on providing data to researchers and would only make available information on country of origin and place of birth. An additional 46 children were certified as trafficking victims by ORR between August 2006 and September 2007. While the data on this cohort are more limited, they are presented below in Table 2 to give as complete a picture as possible on the population of children identified as trafficking victims.

b. Country of Origin

Mexico and Honduras were the two largest countries of origin of child survivors of trafficking in federal care (see Table 2). Overall, 43 children came from Mexico and 21 from Honduras. We received data on unaccompanied/accompanied status for 102 of the 142 children. The Mexican children were almost evenly divided between the two groups, with 16 unaccompanied and 18 accompanied children, all 19 Hondurans were unaccompanied. In the group of unaccompanied children, after Mexico and Honduras, China, El Salvador, Guatemala, and Morocco accounted for the most children with six, three, two, and two, respectively. Two African countries, Ghana and Cameroon, were the source countries of one victim each. India and Argentina, the Dominican Republic and Nicaragua were source countries of the remaining four unaccompanied victims. Fourteen of the accompanied children were from Peru and were freed as part of the same case. Three accompanied children were from Guatemala; Russia, Thailand, and Pakistan each accounted for two accompanied children, and there was one accompanied child from each of the following countries: Albania, China, Ecuador, El Salvador, Micronesia, India, and Pakistan.

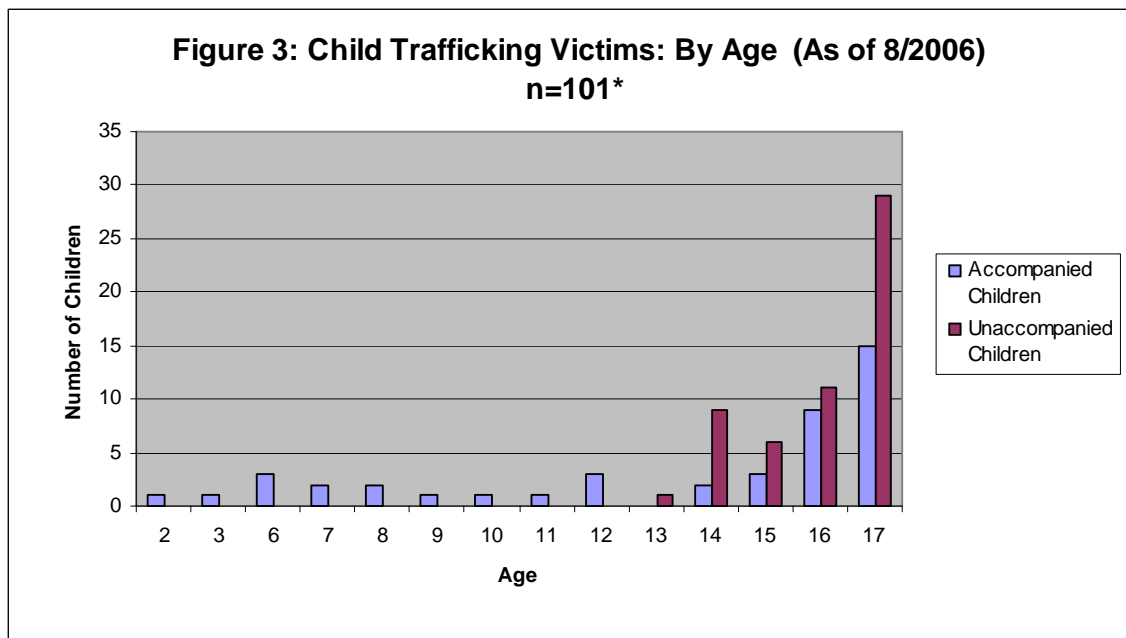
Country	Accompanied	Unaccompanied	Data not Provided	Total
Albania	1	0	0	1
Argentina	0	1	0	1
Bangladesh	0	0	1	1
Cameroon	0	1	0	1
China	1	6	2	9
Dominican Republic	0	1	0	1
Ecuador	1	0	0	1
El Salvador	1	3	1	5
Ghana	0	1	0	1
Guatemala	0	0	4	4
Guatemala	3	2	0	5
Guinea	0	0	1	1
Honduras	0	19	2	21

India	1	1	11	13
Mexico	15	18	10	43
Micronesia	1	0	0	1
Morocco	0	2	0	2
Nicaragua	0	1	0	1
Pakistan	2	0	0	2
Peru	14	0	0	14
Russia	2	0	1	3
South Africa	0	0	1	1
Thailand	2	0	1	3
Unknown	0	0	4	4
Vietnam	0	0	2	2
Zambia	1	0	0	1
Total	45	56	41	142

Source: Authors' Analysis using Data Provided by the USCCB/MRS and ORR, 8/06-9/07

c. Age

The children ranged in age from two to 17 years (Figure 3). The vast majority (83.3%) of the children were between 14 and 17 years of age when they were trafficked and approximately two-thirds of all trafficked children were concentrated in the 16 to 17 year age range when trafficked. The unaccompanied and accompanied cohorts differed in terms of age breakdown. The unaccompanied children were older on average than those who were trafficked with other family members; the mean unaccompanied age was 16 while the mean accompanied age was 13 years. The range of ages is much larger for the accompanied than the unaccompanied survivors. The accompanied children ranged in age from two to 17 while the unaccompanied children ranged in age from 13 to 17.



Source: Author's Analysis using Data Provided by the USCCB/MRS and ORR, 8/06.

*Age information for one accompanied child from Mexico was not available.

All but four of the 15 trafficked children who were younger than 13 years of age came from Peru (Table 3). This concentration as well as the overall wide age range of the accompanied children was largely the result of a single 2004 case that occurred in New York. The case, which involved a husband and wife trafficking operation who orchestrated a scheme to traffic Peruvians for labor, involved 69 Peruvian victims, including 14 children. All of these young children were part of larger trafficked family groups and account for the wide age range of the accompanied children.⁷ The age difference between accompanied victims and unaccompanied victims indicates that the risk of unaccompanied trafficking increases with age.

⁷ For more information see U.S. Department of Homeland Security, Immigration and Customs Enforcement, News Release. "Suffolk County Couple Plead Guilty to Forced Labor, Alien Smuggling Charges." November 5, 2004. <http://usinfo.state.gov/gi/Archive/2004/Nov/09-464819.html>

Country	Age at Trafficking														Total
	2	3	6	7	8	9	10	11	12	13	14	15	16	17	
Albania	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Argentina	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Cameroon	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
China	0	0	0	0	0	0	0	0	0	1	0	1	0	5	7
Dominican Republic	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Ecuador	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
El Salvador	0	0	0	0	0	0	0	0	0	0	0	1	1	2	4
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Guatemala	0	0	0	1	0	0	0	0	0	0	1	2	0	1	5
Honduras	0	0	0	0	0	0	0	0	0	0	4	2	6	7	19
India	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
Mexico	0	0	0	0	0	0	0	0	1	0	5	1	8	18	33
Micronesia	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Morocco	0	0	0	0	0	0	0	0	0	0	0	1	1	0	2
Nicaragua	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Pakistan	0	0	0	0	1	0	0	0	0	0	0	0	0	1	2
Peru	1	1	2	1	1	1	1	0	2	0	0	0	1	3	14
Russia	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
Thailand	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2
Zambia	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Total	1	1	3	2	2	1	1	1	3	1	11	9	20	45	101*

Source: Author's Analysis using data provided by the USCCB/MRS and ORR, 8/06.

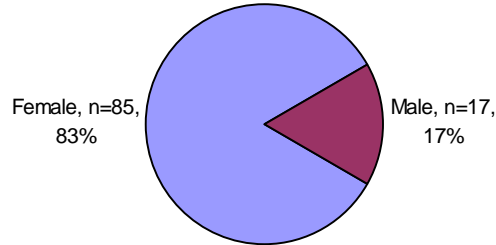
*Age information for one accompanied child from Mexico was not available.

d. Gender

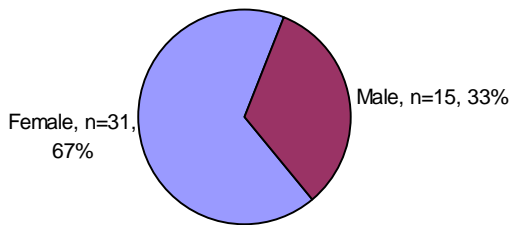
The population of trafficked minors in the discussed cohort was predominantly female, with females comprising 83% and males 17% of the survivors (See Figure 4). There was a substantial difference in the male/female ratio between the unaccompanied and accompanied cohorts. Among the accompanied children, 15 of the 46 survivors, or 33 percent, were males, while only two, or four percent, of the 56 unaccompanied children were males. Again, the single Peruvian case described above affected the distribution because eight of the 15 accompanied males were from that single case. Five of the remaining seven accompanied male survivors were from Mexico, and there was one accompanied male survivor each from Albania and Zambia. The two unaccompanied male survivors were from El Salvador and Honduras respectively. The disproportionate distribution of female victims (96% among the unaccompanied and 67% among the accompanied) seems to indicate a higher vulnerability of teenage girls for trafficking. This feature could also be an artificial result of both the victim identification process and service eligibility determination. However, the gender breakdown of the overall trafficking population, including adults varies by only 5 percentage points. As of August 2006, 78% of the victims were female and 22% male. Detailed data on children who had been rejected in the course of service eligibility determination is not readily available

Figure 4

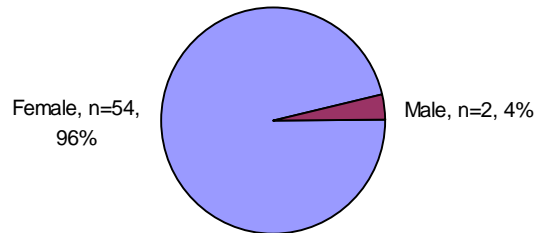
**Total Trafficked Minors Eligible for DHHS Services:
By Gender (As of 8/2006) n=102**



Accompanied Trafficked Minors Eligible for DHHS Services: By Gender (As of 8/2006) n=46



Unaccompanied Trafficked Minors Eligible for DHHS Services: By Gender (As of 8/2006) n=56

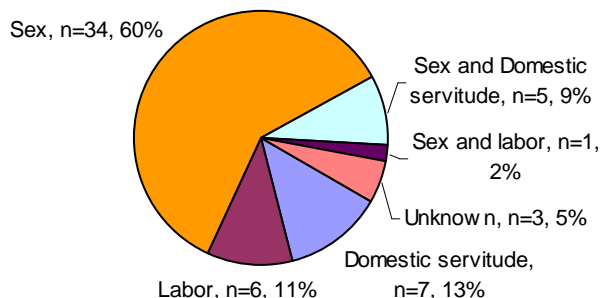


Source: Authors' Analysis using data provided by the USCCB/MRS and ORR, 8/06.

e. Type of Trafficking

As indicated above, all of the accompanied Peruvian children (14 in total) were trafficked to the United States for labor exploitation. Together with their families, they were recruited to work in construction. The unaccompanied children were trafficked for labor, sexual exploitation and domestic servitude or a combination thereof (Figure 5). Trafficking for sexual exploitation was the most prevalent form of abuse. More than 70 percent of all the unaccompanied children were trafficked for sexual exploitation or a combination of sexual and labor exploitation. A smaller percentage, 24 percent, was trafficked solely for labor, including domestic servitude.

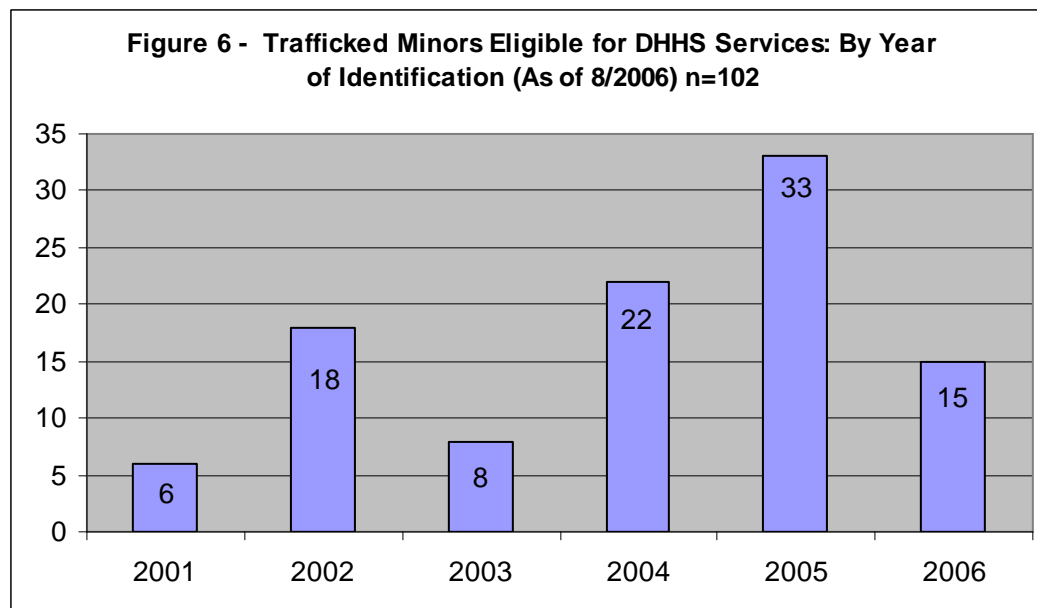
Figure 5 - Unaccompanied Trafficked Minors: By Type of Trafficking (As of 8/2006) n=56



Source: Authors' Analysis using Data Provided by the USCCB/MRS and ORR, 8/06.

f. Victim identification: Year, type, and place of identification

The Trafficking Victims Protection Act (TVPA) was enacted in 2000. The first child victim determined eligible for services was identified in 2001. The low number of victims identified each year (see Figure 6) highlights the fact that overall identification of child victims of trafficking remains a challenge. One of the most urgent issues facing the anti-trafficking community is the improvement of identification of trafficking victims. ISIM studies, conducted under separate funding, have concluded that first contact with unidentified victims would most likely be made by one of the following three groups: (1) immigration/DHS at or between ports of entry and at detention facilities, (2) police/local law enforcement, or (3) social services/health care providers (Bump and Duncan, 2003). While the DHHS Rescue and Restore Campaigns have focused on outreach to the later two groups, more can be done at the border.



Source: Authors' analysis using data provided by the USCCB/MRS and ORR, 8/06.

Improvements at the border have the most potential for increasing the identification of trafficked victims. The TVPRA of 2003 specifically mentioned border interdiction (TVPRA 2003, § 3c) as an area in need of improvement and focuses on the need to identify victims at the border. However, ISIM interviews with border patrol personnel from the Tucson Sector conducted in March 2007 as part of another research project revealed that border patrol agents do not systematically screen unauthorized migrants (children or adults) for trafficking because of time constraints. Thus, while there is a recognized need to improve the border patrol's work on combating trafficking, implementation of adequate protocols appears to be lacking.

US immigration officials apprehend annually more than one million migrants, including approximately 100,000 minors, at US borders. A large pool of possible victims is likely slipping through the proverbial cracks. Currently, there are no bilateral protocols in place to identify trafficking cases at initial apprehension. The problem of developing trust between governments is often viewed as a barrier to proper identification. Table 4 indicates the state where unaccompanied trafficked children were identified and by whom they were identified. These data show that none of the unaccompanied children in this cohort has been identified by the US border patrol at the southern US land border since the passage of the TVPA in 2000. To the research team's knowledge, there has yet to be a child trafficking victim identified by the US Border Patrol at the southern border.

Table 4: Unaccompanied Trafficked Minors: By Type of Rescue and State Where the Rescue Occurred (As of 8/2006) n=56

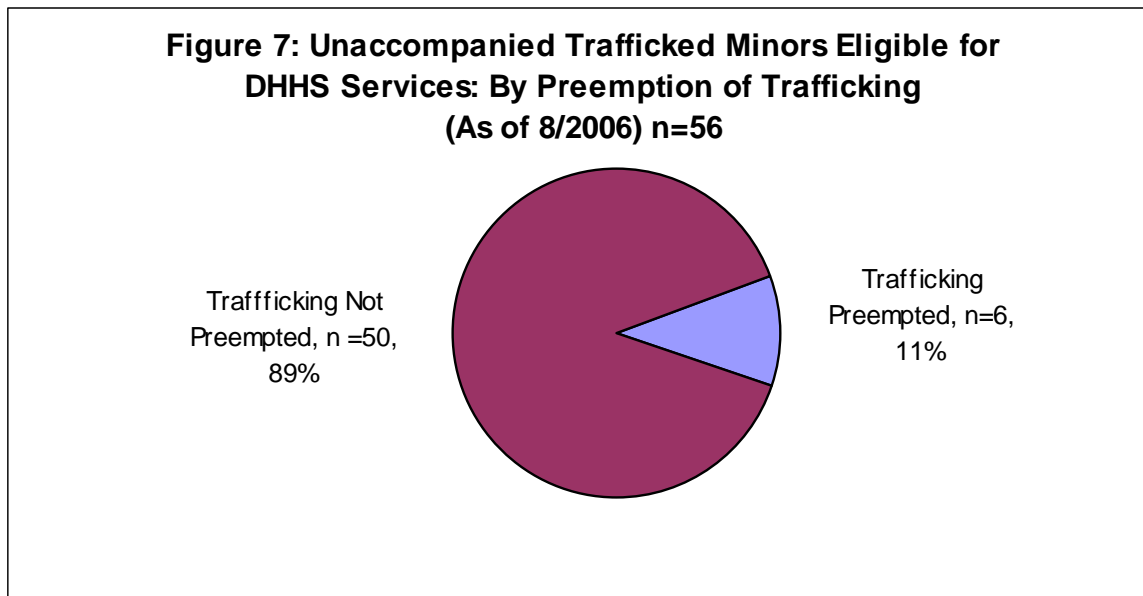
		State Where Identified											Total	
		AZ	CA	FL	IL	MD	NC	NJ	NY	PA	TX	VA		WA
Type of Identification	Attorney	0	0	0	2	1	0	0	0	0	1	1	1	6
	DUCS*	2	1	0	1	0	0	1	2	1	1	0	0	9
	Good Samaritan	0	0	0	0	0	1	0	0	0	4	0	0	5
	Hospital	0	0	1	0	0	0	0	0	0	0	0	1	2
	Local Law Enforcement	0	0	0	0	0	0	1	0	0	0	0	0	1
	Raid (FBI and/or ICE)	0	0	0	0	0	0	14	0	0	11	1	0	5
	Self	1	1	0	0	0	0	0	0	0	0	0	0	26
	Other	0	0	3	0	0	0	0	0	0	2	0	0	2
	Total	3	2	4	3	1	1	16	2	1	19	2	2	56

Source: Authors' analysis using data provided by the USCCB/MRS and ORR, 8/06.

*DUCS is the acronym for the Division of Unaccompanied Children's Services within the Department of Health and Human Services/Office of Refugee Resettlement. DUCS provides care to unaccompanied foreign born children in federal custody.

Six of the 56 unaccompanied trafficking victims were fortunate to have been rescued from their trafficking situation before the exploitation actually occurred (see Figure 7). It is important to gain a comprehensive understanding of these cases for several reasons. The effects of trafficking on a child that has not yet been exploited are potentially less dire and as a result re-integration of such a child may be less problematic. Additionally, one of the barriers to improved identification of trafficked victims at the US-Mexico border is the fact that at the time of apprehension at the border trafficked individuals may not have suffered through the most terrible exploitation or may not have even known that they were being trafficked.

The circumstances that led to the preemption of exploitation in the six cases discussed here were quite similar and provide some insight into what might be done at the border to improve victim identification. All six cases involved Chinese females; five of them were 17 years old and one was 13 years old. All five of the older girls were part of our study. They were all apprehended at ports of entry: three at airports in New York City and two at the Mexican border. All five were put in removal proceedings and transferred to the Division of Unaccompanied Children's Services (DUCS) within the Office of Refugee Resettlement (ORR). After varying length of time in DUCS care, ranging from three to 21 months, all of the girls were reclassified as trafficking victims. The delay in the trafficking determination is the result of the length of time it took to develop rapport with the children, understand the complexities of their trafficking history, and convince federal officials that the girls were victims of trafficking even though they had been apprehended before they reached their final destination.



Source: Authors' Analysis using Data Provided by the USCCB/MRS and ORR, 8/06.

The heightened sense of security in the post-9/11 environment has channeled resources overwhelmingly toward combating terrorism (Border Patrol Interview, 3/2007)⁸. As a result, border patrol agents and staff are not receiving enough training on trafficking issues and identification of trafficking victims and even if this was not the case, the US Border Patrol does not have the time to devote to trafficking investigations. This is further complicated by the fact that identification of children, especially females, at the border is difficult because they often present themselves and are classified as 21 years old. As indicated above (Figure 1), the majority of the child trafficking survivors identified to date were 17 years old. This fact suggests that in many cases it may be relatively easy to falsify age and deceive border patrol agents; analysis of fingerprint records at the border shows an unusually high number of female entrants who are 21 years old (ISIM/USCCB Conference on Trafficking 2003).

⁸ This interview was conducted for a different project, but we did ask questions regarding identification of trafficked children.

2. Closing the Gaps: The Need to Improve Identification of Child Victims of Trafficking and Access to Services⁹

Despite generous provisions to protect and prevent re-victimization as well as provide appropriate services, child victims of human trafficking fall through the proverbial cracks and are neither identified as victims nor determined eligible for available services in a timely fashion. The case of Analis illustrates both the inadequacies of the current system to properly identify trafficked children and points out the many gaps that still exist in the system of care established for trafficked children.

a. Case Study

Analis is now 20 years old. She was born in 1986 in Honduras, in a small town outside of the capital city of Tegucigalpa. She comes from a large family with 10 siblings. When she was an infant her parents separated; it is unclear whether they had a legal or a common law marriage. Her father remarried and moved to a different town. Her mother fell ill and was unable to care for Analis. Baby Analis was sent to her maternal grandmother who lived in a coastal town. Analis spent the next 12 years in her grandmother's care. She reports having a warm and loving relationship with her grandmother. The same, however, cannot be said about her relationship with her uncle or uncles, who reportedly forced Analis to work on the family farm since she was six years old. Child labor is quite common in Honduras. According to a report prepared for the National Statistics Institute of Honduras, 15.4 percent of children between the age of 7 and 17 worked in 2002 (Ayes Cerna, 2003). The majority of the working children lived in rural areas (69.2%) and 30.8 percent were urban dwellers (Ayes Cerna, 2003). Despite needing to work since early age, Analis attended school for five years. She is literate in Spanish. She also reports having been able to play with friends and having a good childhood.

In 1998, when Analis reached 12 years of age, her grandmother fell ill and decided to send her to live with her biological father and his wife. Analis had not seen her father since infancy and reported feeling like a stranger in his household. Her stepmother was not happy to have to care for Analis. When her adult daughter from a previous marriage, Carmen, came to visit from the United States and offered to take Analis with her to the U.S. Analis' stepmother readily agreed. It is unclear what Analis' father thought about this plan. Analis reported wanting to take advantage of the opportunities Carmen presented.

In the fall of 1998, Analis traveled with her stepsister, Carmen, to a large metropolitan area on the West Coast of the United States. They crossed the border by car, using fraudulent papers, but without any apparent difficulties. It became apparent later that Carmen had many aliases, which she used both to cross the US-Mexican border and to get work. *This is the first point at which the system failed Analis.* If there were

⁹ This section of the report is based on the article: Closing the Gaps: The Need to Improve Identification and Services to Child Victims of Trafficking.” (Elzbieta Gozdziaik and Margaret MacDonnell) *Human Organization* 66(2)-2007.

adequate protocols in place at the US borders to identify trafficking cases among the population of minors crossing the frontier in the company of adults who are not their legal guardians, Analis might have been identified as a child victim of trafficking at the time of border crossing. While it may not have been possible at this early stage to identify the situation Analis was headed for, the circumstances of her entry certainly warranted a closer look. With US immigration officials annually apprehending approximately 100,000 unaccompanied children at US borders, it is likely that a significant number of potential victims are being overlooked.

Carmen had two children of her own by two different fathers: a boy named Mauricio and a girl named Sofia. Carmen worked as a manager of a cleaning service to support her family. She forced Analis to help her clean apartments. Instead of attending school, Analis worked for her stepsister. A neighbor noticed that Analis was at home at the time when all other neighborhood children were at school and reported this information to the police. The police ordered Carmen to enroll Analis in school and the girl attended the local school for a few days.

This is the second point where the system failed Analis. The police did not seem to do much more beyond ordering Carmen to enroll Analis in school. They did not inquire why Analis was being taken care of by a stepsister. They did not seem to be interested whether Carmen had legal guardianship of Analis and did not inquire about her parents. Analis' case worker believes the school asked for certain documents—including immunization records and birth certificate—to finalize her school enrollment. However, Carmen did not have any of the required documentation and Analis did not return to school.

