

## Chapter 2

# Forced Victims or Willing Migrants? Contesting Assumptions About Child Trafficking

Elżbieta M. Goździak

In the film *Taken*, Liam Neeson plays a retired government agent whose daughter Amanda, on vacation in Paris, is captured by two mobsters running a slavery-prostitution ring. What follows—predictably—is a frantic father on a transatlantic quest to rescue his daughter. In reality, trafficking scenarios do not follow Hollywood scripts. Trafficked children are rarely taken by force. Parents of “trafficked” children do not have to search for them because they know exactly where they have taken their children or whom they have paid to smuggle their children across international borders.

In this chapter, I contest some of the prevailing assumptions about trafficked children and adolescents, especially issues of volition and agency, vulnerability and resiliency, victimhood and survivorship. I contest some of the myths “woven from solid data, conjecture, cultural assumptions, and organizational and political agendas” (Frederick 2005, 127–128) about the forced nature of the trafficking process and juxtapose them with the realities, as expressed by the survivors of child trafficking. I contrast the image of “the forcibly trafficked child” whose childhood has been lost and needs to be reclaimed with the diversity of experiences and voices of children and adolescents trafficked into the United States. These voices need to be heard in order to facilitate the long-term economic and social self-sufficiency of survivors of child trafficking.

---

E.M. Goździak (✉)  
ISIM, Georgetown University, Washington, DC, USA  
e-mail: [emg27@georgetown.edu](mailto:emg27@georgetown.edu)

© The Author(s) 2016  
M.L. Seeberg and E.M. Goździak (eds.), *Contested Childhoods:  
Growing up in Migrancy*, IMISCOE Research Series,  
DOI 10.1007/978-3-319-44610-3\_2

## Studying Trafficked Children and Youth

I have been researching child trafficking for over a decade. I began by “studying up”—looking at decision-makers, policies, and programmes set up to prevent child trafficking, protect trafficked children, and prosecute perpetrators (Nader 1969; Gusterson 1997). Access to trafficked minors, guarded by their protectors almost as closely as by their traffickers, was impossible and research funds scarce; most of the money appropriated by the U.S. Congress for anti-trafficking activities was spent on direct services to victims or information campaigns. Many service providers contested the value of doing research with trafficked children and adolescents and argued that participation in research would further traumatize victims. I disputed this assumption and underscored the empowerment that could be derived from involvement in research.

As I gained the trust of service providers, I was slowly able to meet a few survivors of child trafficking and begin “studying down,” eliciting stories from survivors of child trafficking, and “sideways,” comparing experiences of various survivors and assistance programmes (Bowman 2015; Stryker and Gonzalez 2014). In 2005, I received a grant from the National Institute for Justice (NIJ) and started interviewing survivors of child trafficking and their helpers in earnest. My team and I travelled to many cities and towns around the United States to meet trafficked minors, their foster parents, and caseworkers. These ethnographic encounters varied in duration and intensity, but rarely allowed for prolonged participant observation of a singular programme or individual survivor. There are no communities of trafficked children and youth (Brennan 2005); many of the study participants lived with foster families and were scattered around the country, often miles away from the locality where they were first rescued.

I have written about this research elsewhere—providing the anatomy of the research project that spearheaded this study and discussing the trials and tribulations this research entailed (Goździak 2008, 2012). Nonetheless, I do want to stress that research with survivors of child trafficking to the United States is complicated and does not always follow the more traditional ethnographic trajectory of endless hours and days spent in the company and community of those the ethnographer wishes to study.

The bulk of the fieldwork was conducted between 2005 and 2007 with follow-up visits and conversations with survivors of child trafficking and service providers in 2013 and early 2014. In the end, I researched fifteen programmes in ten states—Arizona, California, Florida, Maryland, Massachusetts, Michigan, New York, Pennsylvania, Texas, and Virginia—and the District of Columbia. This chapter is based on the analysis of interviews with forty survivors and thirty-five service providers.<sup>1</sup> These were in-depth ethnographic interviews focused on eliciting the

---

<sup>1</sup>These children and adolescents are part of a larger group of minors officially recognized by the U.S. federal government as victims of child trafficking. When the study commenced the group included 142 minors. Here I base my analysis on a smaller sample. As I write this chapter in the spring of 2015, the number of children and adolescents under the age of 18 officially recognized by the federal government as victims of child trafficking hovers around 880 individuals.

survivors' conceptualization of their trafficking experiences and their traffickers, understanding what they perceived as their most urgent needs, and how these perceptions differed from and contested the conceptualizations and the approaches of the service providers. I wanted to tell *their* stories. The ethnographic details come from their narratives, not my analysis of court documents and case files.