If the system worked properly, Analis would have been interviewed by the police or a school counselor, separately from her stepsister. Someone would have talked to her about why she was not in school, how she was spending her days, how long she had been in the United States working and not attending school. In short, someone would have tried to figure out why such a young girl was working full-time instead of going to school. Her answers would certainly have raised red flags and may have warranted a call to Child Protective Services (CPS) to initiate an investigation of the stepsister and possible removal from the home. Additionally, questions about whether she was being paid and how she had ended up cleaning apartments would have revealed that she was not just working but was trafficked. This line of questions could have led to a report of trafficking to federal law enforcement, a federal investigation, and, ideally, referral for benefits. According to her case worker, Analis never mentioned speaking with the police or school counselor.

Case file notes indicate that Analis attended school only for a few days. She disappeared from the school shortly after enrollment. Neither the school administration nor the teachers reported her absence to the police. *The system failed Analis for the third time.* If the system worked correctly, the school would likely have attempted to contact Carmen and after a certain number of absences would likely have had to contact juvenile court, a truancy officer, or other designated party. Indeed, an analysis of truancy policies

in the state where Analis resided at the time of this incident indicates that schools are obligated to contact the family of a truant child and after seven days have to file a petition in juvenile court.

Shortly after being forced by the police to enroll Analis in school, Carmen, fearing discovery, decided to leave the West Coast and moved the family, including Analis, to a large metropolitan area in the South. They lived there for about two years. Again Carmen found work managing a crew of workers cleaning local motels. Analis was again forced to work for her. While living in the South, the 14-year-old Analis met her boyfriend, Jorge. He was Hispanic, but it is unclear whether he was of Honduran origin. Jorge was two or three years older than Analis. According to Analis, both Jorge and his mother were very kind to her.

In the summer of 2002, Carmen was fired from her job and arrested for fraud, apparently for writing fraudulent checks. Carmen's children and Analis were placed in the custody of CPS. Carmen's children were released to the custody of their respective fathers. Mauricio's father came from California to claim his son and Sofia's father came from the upper Northwest to claim his daughter. Mauricio's father volunteered to take Analis with him as well and she was released into his custody. *The system failed Analis again.* Analis' placement in CPS should have been a good setting in which to learn her history and identify her as a trafficking victim. If CPS was well-versed in issues related to child trafficking they might have been more vigilant; not only would they not have released her to a stranger, they could have reported her case as trafficking to federal or local authorities and begun Analis on the path to appropriate benefits and services.

It seemed that Analis did not like living in California with her stepsister's former husband/boyfriend and ran away, back to the South to be reunited with Jorge. It appeared that Jorge wired money to Analis to pay for her bus ticket. It is unclear what Analis' plans were at this juncture. At some point she stated that she intended to stay with her stepsister's female friend who was very kind to her. Another time she indicated that she wanted to live with her boyfriend and his family. The money wire and the bus receipts suggested the latter. Whatever her plans, she did not succeed. Analis was apprehended by immigration officials when the bus she was traveling on was stopped at a random check point on the way from California. Needless to say, Analis did not have any identification documents and did not speak much English, so she ended up in an immigration detention center.

Here is another point where the system failed Analis. The authorities at the check-point failed to identify Analis as a victim of trafficking. While it might be somewhat unreasonable to expect the Border Patrol to identify trafficking victims at this point, it could be argued that they could be conducting more thorough interviews. They could have asked Analis how long she had been in the United States, how she had supported herself during that time, and whether she had gone to school. Were Analis willing to tell them the truth, they could have recognized that she may have been trafficked and reported it to Immigration and Customs Enforcement (ICE) agents to follow up with an investigation and referral for benefits.

Analís stayed in a detention center, a large institution ill-equipped to provide child-centered services, for about seven or eighth months; during that time the administration of the center was undergoing a transition from the Immigration and Naturalization Service (INS) to the Office of Refugee Resettlement (ORR), which probably complicated things even further. An inquiry from the police to the Regional Juvenile Coordinator at the local immigration office revealed that Analís was in deportation proceedings and would be deported within 45 days. *Yet again, the system did not work for Analís.* Despite having been at the detention center for months, it appears that the staff of the center, who would have had daily contact with her, did not recognize her as a trafficking victim and/or did not report the trafficking to federal law enforcement.

Analís did have legal representation with a *pro bono* attorney working for a non-profit legal aid organization. He interviewed her in order to file an asylum claim and suspected that she was a victim of human trafficking. *This was the first time when the system actually worked.* The attorney notified immigration authorities that there was a trafficking allegation. He also contacted the Civil Rights Division in the Department of Justice. The Federal Bureau of Investigations (FBI) got involved. An FBI agent interviewed Analís while she was in the detention center. Despite the fact that Department of Justice policy is to interview child victims of trafficking in the presence of an attorney who would be their advocate, Analís was interviewed by the FBI without an attorney present. It is quite surprising that the FBI interviewed Analís alone, especially since Analís had a *pro bono* attorney who could have been summoned. *After a promising turn of events, the system did not work as it should have.*

Analís' *pro bono* attorney worked to convince immigration officials to terminate their case against her. They were reluctant to do so at first, because they would have to release her from their custody. At some point, however, immigration officials must have dropped their immigration case, because there is evidence in the case files that the attorney initiated an application for a T-visa. In early 2003, after the passage of the Homeland Security legislation, care of children in federal custody was transferred from immigration authorities (INS) to the Office of Refugee Resettlement (ORR). ORR agreed to release Analís from their custody and new living arrangements were made for her.

Although foster care was available within the system of care established for trafficked children, Analís was not referred for such services. Instead, she was released to a group of women religious in the South, with neither custody arrangements nor any financial support other than the sisters' charity. One of the women was on the board of directors of the legal aid agency that had assigned the *pro bono* attorney to Analís. While living with the nuns, Analís attended school. Her school counselor carried out several needs assessment which proved to be very helpful when Analís relocated to live with a foster family. While Analís enjoyed living with the women religious, did not dislike attending school, and felt secure in her new surroundings, not all was well. At this point, Analís still had no access to benefits available to child victims of trafficking and had to

rely on the generosity of the nuns. *The system was failing her or working extremely slow at best.*

The FBI contacted the women religious to interview Analis and they agreed. However, Analis was again interviewed without an attorney present. *This is yet another point where the system did not work.* Children should not be subject to law enforcement interviews without an attorney present. They need the assistance of an attorney to understand what is happening and what is expected of them. They also need an attorney to protect their rights and advocate for them.

The Migration and Refugee Services (MRS) at USCCB learned about Analis and her case in March 2003. A staff member from the refugee resettlement program in the state where Analis was residing contacted USCCB looking for a way to provide Analis with access to benefits. USCCB was concerned that Analis did not have any benefits and advocated on her behalf with the Department of Justice (DOJ); several phone calls and several weeks later DOJ contacted ORR to request benefits for Analis. In late May 2003, Analis' attorney said he had notified DOJ's Civil Rights Division about the trafficking case "several months earlier." DOJ did not request benefits from ORR until approximately May 23, 2003. As indicated above, under the TVPA, ORR can determine trafficked children to be eligible for federal benefits to the same extent as a refugee. This means access to specialized, federally funded foster care through the URM program, eligibility for Medicaid, and other federal benefits. Generally, ORR grants benefits after receiving a request to do so from a federal law enforcement agency. Since this was an early case, it took quite a long time to secure benefits for Analis. Unfortunately, as late as 2006 children with similar need for benefits not find their cases resolved any faster. Due to the current policy under which ORR must receive a referral for benefits from federal law enforcement, Analis had to wait until law enforcement had reviewed her case and gathered enough evidence to feel comfortable requesting benefits on her behalf. Were ORR able to grant benefits directly, they would have been able to do so after hearing the details of her story from her attorney. Analis would then have been able to access benefits more quickly and her living situation could have been stabilized, while law enforcement continued to investigate.

Once benefits were granted, USCCB and a URM program representative talked to Analis and described available options. At this point, a plan was established to place Analis in foster care. It was not easy to find a suitable Spanish-speaking foster family. One Spanish-speaking family that wanted to take Analis in was still in the process of being licensed. They could not get licensed until their adult son moved out of the house. A second family, originally from Puerto Rico, was selected. However, this family, the Sanchez family, was also awaiting a completion of the licensing process. It took longer, about two months, than anticipated for the foster family to be licensed. Analis was safe and comfortable living with the women religious; therefore, resolving her living situation did not seem as urgent as it might have been if her living conditions were less stable. She continued to live with the women religious while the foster family situation was being resolved. Had she been in a more tenuous situation a new URM program that could place her more quickly would have been identified. The sisters were working with Analis to

prepare her to move to a different state; they talked to her about the city she was to live in, and prepared her for life in a foster family. In retrospect, this period of time allowed Analis to get ready for a new phase in her life and to say good-bye to the sisters who took her in.

At the same time, the foster care program director stayed in telephone contact both with Analis and the women religious to describe to them available services and to shed some light on the foster family Analis was going to live with. Plans were made for a female bilingual and bicultural worker from the clinic where Analis received her medical services to accompany her on a flight to her new place of residence and ease the transition to new living arrangements. The foster family was licensed in the summer of 2003 and assumed care of Analis shortly thereafter. Analis moved to her new foster home in August of 2003. Analis, her old and her new case worker spent several hours together in the new foster home to get Analis acclimated to her new surroundings. The program director consulted also with Analis' attorney to get his insights into her case.

The Sanchez family and Analis shared a common language--Spanish—which greatly facilitated communication. Case notes indicate that being placed with a Spanish-speaking foster family was beneficial for Analis and eased her transition to life in a US community. However, there were also many differences between Analis and her foster family. Analis is from Honduras and was raised Catholic, while the foster family is from Puerto Rico and is Pentecostal. The foster father is a minister in a local Pentecostal church. Case notes indicate that Analis was happy attending the foster family's Pentecostal church, but in an interview with the research team Analis was very adamant that religion and church-going were the domain of her foster father and his son, not hers. According to the former program director, Analis was offered a chance to attend a local Catholic church but declined.

Given her trafficking experience, Analis was also referred to a female bilingual therapist for mental health counseling shortly after arrival in her new place of residence. There seems to be a difference of opinions between the program staff and Analis about her willingness to attend these sessions and their long-term benefits. According to the case files, Analis was enrolled in the counseling program for several months, but attended her therapy sessions infrequently and was not eager to talk to her counselor. The case notes do not include any details regarding the therapeutic plan established for Analis, the goals of the plan or the approximate length of time to accomplish these goals. The program director and the case worker were also not privy to the details of the rehabilitation plan established by the therapist. Confidentiality and patient-counselor privilege were apparently given as reasons for not disclosing the details of the plan to the case worker. Although at that time Analis was the only trafficked child cared for by the program, there seemed to be little coordination between the different services she was offered and limited communication between the service providers delivering them.

The fact that the foster family had three daughters was of importance to Analis' initial adjustment. They seemed to have easily bonded with Analis. Shortly after Analis began living with the foster family, the oldest daughter, who was engaged, asked Analis

to be one of the bridesmaids at her wedding. The daughters served as good role models for Analis; at the time of the interview with Analis, two of them have successfully completed their high school education and the youngest daughter was still a student and reportedly was doing well in school. The oldest daughters assisted Analis with school work. The son of the family had dropped out of high-school and moved to Puerto Rico to live and work with his uncle. However, the family thought well of him and reported that he was well-behaved and never got in any trouble.

In the case notes the foster family is described as motivated individuals, committed to providing safe and nurturing family environment for Analis, and set on helping her to acquire the day-to-day living skills necessary to attain economic self-sufficiency. However, while the foster family was well-equipped to provide Analis with emotional support and showed some enthusiasm in facilitating her English language acquisition by purchasing her a Spanish-English dictionary, they have been less well-equipped to facilitate her interface with the mainstream society. Unfortunately, the foster parents do not speak much English and they themselves have to rely on their oldest, bilingual daughter for interpretation when interfacing with the foster care program or the school.

Despite linguistic barriers, the foster family enrolled Analis in a local high school, where she was immediately placed in English as a Second Language (ESL) program. Case file notes indicate that the foster family was very conscientious when it came to supporting Analis' education. Apparently, they attended all necessary meetings at her school, including the school's open house. However, it is unclear whether the foster parents understood much of what was going on at the school meetings as they themselves are not very educated and do not speak English. They had also signed her up for an after school program for teens at a community center affiliated with a local Catholic church and the local Spanish Action League, which provided interpretation services for Analis when needed.

Analis did not mention any of these activities in an interview with the research team. She did, however, indicate that school was very difficult and learning English was and continues to be a struggle. In addition, she had difficulties with math and had to attend summer school to improve her grades in math. It is important to keep in mind that Analis had only five years of schooling in Honduras; her difficulties were most likely related to both her non-existing English language abilities and limited formal schooling. Her own assessment of her educational difficulties seemed to be at odds with the assessment of her teachers, who—according to the case notes—pronounced her to be making progress in learning English. Interestingly, there was no reference in the case notes to any attempt to elicit a self-assessment from Analis.

Analis received her employment authorization and I-94 in June 2004. With these documents in hand, a month later, in July 2004, she was able to obtain a social security number. At this point she asked her case worker for assistance in finding a job, preferably at a bilingual work site. Case file notes indicate that Analis was interested in working for a cleaning service or becoming a cashier in a grocery store. While expressing an interest

in finding suitable employment, Analis continued to receive a monthly stipend from the Department of Social Services' Independent Living Program and had all of her day-to-day needs taken care of by the foster family. Case management notes indicate continued focus on increasing her English language capacity through participation in the ESL program at her high school, finding suitable employment, and participation in an independent living enhancement program. The details about the program curriculum and Analis' participation in it are sketchy; Analis does not seem to have much recollection of what went on during the training and seems to think that the program was part of her school curriculum.

Analis stayed with the Sanchez family for approximately one year. A decision was made to place her with a different foster family when it transpired that she had developed a romantic relationship with the Sanchez's son. When Analis was first placed with the Sanchez family, their son did not live with them. He arrived from Puerto Rico in March 2004; seven month after Analis joined the foster family. He moved in with his parents and siblings. Case workers working with Analis discovered his presence in the foster home during a routine home visit. While certain precautions were taken—Juan was fingerprinted, as required by foster family licensing regulations—his presence in the home did not alarm the case workers nor did the fact that his bedroom was just down the hallway from Analis. She told her case worker that Juan was very nice and was helping her with homework, particularly with math. Caseworkers discussed supervision issues with the family now that their adolescent son had returned to their home. The caseworker talked also with Analis and Juan; however, nothing aroused the social worker's suspicion about a developing romantic relationship.

Sometime in the summer of 2004 Analis suspected she was pregnant. Upon discovering this fact, the foster placement agency decided to remove Analis from the Sanchez's home and find her another foster home. A medical appointment was set up to confirm her pregnancy. Indeed, she was expecting a baby, and Juan was the father. Analis reported that both Juan and she were very happy about the baby, but admitted that they had not told the foster parents about this new development.

Analis moved to another foster family shortly after her pregnancy was confirmed in August 2004. She enrolled in a different school, closer to her new foster home. Although the transition went without incident, Analis began to consider leaving the foster care program. Her decision was motivated by her desire to be with Juan. Her case worker referred her to a counseling program to sort out her options and make an informed decision regarding her relationship with Juan. According to the case notes, Juan and the new foster mother participated in the counseling sessions as well. Although, the new foster parents were willing to support Analis and her baby, she chose to leave the program in November of 2004. In February 2005, Analis bore a healthy baby girl whom she named Ana. Analis was referred to a local program for teen mothers run by the Salvation Army. She was still attending the program at the time of this research, but was unable to articulate its elements and benefits beyond reporting that they taught her how to use formula to feed her daughter and how to prevent diaper rash.

There were several obstacles in obtaining an immigration relief for Analis. Her original *pro bono* attorney, Mr. Orozco, from a legal aid agency, applied for a T-Visa, but it is unclear if anyone filed a change of address for Analis once she left the women religious and was placed in foster care. It appears that Mr. Orozco remained the attorney of record. Unfortunately, he left the legal aid agency not long after Analis moved to the East Coast. And while the legal aid agency continued to represent Analis during her T-visa application process, with the departure of Mr. Orozco there was no consistency in the point of contact.

Once Analis resettled to the East Coast, she started working with a new *pro bono* attorney, Mr. Fitzgerald, who is an attorney with Legal Aid. Mr. Fitzgerald thought it would be confusing to change her attorney of record since the Vermont Service Center was already working on her T-visa application. Unfortunately, Mr. Fitzgerald was not very accessible to Analis or the foster parents. The county had custody of Analis and decided to get her an attorney as well since the FBI was going to interview her again. This attorney was provided by the County Department of Social Services to safeguard her best interest during an interview with the FBI; his role was, however, limited to the interface with the FBI. A “law guardian” was also provided to advocate for and represent Analis’ interest in Family Court matters and proceedings. This is standard procedure in foster care cases. At the time of our research, Analis’ visa application was still pending more than 2 years after it was first filed.

While Analis was still living in the South, the Department of Justice (DOJ) became involved in trying to obtain Analis’ continued presence. Among many things, the process required fingerprinting Analis. The legal aid agency asked one of the women religious to take Analis to be fingerprinted. The women religious reported a problem accomplishing this relatively simple task because Analis did not have a government issued identification document. Eventually, Analis was able to be fingerprinted. However, almost a year later she still did not have continued presence. USCCB contacted DOJ to find out what needed to be done to get her continued presence. Continued presence was necessary to issue an employment authorization document, which would allow Analis to work part-time during the summer. Analis had to be fingerprinted again, and again she did not have the required government issued identification card. Eventually, however, she was granted continued presence. Case files are silent on the actual date, but the case worker interviewed suggested summer of 2004.

Currently, Analis, Juan and their baby daughter Anna live in a rented apartment in a small row house across the street from Juan’s parents. Juan’s mother provides a lot of support to Analis, including occasional childcare. The apartment is small and sparsely furnished, but very clean. The neighborhood is quite run-down and seems to be rather dangerous. The house next door is occupied by a large number of seemingly unemployed young men. On the day of our visit in the winter of 2005, several of them were loitering outside the house and playing very loud music. The case worker, who accompanied us on the interview, indicated that on several occasions she witnessed violence in the street, including two young men with a weapon that fled the scene when the social worker pulled out her cell phone to call the police. Analis complained of the noise and violence,

but admitted that she and Juan cannot afford moving to a quieter neighborhood. Moreover, she appreciates the close proximity of her boyfriend's family who helps out when assistance is needed and provides advice on child-rearing. Baby Ana seems to be well-taken care of and appeared to be a healthy and happy baby.

Juan is working in a shoe factory, while Analis is taking care of Ana. He is also helping his minister father ministering to the local Hispanic Pentecostal congregation. Analis is still struggling with learning English and does not have many opportunities to practice English as her network of friends and family includes mostly Spanish speakers. Both she and Juan would like to continue their education, but it is unclear how realistic their plans are. In a conversation with the research team Analis expressed a desire "to work with computers," but did not seem to have much understanding what concrete steps she needed to take to realize this dream.

Carmen, Analis' abuser and trafficker, is still at large. There has been no trial. As far as we know, Carmen has not tried to contact Analis. Analis has fond memories of her grandmother and of Honduras. She is in telephone contact both with her grandmother and with her biological father. It is unclear how often they talk on the phone. In a conversation with the research team she indicated that in the future she would like to travel to Honduras with her daughter and spend time in the small coastal town where she grew up.

b. Discussion

Identification challenges

Analis is an example of a child who could have been identified as a victim of human trafficking much earlier in the course of her journey to the United States if the authorities she came into contact with were properly equipped to identify child victims. Unfortunately, the fact that Analis traveled to the U.S. on fraudulent papers in the company of a young woman who was neither her mother nor her legal guardian did not cause any suspicion on the part of immigration officials at the US-Mexico border. Later on, representatives of local police also did not seem to be overly concerned that a 12-year old child did not attend school nor did they inquire who her legal guardians were. They simply ordered Carmen to enroll Analis in school and thought the matter resolved. When she stopped attending school, officials apparently did not follow up. Still later, authorities at a checkpoint on the road leading from California to a neighboring state also failed to identify Analis as a victim of trafficking. Again, a minor traveling alone without any documentation was thought of as a child violating immigration laws, not as a possible victim of trafficking. Additionally, she spent time in the custody of state CPS without being identified as a victim and was released to a stranger connected to her trafficker.

Analis could also have been identified as a child victim of human trafficking while in the detention facility. As discussed above, she spent eight months in the facility. This length of time should have given the staff ample opportunity to identify her as a

trafficked child, not a mere violator of immigration law. As a child detainee she must have been interviewed by social service personnel about her family and migration experiences. The staff seemed to have been ill-equipped to ask appropriate questions that could have led to proper identification of her trafficking circumstances. The detention center's personnel not only had more time, but also more responsibility than border patrol to assess her situation. It appears from this case study that they missed the problem entirely.

Experts suggest that first contact with unidentified child victims would most likely be made by one of the following groups: (1) immigration officials at or between ports of entry and at detention facility, (2) local law enforcement, or (3) service providers (educational, social service and medical providers) (Bump and Duncan, 2003). Improvements at the border have the most potential for increasing the identification of child victims of trafficking. With approximately 100,000 unaccompanied children annually apprehended by US immigration officials, it is likely that many trafficked children are being missed. Currently, there are no bilateral protocols in place at US borders to identify trafficking cases at initial apprehension. Lack of trust between governmental agencies is sometimes viewed as a barrier to proper identification of trafficking victims.

The heightened sense of security post-9-11 has channeled governmental resources overwhelmingly toward combating terrorism. As a result, border patrol agents are not receiving enough training on trafficking issues. This is further complicated by the fact that identification of children, especially female children, at the border is difficult because often times they present themselves and are classified as adults. Analysis of fingerprint records at the border shows an unusually high number of female entrants that are 21 years old (Bump and Duncan, 2003). Trafficked girls are also coached to say that they are the spouses or relatives of the trafficker. Analis was instructed to refer to Carmen as her sister despite the fact that they are not biologically related. Carmen is Analis' stepmother's daughter from a previous marriage and they never lived in the same household.

Furthermore, at the time of border crossing or apprehension at the border trafficked children may not have suffered through the most terrible exploitation or even know that they are being trafficked. Analis is a case in point. She was told by her stepmother to go to the U.S. with Carmen to ease the burden her presence in her father's household was exerting on the family's situation. Analis seemed to have been eager to avail herself of the opportunities a journey to the U.S. was supposed to provide. She had no way of knowing that Carmen would exploit her, force her to work, and not send her to school.

However, at the time she was apprehended at a checkpoint on the way from California back to the South, she had certainly been trafficked by Carmen. It appears, though, that Border Patrol did not identify the trafficking. Even if Border Patrol had suspected trafficking, there did not—and still do not—exist comprehensive procedures to ensure that information is always passed on to ORR when the child is placed into federal custody. Border Patrol or Immigration and Customs Enforcement (ICE) may have reason

to believe that a child was trafficked, but it is possible, even likely, that such information will not be conveyed to the federal facility which will be caring for the child. Awareness of such information is crucial to prevent deportation or release back to traffickers.

At the local level, training of law enforcement is essential to improving identification of child victims of human trafficking. At present, the majority of local law enforcement contacts with trafficking victims happen in an *ad hoc* manner; police officers usually encounter child victims during the course of their daily routines. Analis was one of the very early cases of child victims identified in the United States and her contact with local law enforcement as well as with CPS predated the *Rescue and Restore Campaign* and associated training programs for law enforcement personnel, service providers, and the general public. The police, the child welfare workers, and the school administrators were ill-equipped to make a proper assessment of her circumstances which might have resulted in an early identification.

The low number of trafficked children identified and receiving services vis-à-vis the number of estimated victims continues to plague the anti-trafficking community. In July 2001, DOJ announced the issuance of regulations implementing Section 107 (c) of the TVPA. One of the regulations under 107 (c) requires the federal government to identify victims of severe forms of human trafficking. Although regulations have been released, the federal government has been challenged to carry out their mandate. More recently, governments and non-governmental organizations have begun creating a complex system of collaboration in response to the TVPA. The governments, both federal and local, and non-governmental agencies that must work together, are frequently starting from scratch to design collaboration. Many of the actors in the current system are not used to working with each other. For instance, while foster care providers may be familiar with working with courts and mental health care providers, they may not be used to working with federal law enforcement, and vice-versa. Thus, the very complexity of the system sometimes defeats the goal of finding and serving trafficked children; the more pieces there are to a system, the more possible cracks for children to fall through. As mentioned above, at the time of this writing only 99 children have been identified as victims of trafficking and provided services.