## What is Child Trafficking? Who is a Child?

The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000) defines child trafficking as “the recruitment, transportation, transfer, harbouring or receipt of any person under the age of eighteen for the purposes of sexual or labour exploitation, forced labour, or slavery” Palermo Protocol. The U.S. Trafficking Victims Protection Act (TVPA) of 2000 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). This is because—in the eyes of the law—children are seen as not having agency and thus are considered unable to consent to being smuggled.

The UN Protocol and the TVPA law use the definition of a child promulgated by the UN Convention on the Rights of the Child (CRC), which states that “every human being below the age of 18, unless under the law applicable to the child, majority is attained earlier” is considered a child. While the CRC takes into account “evolving capacities” of the child to exercise the rights on his or her behalf, policy-makers and service providers concerned with child trafficking often use chronological age as the sole measure of biological and psychological maturity. They frequently do not distinguish between a ten and a seventeen-year-old. They define both as children who need special safeguards and care. Many social workers reject cultural and social meanings attached to local systems of age ranking (La Fontaine 1978).

And yet, cross-culturally 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 ten and a seventeen-year-old. There are also often considerable differences between two different seventeen-year-olds, particularly individuals coming from different cultural, social, and economic backgrounds. Gender differences need to be accounted for as well.

The cohort of trafficked “children” in my study ranged in age from two to seventeen years, with the vast majority (83.3 %) falling between 14–17 years of age when they were trafficked. Approximately two-thirds of all the youngsters were concentrated in the age range of 16–17 when trafficked.<sup>2</sup> Not surprisingly, many considered themselves adults. Several of the girls were mothers with children of

---

<sup>2</sup>These statistics are based on the sample of 142 minors.

their own. Some of these babies were the result of romantic relationships that the girls had back in their country of origin. They strongly contested being labelled “children.” Gabriela said: “I am not a child. I have a child. I have a son back in Honduras. I came here to earn money so he can have a better life.” Seventeen-year-old Pablo, who was trafficked with two of his younger brothers, introduced himself as the guardian and protector of his siblings: “I am all they got here. I have to make sure they are cared for properly.” Gabriela and Pablo’s self-image stood in sharp contrast with the childhood ideals championed by their caseworkers.

Conceptualizing these teenagers as on the brink of adulthood, instead of as helpless kids, is important not only in terms of self-identity but also in terms of the girls’ and boys’ wants and needs. They wanted to migrate to the United States, they wanted to work instead of going to school, they wanted to become emancipated rather than to live in foster families, and they balked at curfews and limitations imposed on them by well-meaning — but often culturally misinformed—social workers who wanted the young people to “reclaim their childhoods.”

### **Passive Victims Duped by Criminals or Capable Decision-Makers Aided by Family Members?**

Journalists and service providers often portray trafficked children and adolescents as hapless victims forced into the trafficking situation and hardly ever as actors with a great deal of volition. I do not want to minimize the suffering many of these young people experienced, but I do want to acknowledge the evidence that speaks to their capacities to make independent decisions.