Service access challenges

In order for trafficked children to have access to the services provided under the TVPA, they must obtain the determination of eligibility from the Office of Refugee Resettlement (in cooperation with the Department of Justice). Cooperation and collaboration of these two agencies play a key role in this process, because trafficking-related information is not made available to both agencies at the same time. The Trafficking in Persons and Worker Exploitation Task Force (TPWETF) complaint line, run by the Criminal Section of the Civil Rights Division of DOJ, is the main source of information about trafficking cases used by the federal government. Received complaints are forwarded to the Deputy Chief of the Criminal Section responsible for the geographic area where the trafficking incident occurred. The Deputy Chief determines if further investigation is necessary and assigns the appropriate staff to carry out the investigation

and/or prosecution. Local offices of federal law enforcement agencies can also initiate and conduct investigations of trafficking cases based on local information. The results of their investigations are forwarded to their federal headquarters, which, in turn, contacts the Civil Rights Division of DOJ (US Department of Justice, 2002).

Thus, DOJ is the principal federal contact for at-large reports on trafficking-related issues through the TPWETF complaint line, as well as the ultimate receptor of information on trafficking cases from all federal law enforcement agencies. Although DOJ is the main government point of contact for trafficking cases, ORR must issue the “determination of eligibility” letter facilitating children’s access to services. However, effective issuance of this letter hinges upon ORR receiving the case information from DOJ in a timely manner.

Unfortunately, the time interval between the initial identification of a child victim and the issuance by ORR of a letter determining service eligibility constitutes the major obstacle in providing timely and appropriate assistance to trafficked children (Bump and Duncan, 2003). Analis did not escape this challenge either. Apprehended at a checkpoint by immigration officials, she was placed in an immigration detention center and in deportation proceedings sometime in the late summer or early fall of 2002. Her *pro bono* attorney identified Analis as a victim of trafficking a few weeks later. According to his case notes, he alerted DOJ to her case in January 2003. However, Migration and Refugee Services (MRS) at the US Conference of Catholic Bishops (USCCB) did not learn about Analis and her case until March 2003. As previously indicated, USCCB contacted DOJ about Analis’ status; several weeks later DOJ contacted ORR to request benefits for Analis. The eligibility determination letter was finally issued in May 2003. Experts have suggested that ORR ought to have discretion to issue benefits letters without having to wait for a referral from federal law enforcement (Bump *et al*, 2005). In this instance, such authority would have allowed ORR to grant benefits much more quickly than actually occurred.

Analis was fortunate to have been placed with a group of Good Samaritans who provided for her immediate needs. Once she was released from the immigration detention center, Analis went to live with a group of women religious in a secure and safe place. The sisters provided her with room and board, enrolled her in school, provided companionship, and were preparing Analis for independent life after trafficking. Secure environment is essential to the child’s well-being as many children are highly vulnerable to both escape or re-capture by traffickers. Child victim advocates and service providers continue to be concerned about lack of care during the interval between the initial identification of a child victim and the determination of eligibility for services.

T-visa challenges

Analis was several months shy of her 15th birthday when she was identified as a victim of human trafficking. Therefore, she was exempted from a requirement to assist law enforcement in order to establish eligibility for a T-Visa. As indicated above, there were several obstacles in obtaining an immigration relief for Analis. Her *pro bono*

attorney applied for a T-Visa on her behalf once he identified her as a trafficking victim. However, his subsequent departure from the local legal aid agency coupled with Analis' resettlement to a different state resulted in lack of consistency in the point of contact between immigration authorities and Analis. At the time of our research, Analis' visa application was still pending, almost two years after the application was first filed. While change of places of residence and change of *pro bono* attorneys might have been responsible for slowing down the T-visa process by a few weeks, it seems unlikely that they are the sole culprits for the delay in issuing Analis a T-Visa.

c. Recommendations

It has been eight years since Analis was trafficked by Carmen and about four years since she has been identified as a victim of human trafficking. While she seems happy in her relationship with Juan and seems to thrive as a new mother, her journey to recovery could have been considerably shorter and her prospects for long-term economic and social integration into the American society a lot more promising if the system put in place by the federal government under the TVPA was less complex and worked better. As indicated above, the system failed Analis on numerous occasions. While some might attribute its failure to the fact that Analis was one of the very early cases of child victims of trafficking, her case is illustrative of the inadequacies and gaps that remain in the seemingly carefully crafted system of care designed to serve child survivors. Discussions with representatives of national and international nongovernmental organizations (NGOs), advocacy groups, agencies serving child survivors of trafficking, and researchers (Bump and Duncan, 2003; Bump *et al* 2005; Gozdzia *et al.* 2006) confirm that many of the cracks through which Analis fell are still present in the system today.

This case study points out that the following issues need to be addressed:

There is a need to simplify and streamline the system of accessing benefits for child victims of trafficking. As can be seen from Analis's case, the current system is very complex and difficult to navigate. It can be challenging and take a long time for a child to become eligible for federally funded benefits and services. Once a child is determined eligible for services and enters URM care, a legal guardian is appointed. Unfortunately, having a legal guardian appears not to have smoothed the way to accessing immigration benefits in Analis' case—as in many children's cases. It took over a year for her to receive initial immigration documents and at the time of this research she still did not have a T visa.

There is a continued need to increase anti-trafficking resources for law enforcement, especially at the border and other ports of entry. Analis is not the only child that was not identified as a victim of human trafficking or at-risk for trafficking. Children are not being identified in adequate numbers. The inherently clandestine nature of trafficking requires that significant time and resources be allocated to the agencies mandated to combat trafficking. Particular attention needs to be paid to children crossing borders in the company of adults who are not their legal guardians.

There is a need for on-going comprehensive training programs for immigration officials and local law enforcement. Analis encountered immigration officials at least twice: at the border and at a random check point, but they failed to identify her as a trafficked child. To date, not a single child survivor of trafficking has been identified at the border; all identifications occurred at a much later point in the trafficking journey. While there is evidence that local law enforcement has been instrumental in identifying a number of child victims of trafficking, local law enforcement failed Analis. Carmen was ordered by representatives of local law enforcement to enroll Analis in school, but they did not seem to be knowledgeable enough about human trafficking to make an appropriate assessment and identify Analis as a victim of trafficking. Local law enforcement ability to identify victims of trafficking needs to be more consistent.

Additionally, ORR facilities for undocumented children need to be alerted to trafficking issues and the children in their care need to be screen appropriately for trafficking. Analis was not asked trafficking-related questions at intake to the immigration detention center. It was her pro bono attorney, in trying to assess whether she had an asylum claim, who identified her as a victim of trafficking. ORR has recently implemented screening protocols designed to help their facilities identify trafficked children. These intake protocols need to be implemented consistently and trafficking training promulgated widely throughout the ORR-funded facilities.

Further, information gathered while a child victim is in the initial placement center needs to be forwarded to the final placement program in order to design the best possible service plan. In Analis's case, the information provided to the URM program by the women religious and her school was invaluable in preparing for her arrival. Information from the detention center would also have been useful, had it been provided.

Once in care, those providing services and those in law enforcement also need to share information appropriately. In Analis's case, URM program and the counsellor appear not to have been sharing information with each other, in part due to confidentiality concerns. Additionally, the URM program found it difficult to get information from Analis's attorneys about her immigration case. Better information sharing among these parties, once confidentiality concerns have been addressed, could improve service provision. On the whole, proper information flow between and among appropriate governmental and nongovernmental agencies will further ensure timely identification of trafficked victims and proper service provision.

There is a need for on-going training of representatives of non-governmental organizations and service providers (educators, child welfare personnel, social service providers, medical personnel). CPS failed Analis and did not identify her as a trafficked child. Moreover, CPS released her to a stranger—Carmen's boyfriend—without ever considering issues of trafficking, while a pro bono attorney working for a nongovernmental legal aid organization was able to determine that indeed she was trafficked to the United States. There needs to be more consistent ability to identify child victims on the part of different NGOs and service providers. USCCB and LIRS have

spent the years since this early case was identified training the URM programs and developing their capacity to receive trafficked children. For instance, many programs have expanded their capacity to serve Spanish-speakers. This effort at training and capacity development should continue as more is learned about the characteristics and needs of trafficked children.

There is a need to enhance ORR's ability to determine child victims of trafficking eligible for services regardless of who identifies them as victims. As indicated above, Analis had to wait a long time for her eligibility determination. Her case is not unusual; it appears that it takes much longer to determine a child eligible for services when the victim is identified by an NGO than is the case when the victim is identified by a federal agency or local law enforcement. ORR should be able to determine eligibility for services in a timely manner no matter who is responsible for victim identification. Timely eligibility for services is important because it provides a child victim with a legal guardian and placement in a URM program. Typically, neither of these benefits can be accessed before eligibility for services is determined.

Identification of child victims of trafficking needs to be made a priority by the government. Reportedly, children may not always be given the benefit of the doubt when questions arise about their eligibility for benefits (Bump and Duncan 2003) and there may be a fear that many undocumented children will try to take advantage of the immigration relief (T-Visa) stipulated by the TVPA. This case seems to indicate that this fear is unfounded. Nevertheless, such fears may be a factor in the low number of children identified and appropriately served to date.

There is an urgent need to appoint a legal guardian as soon as possible after a child is identified as a possible victim of trafficking. The guardian's responsibility is to ensure that the child receives necessary services. A pro bono attorney worked with Analis while she was in an immigration detention center and identified her as a victim of trafficking. He seemed to be aware of the existing law and its provisions and contacted appropriate federal authorities to alert them to this trafficking case. However, while he was working diligently to resolve Analis's pending deportation, he focused primarily on finding an alternate immigration relief for her. Moreover, because he worked on a pro bono basis, there was no assurance of his long-term involvement in her case. In fact, he did leave the legal aid agency which appointed him to work with Analis. Analis would have greatly benefited from a legally appointed guardian who could have helped her with several issues:

- 1) A legal guardian, well-versed in issues of trafficking, would make sure that the FBI did not interview Analis without an attorney present;
- 2) A legal guardian would ensure that Analis had access to benefits as soon after identification as a trafficking victim as possible and did not have to be dependent on the generosity of Good Samaritans;
- 3) A legal guardian would make sure that changes of address and the name of a new attorney were filed with appropriate federal authorities as Analis left the women religious to live with a foster family in a different state. This way

- immigration officials would have been able to get in touch with her or her legal guardian and she could have received her T-Visa much earlier;
- 4) A legal guardian acting in her best interest would have made sure that Analis' opinions were taken into consideration in designing and implementing her rehabilitation plans.

There is a need to decrease reliance on pro bono attorneys in favor of paid legal providers. As illustrated by the discussed case, reliance on a pro bono attorney did not serve Analis well. While the pro bono attorney was instrumental in identifying her as a trafficking victim, his subsequent departure from the legal aid agency prolonged and complicated both the service eligibility determination and the T-Visa processes. He remained her attorney of record, but was no longer working with Analis. Appointment of another *pro bono* attorney once Analis was placed in a URM program did not improve things. According to case files notes and interviews with program staff, he was not very available to advocate for Analis and make sure that decisions were made in her best interest. Had she had paid legal assistance, things might have been much different.

There is a need to improve information flow about potentially trafficked children apprehended by immigration officials (at the border or at any point afterwards) and between and among appropriate governmental and nongovernmental entities. Immigration officials apprehended Analis at a random check point, but apparently did not ask any questions that might have enabled them to identify her as a trafficked child. However, had they asked pertinent questions and made a proper identification, this information should have been forwarded to the detention center where Analis was placed or provided to ORR or DOJ trafficking officials in order to facilitate a determination of eligibility for federal benefits and a more rapid move into an appropriate care setting.. At the moment, information about children crossing US borders with persons who are not their legal guardians is not routinely forwarded to ORR by ICE or Border Patrol. As indicated above, not a single child victim has been identified at the border.

3. Touting Prosecution but not Protection: Shortcomings in the United States' Effort to Protect Child Trafficking Victims

While the title of the TVPA suggests that the primary emphasis of the act is on *protecting* trafficked victims, the act also focuses on the *prosecution of* traffickers, and *prevention* of further trafficking (TVPA § 102(a)). Although it may appear that *protecting* trafficking victims and *prosecuting* traffickers go hand-in-hand in furthering the ultimate goal of eradicating human trafficking, considerable tension exists between these two aspects of the anti-trafficking fight. (Haynes 2007; Bump and Duncan 2003; Chang and Kim 2007). Researchers and advocates are increasingly voicing their concern that the US government's approach is too heavily focused on *prosecuting* crimes to the detriment of *protecting* victims (Haynes 2007). In other words, there is a concern that the US government is taking a law enforcement approach and not a victim-centered approach to combating trafficking.

The debate thus far on this issue has focused almost exclusively on the entire population of trafficking victims with little or no distinction between adult and child trafficking victims.¹⁰ However, the particular vulnerability of child victims, related to bio-physiological, social, behavioral, and cognitive phases of the maturation process, distinguishes them from adult victims and underscores the necessity of special attention to their particular needs. Although the drafters of the TVPA recognized this difference and included provisions to guarantee special protection for child victims, current practice indicates that the US is falling short of this goal.¹¹ The purpose of this section of the report is to highlight the shortcomings of the current implementation of the TVPA as it pertains to the *protection* of children.

This section brings to light the troubling practice of federal prosecutors and investigators pressuring child survivors of trafficking and their caretakers to aid the prosecution in their investigations and prosecutions of traffickers. In doing so, government prosecutors ignore the concerns of child welfare professionals related to the adverse effects forced testimony and numerous interviews might have on a child survivor's healing progress. To illustrate the detrimental effects of this practice, we discuss a specific case in which federal prosecutors used a subpoena to compel child survivors to testify in front of a grand jury against their will. While this is the only case to date known to the research team in which authorities used a subpoena to force a child's participation in a trafficking prosecution, the incipient nature of the anti-trafficking movement warrants discussion to prevent future problems and avoid precedent setting. Furthermore, the case presented in this report is indicative of the more routine practice of federal investigators and prosecutors bullying child welfare professionals to make child trafficking victims available for interviews.

Forced testimony and interviews may adversely affect the child trafficking survivor's emotional and physical well-being and break down the trust that exists

¹⁰ The TVPA defines children as those persons with less than 18 years of age. TVPA § 1593 (c).

¹¹ TVPA § 107 (b)(C)(ii)(I) and Trafficking Victims Protection Reauthorization Act of 2003. 22 U.S.C. § 7101 (2003), § 4(a)(4)(A)(§ 1595)(b)(1)(A).

between law enforcement personnel and social service providers. While the practice may be allowed for adults, it is explicitly prohibited for children. Not only is it morally irresponsible, it is legally untenable and not a good anti-trafficking policy. The TVPA, the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), and the corresponding legislative history explicitly state that, for their own protection and well-being, child victims of trafficking are not required to cooperate with the prosecution in order to remain in the U.S. and receive benefits to aid in their post-trafficking recovery.¹²

a. Access to Services under the TVPA: The Tension between Protection and Prosecution

As indicated earlier, Section 107 of the TVPA specifies that adult and child victims of trafficking are eligible for a number of different services and benefits regardless of their immigration status.¹³ These include access to immigration relief, work permits, vocational training, job placement, and social services through referral to appropriate NGOs.¹⁴ Other benefits include access to URM programs, the Children's Health Insurance Program (CHIPs), and the Temporary Assistance to Needy Families (TANF) program. Victims between ages 16 and 24 who have received work permits may be eligible for Job Corps, a program run by the US Department of Labor. In order to access these benefits, the victims must be certified (adults) or determined eligible (children) for services by the federal government. (Bump and Duncan, 2003; Bump *et. al.* 2005; Gozdziaik and MacDonnell, 2007).

Eligibility determination and certification for the services lies with ORR within the Department of Health and Human Services (HHS).¹⁵ ORR, after close consultation with the US Attorney General in the Department of Justice (DOJ), may certify adult victims of trafficking and determine child victims eligible for services. ORR certification must confirm that an adult victim (1) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons and (2) has either made a *bona fide* application for a T-Visa with the Bureau of Citizenship and Immigration Services (BCIS) in the Department of Homeland Security (DHS) or is a person whose continued presence in the United States is assured by the Attorney General in order to assist with prosecution in trafficking cases.¹⁶

Victim advocates criticize the fact that TVPA makes cooperation with law enforcement an obligatory condition for accessing immigration benefits and victims assistance services for anyone 18 years or older. (Haynes, 2007; Chang and Kim 2007; Kaufka 2007). They argue that not all victims have the same opportunity to access

¹² TVPA § 107 (b)(C)(ii)(I), TVPRA § 4(a)(4)(A)(§ 1595)(b)(1)(A).

¹³ TVPA § 107.

¹⁴ TVPA § 107(B)(1)(a).

¹⁵ TVPA § 107(E).

¹⁶ TVPA § 107(E). Certain publicly funded services related to the protection of life and safety of victims of human trafficking do not require certification or determination of eligibility. These services include access to appropriate forms of shelter, medical and legal assistance, witness protection, translation services, and repatriation (TVPA §107c). Access to these services depends on law enforcement recognizing that the person may be a victim of trafficking.

services and make a successful T-Visa application, regardless of their willingness to cooperate with law enforcement. Although the TVPA only requires that a trafficking victim be “willing to assist in every reasonable way” in order to receive benefits, if law enforcement chooses not to investigate the case, it is highly unlikely the victim will be certified.¹⁷ Thus, in practice, the language “willing to assist in every reasonable way” contained in the statute has been tempered significantly to encompass primarily those cases where federal law enforcement personnel decide to use the information willingly provided by the victim to carry out an investigation¹⁸ (Haynes, 2007 at 350).

This is a multi-layered problem that commences at the point of rescue. When a rescue is conducted by federal government entities such as the Federal Bureau of Investigation (FBI) or Immigration and Customs Enforcement (ICE) agents, a chain of events is triggered that ensures a greater possibility that the potential victim is identified as such. Compared to trafficking victims discovered by non-federal law enforcement entities, those rescued by law enforcement officials are more often deemed “eligible for immediate shelter and protection assistance than do those who in essence rescue themselves by fleeing their abusive situation and then seeking assistance.” (Haynes, 2007, at 350). Being deemed eligible for immediate protection by federal law enforcement is an important first hurdle in the certification process. Victims not given the immediate protection face more barriers. Thus, regardless of their willingness to cooperate with the investigation and prosecution, for the most part, only those “rescued” by law enforcement will be certified.

By predominantly certifying only those victims that they encounter, DOJ and DHS ignore the reality that most trafficking victims are not uncovered by their raids and put the majority of trafficking victims at risk. If a victim “never receives the benefit of being rescued, as few victims do, but rather manages to free herself and then seek assistance, she is more likely to be perceived by law enforcement as not a victim and not certifiable. The law enforcement officials then might not even hear the story out, or might hear it with extreme skepticism, which makes law enforcement officials similarly unlikely to initiate an investigation against the traffickers, further decreasing the likelihood that the non-rescued victim will receive certification.” (Haynes, 2007, at 350). This trend forms the basis of the claim that the government’s implementation of the TVPA has been too focused on prosecution.

Special Provisions for Children

Children under the age of 18 are exempt from the certification process but still need a “determination of eligibility” from ORR in order to gain access to services. This requires that the child be a victim of trafficking as defined in the TVPA. In such cases, ORR will issue a letter of eligibility determination, similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking. The principal difference between adult and child victims of trafficking regarding access to services under the TVPA is that trafficking victims younger than 18 years old may gain access to

¹⁷ TVPA § 107(E)(i)(I).

¹⁸ TVPA § 107(E)(i)(I).

benefits, including immigration relief, without having to participate in the investigation or prosecution of their traffickers.¹⁹

Given that the TVPA's cooperation-for-services requirement does not extend to children, it would seem logical that the criticism contending that the TVPA's implementation is too prosecution-focused would not apply to children to the same extent. But what happens when federal prosecutors feel that they absolutely need the assistance of the child trafficking survivor to effectively proceed with their trafficking case? This question is best answered in the context of the priority placed on anti-trafficking by both Congress and the Executive Branch and the low number of identifications of trafficking victims and prosecutions of traffickers relative to the estimates of total trafficking cases.²⁰ Trafficking cases are difficult to prosecute because they are resource intense and require coordination across different government agencies, international fact-finding, interpreters, witness protection, and witness cooperation. Despite these challenges, federal prosecutors are highly motivated to bring forth trafficking cases because of the cases are often high-profile, bring good publicity and the president has prioritized the fight against trafficking. These factors inject a strong impetus to prosecute trafficking cases whenever possible.

Thus, if the only barrier standing between a potentially strong case against perpetrators of human trafficking is the unwillingness of a child to cooperate with law enforcement, federal investigators and prosecutors are likely to pressure the child and the URM programs designed to care for them, to participate in the investigation and court proceedings. This is done with little regard for the desires of the child, a shallow concern for the potentially harmful emotional and physical effects of such participation on the child as well as the program staff's obligation to act in the best interest of a child. In the case we discuss below, federal prosecutors went so far as to use a subpoena to compel two child victims to testify, against their will, before a grand jury regarding a case involving their traffickers, including the mother, grandmother, and aunts of one of the victims²¹ (GAO, 2007). This has set a precedent by which federal prosecutors and investigators, through the use of the subpoena, may circumvent the intent and purpose of the TVPA of not requiring child trafficking victims to cooperate with law enforcement.

Although this is the only case to date where US Attorneys from DOJ and ICE investigators have used a subpoena to circumvent the TVPA and force a child survivor to

¹⁹ TVPRA § 4(a)(4)(A)(§ 1595)(b)(1)(A).

²⁰ Since the passage of the TVPA in 2000 until September of 2007 ORR had only identified slightly over 1000 victims total of which were 142 children of an annual 14,500-17,500 persons trafficked in the United States every year. During the same time, only 400 trafficking cases have been prosecuted on human trafficking charges. For a discussion of the US response and the priority placed on anti-trafficking see Anthony M. DeStefano, The War on Human Trafficking: U.S. Policy Assessed, 118-141. (Rutgers University Press 2007).

²¹ This section presents details of the case *U.S. v. Luisa Medrano et. al*, 05-CR-148, U.S. District Court, District of New Jersey. Fictitious names are used to protect the identity of the trafficking survivors involved in the case. Other details of the case, such as the U.S. Attorneys involved in prosecuting the case, are available through public documents and major news media outlets. Any other names presented in connection with the case are used with the individual's consent.

testify, the seriousness of the consequences as well as the likelihood that similar cases will emerge in the future justify its use as an illustration of strategies not congruent with the intent of the law passed to protect trafficked children. Additionally, this precedent portrays the more routine, but equally disconcerting problems of DOJ prosecutors and ICE investigators bullying URM programs to grant them access to trafficked children, ignoring the requests and warnings of child welfare and medical professionals regarding the potential detrimental and irreversible consequences of forced interviews, especially interviews conducted in a manner not appropriate for children.

b. Melinda and Paula's Story²²

Melinda and Paula are both originally from Honduras. Melinda is the second of four children. Her mother worked as an evangelical Christian pastor and her father worked in agriculture until he had to have his leg amputated due to complications with diabetes. Melinda indicated that her family was very poor and that she often went hungry. Melinda reportedly sought to come to the U.S. to work and send her earnings to her parents so that her father could afford surgery for his leg. Paula is the fourth of five children. Her desire to travel to the U.S. was also spurred by a desire to help ailing family members. Her father had serious kidney problems and her mother reportedly suffered from heart disease; both were too ill to work. Two of her brothers were diagnosed with epilepsy. The entire family lived on a banana plantation in a rural area of Honduras. Her older brother worked on the plantation and provided for the entire family.

While it is unclear if the two girls were in contact prior to coming to the U.S., they both made initial preparations for the journey through the assistance of Melinda's mother, grandmother, and aunts. In 2003 and 2004, both were separately smuggled from Honduras, through Mexico, to Texas and eventually to New Jersey. Melinda arrived first, in 2003. The two girls were 14 years old when they migrated. Melinda described the journey as the worst part of the entire trafficking ordeal and revealed that she was sexually assaulted by her smuggler en route. Once at their final destination in New Jersey, the girls were put to work long hours as dance-hall girls in bars catering to immigrant men. Their job was to get the men to pay for expensive drinks and dances. Apparently there was no forced prostitution involved, although some of the girls were encouraged to provide sexual services to the bar patrons to pay of their debts sooner.

The conditions of Melinda and Paula's work at the bar differed somewhat because Melinda was related to members of the trafficking network while Paula was not. The traffickers did not force Melinda to pay back any of her smuggling debt. She was able to keep all the money she earned working at the bar, estimated at about \$240 to \$500 a

²² Melinda and Paula's story is based on two interviews conducted with their URM program managers in 2005 and 2006, a review of their case files conducted in 2006, and an interview with their immigration lawyer conducted in 2008. Publicly available information about the case can be found at *U.S. v. Luisa Medrano et. al*, Superseding Indictment, U.S. District Court, District of New Jersey. available at <http://www.usdoj.gov/usao/nj/press/files/pdf/medranoSuperIndict7-20.pdf>; Tina Kelley, *10 Are Charged With Smuggling of Immigrant*, New York Times, July 22, 2005. available at <http://www.nytimes.com/2005/07/22/nyregion/22human.html>

week. In contrast, the traffickers immediately informed Paula that she owed \$15,000 to cover the smuggling costs and that most of her earnings had to go to paying down the debt. Both girls were put to work six days a week and were subject to physical and emotional abuse. While they were not forced to prostitute, Paula later revealed that she engaged in such activity at the encouragement of her traffickers. The girls were also forced to drink alcohol and smoke marijuana with the clients. The ordeal ended when ICE agents conducted two separate raids of the operation in early 2005; both girls, along with several other victims were rescued in the course of these operations. While some of the adult women apprehended in the raid were deported, ORR placed Melinda and Paula in the custody of the URM program.

c. Melinda and Paula's Adjustment to the URM Program

The initial adjustment to the URM program proved difficult for both girls. Paula arrived at the program in late January 2005. Melinda followed a few weeks later in early February. While they arrived at separate times and had different living situations, having the company of each other was positive for both girls. Melinda's desire to stay in the program was heavily impacted by meeting and spending time with Paula. Despite the mutual support, they faced many challenges. Melinda did not have a clear understanding of where she was going to live or what the URM program entailed. Early in the adjustment process she expressed that she had been able to earn enough money at the bar to help her father receive the required operation. Therefore, she felt she had fulfilled her initial reason for migrating to the United States and wanted to return home.

Paula had an equally difficult adjustment for similar reasons. Her original motivations for coming to the United States when she was 14 were extreme poverty and a desire to help her parents who were suffering from heart disease and kidney problems. The fact that two of her brothers were epileptic only compounded the dire situation. As the next eldest child, making money by any means was imperative. Her managers at the bar permitted her to send some money home to help her family, thereby increasing her identification and bond with them²³ (Feltham & Dryden, 2004; Harrison, 2006). In addition, her actions were shaped by forced consumption of alcohol and marijuana use on daily basis. All of these factors shaped her strong identification with the bar environment. Thus, Paula's sudden removal and immediate entrance into the URM program where she could no longer work and provide for her family caused significant upheaval.

Facing the sudden unknown, both girls initially expressed anger, depression, and a strong desire to return home. However, after interviewing with the URM program staff they both decided to stay in the United States for "at least a few months," in order to "have something to show for their time here" and have another opportunity to "stay and make money." Despite this resolve, the initial adjustment was extremely trying for them. Both made suicide threats and/or attempted to harm themselves and had to be placed in residential treatment facilities. The lack of a clear self-identification as victims further

²³ This is an example of the well documented victim distortion phenomenon called the Stockholm Syndrome or "identification with the aggressors" or "trauma bonding."

complicated the adjustment period. They valued the opportunity to earn money for their families and and enjoyed drugs and alcohol, which made them more susceptible to traumatization and more resistant to offers of help in the post-trafficking stage. In essence, their self-identity, understanding of their situation and subsequent goals may have conflicted with the goals of service providers and law enforcement. They did not appear to harbor especially strong resentment towards their traffickers, and did not see themselves as victims. Clear identification of someone as a perpetrator correlates with a less traumatic aftermath. Melinda was especially ambivalent about her victimhood because of her family relationship to the traffickers.

d. Forced Interviews and Testimony: The Exacerbation of Melinda and Paula's Adjustment Challenges

According to social workers experienced in working with trafficked children, adjustment challenges experienced by Melinda and Paula are not unusual and generally last about six months. Paula and Melinda arrived to the URM program in late January and early February of 2005. Just two months later, in early April of 2005, ICE enforcement officials sent a letter to the URM program requesting that two ICE agents, an Assistant US Attorney, and US Department of Labor (DOL) agent be allowed to conduct interviews with both girls pursuant to their investigation of the traffickers. Three days after receiving the request from ICE, the URM program responded stating that they would be willing to arrange for an interview but only after obtaining Paula and Melinda's consent and consulting with the girls' *pro-bono* immigration attorney. The URM representative mentioned that it was the program's opinion that Paula should not be interviewed at that time because she was a patient in a residential treatment facility and her emotional state was extremely fragile. They judged Melinda to be able to meet the stress of the interview process.

In response to the request, Melinda declined to be interviewed stating she had already shared all the information she possessed. Despite Melinda's refusal and the program's conclusion that Paula was not emotionally fit for an interview, ICE insisted that they interview the girls in preparation for their case. Although the program staff disapproved of the interviews, they acquiesced. The acquiescence was influenced by the staff's concern that failure to cooperate with ICE officials might negatively affect the long-term immigration status of the girls and the program's future relations with ICE officials. In early May of 2005, a few weeks after the initial request, the girls were interviewed. Two ICE agents, an Assistant US Attorney, and a DOL agent participated in the interview, which they conducted without using child-specific interviewing techniques such as rapport building, ensuring the children understood the topic of concern and the reasons they were being interviewed again.²⁴ According to their caseworkers, both girls showed emotional setbacks after the interviews and that interviewing against their will only exacerbated the challenges of adjustment and prospects for smooth integration into the wider society.

Less than one month later, the US Attorneys subpoenaed both girls to testify in

²⁴ Telephone Interview with Pro-bono Immigration Attorney for Melinda and Paula. (February 15, 2008).

front of a grand jury in New Jersey, the state to which they were trafficked. While the program staff understood that child trafficking victims did not have to testify in order to receive services through the URM program, they were unsure whether Paula and Melinda would have to obey the subpoena. They were clear, however, about the potential negative effects that such testimony would have on their clients. They had already seen the adverse effects the interviews with federal officials had on the girls. Thus, the URM program immediately sent two letters, one on behalf of each girl, to the pro-bono immigration attorney explaining the potential harm that testimony would cause. These letters were immediately faxed and sent via certified mail to the US Attorney involved in the case. The letter on behalf of Melinda read in part:

June 6, 2005

Dear [Attorney]:

It is our understanding that Melinda has been subpoenaed to testify before the Grand Jury in Newark, New Jersey. We believe that it is not in her best interest to testify at this time. Melinda is getting accustomed to her foster home, going to school and building relationships. Melinda is receiving therapy once a week to address the trauma that she experienced. Daily she is working on her feelings of stress, sadness, and separation from family that at times makes her emotionally unstable. If the trip is unavoidable, we would like to express concerns regarding the increased risks in the following areas:

- 1.) Melinda fears that if she testifies she will never be able to return to Honduras due to retribution.*
- 2.) During medical appointments, Melinda has expressed having stomach pains due to stress*
- 3.) Melinda's final day of school is [conflicts with the testimony date]. She will be missing two days of school at a critical time in the curriculum.*
- 4.) There is a risk of Melinda running due to her familiarity with the area.*
- 5.) There is a potential contact with traffickers*
- 6.) Emotional stress and the effects it will have on each client (Melinda has expressed feeling nervous/worried, a lack of appetite and is very emotional and begins to cry.)*

If the subpoena is unavoidable, our staff will make every effort to assist her in processing this additional stress. In addition, our assessment is that it is not in Melinda's best interest to testify or participate in the criminal trial at this time. We appreciate your consideration of the recommendations listed above.

Paula's social worker, therapist and consulting psychiatrist authored a similar letter on

her behalf and sent it to the immigration lawyer the same day. The letter stated in part:

June 6, 2005

Dear [Attorney]:

It is our understanding that Paula has been subpoenaed to testify before the Grand Jury in Newark, New Jersey. We believe that it is not in her best interest to testify at this time. Paula faces stressors and displays bad behavior. [This past month] in response to a concern for her mother's health and a change in her telephone limited she broke a mirror and placed shards in her mouth. [This past month] she walked in the street after she was informed that she was placed in foster care on a temporary basis. She has been diagnosed with depressive disorder. It would be the recommendation of both the MSW and the Consulting Psychiatrist that she not be mandated to testify in the trafficking case. She may potentially put herself at risk if placed in such a stressful situation. It is possible that it will do more harm than good for her treatment and progress.

Sincerely,

MSW, Therapist, Consulting Psychiatrist

Despite indications that Paula and Melinda were unfit to go through with the testimony, the URM program staff and the immigration attorney were unable to quash the subpoena. ICE investigators and the US Attorneys ignored the warnings pertaining to the girls' emotional and physical health and told the immigration attorney that if the girls did not comply, they could be held liable for obstruction of justice.²⁵ In order to pressure the local URM program into acquiescence, the investigating team from ICE and DOJ made calls to the national URM office and HHS voicing their opinion that they expected the girls' testimony and the program's cooperation.

Melinda, but not Paula, testified in July of 2005 in front of a grand jury. As a result of her testimony, US prosecutors worked with Honduran authorities to incarcerate Melinda's mother, grandmother, and aunts in Honduras for their role in the girl's trafficking. Her caseworker described these legal proceedings, including testifying, as "extremely emotional" for Melinda. After returning from court, the caseworker reported Melinda making suicidal threats. She followed through with her threats and swallowed a mixture of pills less than a month after testifying. When asked why, she stated that "it was to take away the pain." She was placed in a residential treatment home and while she showed some signs of progress, continued to struggle with feelings of depressing, self-esteem, and guilt. She expressed a sense of responsibility for her mother and grandmother being incarcerated and needed the support of a therapist whenever she spoke with any family members in Honduras.

²⁵ Id.

The involvement in the testimony necessarily included forced exposure and re-experiencing of a difficult and confusing situation. Furthermore, the forced testimony occurred within the context of Melinda's family's continued dire situation and clearly went in contrary to their safety, hard won gains, and had the possibility of causing potentially irreversible damage. Despite Melinda's own protests, and the protests of her doctors and caregivers, the US Attorneys continued to press for more information. In fact, as the next letter will demonstrate, they expressed their desire that Paula and Melinda not see each other on a daily basis for fear of the effects it could have on their prosecution.

Is unclear if the US Attorneys were aware of the harmful effects the testimony before the grand jury and repeated interviews had on Melinda and Paula. If they were privy to such knowledge, it did not hinder them from demanding more interviews. DOJ prosecutors wrote the following letter, in part, in September of 2005.

Sept. 17, 2005

Re: United States v. Luisa Medrano, et al.

Dear [Attorney],

...As you know, on July 21, 2005, the grand jury returned a 31 count Superseding Indictment charging Luisa Medrano, et al. with conspiracy to commit force labor and other criminal violations. Trial is scheduled for January 25, 2006.

We will need to interview both Melinda and Paula again prior to the trial date and will appreciate your help in arranging the interviews and preparing the girls for our visit as you did before our interviews in May. Before we make plans to interview the girls again, please provide a more complete update on the status of both girls. Are they both in counseling? How often do they go to counseling? Is Paula continuing to make progress? Is Melinda making a good adjustment? Are both girls in school this fall? Is the same case worker assigned to both girls? Have there been any concerns on your end that we should be aware of. When we do come to interview the girls we will, of course, give you plenty of notice so you can let them know and will make every effort to ensure that our visit will not interrupt their school.

As I indicated in my [earlier] letter to you, when the Special Agent [from ICE] and I visited LSS in May and interviewed the girls, we expressed our concern about continued day to day contact between the two girls. It appeared clear to us at that time, that Melinda had a great deal of access to telephones during the school day and routinely calls Honduras. Can you let me know what steps have been taken to improvise this situation? Melinda' mother has been charged in Honduras and as that trial date approaches, she may feel additional stress being together with Paula

(whose mother testified against Melinda's mother in Honduras) and cause additional tress and conflict for both girls....

...You can reach me to provide this additional requested information as to the status of Melinda and Paula at any time and to provide any other information that you think is important to these girls.

Sincerely,

*Christopher Christie (US Attorney, New Jersey)
Deborah Gannett (Assistant US Attorney, New Jersey)*

During the time when Melinda and Paula's *pro-bono* lawyer and the program staff were deciding how to respond to the letter, the DOJ lawyers wrote another follow-up letter repeating the request to interview both girls in the fall of 2005 prior to the trial date.

Shortly after receiving the second letter from the district attorneys, Melinda's therapist wrote the following response in part:

October 14, 2005

Dear [Attorney],

It is not in Melinda's best interest to interview based on her reactions from testifying and previous interviews. During therapy she has continued to report feelings of stress, depression, and anxiety in relation to her trauma and how the legal proceedings will affect herself and her family. Also, it has been observed that Melinda displays increased signs of depression and anxiety before and after interviews including sleeping difficulties (nightmares), nausea, inability to concentrate in school, and crying. Depression reached such a point that she attempted to harm herself in order to take the pain away. Therefore in her best interest that she not participate in the interview.

Sincerely,

Therapist, MSW

The director of the URM program wrote a similar letter on behalf of Paula. The letter stated the following in part:

October 14, 2005

Dear [Attorney],

It is the collective professional opinion that it would not be in Paula's best

interest for her to interview. Setbacks for Paula have occurred after any limits are set on her behavior. She has limited capacity to control her own reactions to stressful and difficult situations. Incidents include threatening to harm herself, aggression and threats toward other youth or residential staff and attempting to run away. She was in a residential placement and after some progress was placed in a foster home, however, her unhealthy coping strategies have resulted in her need for a higher level of care and supervision. This interview would likely cause further instability for Paula and it is not in her interest to participate at this time.

In summary, both Melinda and Paula have been traumatized repeatedly by the people and circumstances leading up to their placement in foster care. These two young women need stability and peace of mind to continue the healing process that has begun. Both currently lack the appropriate coping skills to handle another traumatic experience; therefore we believe that an interview of this magnitude or any required testimony would jeopardize their emotional and physical health

Sincerely,

Program Director

Fortunately for Melinda and Paula, developments in the case related to some of the members of the suspected trafficking ring pleading guilty eliminated the need for another interview with DOJ and ICE officials. Nevertheless, the series of exchanges between government lawyers/investigators and the URM program underscores the tension existing between the *prosecution* and *protection* elements of the TVPA. Government prosecutors and investigators completely ignored the multiple requests of the social service and health care professionals mandated to ensure protection and care for child trafficking survivors. In doing so, they violated both the letter and the spirit of the TVPA which specifically states that child survivors are not obligated to cooperate with law enforcement in the investigation or prosecution of their traffickers in order to obtain access to benefits.²⁶ Why, then, did this occur?

e. Why did DOJ Attorneys and ICE Investigators Use a Subpoena and Ignore the Program's Requests to Avoid Interviews and Testimony?

Several factors may have contributed to DOJ and ICE circumventing the TVPA for purposes of the prosecution. First, federal prosecutors and ICE investigators have a high incentive to apprehend, charge, and prosecute traffickers. The president has proclaimed combating human trafficking a priority area and DOJ must provide annual reports to Congress on U.S. government activities to combat trafficking in persons.²⁷ (White House, 2004; Bush 2003) While Congress and the Executive Branch have

²⁶ TVPA § 107 (b)(C)(ii)(I) and TVPRA of 2003. 22 U.S.C. § 7101 (2003), § 4(a)(4)(A)(§ 1595)(b)(1)(A).

²⁷ TVPRA 2003 § (a)(1).

prioritized anti-trafficking and backed the effort with significant resources, identification and prosecution remain a major challenge (Haynes, 2007; Gozdziaak & MacDonnell 2007; DeStefano 2007). Human trafficking estimates are far from precise, but there is a major gap between the 14,000 to 17,500 international victims that according to governmental estimates enter the country each year and the 1,100 victims identified since the passage of the TVPA. (USDOJ 2007). DOJ often touts a tremendous growth rate in its trafficking prosecutions, but as shown in Table 5, the absolute number of overall prosecutions remains relatively low, especially given the estimates of the total number of international trafficking victims entering the country each year. Regardless of whether the estimates are correct, the bottom line is that it is difficult to identify trafficking victims and prosecute their traffickers. Thus, when the opportunity for prosecutions emerges, federal prosecutors are most likely going to pursue the case vigorously.

Table 5: Overview of All Trafficking Prosecutions, 2001 - 2006

All Trafficking Prosecutions	'01	'02	'03	'04	'05	'06	Total 2001-2006
Cases Filed							
Labor	6	3	2	3	9	10	33
Sex	4	7	8	23	26	22	90
Total	10	10	11	26	35	32	124
Defendants Charged							
Labor	12	14	6	7	21	26	86
Sex	26	27	21	40	75	85	274
Total	38	41	27	47	96	111	360
Convictions							
Labor	8	5	5	3	10	38	69
Sex	15	23	16	30	25	60	169
Total	23	28	21	33	35	98	238

Source: Authors' Tabulation of Data from the Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2006.
<http://www.usdoj.gov/ag/annualreports/tr2006/agreporhumantrafficking2006.pdf>

Given the public outcry against trafficking, DOJ prosecutors and ICE investigators, will also leverage prosecutions for publicity purposes, which is exactly what happened in Melinda and Paula's case. Immediately, after the grand jury returned the 31 count indictment on July 21, 2005, the U.S. Attorney for the District of New Jersey issued a press release about the case (USDOJ 2005b). The New York Times and several local and international media outlets ran stories on the subject the next day (Kelley, 2005). The case was featured in the Attorney General's 2005 annual report to Congress (USDOJ, 2006). ICE also broadcasted the event through its own press release and featured the case, along with the following picture of ICE agents taking custody of alleged trafficking ringleader, Luisa Medrano, in its August 1, 2005 issue of Inside ICE newsletter under the headline: *ICE Breaks Jersey Smuggling, Slave Ring*. (DHS, 2005a, DHS, 2005b).



Source: U.S. Dep't of Homeland Security, U.S. Immigration and Customs Enforcement, *ICE Breaks Jersey Smuggling, Slave Ring*, 2 Inside ICE Issue 16, available at http://www.ice.gov/pi/news/insideice/articles/InsideICE_080305_Web2.htm

While such publicity is necessary and expected, there is a disconnect between the statements made by the U.S. Attorney and ICE officials in the aftermath of the indictment and the effects that participating in the prosecution had on Melinda and Paula. Referring to the case, the U.S. Attorney stated *“This was inhumane and sadistic treatment of young women who were kept as virtual slaves. These are among the most vile crimes I’ve seen in my time as U.S. Attorney, and we will bring the full weight of federal prosecution against these defendants.”* (USDOJ, 2005b) The ICE Agent in charge similarly stated *“This case illustrates ICE’s commitment in identifying, investigating and prosecuting individuals who participate in the trafficking of human beings. These individuals are criminals, driven by greed, who act without conscience in their brazen disregard of human rights and freedoms”* (USDOJ, 2005b). Both were correct in their characterization of the human traffickers, and their call for humane treatment of the young women involved in the trafficking case. However, the actions of DOJ and ICE who forced the girls to testify and participate in repeated interviews undermined their own statements, especially when the medical and social service professionals taking care of the girls said that forced testimony was not in the girls’ best interests.

A second contributing factor worth discussing is the fact that DOJ lawyers deal with relatively few child victims compared to adults. Child victims account for approximately 10 percent of all trafficked victims certified by ORR since the passage of the TVPA in 2001.²⁸ Given that adult victims must cooperate with law enforcement in order to gain access to services, DOJ is accustomed to having their will enforced when

²⁸ See Statistical Portrait

dealing with adult victims. Furthermore, DOJ controls a significant portion of the funding stream for adult victim support services whereas victim support services for children are controlled by ORR. Previous research indicates that the DOJ funding is given under certain conditions mostly related to the likelihood that someone predetermined by ICE or the FBI “to be a victim will then be cared for while information is gathered which might be useful toward prosecution.” (Haynes, 2007 at 346). This results in a narrow group of trafficking victims being served and predisposes them to be willing to cooperate with law enforcement. This does not happen with children because children are cared for by a different agency, namely ORR. This may have contributed to DOJ’s and ICE’s insensitivity to the children’s wishes and the URM program’s recommendations.

Lastly, the URM programs tasked with caring for child trafficking survivors are not in a position to effectively deny a DOJ request to interview a child victim. This is caused, in part, by the unequal balance of power between federal law enforcement agencies and the social service programs in the URM network. The control DOJ and ICE exert through the rescue and certification process by only recommending for certification the victims they rescue enables them to determine, in large part, which victims are eligible to stay in the country. Often times, the long-term best interest of the child entails remaining in the US legally, and the URM programs do not want to jeopardize this so they do not challenge DOJ and ICE requests for interviews.

In Melinda and Paula’s case, the URM program avoided dealing directly with DOJ prosecutors and ICE investigators by relying on the girls’ *pro-bono* lawyer to interact with them. For the most part, the *pro-bono* attorneys working with URM programs on trafficking cases deal only with immigration related issues. Most often, they lack the time, resources, and expertise to effectively advocate on behalf of child victims regarding federal criminal procedure, requests for interviews, and other non-immigration related matters.²⁹ Nevertheless, Melinda and Paula’s attorney was thrust into this position and had to respond to a federal grand jury subpoena and multiple requests for interviews. This is an extremely difficult position for an attorney advocating for immigration relief because the same government agency, DHS, is involved both in the investigation and prosecution of the traffickers as well as provision of immigration relief. (Haynes, 2007 345). The URM programs and the *pro-bono* attorneys they work with are concerned that failure to cooperate with ICE investigations and DOJ prosecutions could negatively affect immigration relief for trafficking survivors in their care.³⁰

Melinda and Paula’s attorney did not attempt to quash or modify the subpoena in any way despite the fact that the Federal Rules of Criminal Procedure specifically state that “on motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.”³¹ Based on Melinda and Paula’s emotional state described in the letters written by the URM program and its affiliated medical professionals, there was ample reason to believe that the subpoena in this case was unreasonable and oppressive. However, because the program was facing pressure

²⁹ Interview, *supra* note 30.

³⁰ Interview, *supra* note 30.

³¹ Fed. R. Crim. P. 17(c)(2).

from ICE and DOJ and threats of obstruction of justice charges, they did not move to quash. The incident demonstrates that the URM programs caring for the children and the *pro-bono* lawyers managing immigration paperwork are not tasked to deny the legal requests of US Attorneys and ICE investigators.

f. Legal Arguments against the Use of Subpoenas to Gain the Testimony of Child Trafficking Victims

In the hypothetical, even if a motion to quash the subpoena on Melinda and Paula's behalf was unsuccessful based on reasonableness and oppressiveness standards, the girl's participation in the grand jury testimony could have been blocked according to several well-established canons of statutory interpretation.³² The first canon holds that when the construction or interpretation of a statute produces an absurd or unjust result and is clearly inconsistent with the purposes and policies of the act in question, it should be avoided at all costs.³³ Barring a deliberate attempt by DOJ prosecutors and ICE investigators involved in Melinda and Paula's case to ignore the language of the TVPA stating that children did not have to interview or testify against their will, they must have interpreted the TVPA in a fashion that permitted such action. Whatever that interpretation may have been, it clearly produced an absurd, unjust, and unreasonable result in that the basic protection of Melinda and Paula's welfare was compromised. The drafters of the TVPA took special care to create exceptional rules aimed at protecting child trafficking victims from exactly what happened to Melinda and Paula as a result of their testimony.³⁴ The child welfare and medical professionals gave ample notice that this would be the case, but the advice went unheeded.

The second is the principle of *lex posterior* which holds that a later norm supersedes the validity of the earlier, contradictory norm.³⁵ Applied to Melinda and Paula's case, the statutory language of the TVPA stating that no child trafficking victim younger than 18 years of age has to cooperate or assist law enforcement in the prosecution or investigation of their traffickers was codified in 2000 and 2003 while the first judicially promulgated Federal Rules of Criminal Procedure pertaining to the use of subpoenas became effective in 1944.³⁶ Lastly, the canon of statutory interpretation holding that the specific trumps the general is also applicable to this case. This canon holds that when two separate laws or rules conflict, the more specific applies with the reasoning being that Congress probably deliberated on the issue and developed specific intent.³⁷ Whereas the Federal Rules generally allow for the issuance of subpoenas to

³² Norman J. Singer, Sutherland Statutory Construction § 67:14 (6th ed. 2007); According to Sutherland Statutory Construction, the Federal Rules (such as those of Criminal and Civil Procedure) although judicially promulgated, have many of the characteristics and create many of the same problems as do statutory codifications, and therefore the methods and rules used with statutory construction are relevant when there is a conflict of a judicially promulgated rule and legislatively promulgated statute.

³³ Norman J. Singer, Sutherland Statutory Construction § 45:12 (7th ed. 2007).

³⁴ 149 Cong. Rec. E1384, H.R. 2620: Trafficking Victims Protection Reauthorization Act (Extensions of Remarks June 27, 2003)(statement of Rep. Smith)

³⁵ Singer, *supra* note 50 § 36A:4.

³⁶ Notes to Fed. R. Crim. P. 17.

³⁷ Singer, *supra* note 50 § 51:5.

obtain testimony in criminal cases, the TVPA and subsequent reauthorizations specifically state that such activity is not applicable to children younger than 18 years old.

g. Moving Forward

Unfortunately for Melinda and Paula, the damage caused by forced interviews and unwanted participation in grand jury testimony caused them an inordinate amount of stress, emotional anguish, and physical harm. Their plight is a paradigmatic example of why Congress recused child trafficking survivors from participating in investigations and testimony against their will. This case is particularly egregious because Melinda was forced to testify against her own family members; her testimony resulted in the incarceration of her mother, grandmother, and aunts in Honduras. This is not to undermine the importance of apprehending, prosecuting, and sentencing traffickers, to the contrary, such activity is essential to the anti-trafficking effort, but it should not be carried out at the expense of a child's emotional and physical well-being.