With few exceptions, the youngsters in my study were highly motivated to migrate to the U.S. in the hope of earning money. Some acted independently, others made the decision to go to the United States together with their parents. When Belen was ten years old, her father committed suicide. Within a few months, the family fell apart. Belen’s mother abandoned her children and Belen and her siblings had to fend for themselves. Belen’s uncles and aunts took two of the older children in, but Belen and her younger brother were left in the family home. Some of her father’s relatives tried to take possession of the house and turn Belen and her brother out, but Belen fought back and on her fourteenth birthday, the court ruled in her favour and she became the legal owner of the house. She provided for herself and her brother by getting food from her friends. At some point she also obtained a job in a factory. Unfortunately, her brother got into drugs and, as she said, “I lost control of him.” At seventeen years of age she decided to go to the United States. She tried to travel legally, but was refused a tourist visa. She contacted an uncle in Pennsylvania and asked him for help. Belen’s uncle arranged for a *coyote*

(a smuggler) to get her across the U.S.-Mexican border. Belen exhibited a great deal of agency and independent decision-making at various times both before her journey to *el Norte* and after she arrived in the United States. Raped and made pregnant by the smuggler, she escaped what U.S. Immigration and Customs Enforcement (ICE) called a “house of prostitution” and using a stolen Medicaid (health insurance) card went to Planned Parenthood and had an abortion.

Catalina first heard about the “opportunity” to go to the U.S. from her grandparents. Her mother arranged a meeting with a *coyote* and her father paid him \$10,000. Poor as the family was, Catalina’s father decided to mortgage the family farm to raise the cash. Apparently, Catalina’s grandfather later changed his mind and advised her not to travel to *el Norte*, but she decided to go regardless. In case files, this kind of family involvement was often described as “colluding with the traffickers,” although, according to Catalina and other girls in this study, parents genuinely believed that they were improving their children’s prospects for the future and were unaware that the smuggling might turn into severe exploitation and trafficking.

Twin sisters, Flora and Isa, came to Texas to join their mother and work in a cantina owned by their uncle. They were shocked when Immigration and Customs Enforcement (ICE) raided the cantina and charged their mother with child trafficking. U.S. law enforcement’s conceptualizations of who is a trafficker and what constitutes acceptable working conditions for adolescents stand in sharp contrast with the cultural and familial notions of helpers facilitating better lives abroad.

Although girls like Belen made the decision to migrate on their own—by the time she was planning to join her uncle in Pennsylvania, Belen’s father was deceased and her mother nowhere to be found—they were told by the U.S. law enforcement and child advocates that they were not capable of making independent decisions. Although the Convention on the Rights of the Child (CRC) emphasizes the evolving capacities of children, in practice U.S. law, especially anti-trafficking law, does not consider underage minors as having the ability to make their own decisions. This stance is especially strong in cases of trafficking for sexual exploitation. Parents who smuggled their children across the border were described by law enforcement as greedy adults who sold their unsuspecting, innocent daughters into a life of prostitution. The persistent view of the trafficked girls as “sex slaves” was even more surprising since in many cases there was no evidence of sexual abuse. But stories about the irrevocable loss of sexual innocence are a particularly potent symbol that works well in many courtrooms.

The image of a passive, exploited victim went hand-in-hand with the conceptualization of human trafficking as a phenomenon dominated and controlled by organized crime. In reality the picture is much more nuanced (Williams 2008). Smaller operations based on kinship or friendship ties may, of course, be part of larger criminal networks. In my research, however, I have not uncovered any direct evidence of such connections. Moreover, the trafficked girls did not speak of

criminal networks. Flora and Isa were astounded and saddened when police dragged their mother away in handcuffs. Rather, they focused on the close relationships between themselves and those who helped them cross the U.S. border and find employment. “This is my mother,” cried Isa, “where are you taking her?” Despite this reality, policy makers, child advocates, and service providers maintained a studied blindness towards the complicated role family and kin play in facilitating and financing migration journeys of children and adolescents to the United States.

ICE agents often did not recognize that children and youth migrate or are smuggled partly to seek out economic opportunities to support their families. When they talked about migrant children, it was usually in the context of children migrating in the shadows of parents whom the police officers considered the primary migrants. They regarded the children and youth “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). Yet, in order to engage more critically in debates about and analyses of child trafficking, the processes around child labour migration require a more careful examination. Marisa O. Ensor and I wrote about this issue in our book *Migrant Children*. Citing the work of other anthropologists, we concluded: “(...) an excessive focus on migratory processes that are imposed, difficult, and traumatic may lead to the erroneous assumption that all forms of child migration are necessarily exploitative” (Ensor and Gozdzia 2010, 3). There is growing empirical research from many parts of the world on the reasons why children migrate, which should help dispel the notion that child labour migrants are always passive victims trafficked or forced to migrate because they are young, naïve, and do not know any better (Whitehead and Hashim 2005). Heissler posits that “given the emphasis on trafficking at the global policy level,” the processes of facilitating child labour migration “are rarely seen as benign, especially when others reap material benefits” (Heissler 2013, 90). Suppositional perceptions such as these have resulted in a certain ambiguity of the label “trafficker,” which as a result is used to describe many different types of individuals who assist adolescents and young adults in crossing international borders and finding employment in the destination country.