Most cases are not as black and white as that of Melinda and Paula in that they do not involve subpoenas, suicidal children, and testimony against parents. Much more common are children adjusting from traumatic situations that need time and special preparation before interviewing with lawyers and investigators. When this occurs in a child-centered manner, participation in a prosecution can boost confidence, bolster resiliency, empower, and bring a sense of closure to a survivor. This way the law enforcement-centered approach and the victim-centered approach converge to produce the best possible outcome in the fight against human trafficking. However, in other cases, participation in a prosecution may be viewed apathetically because judicial retribution is not culturally important to the child. The fundamental concern among URM programs is that the well-being of the child be maintained at all times before, during, and after prosecution so that a successful prosecution is also a successful outcome for the child. When a child does not wish to participate directly with testimony or interviews, that desire must be upheld.

There is a general consensus among legal advocates and victim advocates that prosecution of traffickers is in the best interest of the trafficked child as long as the child's best interests are upheld during the entire process (Bump & Duncan, 2003). Successful prosecutions depend greatly on collaborative efforts between the prosecutor and the child advocate. The prosecutor relies on service providers to help their survivor understand the importance of their testimony and the process of the prosecution. The social service provider relies on the prosecutor to bring justice and closure to the child's ordeal through legal action. Both parties benefit from penal action taken against traffickers. However, when events transpire as they did in Melinda and Paula's case, the general lack of trust and protocol impeding successful collaboration between trafficked children and their advocates to work with law enforcement and social services is exacerbated. These shortcomings need to be addressed so that both sides can work together to develop the trust necessary to carry out successful prosecutions while upholding the physical and emotional well-being of the child.

Apparently, there is some movement towards introducing a victim-centered approach to prosecuting trafficking cases. In early 2007, DOJ announced the creation of a Human Trafficking Prosecution Unit within the Civil Rights Division's Criminal Section. The new unit prides itself on using a victim-centered approach to the problem of trafficking and the prosecution of traffickers. (Denny 2007; USDOJ 2007b). DOJ stated that because the new unit "works closely with U.S. attorneys' offices and human trafficking task forces around the country," it is able to disseminate and reinforce the victim-centered approach to trafficking (Denny 2007, 1). How much of an effect the new unit will have on compelling US Attorneys, like those in Melinda and Paula's case, to put their own aspirations aside in favor of taking a victim-centered approach remains to be seen. A recent report of the Government Accountability Office, does, however, shed light on the issue (GAO, 2007). It concludes that progress remains to be made in establishing the authority of the new DOJ division as the interagency leader in pursuing trafficking crimes. The report stated that "while FBI officials acknowledged [Human Trafficking Prosecution Unit] as the leader on trafficking in persons, they also said that leadership needs to cut across agencies, since no one agency carries out trafficking cases alone. ICE officials said that agencies are all equal partners in the effort to combat trafficking and that while [the Human Trafficking Prosecution Unit] may take the lead on prosecutions, the investigative agencies each take the lead on their own investigations." (GAO 2007, 27). Thus, while the creation of the Human Trafficking Prosecution Unit and its victim-centred approach are laudable, there is ample room for progress among ICE and other parts of DOJ, especially US Attorneys.

Specifically, the following measures should be enacted to further guarantee that the best interests of child trafficking survivors are upheld.

- 1.) *The TVPA should be amended to explicitly state that all child trafficking victims, upon being certified as such, do not have to comply with 1.) any subpoena issued to compel appearance in court or other legal proceeding, 2.) any investigative interview requests, or 3.) any other interview requests not approved by the URM program tasked to care for them.* This should be accompanied by the issuance of a legal document which explicitly states this rule. As it currently stands, the federally funded programs in charge of upholding the best interests of child trafficking survivors are not in the position the effectively deny interview requests from ICE investigators and US Attorneys working on a prosecution. Thus, in response to any subpoena or request for an interview the URM program would only have to make reference to the legal document. The fact that the TVPA specifically states that children are not required to cooperate with law enforcement has not stopped US attorneys and immigration investigators from distorting the intent and spirit of the TVPA and more proactive steps must be taken.
- 2.) *The US federal government needs to develop interagency protocols for child trafficking prosecutions and investigations to ensure 1.) the child remains safe throughout a prosecution,, 2.)the number of interviews is limited, and 3.) the*

interviews are conducted in a child-friendly matter. Investigating and prosecuting perpetrators is an essential element in eradicating human trafficking but should not come at the expense of a child trafficking survivor's well-being. Traumatization can occur each time conveys an abusive experience. Thus, every effort should be made to develop a cohesive and mutually respectful relationship between the child welfare professionals in the URM program and the law enforcement professionals at DOJ and ICE, with the understanding the DOJ and ICE heed the expert opinions of URM staff and consultants.

3. Additional key findings

A. Organized crime networks or Mom and Pop operations?

The Pied Piper who leads the children away with their parents' blessing ...is the key to this modern slavery. Often one of the child's own relatives, he is commissioned to take full advantage of the extended family, and of the poor man's assumption that anywhere is better than here (Astill 2001: 3 in Manzo 2005).

Trafficking in persons is often portrayed as the world's fastest growing criminal enterprise, with profits that rival the illegal drugs and arms trade. Reports repeatedly quote the number of seven billion dollars in profit to indicate the magnitude of the phenomenon (Spangenberg 2002; Denisova 2001; Scarpa 2006; Roby 2005). Reports also talk about networks of international organized crime which are attracted to the trade in human beings because of low risk and because the criminal penalties for human trafficking are light in most countries (Pochagina 2007; Tiefenbrun 2002; Sheldon 2007). Different TIP Reports produced by the US Department of State reiterate this assertion, describing how traffickers enjoy virtually no risk of prosecution by using sophisticated modes of transportation and communication; avoid punishment by operating in places where there is little rule of law, lack of anti-trafficking laws, poor enforcement of such laws, and wide-spread corruption (DOS 2003-2007). Media and international organizations also talk about the fact that the crime of trafficking in persons offers international organized crime syndicates a low-risk opportunity to make billions of profits by taking advantage of unlimited supply and unending demand for trafficked persons (Burke *et al* 2005; ILO, 2002; Reuters 2000).

Given the lack of research findings and statistical data, it is difficult to accurately assess the scope of organized crime's involvement in human trafficking (Bruckert and Parent 2002: 13). The distinction between trafficking and smuggling is not always easy to make. One needs to add to this the difficulty of defining what is meant by "organized crime." The *United Nations Convention against Transnational Organized Crime* defines "organized criminal group" as

... a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other benefit (Article 2).

This definition does not apply to a group of individuals formed by chance for the immediate commission of a single offence.

Theoretically speaking, it might be more useful to distinguish different types of networks responsible for trafficking in persons: large scale networks with political and financial contacts that enable them to establish links between countries of origin and

destination; medium-sized networks that concentrate on trafficking in persons from one country to another; and small networks that place one or two persons at a time as required (Bertone 2000). Finckenauer (2004 and 2007) points to the need to differentiate between criminal activities and organized crime. Criminal activities can entail good organization and last for a certain period of time but once the goal has been accomplished the group dissolves. Organized crime on the other hand entails an organization that is stable and involved in various criminal activities.

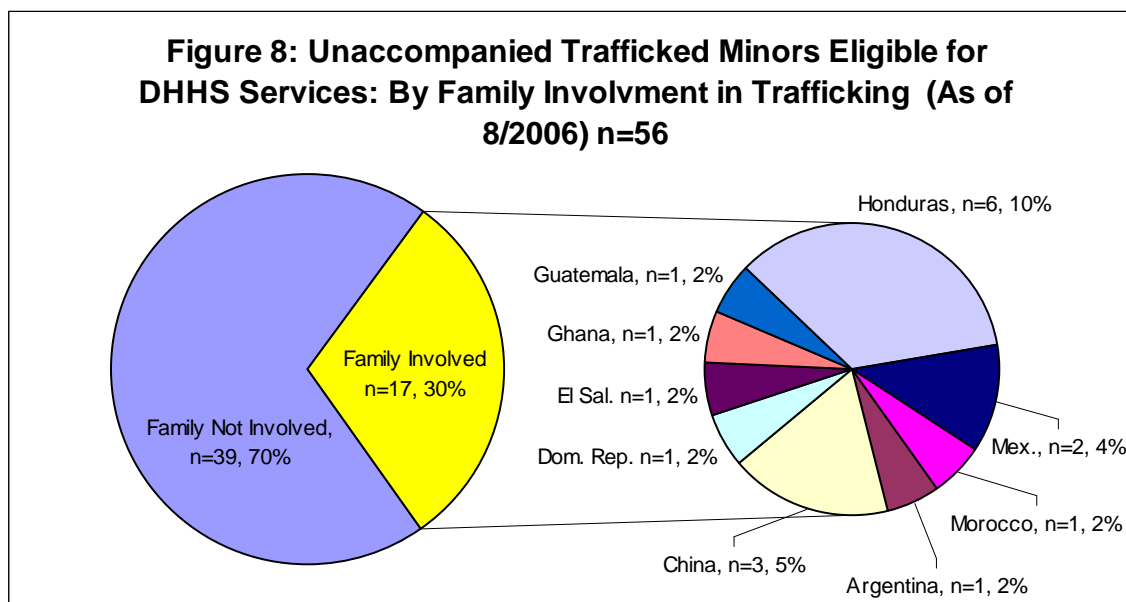
According to Salt (2000: 43) the notion that human trafficking and organized crime are closely related is widespread despite lack of evidence-based data to support this assertion. This alleged connection is based on the fact that people of different nationalities are part of the same group of trafficked victims; that trips over long distance require a well-oiled organization; that substantial amounts of money are involved; that itineraries change quickly; that legal services are available very quickly; and that there is a strong reaction to counter-offensives by law enforcement agencies (Bruckert and Parent 2002). These arguments developed by Europl (Salt 2000) are also shared by others (e.g. Taibly 2001; Juhasz 2000). Some researchers point to a close connection between organized crime and trafficking for sexual exploitation indicating that the magnitude and geographic scope of the sex industry are phenomenal and organized crime is involved at various levels (Shanon 1999; Caldwell *et al* 1999). Skeldon (2000) and Okólski (2000a) who had conducted empirical research on these issues in Asia and in Poland, respectively, point out that many amateurs participate in human trafficking. Okólski asserts that while organized crime is present in Poland, human trafficking is not a major activity of criminal networks.

Family involvement in child trafficking

Although many reports indicate involvement of large criminal networks in child trafficking, family involvement in child trafficking should not be underestimated. These smaller operations based on kinship or friendship ties may, of course, be part of larger criminal networks. However, we did not find any direct evidence of such connections in the course of our research. Moreover, the trafficked children did not speak of criminal networks, but rather focused on the close relationships between themselves and those who helped them cross the US border. Some were quite upset when law enforcement or service providers referred to their family members as traffickers; even the children who felt wronged by their loved ones had difficulty conceptualizing their actions as criminal.

It is also important to remember that many different people were involved in the trafficking of these children at different stages of their journey to the United States as well as during the time the children were held in captivity and were being abused and exploited. There was not one case in our study where a single person would be involved in every phase of the trafficking process: from making the decision to smuggle the child across international borders through accompanying the child on her journey to exploiting and abusing her. Several different people with varying relationships to the child were involved in the trafficking ordeal at different times.

The data show that family involvement in the child's trafficking was quite prevalent in the group of unaccompanied trafficked minors (Figure 8). Close family members facilitated the journey to the United States of 17 (or 30 percent) of the 56 unaccompanied children. Family involvement was most prevalent among the Honduran cases. Family members were involved in trafficking of six Honduran, three Chinese, two Mexican children and one child each from Guatemala, Ghana, El Salvador, the Dominican Republic, Morocco, and Argentina. These operations appeared to truly be of the "mom and pop" variety. In fact, in virtually all cases examined in this study the information on 'travel' to the United States was obtained from known individuals: relatives, family friends or other trustworthy acquaintances. On a few occasions, girls migrated to follow 'boyfriends' who ended up trafficking them. When the idea to migrate did not come from the girls themselves but from others, it was usually presented as a favor. Traffickers told the children they could give them an opportunity in the US to earn money. They may have also engaged the parents with promises of a better life for the child. When the idea to migrate came from a family member, it was presented as a way to help the child 'pay back' or support parents.



Source: Authors' analysis using data provided by the USCCB/MRS and ORR, 8/06.

Many different types of people, including parents and grandparents, aunts and uncles, cousins, in-laws, family friends, acquaintances, and 'strangers' were involved in trafficking the child victims interviewed for this study. As indicated above, in some cases more than one person was involved in the trafficking of a particular child. Different people played different roles in the trafficking journey, including planting the idea of migrating to the United States for work or education; providing financial resources to cover the cost of the smuggling operation; serving as the *coyote* who assisted the child in crossing international borders; transporting the child from the border to their destination; arranging "employment;" directly exploiting and physically and emotionally abusing the child.

Parents

With the exception of four cases, parents or grandparents had some degree of involvement in the trafficking of their children. At minimum, the children were embarking on the migration journey with their blessing and in most cases with their financial help. In two cases the parents handed the children over to a snakehead to smuggle the children from China to the United States. Four girls, in separate cases, were trafficked by their mothers and/or grandmothers from Honduras to New Jersey and Texas to work in *cantinas* or bars. Law enforcement alleged that in some instance, this “work” included prostitution. However, at least one of the girls maintained at various times that she did not have to provide sexual services; all that was requested of her was to dance and flirt with bar patrons to entice them to buy expensive drinks. Three children indicated that their parents had no involvement in their trafficking; including one Chinese girl who claimed that she contacted the smuggler directly. Case files confirmed these assertions.

Five additional parents or grandparents made arrangements for the children to be smuggled into the United States to work and send home remittances. In one case both parents traveled with their daughter from Morocco to the United States on tourist visas, allegedly to visit their relatives on the West Coast. After a month or so Linda’s father had to return home to work, but her mother stayed in the U.S. for about six months until her visa expired. At that time she too went back to Morocco leaving Linda with her Moroccan uncle and his American wife in a domestic servitude situation. Angie first heard of the “opportunity” to go to the U.S. from her grandparents. Her mother arranged a meeting with a *coyote* and her father sealed the deal by giving him 10 thousand dollars the next day. Apparently, Angie’s grandfather later changed his mind and advised her not to go to the United States, but she decided to go regardless. In case files this involvement was often described as ‘colluding with the traffickers,’ although according to the children many parents genuinely believed that they were improving their children’s prospects for the future and were unaware that the illegal migration would turn into severe form of trafficking and exploitation.

Despite the fact that some parents were more directly involved in their trafficking and exploitation, many girls were quite ambivalent about thinking of them as traffickers who should be prosecuted and pay for their crimes. Angeles, for example, was very guarded when talking about her family, because both her mother and her grandmother trafficked her and her twin sister, Elisa, from Honduras to the U.S. On June 30, 2002 both women were incarcerated. They were arrested when a sex service operation resembling enslavement was shut down. Upon completion of their prison terms both the mother and grandmother were deported to Honduras. Angeles and Elisa did not vilify their mother. Angeles felt that her mother had done nothing wrong and did not understand why she had been arrested. In order to further exonerate her mom and grandmother, Angeles reported that she was not being made to prostitute: “I was simply working as a waitress and dancing for men when they requested it,” she said. Angeles was in weekly telephone contact with her mother. Elisa too talked to their mom on the phone and wrote letters several times a month. Angeles and Elisa visited their mom in prison. The case worker was able to observe Angeles’ interaction with her mom and told us that it was clear that

Angeles missed her mother very much and that there was a strong bond of love and support between them. The caseworker was able to spend time talking with the mother and hearing more of her story. The worker determined that despite the mother's involvement in her daughters' trafficking contact with the mother was not detrimental to the girls' safety and well-being. Both Elisa and her twin sister plan to visit their mother when they get their green card (they will be eligible to adjust their status to permanent residency in 2008). The mother encouraged Angeles and Elisa to focus on school, study hard, and put Christ first in their lives. Angeles was very sad and teary when she had to say goodbye to her mother at the end of the visit. When we interviewed Angeles in June of 2002, she claimed she did not want to be in foster care and wanted to return to Honduras. At that time her mother's investigation was pending and it was unknown if she would be deported or detained in the U.S. Several male relatives of Angeles who were arrested during the raid were deported.

Melinda expressed similar feelings about her mother's and grandmother's involvement in serving as the first contact to traffic several young women from Honduras to New Jersey. She had a difficult time accepting that they engaged in illegal activity and was devastated to learn that as a result of her testimony, US officials worked with Honduran authorities to incarcerate both her mother and grandmother in Honduras. Much of Melinda's post trafficking struggles revolved around understanding that there are some parts of her life that are not in her power such as her mother and grandmother's incarceration, but will affect her. Moving towards acceptance of this has been a major advancement for her.

Other family members

In addition to parents, other family members were also involved in the trafficking of the children in this study, including aunts, uncles, cousins, and sisters-in-law. In some instances the relatives' involvement was limited to smuggling the girls across the border, in other cases the traffickers both facilitated the children's journey to the United States and ended up abusing and exploiting them.

During a visit to Morocco, Linda's uncle and aunt suggested that she go with them to the United States. They promised to send her to school in exchange for taking care of their baby. Linda's parents thought it was an excellent idea and agreed to the proposed plan. Linda liked the plan as well because she loved school and knew it was hard for girls to get good education in Morocco. She liked babies and was happy to exchange baby-sitting services for a chance at education. As indicated above, Linda's parents traveled to the U.S. with her and stayed in her uncle's house for several months. Linda's mother did all the housework, cooked for the whole family and cared for her brother-in-law's baby boy. After her departure, Linda who was only 12 years old at that time was expected to take on the household chores and baby-sitting. Her uncle threatened that if she does not do a good job he would report her to the authorities; by that time Linda's tourist visa expired and she feared deportation.

Sue's uncle was also instrumental in facilitating her trafficking. Sue was the youngest of four children born in a large city in Mexico. Her father who was from an upper class family married a working class woman from another country. His father disapproved of his choice and the enmity between Sue's grandfather and both of her parents never ended. Sue's father was a politician. When she was ten years old, her Dad, whom she described as very honest became swept up in some type of political scandal. He shot himself in the head in front of her. His suicide caused a family turmoil; Sue's mother abandoned her children. The two older children went to live with her father's family and the two younger were left in the home alone. When Sue turned 17, the situation became too much for her. She contacted her paternal uncle who lived in the United States. He told her she could come to live with him. He put her in touch with a smuggler and promised to pay the smuggling fees.

Two sisters-in-law and a brother-in-law were involved in trafficking Carola to the United States. One of the sisters recruited Carola in Honduras, arranged for her to be smuggled into the U.S., and arranged her employment in the U.S., including providing a false identity document. The second sister-in-law harbored Carola at her residence for several months, while the brother-in-law transported Carola to and from her place of employment. Analis, whose case was discussed in one of the preceding sections in this report, was trafficked by an adult step-sister. As discussed, both her father and her step-mother were aware that Carmen intended to smuggle Analis to the United States.

Friends and acquaintances

Three children were trafficked by friends or close acquaintances of the family. At a tender age of eight or nine, Eva, originally from Cameroon, had been sent to live in the United States with an acquaintance of her uncle's and ended up in a domestic servitude situation for over a decade. Victoria grew up with her mother in a small village in Ghana. She didn't know her father. A "friend from the village" stepped in when Victoria's mother became ill and promised to take care of her. Rosemary said that she would give Victoria a "great opportunity". She brought Victoria to Chicago where she was forced to care for the woman and her husband and their two children. They didn't allow her to leave the home and they physically and emotionally abused her. Rosemary's husband also sexually abused Victoria. Victoria stated that they made her feel "worthless". The woman informed Victoria that her mother died while she was trafficked with them. X's uncle put her in contact with a friend of his who smuggled her from Mexico to the U.S.

Upon finishing mandatory schooling at the age of 14 in Honduras, Paula decided to migrate to the US to help her family, but she needed help to make her trip. Paula and her mother contacted a woman in their community that they knew had helped other young girls make the trip from Honduras. In fact, this woman, with the help of other family members, had sent her own daughter to the U.S. just months before. Paula's mother testified that she had no idea that this acquaintance was part of a larger operation channeling young woman to New Jersey bars to work as dance hall girls. They were held

in debt bondage for as much as \$20,000 and forced to drink and dance with male customers, to make roughly \$250 a week.

“Strangers”

The remaining seven children were trafficked by “strangers.” It is not incidental that we qualify the word stranger. None of the children in our study were kidnapped and whisked away from their homes by people whom they never met before. Traffickers who were not related to the children they trafficked or who were not long-term friends or acquaintances of the family worked hard to gain the children’s and their families trust. In some cases the men who intended to traffic particular girls seduced them and presented themselves as ‘boyfriends’ who were enamored with their victims. Two of the interviewed girls truly believed that they had a meaningful romantic relationship with the perpetrators. The traffickers did everything to maintain this illusion and stayed in touch with them via mail and phone calls for some time, promising the girls that they would come to the U.S. and merry them.

In one large trafficking case for labor exploitation, the traffickers identified a group of boys ranging in age from five to 16 years and used a simple ploy to initiate contact with the children. The traffickers set up a volleyball net in their yard in order to attract neighborhood kids and give them the opportunity to play. They scouted out kids that in the opinion of the traffickers would make good workers in the United States and began to make contact with them. The traffickers were very well known in the community and most people realized they had money from abroad. They offered the children promises of going to Disneyworld. They manipulated both the children and their parents into signing documents giving them permission to take them to the United States. When possible, parents were also brought to the United States. In some cases parents had signed over their property to the traffickers as collateral for the trip to the U.S.

Criminals or helpers?

Despite family members’ involvement in the trafficking, many children did not vilify their relatives. Instead, they thought the parents were helping them get education or access to employment that would improve the family financial situation. This perception of relatives as “helpers” was often an obstacle both for the prosecutors and for the service providers. The children’s perception of their relatives as facilitators of a better life in the United States and the resulting conceptualization of their trafficking experiences as “work” sometimes interfered with gathering information by the prosecution team. Children were reluctant to provide law enforcement with details about their journey to the United States and identify their relatives as perpetrators of crimes. The notion that the traffickers were “helpers” and the trafficking experience was “work” made the children’s initial adjustment to the rehabilitation services difficult as well. Several children, particularly the older ones, thought that attending school and pursuing high school diplomas deprived them of the ability to make money, the main reason they wanted to be in the United States. They were also reluctant to see themselves as victims and avail themselves of mental health counseling services.

Some children who clearly understood that their parents wronged them were nevertheless ready to forgive and reconcile with their families. Eva, for example, told us that she would very much like to go and visit her parents to tell them that she has forgiven them for sending her away. She is particularly keen “to hug her father, who did not want her to go to the States because he thought she was too young to be living with strangers in a different country.” When asked whether she calls her parents often, she admitted that it is hard to have a close relationship with people whom she barely remembers; Eva spent almost a decade in domestic servitude in the United States.

B. The journey into the hands of the traffickers

Eliciting details of the journey and in-depth descriptions of the trafficking experiences was not the main objective of this research. Some survivors volunteered to narrate their exodus and their experiences while trafficked, others did not. Case file reviews provided a glimpse into some of the circumstances the children had to endure in the hands of the traffickers. Often times, service providers wished for more details from law enforcement regarding both the border-crossing ordeals and the type of abuse the children experienced. Obviously, service providers were not motivated by sheer curiosity. They thought that the more details they had regarding the trafficking history of each child the better treatment plan they could prepare.

Service providers often pointed out how hard it was to get detailed descriptions of the children’s journey to the United States from the victims themselves. Given the stresses and trauma involved in their forced migration this is hardly surprising. Many children withheld information about their trafficking journey or provided inconsistent stories. The circumstances of Josefina’s trafficking history were fuzzy from the very beginning. Apparently, her ‘boyfriend’ brought her to the border. She crossed the border into California successfully on the first try and was placed in a brothel. Josefina was very reluctant to share information about her trafficking with her case worker. She made every effort to omit details despite the fact that those details would have been helpful to the staff of the agency helping Josefina rebuild her life in tailoring their assistance.

Clearly, most journeys were harrowing. Some survivors described their journey as the worst part of the entire ordeal. Many journeys were long and convoluted. Not surprisingly, the Chinese girls in the sample endured quite lengthy journey into the United States. Cindy was smuggled into the United States by Chinese snakeheads that brought her here via Hong Kong, South Africa, Brazil, and Belize. Cindy thinks they stopped somewhere else between Brazil and Belize but she could not remember the name of the country. In Belize the smugglers were warned that they were about to be caught. Afraid that the warning might prove true, Cindy’s captors backtracked through the same countries and took her back to South Africa. In another attempt to make it from South Africa to the United States, the traffickers smuggled Cindy to Mexico and on to the United States. She was apprehended upon entering the United States.