Acknowledging that minors—especially older teens—possess agency does not take away from the suffering they experienced at the hands of traffickers. However, depriving them of the recognition that they are rational human beings capable of making independent decisions perpetrates the myth that child development is solely based on biological and psychological structures that are fairly uniform across history, class, and culture. In contrast to the notion of the universal model of childhood, anthropological research shows that childhood and youth are social and cultural rather than biological constructs (Boyden and de Berry 2005).

Children and adolescents are people, and therefore they do have agency. Agency is an intentional action that encompasses both intended and unintended

consequences, according to Anthony Giddens (1993). Trafficking was certainly an unintended consequence of the girls' and boys' decision to migrate in search of work. Had they known that they would be maltreated, insufficiently compensated, and isolated from the outside world, they most likely would not have agreed to leave even the most poverty-ridden native village. Without a crystal ball to show them the future, they made the best decisions they could under the circumstances. They owned these decisions even when they desperately wanted to leave the trafficking situation. It is worth mentioning that some of the adolescents did not find their circumstances as dire as child advocates would have the public believe. Several of the Peruvian boys trafficked to work in the construction industry wanted to stay with the same employer, but hoped that service providers would be able to ensure that the boss paid them what he promised, gave them cigarette and lunch breaks regularly, and treated them with respect.

Law enforcement alleged that sixty per cent of the adolescent girls were trafficked for sexual exploitation despite the fact that many of the girls were adamant that they were neither involved in sex work nor sexually abused. One ICE agent told me: "Look, when I see young girls with lots of make-up wearing low cut blouses and the shortest skirts you can imagine, of course I am going to conclude that they were trafficked for sex. Maybe nothing happened yet, but whether they realize it or not, the intent was obvious..." In interviews, the girls presented different assessments of the situation. Magdalena said: "A short dress accentuating my figure does not mean I am a prostitute!" They liked pretty and revealing clothing. Tight and low-cut blouses made them feel sexy and sophisticated, they said. I thought that there was a lot of cultural misunderstanding, both on the part of the law enforcement and on the part of the young girls, about what was age-appropriate attire and what was not. The girls also said they had certain freedoms to make decisions. Naya claimed: "If I wanted to go upstairs with the men, I could earn a lot more money, but I didn't want to sell myself. I made the boss lots of money dancing with the customers and selling them high price drinks." The police did not believe the girls and the girls said the police lied. Both parties contested each other's perceptions of the situation.

While many anthropologists theorizing agency (Tsing 2000; MacGaffey 2000) have a very celebratory view of the concept, Julia Meredith Hess and Dianna Shandy (2008) suggest that, at the juncture of migrant children and the state, this view is more constricted. The same can be said about trafficked children. The politics of compassion governing the lives of trafficked (and other unaccompanied) children tempered the agency of the trafficked girls and boys in my study. The decisions law enforcement and service providers were making were glossed over as "being in the best interest" of the youth. Perhaps it was in the best interest to classify the trafficked girls and boys as "victims" in order to provide them with the legal assistance and social services they needed to stay in the United States.

However, stripping them of decision-making abilities did not serve the youth well. How were they to make decisions that were in their best interests if they were not recognized as human beings with volition?

## **What is in the Best Interest of the Trafficked Child? Who Decides?**

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 in order to become competent social actors. Adults generally mediate economic and social responsibilities so that children can grow up free from pressures of responsibilities such as work and childcare. Children who are not raised in this way are considered “victims” who have had their childhood stolen from them. The realities experienced by the “children” in my study, even before the 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 youngsters to contribute to the family’s income. Family members who facilitated their migration often presented it as an opportunity to help the young person to “pay back” or support parents. Also, although many of these children worked in their countries of origin—they took care of their siblings, did house work, worked on family farms, or sold wood or food-stuffs in the street—they seldom earned wages for their labour. Thus, a chance to work for wages was seen as an opportunity not to be missed.

The frameworks that conceptualized child labour migration within legal and child protection categories such as “child trafficking,” “unaccompanied minors,” and “child exploitation” (Mai 2011) are based on the principle of the “best interest of the child” but frequently fail to understand the mix of vulnerability and resiliency of young migrants in its full complexity.<sup>3</sup> This, in turn, ends up further exacerbating their vulnerability. The protectionist narratives of child advocates and service providers too often stand in sharp contrast with the narratives of the youth that emphasize their own agency and resiliency.

Let me turn back to Flora and Isa, introduced earlier in this chapter. Flora and Isa never thought they were trafficked; they explained their migration to the U.S. as an escape from the poverty of Honduras after the ravages of Hurricane Mitch. They came to the U.S. to join their mother, who managed a bar owned by one of her brothers. The girls ended up working in the bar as well. On the basis of a tip-off from a local resident, ICE raided the bar and Flora and Isa, along with several other

---

<sup>3</sup>It is worth noting that while many of the children studied by other contributors to this volume could not shed the label of “migrancy” even when they never migrated, many of the young people in my study wanted to be categorized as migrants, but the system of care denied them this identity.



girls, were “rescued” and referred to a foster care programme to begin a process of restoration and rehabilitation. Prosecutors said that the young women were subjected to long and dangerous smuggling routes and that at least one was raped during the journey. Some of the defendants and their attorneys disputed the forced labour allegations, saying it was more a situation of poor people helping poor relatives affected by a natural disaster. “If it was a family business,” Assistant U.S. Attorney Richard Roper said, “it was a hell of a way to treat your family; smuggling them through dangerous routes, misrepresenting to them what they were going to do here.”

Shortly after the raid, Special Agent George Ramirez, formerly with the Immigration and Naturalization Service (INS), testified in court that the smuggling ring, called the Molina Organization, forced some of the young women into prostitution to pay off smuggling fees. The young ladies, however, did not corroborate this view. Prosecutors and defence attorneys offered sharply differing opinions about accusations of forced labour and forced prostitution. According to the defence attorney Mick Mickelsen, “There were 52 girls interviewed, and there was only one that said anything about prostitution.” Flora and Isa consistently emphasized that they were not pressured to provide sexual services to any of the bar clients or, for that matter, to any of the men that smuggled them from Honduras through Guatemala and Mexico to Texas. In the end, the twenty-four count indictment did not mention any prostitution allegations. Assistant U.S. Attorney Roper said that the allegations were dropped because the victims did not want to testify. Without their cooperation, he said, the allegations would have been impossible to prove to a jury. Eighty-eight people, including Flora and Isa’s mother, were detained, mostly on immigration violations.

Flora did not want to be placed in foster care; she wished to return to Honduras. Her pro bono attorney counselled Flora that it was not in her best interest to return home because some of the relatives involved in her trafficking were deported to Honduras and might try to traffic her again. Flora did not think her uncles posed a threat, but did concede that it might be best to stay in the United States. She was mainly afraid of the poverty she would need to face if she returned to Honduras.

Flora also decided to stay because she wished to visit her mother, who was in jail on charges of smuggling underage girls. Again, Flora was counselled against visiting her incarcerated mother. Flora’s caseworker told her that it was not in her best interest to see her “abuser.” Despite the advice, Flora kept in touch with her mother through letters and phone calls. Persistence paid off and in the end she and Isa, accompanied by their caseworker, travelled to California where their mother was incarcerated. A note in Flora’s file described the trip as very successful: “The trip went well. The girls’ mother was supportive, encouraging, and very appropriate with her daughters during the visit. She encouraged her daughters to work hard in school and put Christ first in their lives.” The caseworker was able to talk to the mother and upon hearing more of her story she determined that, despite the

mother's involvement in her daughters' trafficking, "contact with the mother was not detrimental to the girls' safety."