Donna, another Chinese girl, left Fujian Province with three ‘guardians.’ They first went to Thailand where she was locked in a room with five or eight other people and forced to learn French; they were all coming to the United States with French passports. They stayed in Thailand for about two months. From Thailand she was taken to Vietnam, followed by Tokyo, and then on to New York where they were immediately apprehended because their French was suspicious.

Karen’s trip to the United States took five weeks. It started in her native village on the Chinese border with Korea. From there she and her two cousins were taken to Beijing. From Beijing she traveled to Guinea in Africa. From Africa Karen was transported to Brazil and then to another country whose name she did not recall. The last stop was Mexico. In Mexico Karen and her cousins lived with a Korean family. There they met their driver “Mr. Li,” who repeatedly tried to rape her. They attempted to cross the US-Mexican border in Texas. The girls were told that it would take an hour to drive by truck but it took four hours. Karen remembered how cold the truck was. She also recalled a rather confusing series of events involving changing cars and drivers. Mr. Li went off, got in a serious car accident, and died. The girls were taken into police custody and it was discovered that they were trafficked.

Even journeys from Central America took considerable amount of time. It took Angie one month and 15 days to cover the distance from Honduras through Guatemala to Texas. Part of the journey she made on her own, part with the help of a *coyote*. One terrified girl reported that her trip to the USA in the company of another girl and ten mostly adult males took six weeks. She hinted that sexual advances had been made but that one man had protected her. Having been turned back at the Texas border both girls wanted to return to Honduras but were afraid to say so. The next attempt worked and they came over the border by hanging on to the under chassis of a truck. Melinda revealed that she was sexually assaulted by the man who brought her from Honduras, through Mexico, to the US. One five-year old boy who was trafficked with a large group of kids and adults from Lima, Peru to the United States got separated from the group for two or three days. Miraculously he found his companions or they found him, but the fear of being separated from his brothers stayed with him for a long time. The director of the program which assisted his family told us that she could not comprehend how such a young child could have survived his ordeal.

Several girls from small towns in rural areas were first taken to a large city nearby or to the capital of their country. Myrna who is from Mexico was first taken to Mexico City and then flown to a small town near the US-Mexican border. From there she and her companions walked for three days and nights to Arizona. When she described her ordeal in an interview she became emotional stating how very hard and frightening the trip was. She also mentioned Brownsville as a place she stopped on the journey to the East Coast where she was placed in a brothel along with a number of other girls.

On the one hand, service providers wanted to have as much information as possible about the children’s trafficking, but on the other hand, some providers avoided asking questions about the children’s migration experience for fear that if they were

subpoenaed this information might be used by the traffickers' defense team. The nature of the profession places social workers in the difficult position of being obliged to maintain client confidentiality, provide for informed consent, and comply with the law (Sarnoff 2004). Unfortunately, there is no clear standard regarding when or under what circumstances a court will require a social worker to waive the right to maintain privileged information undisclosed. However, the ethics of the social work profession and most state licensing laws, "require that social workers resist releasing information unless clients waive privilege or until a court forces them to do otherwise after all legal forms of resistance have been exercised" (Sarnoff 2004, 3). Regardless, this is a situation that service providers wanted to avoid. The fact that social workers may be subpoenaed to provide confidential information works against them providing the best possible care to child trafficking survivors.

Law enforcement reluctance to share information with service providers combined with program staff's worry that they might be subpoenaed often hindered the providers' ability to tailor treatment plans to the needs of an individual child. Given that dealing with these experiences is essential to survivors' post-trafficking adjustment, receiving a child in care with no information as to her history or factors precipitating trafficking made initial engagement and subsequent treatment extremely difficult.

The children's treatment in trafficking situations varied considerably depending on the type of trafficking and the children's relationship to the traffickers. It seems that the girls in domestic servitude were treated particularly badly. Their situation was exacerbated by the fact that they had no respite from their captors; they were watched by their abusers 24/7. They each spend several years in the homes of their captors where verbal, physical and psychological abuse was commonplace. One time when her uncle hit Linda's face, her nose started to bleed on the light colored carpet. Observing the situation, Linda's aunt told her husband; "If you are going to hit her, hit her outside." At a very young age of 10 Eva had to cook, do laundry, vacuum and clean a townhouse, and take care of her captor's a newborn baby. When she didn't do things perfectly, her abuser would strip Eva naked and beat her with a television cable cord in the presence of her own son until Eva bled. Eva also reported that her abuser yelled derogatory remarks at her. According to their case managers, two of the girls in domestic servitude exhibited particularly significant PTSD symptoms even a couple of years after their rescue.

Since most of the children survived trafficking for sexual exploitation, we have reasonably good understanding of the treatment of female children trafficked to work in a bar or a brothel. While sexual exploitation of children is a particularly heinous crime, at least some of the girls were spared engagement in sex work. According to their own accounts, all they had to do was dance, flirt with men and make them buy expensive alcoholic drinks. Those that did end up being prostituted had varying degrees of freedom which help endure the ordeals. Girls with kinship ties to their 'employers' could keep money they earned and were often treated better than girls who could not claim such relationships. Reportedly, the latter group had all their income confiscated. Some girls reported relative freedom while others had to endure horrific physical and mental abuse and forced prostitution.

Melinda worked in a bar owned by her aunts, her father's sisters. Several other girls, not related to the bar owners, worked there as well, but Melinda was never in the same category as the other girls. Her job was to lure the bar customers to dance with her and to entice them to buy expensive drinks. She said she never had to provide sexual services. Melinda had her own room and was allowed to keep all the money she earned and send it to her family. She drank alcohol daily and used marijuana. However, she has indicated that she did not enjoy her work. She said that she knew "she had to provide for her family," but felt ashamed of what she was doing and has kept the details of her ordeal from her family to this day. She has also shared that she tried to commit suicide by cutting her wrist with a knife. Paula worked alongside Melinda and was encouraged but not forced to work as a prostitute. She was told that if she provided sexual services to the bar customers, she would be allowed to keep half of the money she made. It was unclear whether Paula ever engaged in prostitution. Melinda claims she saw Paula go off with customers. Like Melinda, Paula worked every night, all night. She reports drinking alcohol daily and using marijuana. She had a certain degree of freedom and would sometime leave the bar to go out with a man whom she referred to either as her godfather or her boyfriend. He was married and older than Paula. She knew him back at home. At some point in the past, he had told Paula that she could live with him when she came to the U.S.

Other survivors reported having to endure horrific conditions of physical and mental abuse, forced prostitution, and slavery-like conditions. Margie was kept in a hotel under lock and key. Every night she was transported to the restaurant, where she worked her charms on potential clients, and then brought back to the hotel with the men who wanted to avail themselves of her services. Along with two other girls working in the same restaurants, she was forced to have sexual intercourse and oral sex with about twenty men a night. She tried to escape, but was caught. Her traffickers tied her up and beat her, leaving her severely bruised. Gretchen, along with a couple of other girls, had been seduced by two brothers. They wooed the girls and told them that they were going for a better life together in the U.S. When they arrived, they were placed in a brothel run by the sisters of the two brothers. The girls were forced to serve twelve to fifteen men every night. If they resisted they were beaten. One of the girls reported that Gretchen was the most passive and collaborated with the traffickers. She "snitched" on the others when they broke the rules the traffickers imposed. The girls were not allowed to speak to each other or to the Johns. While Gretchen had been prostituted, her "boyfriend" (i.e. one of the brothers who seduced her and her friends), wrote to her and sent a picture of a house that her money was going to build for her family. He told her that the work she was doing was just for a little while and that he still planned to join her in the U.S. and marry her. This type of manipulation was extremely effective with Gretchen and she tended to hold onto these beliefs more than the other girls. Magdalena arrived at the brothel pregnant and was forced to abort. The brothel owners used herbs to abort the pregnancy. Magdalena criticized them for their poor skills and said that at home women used better methods. Following the abortion, Magdalena was given less food and forced to exercise in order to quickly regain her figure.

All of the children trafficked for labor reported having to work very long hours. However, there were no reports of physical abuse. In fact some of the survivors wanted to continue working at the same jobs after their rescue. Perhaps the fact that many of them were trafficked together with their parents and siblings protected them from physical abuse and provided emotional support during trafficking.

Without an exception, all survivors incurred substantial smuggling debts that had to be paid off quickly. Paula's smuggler took her to the Northeastern part of the United States and told her that she owed 15 thousand dollars for the cost of the trip. At the time of her rescue, Paula believed that she worked off four or five thousand dollars of what she owed her trafficker. Maria was told that she would have to pay \$8,000 for transportation costs from Mexico to the U.S. and that she would be paid approximately \$300 a week. She quickly realized that it would take her a very long time to pay off her debt. Maria was pressured by mutual acquaintances to make sure that Rosa, a girl she was trafficked with, paid off her debt as well. Several Mexican girls trafficked to the same bar were told their smuggling debts were between eight and ten thousand dollars. Often times the smuggling debt kept growing since the traffickers added the cost of provocative clothing, jewelry and make-up they bought for the girls to make them look more alluring to the men in the bar. They also forced the girls to participate in a "Tanda."³⁸ The girls pooled their money weekly--approximately \$200 per girl--and then one of the 20 or 30 girls "won" some of the money and the traffickers collected the rest.

In other cases, the agreed upon smuggling fee has been increased to a much larger sum on arrival in the United States. Elena, originally from Honduras, was told she would have to pay her coyote \$1500. However, once she arrived in the U.S. her coyote's girlfriend demanded \$7000. The amount Angel was initially expected to pay for her "smuggling" was anywhere between 20 and 40 thousands of dollars, but later learned that she may have to pay as much as 70 thousand. She learned from an acquaintance that her grandparents have been threatened regarding this bill. Angel has talked about the expectation to "work, work, work" once she arrived in the U.S. The large amounts of debt the children and their families incurred affected the children's desire to continue to work and their frequent dissatisfaction with the rehabilitation plans the URM staff devised. Some of the children thought that these plans put far too much emphasis on education.

Given the fact that details about the trafficking ordeals were not as readily available as service providers would want, program staff often extrapolated their understanding of what child trafficking experiences were like from sensational news accounts or movies. It seemed at times that program staff was paralyzed by these extraordinary images present in news accounts of human trafficking and perhaps imagined that things were much worse than the reality the children experienced. Some service providers were unable to understand or unwilling to even discuss the resilience that allowed the children to survive these terrible ordeals. Some assumed that the magnitude of the trauma was so severe that the children will never be able to recover. It is

³⁸ Tanda is a form of a revolving credit

not our intention to minimize the possible hardship the victims endured; however, there seems to be little evidence of service providers' willingness to focus on the resiliency of the survivors, their coping strategies, and protective factors. Uncovering these issues would have been equally helpful in tailoring assistance and rehabilitation plans. Instead, the assistance followed to a certain extent a 'cookie-cutter' approach and all children were referred to group or individual therapy and counseling. We will return to these issues later in this report.

C. Agency and vulnerability, victimhood and resiliency

Studies of children and childhoods increasingly see children as 'at once developing beings, in possession of agency, and to varying degrees vulnerable.' Developments occurring in the field of childhood studies parallel developments in women's studies which consider women as social actors and place them in theories of behavior, culture and society (Bluebond-Langener and Korbin 2007: 242). Unfortunately, the discourse on child trafficking which is often not grounded in any particular theoretical framework focuses mainly on the vulnerability and victimization of trafficked children. And yet the recognition of the coexistence of agency and vulnerability is particularly important in the child trafficking domain. It is important because it influences the way we conduct research with trafficked children and affects our ethical responsibilities to the children in our studies. It is also important because it affects (or should affect) both policy and programmatic responses to trafficked children. While there is no denying that trafficked children have often been severely abused and exploited, one must also consider issues of agency and resiliency while analyzing this phenomenon, designing services and programs for trafficked minors, and crafting policy responses aimed at preventing child trafficking, providing assistance to rescued children, and prosecuting perpetrators of child trafficking.

As indicated above, the CRC and the TVPA do not distinguish between four and 17 year olds. They do, however, make a clear distinction--ideological, strategic, and operational--between children and adults. 'This distinction is based on the principle that the development of children as human beings is a process and is not complete as long as they are minors. Children are deemed "innocent" and in need of special protection and assistance in making decisions. It is believed that minors cannot be expected to act in their own best interest as their ability to exercise full agency is not yet entirely developed' (Sanghera 2005: 13). Accordingly, 'all persons under the age of 18 constitute a homogenous category--children, devoid equally of sexual identity and sexual activity, bereft equally of the ability to exercise agency and hence in need of identical protective measures' (Sanghera 2005: 6).

We had few dilemmas in accepting the legal framework which presumes that children have no volition and therefore classified them as trafficked children whether they were forced into following their traffickers or followed them 'voluntarily.' We accepted the children's assertion that they wanted to come to the United States, while recognizing that at the time of making the decision to migrate they had no idea about the

abuse and exploitation they would face once they crossed the border; i.e. could not or would not consent to being trafficked. The bigger challenge was related to where ‘to draw a line between coercion and consent for young people under the age of 18 and how best to promote their rights and agency while still protecting them’ (Kempadoo 2005: xxv). The dilemma was whether to treat them as vulnerable victims—the way the US law that stipulates who is a victim and thus who is eligible for services does—or as survivors with a great deal of resilience on which to build in facilitating the girls integration into the wider society.

Understanding the children’s perception of their identity as vulnerable victims plays an important role in post-trafficking adjustment. While we recognize the legal necessity to use the term ‘victim,’ therapeutically speaking the identity of a ‘victim’ may be counter-productive. By Western standards, all of the children in this study were vulnerable albeit the type and the degree of their vulnerability varied considerably. Moreover, within the parameters of their native culture and social and economic context the assessment of the children’s vulnerability and associated identity might need further modification. For example, without an exception all children worked. While none were engaged in what the international labor regime deems ‘worst forms of child labor,’ all were pressured to go beyond helping at home or on a family farm and earn wages. The vulnerability of the children was exacerbated by lack of social and economic safety nets in their homelands.

Extreme poverty drove most of the survivors to migrate. In some situations, parental illness compounded already dire economic circumstances and placed even more pressure on the children to contribute to the family’s income. They were frequently forced by their parents to leave school to work or care for younger siblings. Irene, the youngest of three children, came from a small town in Honduras. Her unmarried parents struggled to make ends meet. Irene’s mother never worked outside the home due to severe asthma. Her father had kidney problems and worked as an itinerant farmer. Irene was just starting 7th grade and planned to go to technical school. She liked school and wanted to continue, but it was expensive. Thus, she decided to go to the United States to help her family. Irene was not the only child among the studied survivors who had to abandon her education.

None of the children in our study were overtly happy but some certainly did not see themselves as having been mistreated. Upon rescue, many of the girls were bewildered as to what was going to happen to them. Most considered themselves to have been working as opposed to being victimized and exploited by their traffickers. Many wanted to continue to work. Like her sister Elena, Alicia has never publicly identified herself as having been trafficked. She did give a full description of the bar and its owners’ methods to the Immigration and Customs Enforcement (ICE) agents, but did not see her situation as terribly exploitative. Melinda too has been consistent in her denial of victimization. She said she lied to the ICE agents about her circumstances. She has asked to speak to the ICE agents a second time to “be honest.” She denied any fear of reprisal and stated that her aunts would not cause her harm. Initially, she wanted to return home, but later was pursuing a T-visa in order to be able to stay in the United States. Elisa had

significant difficulties accepting her situation. She felt that her mother had done nothing wrong in bringing her to the United States and could not understand why the authorities arrested the mother. Elisa reported that she was not forced to provide sexual services to men; she was “simply working as a waitress and dancing for men when they requested it.” In spring 2002, Elisa’s psychological profile presented her as “confused, concerned and depressed.” Her social worker noted that Elisa participated unwillingly in therapy and dropped out after a couple of weeks. Elisa did not think of herself as a victim of trafficking and often said she wanted to go back to Honduras. Her social worker did not think Elisa’s attitude was helpful in making the transition to life in the United States. Her case worker remarked: “If she only could accept the fact that she was victimized, things would get better.”

One survivor told the research team that she did not realize she was a victim until the US Marshals and her attorney told her she has been exploited and victimized by her trafficker. According to her social worker, she never denied that she was a victim but had some difficulty calling herself a victim. She never expressed any feelings, positive or negative, toward her trafficker other than fear. She did report fear of retaliation against herself or her family if she testified against the trafficker. Briana’s social worker reported that during their first meeting Briana felt very guilty for what had happened to her and did not think of herself as a victim. The case worker had to continue to tell Briana that the trafficking was not her fault and she should not feel guilty. After a lot of counseling by the caseworker, Briana started to believe that she was a victim. According to the case worker, it was not until Briana accepted that she was a victim that she began to change in her interactions with others.

The children’s lack of identity as victims was closely related to their expectations about coming to the United States. Almost all of the children were highly motivated to migrate to the US in the hope of earning money. Many of them had compelling reasons to send money home; virtually all had to repay smuggling fees. Typically, the children’s desire to earn money did not change once they were rescued. Obviously, the programs carrying for the children followed US laws requiring children to attend school, defining the age of employment and number of hours a minor child is allowed to work, and requiring a work permit. These laws limited considerably the children’s ability to engage in waged employment and ran counter to many children’s financial goals. This, in turn, led to a struggle between the children and their care takers who often had very different goals for the children. All of these issues have long-term consequences for the children’s commitment to education and affect their desire to remain in care.

The children’s perceptions of themselves and of their trafficking situation affected the way they coped with life after trafficking and correlated with the effects of trafficking on their well-being. Research on sexual abuse suggests that children who clearly hated what was happening to them accept treatment and advice more easily and are less likely to hold themselves accountable for their mistreatment (Hindman 1989). Children who cooperated with the perpetrators or enjoyed aspects of their trafficking experiences—such as pretty clothes, freedom, boyfriends, drugs or alcohol—seemed to have been affected more severely by the experience or in the words of the social workers ‘more susceptible

to trauma,” but also more resistant to therapy. Thus, their self-identity, understanding of their situation and subsequent goals often conflicted with the goals of service providers and law enforcement officers. Clear identification of someone as a perpetrator, on the other hand, correlated with less traumatic aftermath. However, in situations where the perpetrator was a relative or a boyfriend, there seemed to have been a feeling of greater betrayal resulting in a higher likelihood of a traumatic response. The situation was even more complex in cases where the traffickers were family members. The survivors were hesitant to speak openly of the situation for fear of implicating their relatives or reprisals on family members left behind in the country of origin.

The children’s reluctance to see themselves as victims stood in sharp contrast to the perceptions of service providers who referred to the children as victims, often because the law conceptualizes them as victims. Literature confirms the prevailing notion that the ‘degree of victimization and exploitation of trafficking victims varies, but fundamentally, *all* are victimized and exploited. This reality coexists with the fact that trafficking victims have “agency.” The idea that a person may be responsible for some of the decisions that resulted in their finally being trafficked seems unattractive to media and governments alike’ (Cameron 2008: 85). Policy makers and service providers have particular difficulty in accepting agency in a person under the age of 18. They regard them “exclusively as victims, ‘lured’ or ‘duped’ by the ‘false promises’ ostensibly made by traffickers of a better and more prosperous life elsewhere” (Kapur 2008: 119). They also tend to criminalize the children’s families, regarding them as part of the trafficking chain, and do not recognize that children migrate or are smuggled partly to seek out economic opportunities to support their families.

Conceptualizing children exploited and abused by those who facilitated their migration to the United States as trafficked victims provides them with access to services, including an immigration relief. However, extending this concept beyond the rights framework to other frameworks, particularly to the therapeutic one, is often counter-productive to their long-term integration into the new community. We posit that conceptualizing these children as survivors with a great deal of resilience might be more suitable to promoting their best interests. Unfortunately, the otherwise limited literature on child trafficking emphasizes mainly the trauma of the trafficking experiences and focuses on pathology. Service providers interviewed for this project were also quite conflicted. They spoke more frequently about the isolated cases of children with suicidal ideations or depression than about the children that were slowly but surely adjusting to their new circumstances. There were few exceptions, however. Some caseworkers emphasized the children’s resilience and appreciated our deliberate use of the term ‘survivors’. Angie was described by her case worker as “sensitive, friendly and resilient.” Similar descriptions were found in Josefina’s case file; her social worker noted: “Josefina has incredible resiliency. There is something about [that girl] that goes beyond being a survivor.”

D. Trauma and treatment

The prevailing conceptualization of trafficked children as victims, not resilient survivors, is evident in the treatment modalities used to integrate these children into the new community. Unaccompanied Refugee Minor (URM) programs, a group of specialized foster care programs designed to provide culturally and linguistically appropriate care for refugee, asylee, trafficked, and Cuban or Haitian children include a wide range of services from providing shelter in foster homes or small group homes to enrolling children in schools or vocational training as well as providing case management. As indicated above, these programs are funded by ORR and implemented by MRS/USCCB and LIRS. They are run in accordance with US child welfare guidelines, and are licensed in the state in which they operate. These programs have been in existence for several decades and have served well other vulnerable children, including most recently the Sudanese Lost Boys.³⁹

In interviews service providers did enumerate long lists of services available to trafficked children, including independent living skills training, job skills training and career/college counseling. However, all interviews had always gravitated to the trauma of the trafficking experiences and the need for mental health counseling. Each trafficked child had undergone medical, including mental health, and dental screening. The results were recoded by the child's case manager in their case files. Content analysis of case files of the 17 children interviewed for this project indicates that all of them were deemed 'depressed.' Seven children (or 41%) were apparently diagnosed with Post-Traumatic Stress Disorder (PTSD). Forty one percent is a very high prevalence rate, much higher than, for example, for many refugee children. Only five to 20 percent of most refugee cohorts present with PTSD. It is unclear whether PTSD rates were indeed very high in this group or whether the case files reflected 'diagnoses' made by case workers rather than by trained clinicians. There was some inconsistency in these prevalence rates. When we first started recruiting trafficked children to participate in this study, only three (or 11%) of the 27 victims approached by the research team were determined by their social workers to be mentally too fragile to participate in the research. Our own assessment of the 17 children in the final sample also differed from the 'diagnoses' found in their case files. As indicated elsewhere, the research team included a clinical psychologist. Her assessment of the children's mental health status at the time of this study was quite encouraging. She wrote in her notes;

The concept of 'trauma' is as ambivalent as the concept of 'victimhood.' A relatively small number of children meet the criteria of PTSD. Some children present no psychological disturbance, while others exhibit symptoms of depression. The cultural issues regarding appropriate expression of emotion are important in their treatment but are unevenly addressed. Trafficking experiences and resulting psychological

³⁹ Paul L. Geltman, MD; Wanda Grant-Knight, PhD; Supriya D. Mehta, PhD; Christine Lloyd-Travaglini, MPH; Stuart Lustig, MD; Jeanne M. Landgraf, MA; Paul H. Wise, MD. (2005) "The "Lost Boys of Sudan" Functional and Behavioral Health of Unaccompanied Refugee Minors Resettled in the United States" *Arch Pediatr Adolesc Med.* 159:585-591.

consequences must be viewed within the child’s cultural, social, and historical contexts. Indeed, service providers may cause trauma and trauma response when bio-psychological and cultural issues of child survivors are not taken into account. Despite all these caveats, the word ‘trauma’ adequately portrays the complex, difficult, and very sensitive issues agencies serving child survivors of trafficking must address to responsibly direct services both at the micro and macro levels (Field notes, summer 2006).

Of course, this assessment might simply reflect that fact that a considerable length of time passes since the original diagnoses and the children were doing much better. On the other hand, neither the case files nor the interviews with the service providers indicated this recognition of progress and healing. In some instances, the case workers’ assessments as well as expectations vis-à-vis the prospects of their charges for integration into the wider society continued to be colored by the initial diagnosis regardless how the survivor was faring months or years after she was rescued.

Figure 9 : Types of mental health problems identified and number of children diagnosed, n = 17

Mental health problems	Number of children exhibiting them
PTSD	7
Depression	17
Bipolar disorder	1
Alcohol	2
Sleeping difficulties	7
Active suicide attempts	2
Passive suicidal ideations	2
Somatic complaints	1
Eating disorder	1

Figure 10: Treatment modalities, n = 17

Treatment modality	Number of children receiving treatment
Psychotropic medication	5
Sleeping pills	1
Individual therapy/counseling	17
Residential treatment	5
Group counseling	1

With the prevailing diagnosis of depression and PTSD came a very strong desire on the part of service providers to enroll all the young people in individual therapy or counseling. According to case files, every single child was referred for mental health counseling. A few children were offered other treatment—either instead or in addition to individual therapy—including counseling by torture treatment specialist, and dance and

art therapy. Initially, most children refused to avail themselves of psychological services but program staff was persistent. In one case, program staff suspected sexual victimization experienced by two girls in their care. Supervising parents in a group home observed behaviors deemed inappropriate for the girls ages and suggested that the girls needed a safe environment in which to process and discuss their histories. The girls were referred to a bilingual counselor. They participated in five counseling sessions and refused to continue. Several survivors were concerned that going to therapy would further stigmatize them and label them as “crazy.” One girl tried to joke about her refusal to participate in counseling and said that she was “too lazy to go to counseling every week.” She also added that she did not know what she would talk about in a counseling session. The case managers’ assessment of the girls’ refusal to participate in counseling was that mental health programs were culturally alien to the children and/or carried a stigma in their countries of origin. Nevertheless, staff believed that such services were beneficial despite their cultural inappropriateness.

For Carola the initial therapy session proved ‘retriggering;’ she reported having nightmares and ongoing sleep disruption after her meeting with a therapist. Upon consultation with a different clinician a decision was made not to ask any questions that do not relate to concrete aspects of the” here and now” as such discussions opened the pain of the child’s trafficking experience. The following week, the therapist engaged with Carola around a group art project which was less threatening. However, she still was quite reluctant to participate. Program staff tried many different tactics to convince the survivors about the efficacy of mental health programs. One girl was told that if she did not go to counseling and did not take her medication she would be separated from her baby son.

Eventually, most children were in treatment. Service providers clearly wanted all children to participate in therapy and were convinced about the efficacy of this treatment. Case workers followed their agency’s protocol as to the appropriate use of therapy. With one exception, programs did not consider indigenous healing strategies; for most programs cultural competence was limited to finding a Western trained therapist who could communicate with the survivor in her native language. The Peruvian children and their families who insisted on seeing a Catholic priest were the only exception to this rule. The local Hispanic congregation embraced them and provided incredible support to the survivors. Despite persistent probing, we did not find any other examples of attempts to identify indigenous coping and healing strategies. In most instances, decisions regarding enrollment in support programs were influenced by what services were available within the mainstream mental health system and/or reimbursable.

The push for mental health services is consistent with strategies employed to deal with traumatic experiences of other victimized populations. The number of programs established to provide psychological help to traumatized populations such as refugees, victims of wartime violence, and more recently trafficked victims has grown exponentially (Bracken, Giller, and Summerfield 1997). The expansion of such programs in the West and the considerable zeal with which they are exported to non-Western countries indicates the prominence of mental health concepts and approaches in the

forced migration field. Particularly prominent is the discourse of 'trauma' as a major articulator of human suffering (Summerfield 2000: 417). This prominence is based on the premise that trafficking, ethnic cleansing, war, and civil strife constitute mental health emergencies and result in 'post-traumatic stress,' which has in turn led to the use of treatment modalities based on the Western biomedical model. At the same time, other models, building on the victims' own resilience, indigenous coping strategies, and spirituality, are not being explored as much as they could or should.

The expansion of trauma programs is directly related to what Kleinman calls "medicalization of human suffering" (Kleinman 1997). Bracken and colleagues relate the proliferation of specialized centers for psychological care of refugees, trafficked victims, and internally displaced to the "modernist responsibility to act" and "control the disorder provoked by suffering and loss through instituting programs of analysis and therapy" (Bracken *et al.* 1997: 434) "that may eschew critical analysis in favor of pragmatism that proliferates, and adds credence, to bio-medical taxonomies" (Watters 2001: 1710). They argue that the tendency to establish such programs results from the "spectacular growth within Western culture in the power of medical and psychological explanations for the world, and in the pronouncements of mental health professionals" (Bracken *et al.* 1997: 436-437).

Undeniably the trafficked children in our study suffered incredible ordeals and without safe environments in which to recover they were at risk for re-trafficking. Indeed, there were a couple of instances where children were contacted by their traffickers pretending to be relatives or other concerned persons. Vigilance of the program staff protected the children from re-victimization. The programs' unprecedented dedication to the protection of the children in their care was admirable. At the same time, it seemed that by focusing so much on the children's vulnerability staff members often lost sight of their resiliency. Preoccupied with Western standards of child welfare, staff members did not have adequate resources to tap into creative and more culturally appropriate healing strategies.

E. Prospects for long-term integration

Bellow we present three cases illustrating different prospects for long-term integration. Angie is an example of a trafficked child with fairly difficult prospects for long-term integration. Magdalena, on the other hand, seems to have a bright future ahead of her, while Donna's prospects are difficult to predict at this stage of her recovery from the trafficking experiences. These cases are fairly illustrative of the range of prospects faced by the children in this study.

Angie had been trafficked to the United States in the summer of 2004. She paid a coyote to help her cross the border. Angie left Honduras because her grandparents who raised her since infancy when her 19 year old mother abandoned her became too old to work and support her. She decided to leave Honduras to earn enough money to support them. Her traffickers told her she would wait tables in a restaurant, but the restaurant turned out to be a strip-tease bar. She made pretty good money stripping—about \$400 or \$500 a night—and used it to pay off the coyote as well as to send some money home.

Her family used the money to build a nice house. Angie indicated that she was able to send home about half a million lempira.

Angie was rescued by immigration enforcement in the winter of 2005. At the time of her rescue she had some savings but all her money was confiscated. She was immediately referred to a URM program. She arrived at her placement pregnant by a customer. Angie did not tell him about the pregnancy, because she did not think he would be suitable parent for her child. She had a very difficult time adjusting to her new living conditions and the rules and regulations of the URM program. She was initially placed in an all girls home, but was moved around several times in order to find the most suitable living arrangements. Angie remembers tension between her and her case worker because of their inability to communicate. No one spoke Spanish at the first center where she was placed. She did not go to school or to work and felt very lonely for the first four or five months. Unfortunately, the next placement did not work out either. Angie did not get along with one of the staff members. She described the worker as always irritated and angry, constantly slamming doors and not having any understanding of Angie's competing demands as a mother when it came to accomplishing chores. While she liked other program staff she was happy to leave and move to an apartment. However, in this independent living setting she felt "abandoned." She moved to the third placement a few weeks before our interview. She remembers arriving late and not feeling comfortable with the girls looking at her. She says she thought "why are they staring at me like this, I am the same". Things improved quickly; by the second day Angie befriended one of the other girls in the program.

Angie's plans for the future are difficult to identify; she repeatedly stated that she didn't know what she was going to do and she was not thinking much about the future. When asked for plans for her son, she stated she wants him to get bigger, go to school and to know that "he is worth something, himself". In terms of hopes for his future she wants him to be able to do "whatever he wants and whatever he would like". She described her son in very warm terms, but indicated that he requires a lot of attention. He is an active baby and does not sleep for long hours. Her warm feeling towards her son contradict the case files notes which indicate that Angie was disappointed she bore a boy and wanted to send him back to Honduras or give up for adoption. Angie refused to attend child-birth and parenting classes and had an anger outburst when she went to visit the hospital where she was to give birth.

Angie repeatedly stated that she was sad. Her affect in expression was wide ranged, demonstrating anger, frustration, humor and sadness as appropriate to her feeling regarding the discussion. Physically, she described herself as feeling good. In response to the question as to what advice to give to other persons in her situation she responded "be strong. Put a lot of emphasis in strength, resolving to move forward-something she does not do." Angie was very concerned that attending therapy would label her as crazy. She met with a Spanish-speaking psychiatrist, but refuses counseling. Her case notes indicate that she was diagnosed with depression and takes medication to alleviate her condition. She was not too keen on taking the meds, but was threatened with being separated from

her baby if she did not comply. She still struggles to get along with the people in the group home.

According to her case worker, until Angie's mental health issues, including clinical depression, are resolved life will be a struggle for her. She has not fully recovered from the trauma of her trafficking when the demands of motherhood descended upon her. While child-birth and parenting classes were offered to her before the birth of her son, case notes are silent on the type of assistance if any she is receiving in enhancing her parenting skills and preparing for a fully independent life in this country.

Magdalena, on the other hand, has extremely good prospects for a bright future. She is 19 years old. She lives by herself in a nicely furnished townhouse and has a part-time job at a fast food restaurant in a local mall. Magdalena would like to get her drivers license, but has yet to pass the learning permit test. She openly talks about never learning to read or write in Spanish and having difficulties learning to read and write in English. These difficulties notwithstanding her spoken English is very good. She specifically asked to be interviewed in English despite having the option to converse in Spanish.

Magdalena completed a cosmetology course offered through a vocational training program. She has passed the state practical cosmetology examination but needs to continue to study in order to pass the written test. She dreams of opening her own beauty salon one day. She has worked in Spanish speaking salons in the past but is not keen to return to one in the future because she believes it will affect her progress with English. She is thoughtful about wanting to work at a salon so she can observe the skills which will allow her to succeed in her own salon.

At 19 years old, Magdalena is able to maintain her household and is self-sufficient. She points out that she has been able to be economically self-sufficient because of her ability to save money. She believes that other girls in her situation have not been quite as successful because of their lack of ability to save. She reported with some pride that she was the youngest of the four she came into the program with. She has been able to send money home as well and this appears to be very important to her. She sends it through Western Union but was interested in learning that there were options which might be less costly.

Magdalena indicated that she is comfortable in the United States because woman here have more freedom, more opportunity, and more protection. In Mexico and Central America, the police are often bribed, men can hit women, and it is much more insecure than in the US. In the United States, one can find a job and a place to live and have children and not have to be preoccupied about their safety. In Mexico, a woman cannot go out without gaining her husband's permission first. Women's rights are not respected. Here, Magdalena and her boyfriend, share chores whenever he comes to eat or spend time at her place. This is despite him being pressured by his friends who ask why he helps out. She recalls learning these ideas about egalitarian and sexist free relationships from her life skills classes and counseling. She found the life skills and ESL classes to be very helpful. The life skills courses deal with budgeting, finding an apartment, and she felt that

most of her peers were not ready at age 18 to do this. She said she thrived because of her ability to save and work hard and plan for her future.

Magdalena went to psychotherapy for two years and stated that she found it “really, really helpful”. She said that she felt “dead before it and started living life again after therapy.” She said that at the beginning it was “boring and uncomfortable but after you start talking” it gets better. She has stopped seeing her therapist because she feels that she does not need it anymore. Before therapy she felt like she never wanted to have a baby or a family, but now things changed. Magdalena seems to be an exception, however, when it comes to an extremely positive evaluation of therapy and mental health services.

Magdalena has spoken to other trafficking survivors in order to help them along with the difficult transitions that take place. She explained to them how the program worked from her perspective and urged them not to be afraid because of communication barriers and that language improvement will come with time. She stated that many of the girls asked her about school and why calls to family were restricted and how she survived the first few months.

Magdalena’s presence and affect are socially engaged and upbeat. She showed pride in her home and described how much she liked to live alone in order to have control of her space despite occasional loneliness. She shared pictures of her cousins and her mother. She was able to project into the future and hopes in five years to have passed her cosmetology exam and in ten years to maybe “have a baby, maybe be married”.

Donna was trafficked to the United States from China. As indicated elsewhere, her journey was long and convoluted. Her trafficking ordeal in this country was preempted when she was apprehended at the US border. However, she had spent several months traveling with her traffickers and being abused by them. Upon rescue in the U.S., Donna was placed in a foster home with foster parents who did not speak Chinese. The school she first attended did not have an ESL program. She was soon placed in a different foster home with another Chinese girl. Over the past year she has taken life skills classes and doing better in school. Her goal is to enroll in a bakery training program at the local tech center. She is taking a computer course. She does very well in her foster home; she washes dishes, cleans her room, and helps her pregnant Sudanese foster sister. She socializes with her Chinese foster sister and goes to Chinese New Year parties.

Donna presents as a sweet, somewhat reserved girl looking slightly younger than her age. Her grooming was clean but not particularly stylish. She wore no visible makeup and her clothes were for comfort. During the course of the almost hour long interview she grew in comfort with the process and the questions. Her case manager was present for some translation, but most of the conversation was conducted in English.

She compared her placement in a group program with the foster family arrangement. She prefers the foster family because in the group program she lived with 50-70 people and had less freedom. The church she attends seems to be a very important part of her life.

She attends a youth group at an American church her foster family goes to, but she also participates in many activities at a local Chinese church she attends with another foster child. Donna sings in the church choir with six other girls and three young men. The minister is Malaysian and the congregation includes Americans, Malaysians, Koreans, and Chinese from Singapore.

Donna has friends from school and they like to go shopping. She likes to go camping. Her current ideas for the future are to go to cosmetology school and cut hair. At age 25 she would like to move to New York City and be independent. At some point she would like to go back to China and visit her mother. She calls her mother using phone cards. She also added that she can't leave this country because she doesn't have a T Visa or a green card. While Donna is full of dreams for the future, she has not been able to make tangible plans to realize those dreams the way Magdalena has. In addition, unresolved immigration status may further jeopardize Donna's prospects for the future.

Generally speaking, many factors affected future prospects of the trafficked children, including the severity of the trafficking experience, length of time in captivity, and satisfaction and compliance with offered services. Background characteristics—such as level of education, ability to speak or quickly learn English—were also of importance. However, the success of the children seemed to be most related to their personality traits: levels of resiliency, motivation to overcome integration challenges, and perseverance. All children received the same type of services and assistance and yet how they chose to use the offered helped very much depended on their personalities. It seems particularly important to identify the strengths, resiliency, and individual characteristics of each child before devising rehabilitation and integration plans. Program staff must also be willing to modify original rehabilitation plans as it takes many months for the children to adjust to the URM programs and for the program staff to fully understand the service needs of each trafficked child. A unified, cookie cutter approach may not be flexible enough to respond to the individual characteristics of the survivors.

On the other hand, our study commenced in 2005 when service providers still did not have much experience serving trafficked children. Many programs had only one or two children in their care and not much to compare their well-intentioned attempts to facilitate the children's integration to the mainstream society. In addition, the children's adjustment to the fairly strict rules and regulations of the programs was often problematic. Accounts of adjustment difficulties were provided both by the case workers and the survivors. Narratives in case files often begun with the following sentence: “[Name] adjustment to the program was very difficult.”

Angie was initially placed in an all girls group home. Angie remembered the first few days in the program as very difficult despite the fact that she was placed with another child survivor, also from Honduras. The two girls were trafficked together, but soon became estranged and did not support each other. Angie was very frustrated because the agency staff did not speak Spanish despite the fact that Angie was told staff members were bilingual. According to her case worker, Angie would become “sassy” when staff

members proved to be deficient in Spanish. Difficulties in communication resulted in a great deal of tension between Angie and her case worker.

Angie's case worker indicated that she was quite hostile when she first arrived at the group home and was often verbally aggressive. Angie described her feeling imprisoned in the group home. She said she was not used to needing to ask permission to do things and having to keep a schedule. Eventually she began to comply with the rules and regulations of the facility. Angie did not attend school or go to work. She reported that this period of "doing nothing" lasted for four or five months. She remembers the workers at that residence as "good, kind and friendly." She said she now has "no complaints."

Maria too needed some time to adjust to life in the URM program which was significantly different from that of the shelter where she was originally placed. She did not like the safety measures the program put in place to protect her from her traffickers. She felt that aunt and uncle had done little wrong and felt guilty about causing them trouble. The FBI and the investigators told the URM program that she was to have no contact with them. Although she did not want to get her family in trouble she has willingly spoken with law enforcement.

Several victims, among them Ena and Nellie did not get along with their foster parents. Nellie arrived in the program pregnant by one of her "Johns" in the brothel. She was placed in a foster home with a single mother. Nellie and her foster mother did not get along, apparently because of personality conflict. Nellie changed foster homes and while she spent about nine months in the new foster home, her relationship with the foster family was far from perfect; she sexualized the relationship with her foster father.

Other victims had difficulty trusting the program staff. Jenny, for example, had difficulty trusting other people and difficulty communicating, especially with women. She maintained that she communicated better with men because men had always been lifesavers for her and she was more comfortable with men. When she first entered the URM program the current program had not yet been set up. Prior to placement in a URM program, Jenni spent some time in a temporary shelter where she would exclusively talk to the male staff in whom she confided the details of her trafficking ordeal.

Margie was 16 going on 17 when she was placed in a URM program. She arrived very depressed and with diagnosis of being bipolar and having PTSD. Margie was put on psychotropic medication to deal with the bipolarity and depression. She attended a weekly group therapy sessions and met once a month with a psychologist. Initially, in addition to being depressed Margie had a lot of aggression. She never really adjusted to the group home so a decision was made to place her in a residential therapy program. Of the 18 months in the URM program, Margie spent nine months in a residential facility where she attended school, participated in weekly support groups, and worked daily with a therapist on an on-on-one basis. When she turned 18 she had to leave the residential facility. After leaving the residential facility she attended school and continued to meet with her therapist on a weekly basis. All the help she received never really alleviated her

depression; Margie was also highly suicidal. However, the nine months at the facility helped her English tremendously.

Both Marta and Magdalena had difficulties adjusting to the structure of the URM program. Magdalena indicated that she did not understand why there were so many restrictions placed on her. She said that it felt like “they were trying to keep me like my parents.” She said that initially her freedom, as well as the freedom of the other girls, was significantly curtailed and it would be helpful if someone explained to them that this was being done for their own safety and that eventually more freedom would be given to the girls.

In general, it took up to six months or longer for the children to cooperate with the rehabilitation plans laid out by the URM staff. Service providers emphasized the need to place child survivors of trafficking in stable care as soon as possible since the period of bonding with foster parents, staff members or other residents in a group home took much longer than for other populations such as refugees, homeless or abandoned children.

Recommendations from the Emerging Themes

There is a need to be flexible. Children’s perception of the nature of their trafficking experiences and their families’ involvement in their trafficking may be at odds with the perceptions of law enforcement and the plans of service providers to address the children’s relationship to families of origin. Despite the differences in perceptions, law enforcement and service providers need to be flexible enough to allow children to have different assessment of what happened to them and who wronged them.

There is a need to educate parents about the danger of child smuggling turning into severe form of child trafficking. Some parents genuinely believed that they were sending their children with a trusted coyote or snakehead across international border to provide them with educational or employment opportunities. Without endorsing human smuggling, parents need to be educated about the dangers involved in such journeys as well as about the possibility that the ‘travel agent’ they hired might turn the child over to an employer who purchases and then sells the ‘commodity’ to the customer who sexually exploits the children, places them in domestic servitude situations or sweatshops.

There is a need to educate children about their rights and about international conventions protecting children. Trafficked children need to be educated about the way the law views certain actions of adults as criminal. This kind of training should focus on the legal aspects of child trafficking and not equate them with moral assessments of the parents’ and other family members’ actions.

V. TOWARD SOLUTIONS AND RESOLUTIONS

This research identified several emerging themes all of which require creative solutions and resolutions. However, the ultimate solution is related to prevention and

eradication of child trafficking. In order to prevent the trafficking phenomenon, one needs to understand its root causes. There is much emphasis in the literature and in the political discourse on poverty as a root cause of child trafficking. Examination of the trafficking trajectories of the children in our study suggests that poverty in and of itself does is not the primary root cause of child trafficking. Two cultural phenomena--child fostering and child labor—appear to be the main risk factors significantly contributing to children’s vulnerability for trafficking. At the same time, the commonality and cultural acceptance of child fostering and child labor provide insights into the ways trafficked children conceptualize their trafficking experiences. The cultural acceptance of child labor also affects the emancipated survivors’ attitudes toward rehabilitation services and treatment modalities offered to them.

Child fostering

Middle-class Eurocentric ideals often assume that, apart from exceptional cases, children live in nuclear families, experience childhood together with their siblings and have access to resources provided by both biological parents.⁴⁰ Research contradicts this assumption and documents a wide range of living arrangements experienced by children in resource-poor countries (Lloyd and Desai 1992). A number of researchers assert that ‘the root of modern-day trafficking is the custom of child fostering, in which parents may send their children to live with relations and friends for economic or moral reasons’ (Bass 2004: 153). Parents do not see the Pied Piper figures as ‘slave traders’ and their children’s departure as ‘enslavement’ but rather as ‘a valuable heritage and traditional way of educating a child’ (Robson 2005: 70).

Twelve children were sent to be fostered by extended family members with better economic resources. Eight children were cared for by grandparents. When the grandparent became too old or too infirm to be the main caregiver, the child was at the mercy of more distant relatives or strangers. Angie’s mother was nineteen when she got pregnant with Angie. When Angie was three days old she went to live with her grandparents who formally adopted her. Angie calls them mom and dad to this very day. Margie went to live with her grandmother to escape being prostituted by her mother. When her grandmother died she was sent to stay with her father and her stepmother, who sent her to Texas to work in a restaurant which belonged to a family friend. Linda was sent to an uncle and an aunt in the United States to take advantage of educational opportunities here. However, once her parents returned to Africa, her aunt and uncle put her to work to care for their baby and to be their housekeeper.

Indeed, child fostering or child circulation is a long-standing cultural practice in many regions (Fonesca 1986), including West Africa (see Bledsoe 1990; Goody 1982; Renne 2003; Schildkraut 1973); Latin America (Leinaweaver 2007 Weismantel 1995); and the Pacific (Caroll 1970a; Donner 1999; Modell 1998). According to Demographic and Health Surveys, covering 10 African countries (Benin, Burkina Faso, Cote d’Ivoire, Ghana, Guinea, Mali, Niger, Nigeria, and Senegal), the percentage of foster children

⁴⁰ Given the rates of single parenthood, divorce, remarriage and resulting blended families, these ideals are no longer prevalent among Western families either and yet their prevail in the policy and legal frameworks.

ranges between 10 and 20 percent in the six to nine age bracket, and between 13 and 25 percent in the 10 to 14 age group. In the overwhelming majority of cases, both parents are alive but do not live with their children (Pilon 2003). Few studies provide findings on the profiles of households hosting these children. A secondary analysis of the general population census data from 1996 in Burkina Faso indicates that, in the capital, the higher the household head's educational level, the greater the presence of girls other than the daughters of the household head. It is highest in the most economically privileged professionals (Pilon 2003). Another study based on Togo's 1981 census revealed that female-headed households were more likely to host children, 'with the proportion of foster children nearly twice as high as that observed in male-headed households (29.5% and 15.8%). It is precisely those urban female household heads who host the most girls: 40% of the children are foster girls. The ratio of foster girls to boys is 273:1!' (Pilon 1995: 713).

In West Africa, fostering is an important technique rooted in kinship structures and traditions. Children are not sent out only in the event of crisis; sending of children is practiced by both stable and unstable families, married and single mothers (Isiugo-Abaniche 1985, 1991). The supportive role of kinsmen, close and distant, in child rearing has been widely documented (Page 1989). Eva was sent to friends of her father's in the United States when her parents separated, but her own mother fostered several children from nearby villages; they helped out with household chores and worked in the restaurant Eva's mother ran in the town. Eva told us that there were always unrelated children living in her family home. Because her parents had more resources than the villagers it was expected that they would help out those less fortunate. At the same time they expected free labor from the fostered children, thus saving substantial resources that would otherwise be spent on hiring domestic and restaurant help.

However, while researchers extol the benefits of child fostering, some child advocates point out that the West African tradition of 'placing' of children to live with relatives and work in better off households has created a regional market for child labor, with demand highest in relatively well-off areas such as Gabon, southwest Nigeria, and southern Cote d'Ivoire, and has become a major cultural factor encouraging child trafficking (Dottridge 2002: 39). According to the British Agencies for Adoptions and Fostering, 10,000 children, mostly from West Africa, were living with families other than their own in the United Kingdom in 2001 (Economist 2003). The implication of this statistic is that these children might have been trafficked and are being exploited by the foster families.

In Latin America, 'child circulation' is a principal way, in which Peruvian rural-to-urban migrants move children between houses as part of a common survival and betterment strategy in the context of social and economic inequality (Leinaweaver 2007). Poverty and vulnerability shape Peruvian practices of kinship formation through child circulation. For the receiving family, child circulation represents strategic labor recruitment, for the sending household, it spells relief from the economic burdens of child rearing as well as constitutes a source of highly desirable remittances. A considerable proportion of children in Mexico and Colombia were found to spend some time during

childhood without a father. When birth outside a union are included, one-fifth of Mexican children and one-third of Colombian children were affected. An additional five percent of Mexican children and nine percent of Colombian children do not live with their mothers (Richter 1988).

The traditional causes of sending children to live with other relatives and friends vary widely. They include illness, death, divorce, separation or divorce, mutual help among family members, socialization and education, and strengthening family ties (by blood or by marriage). For the societies involved, child circulation is a characteristic of family systems, fitting in with patterns of family solidarity and the system of rights and obligations. Fostering is a component of family structure and dynamics (Pilon 2003). Indeed, the majority of the children in our study lived with other family members or friends prior to being trafficked and most were sent to live with family members or friends in the United States and ended up being trafficked.