While in foster care, Flora's "best interests" were determined mainly by her middle-class, non-Spanish speaking foster mother who thought that an obedient child should stay home and study, not go out with friends or watch TV. Flora's caseworker sided with the foster mother. However, the foster mother's dissonant views on the "proper behaviour" of a seventeen-year-old girl led to even more rebellion on Flora's part. Flora thought she should have fun. She wanted to have a boyfriend and she started dating a young Latino man. When she became pregnant, she left her foster family to live with the baby's father and moved into a group home after they broke up. Whether the pregnancy was a conscious choice to have a baby or a result of unprotected sex is unclear. What was obvious was Flora's dedication to her son. As her situation changed—from being in the care of a foster mother to being responsible for herself and her baby in a group home—the social worker's assessment of Flora changed as well. The caseworker noted, "Flora is a very outgoing and confident young woman. Very strong-willed and determined. Though these traits created difficulties when she was in foster care, she now is applying them to planning for the future and is showing much more understanding of living independently and using the responsibilities she has." It seemed that the social worker had a complete change of heart, from denying Flora's ability to make her own decisions by supporting the foster mother's rules to advocating for Flora's rights to determine her own best interests and the interests of Alejandro, her infant son. Flora welcomed this change in attitude, but could not articulate the reason for this transformation. The social worker put it simply: "I was wrong. I should have listened more carefully to Flora."

The "best interest" standard is a widely used ethical, legal, and social basis for policy and decision making involving children (Kopelman 1997). The origins of the "child's best interest" principle date back to the late 19th century when the European public became aware of the plight of exploited, abused, and neglected children through popular novels such as those penned by Charles Dickens. In 1989, the principle became part of the Convention on the Rights of the Child. In the intervening years, the notion of "best interest" has come under attack as self-defeating, individualistic, unknowable, vague, dangerous, and open to abuse (Veatch 1981, 1995; Ruddick 1989; McGough 1995; Rodham 1973).

Despite criticisms, the best interest principle remains the dominant legal standard in actions concerning children, including migrant and trafficked children. Attorneys, social workers, and therapists working with trafficked youth frequently and fervently invoke the concept. However, because the concept is broad and rarely defined, it is open to idiosyncratic interpretations (Kelly 1997). Flora's caseworker, for example, changed her opinions about what was in Flora's best interest several times, eventually realizing that Flora's resiliency meant independent decision-making was in the girl's best interest. These subjective assessments can result in an inconsistency in service provision, and may hamper post-migration transition efforts. Moreover, the best interest principle sometimes seems to contradict the right of the minor to participate in determining what is best for them. The

question thus remains: Who determines the best interests of the trafficked minor, and how? How does the determination of the child's best interests correspond with the child's right to express their wishes? There is consensus in the literature that Western policy-makers and caretakers tend to prioritize children's perceived best interests over their right to express their wishes and feelings (Bluebond-Langner and Korbin 2007). In the course of this research, I have seen many examples of service providers deciding the child's best interest rather than advocating for their wishes and feelings.

The criteria used by foster parents and service providers for determining a child's best interests were based on a culture-specific understanding of children as "nurtured" by their caretakers. As indicated earlier, the TVPA does not distinguish between ten and seventeen-year-olds. It does, however, make a clear distinction—ideological, strategic, and operational—between children and adults. Taking issue with this dichotomy, Sanghera explains: "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). These attitudes produce the system that ignores the voice of the minor, the system where "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).

My research team and I accepted the young people's assertion that they had wanted to come to the U.S. while recognizing that, at the time of making the decision to migrate, they might have had no idea about the abuse and exploitation they would face once they crossed the border, and, had they known, consequently might not have agreed to come to the United States. The bigger challenge was related to where "to draw a line between coercion and consent for young people under the age of eighteen and how best to promote their rights and agency while still protecting them" (Kempadoo 2005, xxv). The dilemma was whether to consider them as vulnerable victims the way the U.S. law does, stipulating who is a victim and thus who is eligible for services, or as survivors with a great deal of resiliency to overcome the adverse circumstances and hardships, or both. Identifying vulnerabilities is important in order to facilitate access to appropriate services. However, focus on vulnerability and victimhood without recognition that many of these minors were resilient survivors is detrimental to recovery, as it creates unnecessary dependency on support programmes.