While some blame child fostering as a root cause of child trafficking, others call for the revival of traditional foster systems. Examining both traditional and state-administered foster care systems in East Africa, Joyce Umbima, an executive officer of the Child Welfare Society of Kenya, argues that the dissolution of the traditional clan-based foster care system resulting from colonial rule, urbanization, large-scale farming and mining, and globalization has contributed to the increase of the number of street and abandoned children. She advocates that in order to assist the 40 percent of Kenyan children in need of care and protection, the state must revitalize the traditional foster care system (Umbima 1991).

The middle ground is represented by researchers such as Eloundou-Enyegue and Shapiro who claim that the buffering capacity of fosterage depends on three conditions: 1) fosterage must be prevalent; 2) fosterage opportunities must be distributed on the basis of need (low income to higher income); and 3) fosterage must be beneficial to the foster parents (Eloundou-Enyegue and Shapiro 2004). Indeed, many girls in our study were placed with willing relatives—mainly grandparents—who served as a safety net for children whose parents—mainly mothers—could not care for them. However, when the grandmother could no longer provide for the grandchild because of old age or illness and sent the child to another relative who often felt forced to care for the child, the situation quickly escalated and the child ended being abused, exploited, and eventually trafficked. If there were a system of child protective services or a similar network of publicly funded services, the children could have found the necessary assistance and support. It seems that efforts aimed at preventing child trafficking should consider development of child welfare systems in countries that lack such networks.

Child labor

Virtually all children in this study came to the United States intent on finding employment. Child labor is common and widely accepted in the countries of origin of many of the trafficked minors we studied. The International Labor Organization (ILO) estimates that 250 million children between the ages of five and fourteen living in

developing countries qualify as child laborer. At least 120 million children work full-time. Sixty one percent of child laborers are in Asia, 32 percent in Africa, and seven percent in Latin America. Their work varies, from helping with family farm to performing physically demanding tasks in manufacturing, construction, and extractive industries (Henne and Moseley 2005).

Although many countries have signed and ratified the International Labor Office Conventions on the Minimum Age of Employment and Elimination of the Worst Forms of Child Labor as well as the United Nations Convention on the Rights of the Child, child labor is still quite common in many parts of the world. Consider, for example, the case of Honduras, the country that had the largest representation in our sample. According to a recent International Labor Office survey (Martins Oliveira and Marshatz 2004), approximately 15 percent of Honduran children ages 5-17 participated to varying degrees in the labor market. The majority of child workers in Honduras, approximately 60 percent, are unpaid family workers. Smaller percentages, approximately 30 percent, work as private employees. The proportion of children working as unpaid family work is greater in rural areas (approximately 66 percent) than in urban areas (46 percent). Males tend to participate at a greater rate than females. By the age of 17, 60 percent of Honduran males are in the labor market compared to only 18 percent of females.

The fact that a large percentage of Hondurans working children do so in the home for no remuneration has hampered efforts to enforce labor standards. In an effort to enforce the conventions ratified, Honduras has taken steps to harmonize its laws with international norms. However, much of the legislation enacted to combat child labor focuses on children employed in bondage conditions or wage labor and not in the home where much of the child labor in Honduras takes place. Moreover, even if labor regulations were applicable they would be difficult to enforce. Thus, Honduras, like most countries, has complemented its labor laws with compulsory schooling legislation. In Honduras, education is compulsory until the age of 13. Secondary education begins at age 13 but is not compulsory. Many Honduran adolescents do not continue with schooling beyond the compulsory age. The effects are evident as a large percentage of Honduran adolescents enter the labor force at that age. In terms of females who work at home, 42 percent of 14 year-old girls in rural areas and 19 percent in urban areas work at home (Jeong 2005).

This situation also affected the circumstances of most of the children in our study. Not only did extended family members took advantage of the cultural norm of child labor and did not see it necessarily as exploitation, but the ethnic communities within which these children operated in the United States did not consider working children an anomaly.

Root cause or consequence of child trafficking, child labor is a complex issue. The challenge seems to be how to reconcile activities performed by children in small shops, domestic service, street selling, running errands, delivering newspapers, seasonal work on farms, working as a trainee in workshops, often lauded for their socialization and training aspects of (Davin 1982; Walvin 1982) with the exploitative nature of many of

these jobs (Nieuwenhuys 1996). Furthermore, argues Olga Nieuwenhuys, current child labor policies, because they fail to address the exclusion of children from the production of value, reinforce paradoxically children's vulnerability to exploitation. As indicated above, quite a few children in our study performed valuable services for their families—worked on family farms, took care of younger siblings, etc.—but were not compensated for their labor. An opportunity to engage in waged employment in the United States was not to be missed. Poverty was a central factor in the decision of parents to send their children away to work. The prospect of good wages in a wealthier country made sending children away acceptable (Dottrige 2002) and was reported to be attractive to the children themselves. After all, remittances from child labor could sustain entire families in some countries. With few exceptions, all survivors in this study sent remittances to their families of origin. In fact, much of the children's initial dissatisfaction with placement in the URM programs stemmed from the fact that they had to go to school instead of working and earning money to send back home. Being able to send money to relatives was extremely important to all of them.

Recommendations

If we agree that child fostering and child labor are the root causes of child trafficking, how do we deal with these culturally acceptable practices in order to prevent child trafficking? Will legislating against child labor be the desirable solution?

A recent report by the International Labor Organization (ILO) optimistically entitled "*The end of child labor: Within reach*" indicates that the number of child laborers globally fell by 11 percent between 2002 and 2006, while that of children in hazardous work decreased by 26 percent. According to the report, Latin America and the Caribbean are making the greatest progress—the number of working children has fallen by two-thirds during the same period of time, with just five percent of children now engaged in work (ILO 2006: xi). The ILO attributes these positive outcomes to the adoption of the watershed Convention on the Rights of the Child in 1989 and the International Program on the Elimination of Child Labor (IPEC) launched in 1992. These important initiatives notwithstanding, one has to wonder about the connection between efforts to reduce child labor in particular countries and child migration and child trafficking for labor and sexual exploitation. The same report (ILO 2006: 41) quotes the 2002 Global Report on Child Labor which suggested that some 1.2 million children were victims of trafficking.

Neoclassical proposals argue that schooling is the best antidote to child labor (Fyfe 1989). Proponents of compulsory education have also argued that literate youngsters are likely to be more productive later in life than uneducated ones, who may have experienced adverse effects of work at an early age on their health (Weiner 1991). However, a closer look at children's work patterns reveals that work is often combined with going to school. Tonga children need to work in subsistence agriculture while attending school simply to survive (Reynolds 1991). Insecurity about the value of diplomas and marriage strategies are among the reasons girls in Lagos, Nigeria spend much time out-of-school acquiring street-trading skills (Oloko 1991). High cost of education, including the need to look respectable in dress and appearance, incites poor

children to engage in remunerative work which conflicts with the belief that compulsory education would work as an antidote to child labor (Burra 1989; Fyfe 1989; McNamara 1968; Weiner 1991). In Kerala in India where school is mandatory, children spend much time earning cash for books, clothes and food (Nieuwenhuys 1993). Children undertake work not only to help out families but also to defray the fast-rising costs of schooling, be it for themselves or for siblings (Bekombo 1981; Boyden 1991; Hallak 1990; LaFontaine 1978).

In recent years, non-governmental organizations advocating on behalf of children have been tasked by funding sources to develop low-cost solutions to address the problem of child labor. Many of these solutions include a combination of work and education as well as a recognition that that poor children have to contribute to their own upkeep because their parents do not have the resources to support them. This approach of combining work with school has gained some currency within the International Labor Organization (ILO), previously the staunchest defender of prohibition of child labor by legislation (Boyd 1994; Espinola *et al.* 1987; Fyfe 1994; Gunn and Ostas 1992; ILO 1991). The critics of this approach argue that 'The poor quality of the education imparted, the heavy demands of studying after work, and above all the fact that they leave untouched the unjust social system that perpetrates children's exploitation are among the most problematic aspects of the NGOs' interventions' (Nieuwenhuys 1996: 245; see also Boyden and Myers 1995).

There is a need to earmark development resources to establish high quality educational programs in order to reduce child labor and prevent child trafficking. These programs should focus especially on children between 14 and 17 years of age; this age group is the most numerous among the children trafficked to the United States. This group is also important because in many countries where the children come from compulsory education ends at around age 13. Educational efforts should focus on vocational training. Vocational training has the potential to prepare the children

There is a need for continued monitoring and assessments of both national and international initiatives to reduce child labor. Child labor monitoring has evolved over the years and is closely related to the development and enforcement of national child labor legislation. Child labor monitoring has been performed both by professional evaluators as well as local resource persons; "community-based monitoring," developed in conjunction with different Central American coffee and agricultural projects, has demonstrated the capacity of non-traditional actors to engage in child labor monitoring (ILO 2006).

There is a need to shift away from monitoring industries and workplaces employing children to the monitoring of the children removed from work. It is important to know what alternatives await these children and what risks do they face for re-victimization, including pressure to migrate for work which can easily end up in a trafficking situation.

There is a need to enhance collaboration between actors in source and destination countries interested in reducing child labor and preventing child trafficking. As already discussed, each year, US immigration officials apprehend approximately 100,000 unaccompanied children at US borders. Some return voluntarily, some are returned because of bi-lateral agreements. Mexican children, for example, are routinely returned because of existing agreements between Mexico and the United States. Little is known about the children who return to their countries of origin. Approximately 8,000 children remain annually in the custody of the US Federal Government. Experts stress that there is a good possibility that both the larger population of children returned to their countries of origin as well as the smaller group of children in federal custody include many unidentified trafficked children (Bump and Duncan, 2003).

In the end many challenges still remain.

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APPENDIX A: PROTOCOL FOR KEY INFORMANT INTERVIEWS

Agency Name _____

Contact number _____

Staff Person _____

Date _____

Program Information

- 1.) What is the typical yearly caseload for unaccompanied minors at your agency?
- 2.) What is the typical active caseload in your agency? (Break down into overall and per case worker)
- 3.) How many trafficking victims has your agency handled?
- 4.) What are the specific demographics of the trafficking cases that your agency has handled?

Country of Origin: _____

Age of Entry: _____

Gender: _____

Type of Trafficking: _____

Place of Rescue: _____

Rescue Agent: _____

- 5.) How long have the victims stayed in your care?
- 6.) How many victims have been successfully completed your program?
- 7.) How many left for other reasons? What were those reasons?

Program Services

- 8.) Describe the child's initial adjustment to the URM? What factors helped the child engage in the URM with success?
- 9.) What services are offered to the child trafficking survivor?
- 10.) What services did the child elect to use?
- 11.) How was the child's adjustment to a foster family/larger community from the program?

- 12.) Has the trafficked child been enrolled in any educational program since their arrival?
- 13.) What services did the child not use initially and what services did he/she become more amenable to?
- 14.) What can account for the child's choice of some services but not others? What are the reasons he/she changed their minds?
- 15.) What is the child's relationship like with other trafficked children in the program? How important are those connections for the child?
- 16.) What type of training is given to foster families dealing with a trafficked child?
- 17.) Are the families aware that the child has been trafficked? How have foster families responded to the safety issues regarding a trafficked child? How have families responded to the child if the child was sexually trafficked?
- 18.) Can you describe the emancipation plans for the child?

Medical History

- 19.) Did the child arrive with any medical conditions that needed to be urgently addressed?
- 20.) Specifically did the child have any physical medical conditions/injuries related to their work?
- 21.) Did any of the females arrive pregnant?
- 22.) Did any of the females become pregnant after joining the program?
- 23.) Did any trafficked child arrive with any mental health problems? (What types of presenting problems are most prevalent: depression, anxiety, mixed depression/anxiety, trauma responses including numbing, abreactions, eating disorders, attachment issues?)
- 24.) What types of mental health services are offered to the child? Describe the treatment modalities that are most effective. What kinds of treatment and what types of therapists have been least successful? Why?
- 25.) What types of problematic behaviors has the child presented that may be culturally driven (gender, role, racial, style of expression)?
- 26.) How do you measure success of the programs offered?
- 27.) On average, how long does the child work with the mental health providers?

Educational History

- 28.) What was the educational background of the trafficked child upon arrival?
 - 29.) What is the educational background of their parents/siblings in the country of origin?
 - 30.) What type of educational environment does the child enter in the US?
 - 31.) Describe the child's attitudes toward formal education? What kind of challenges do they face in school? In what type of long term employment has the child expressed an interest?
 - 32.) Does the school know that the child you enrolled is a victim of trafficking? What are the attitudes of the teachers toward the trafficked child?
 - 33.) Do the teachers get any special orientation/training to work with child victims of trafficking?
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Family History

- 34.) What is the country of origin of the child?
- 35.) What part of the country (city) is the child from?
- 36.) Did the child live with family in the country of origin?
- 37.) Which family members did the child live with?
- 38.) What was the child's relationship to family with regard to parents, grandparents, and siblings?
- 39.) When did the child become separated from the family?
- 40.) How long was the child separated from family before being taken to the United States?
- 41.) What type of work did the child's mother do?
- 42.) What type of work did the child's father do?

- 43.) Did the child work in the country of origin?
- 44.) Have any other children in the family been trafficked? What do you know of the child's siblings?
- 45.) What is the family's response to the child since they have been in the URM initially and subsequently? What is the child's desire for family involvement?
- 46.) How easily has the child cooperated with safety efforts?

Trafficking and Migration History

- 47.) How did the child get recruited or sent to the United States?
- 48.) What was the child's relationship to the trafficker? How much family involvement or collusion is suspected or known?
- 49.) What was the child's trajectory to the United States?
- 50.) What were the circumstances of the child's border crossing?
- 51.) Where did the child live and work in the United States?
- 52.) Can you describe the circumstances under which the child broke free from the trafficker?
- 53.) How much did the child identify themselves as trafficked? What kind of relationship did the child want to have with the trafficker post release? Did these ideas change over time?
- 54.) Did the child participate or show willingness to cooperate with law enforcement for a prosecution? Did willingness to testify evolve? If there were testimony or victim statements, what impact did this have on the child?

Immigration Status

- 55.) What is the current immigration status of the child?
- 56.) How many of the trafficked children have opted to apply for the T-Visa?
- 57.) What are the plans of those children who have not opted for the T-Visa?
- 58.) How long did it take from the decision to apply for the T-Visa status to submitting a complete application?
- 59.) How long did it take from submission to a final decision on the T-Visa?

Emancipated Trafficking Survivors

- 60.) What has the emancipated survivor done since leaving the program?
- 61.) How does the program work with survivors to develop a long-term plan?
- 62.) How does the program keep in contact with the emancipated survivors?
- 63.) Have there been any cases of re-contact with the traffickers?
- 64.) Has the child returned to his/her country of origin? What reason did the child give (if any) for their return?
- 65.) What percentage return home and what percentage have stayed in the US?

Caseworker: Lessons learned

- 66.) What are the lessons that you, as a caseworker have learned from working with this trafficked child?
- 67.) Can you describe the differences that you've experienced with regard to working with unaccompanied versus accompanied trafficking victims?
- 68.) How do the needs of the two cohorts differ?
- 69.) What kind of support has been helpful in your work?
- 70.) Have you experienced any symptoms of vicarious traumatization from your work with this population (dreams about client experiences, over-identification with the child's adjustment, new fearfulness or stronger than typical reactions to your interaction with clients, existential anxiety related to meaning, safety etc)
- 71.) What advice would you give to a caseworker just beginning to work with this client group?

APPENDIX B: GUIDE FOR ETHNOGRAPHIC INTERVIEWS WITH SURVIVORS

We employed an ethnographic approach to the interviews with survivors. These ethnographic interviews with child survivors were used to better understand their post-emancipation challenges. These interviews were used to elicit baseline data about their physical, psychosocial, and economic well-being after emancipation and resulting service needs. Unlike survey interviews, ethnographic interviews do not follow a prepared questionnaire. Ethnographic interviews resemble a series of friendly conversations into which the researcher slowly introduces new elements. The questions are open-ended and are generated during the interview not before. There are three types of ethnographic questions that we will use:

- 1) **Descriptive (or “grand tour”) questions** which enable the researcher to collect an ongoing sample of the informant’s language. In this research, our goal was to learn how the children describe themselves and their experiences, how they conceptualize and talk about their trauma and resulting needs. For example, we may ask a child to tell us about their life in the United States, how school is going, and their goals for the future. These kind of questions are non-threatening and help develop a rapport with informants;
- 2) **Structural questions** enabled us to discover information about *domains*, the basic units in an informant’s cultural knowledge. These questions allowed the research team to find out how the children have organized their knowledge about their own experiences. Examples of structural questions are: How was the program you’re in now described to you before you began? How was the first month of the program? What type of programs are you involved in? What did you like? What didn’t you like? What were the different kinds of things you did not like doing? What were the different kinds of people that worked with you? Structural questions are often repeated, so that if a child identified four types of activities, the researcher might ask, “Can you think of any other kind of work you had to do?”
- 3) **Contrast questions** were used to find out what an informant *means* by the various terms used in her/his native language. Contrast questions enabled the researcher to discover the dimension of meaning which informants employ to distinguish the events in their world. A typical contrast question would be: “What is the difference between x and y?”

APPENDIX C: PUBLISHED and FORTHCOMING PAPERS

- 1.) "Closing the Gaps: The Need to Improve Identification and Services to Child Victims of Trafficking." (Elzbieta Gozdziaik and Margaret MacDonnell) *Human Organization* 66(2)-2007.
- 2.) "The trafficked child: trauma and resilience." (Elzbieta M. Gozdziaik, Micah Bump, Julianne Duncan, Margaret MacDonnell, and Mindy B. Loiselle) 2006 *Forced Migration Review* 25 (May 2006), Pp.14-15.
- 3.) "Care for Trafficked Children" (Mindy Loiselle, Margaret MacDonnell, Julianne Duncan, Mary Ellen Dougherty) *United States Conference of Catholic Bishops* (April 2006) available at: http://www.brycs.org/documents/guidelines-care_for_trafficked_children.pdf
- 4.) "Touting Prosecution but not Protection: Shortcomings in the United States' Effort to Protect Child Trafficking Victims." (Micah Bump) *Forthcoming* 2008.
- 5.) "On Challenges, Dilemmas, and Opportunities in Studying Trafficked Children" forthcoming in the Social Thought & Commentary section of *Anthropology Quarterly*, (Summer 2008).

APPENDIX D. PRESENTATIONS AT PROFESSIONAL CONFERENCES

Elzbieta Gozdziaik organized and chaired a one-day TransAtlantic Dialogue, co-sponsored by ISIM, the German Marshall Fund, and the Center for International Relations in Warsaw, on the role of civil society in addressing human trafficking and assisting survivors. The dialogue was informed by the research conducted for this grant and included 15 participants from both sides of the Atlantic. Participants explored the capacity of civil society to prevent human trafficking and provide services to survivors, as well as the challenges and successes of public-private partnerships between nongovernmental organizations and governments to prosecute traffickers. Practitioners, policy makers, and researchers from Poland, the Ukraine, Moldova, and the United States had the opportunity to address subjects such as improving victim identification, enhancing transitional services for victims, and discussing reception and reintegration services.

Elzbieta Gozdziaik, *The Trafficked Child, Trauma and Resistance*. American Anthropological Association (AAA) in San Jose, CA, November 2006.

Micah Bump, *No son más víctimas: Investigación sobre los niños y adolescentes sobrevivientes de la trata de personas para la explotación sexual y laboral en los EEUU*. Presented at the Conference on International Migration sponsored by The Jesuit Universities of North, Central and South America held in San Salvador, El Salvador, October 2006

Micah Bump, *Trauma and Resiliency of the Trafficked Child: Toward Solutions and Resolutions*. Segundo Coloquio Internacional Sobre Migración Y Desarrollo: Migración, Transnacionalismo y Transformación Social, Morelos, México, October 2006.

Elzbieta Gozdziaik and Micah Bump, *The Trafficked Child, Trauma and Resistance*. International Association for the Study of Forced Migration, Toronto, Canada June 2006.

Micah Bump, *Victims No Longer: Research on Child Trafficking in the United States* The Society for Applied Anthropology, Vancouver, Canada March 2006.

Micah Bump, *Preventing Re-Traumatization of Trafficked Children: Upholding the Spirit of the Trafficking Victims Protection Act of 2000*, International Association for the Study of Forced Migration, Cairo, Egypt, January 2007.

Elzbieta Gozdziaik, *Chair and Discussant of the Double Session: Migrant Children at the Cross-roads: Challenges and Progress in a Changing World*, International Association for the Study of Forced Migration, Cairo, Egypt, January 2007.

Elzbieta Gozdziaik, *Human Trafficking in the United States: Knowledge Gaps and Research Priorities*, Expert Meeting Group for UN GIFT, Cairo, Egypt, January 2008.

APPENDIX E. TECHNICAL ASSISTANCE

Over the course of the grant, Mindy Loiselle led several workshops that drew upon our research. The purpose of the workshops was the identification of trafficked children, what to do when one suspected trafficking and what types of engagement techniques might work.

These topics were informed by the research conducted on this population. The research allowed her to guide practitioners as to the types of trafficking common to this point, the blocks to identifying trafficked children and treatment trajectories for the children who have been released from their trafficking situations.

The trafficking research allowed recent examples of best practice in trafficking situations to be recounted. The participants were able to share situations they have faced. The research also provided guides which can lead agencies review their current practices and redesign aspects of their agency leading to more trafficked children to be identified in the future.

Mindy Loiselle, *Foster parenting trafficked children: Attachment, trauma and engagement issues*. National Meeting of the Unaccompanied Refugee Minor Programs. Chicago, Illinois, April 2006.

Mindy Loiselle, *Presentation and identification of trafficked children in adolescent shelters*. Empire State Coalition of Youth and Family Services Annual Meeting. New York, New York, September 2006.

Mindy Loiselle, *Foster parenting the traumatized trafficking survivor*. Training for Foster Families in the Bethany Christian Services, Grand Rapids and East Lansing Foster Care Program. Grand Rapids, Michigan, October, 2006.

Mindy Loiselle, *Management and engagement of Trafficked Children in URM Placements*, Training for Bethany Christian Services Staff, Grand Rapids and East Lansing. Grand Rapids, Michigan, October, 2006.

Mindy Loiselle, *Management and therapeutic engagement of trafficked children, Training*. Training for the Staff of the Unaccompanied Refugee Minors in Newton and Worcester, Worcester, Massachusetts 2006.

Mindy Loiselle, *Identification and service delivery for trafficked children in the United States*, National Association of Social Workers State Conference, Richmond, Virginia, March 2007.

Mindy Loiselle, *Identification, engagement and service delivery of trafficked children*. Empire State Coalition of Youth and Family Services. Five Day-Long Presentations to took place in New York State, April 2007

APPENDIX F: INFORMED CONSENT FORM

IRB NUMBER: 2005-343

INFORMED CONSENT STATEMENT – ADULT PARTICIPANT (18 Years of Age or Older)

**Georgetown University
Institute for the Study of International Migration**

Victims No Longer: Research on Child Survivors of Trafficking for Sexual and Labor Exploitation.

Elzbieta M. Gozdzia, Principal Investigator

You are invited to participate in a research study, entitled *Victims No Longer: Research on Child Survivors of Trafficking for Sexual and Labor Exploitation*. This project will 1) examine patterns of abuse of child victims of trafficking for sexual and labor exploitation; 2) analyze the challenges service providers face in assisting them; and 3) identify best practices and treatment modalities used to facilitate rehabilitation of child victims of trafficking.

Confidentiality

The information in the study records will be kept confidential. Data will be secured on password protected computers systems. No reference will be made in verbal or written form which could link your name to the study.

Risks

There are no physical health risks to participating in this study. There is a potential risk that involves the unwanted disclosure of your personal information. We safeguard against this risk by using secure database systems to record the coded results of the research. No reference will be made in verbal or written form which could link your name to the study. Any written notes will be kept in password-protected files.

Contact

If you have questions at any time about the study or the procedures, or you experience adverse effects as a result of this study, you may contact the principal investigator, Dr. Elzbieta Gozdzia at 202 687-2193 or emg27@georgetown.edu You may also contact the Georgetown University IRB Office at 202-687-1506 during regular business hours if you have any questions about your rights as a research participant. The IRB mailing address and fax number are:

Social & Behavioral IRB-C
Georgetown University IRB
Med-Dent SW 104, 3900 Reservoir Road NW
Washington, DC 20057-1005
Fax: (202) 687-4847

Participation

Your participation in this study is voluntary. We expect that the interview time will be 1 to 1.5 hours. The interview will not be recorded in any fashion; however, the interviewers will take copious notes. You may decline to participate. If you decide to participate, you may withdraw from the study at any time. If you withdraw from the study prior to its completion your data will be discarded and destroyed.

CONSENT

I have read this form and received a copy of it. I have had all my questions answered to my satisfaction. I agree to take part in this study.

Subject's signature _____ Date _____

Investigator's signature _____ Date _____