## Victimhood

Understanding youth's perception of the trafficking experiences as victimization and their identity as victims plays an important role in post-trafficking adjustment, according to social workers and clinicians working with young people. However, this understanding is widely contested, especially by social and behavioural scientists wanting to understand subjects—adults and minors—as agentive, sensuous, and intentional (Jensen and Ronsbo 2014). Given the programmatic importance of seeing trafficked children and youth as victims, let me unpack and contextualize them both within the theoretical frameworks and the narratives put forth by the youth and the service providers in this study.

We have seen a surge in victim-oriented politics in the last few decades (Cole 2006). Theorists such as Diana Meyers identify at least two kinds of victims: heroic and hapless (Meyers 2011). The first category encompasses “martyrs and heroes, who, through their own agency, choice, or strength, are made into victims in the service of a greater good.” Descriptions of these hero victims can be found in both revolutionary and religious discourses (see Fanon 2005; Guevara 2006; Khalili 2007). Evelyn, a survivor of domestic servitude, has embraced her own suffering to become an advocate. She often shares very painful memories publicly in the service of a greater good.

The victims of the second category are often seen as passively suffering bodies, and this view is especially prevalent in discourses of humanitarianism, forced migration studies, and discussions of trafficking of women and children for sexual exploitation. “Humanitarian victimhood is produced as a host of different agents, such as donors of international aid (Pupovac 2001), clinicians (Young 1995), and social movements and NGOs, and deploy the victim as a way to forge solidarities and relatedness across different social and geographical spaces” (See Fassin and Rechtman 2009; Jensen and Ronsbo 2014). The martyr is often perceived as a much more agentive victim than the hapless victim of humanitarian disaster or the victim of human rights violations because they take it upon themselves to become a victim.

It is noteworthy that victim status gives priority of concern to certain sufferers over others, argues (Bayley 1991). The youth identified as victims of child trafficking by the federal government were indeed given a special status. Equipped with “letters of eligibility” from the Office of Refugee Resettlement (ORR), they could now access immigration relief and other forms of assistance, including education, healthcare, social services, and counselling. At the same time, Central American minors fleeing violence and poverty in Honduras, Guatemala, and El Salvador and arriving in the United States in unprecedented numbers are considered to be undocumented migrants and put in detention centres (Gonzalez-Barrera 2014).

In judging some sufferers as victims, we risk the paternalistic devaluation of these individuals by transforming resilient and agentive actors into dependent and hapless people (Bayley 1991). As indicated above, the girls and boys in this study did not identify as victims. Admittedly, they may not have been living in the most idyllic conditions, but many did not see themselves as abused or taken advantage

of. Faced with poverty and a lack of opportunities to improve their livelihoods, the youngsters were not very happy back at home either. In imagining childhoods spent in tropical climates among extended family, some service providers thought otherwise. The girls did speak about the natural beauty of their native lands, but in the same conversations often described the abject poverty that left them going to bed hungry and unable to feed their babies. Living in multigenerational families provided emotional comfort, but often meant that there were many more mouths to feed. While child advocates vilified parents who sent or brought their children and teens to the United States, the youngsters saw their experiences as labour migration undertaken voluntarily and their parents as helpers, not villains.

That girls' and boys' did not identify as victims was closely related to their expectations about coming to the United States. Almost all of the youth had been highly motivated to migrate to the U.S. in the hope of earning money, as many had compelling reasons to send remittances, such as sick parents and younger siblings or their own babies to support. They did not equate labour migration with victimhood.

## Education or Waged Employment

Typically, the youngsters' desire to earn money did not change once they were rescued. When Angela stripped in a bar in New Jersey, she earned good money—about \$400 or \$500 a night. She paid her *coyote* half of the \$15,000 she owed him for bringing her from Honduras to New Jersey and was still able to send money home to her family. The million Honduran lempira (approximately \$48,000 USD) she sent to her grandparents allowed them to build a nice house. When *la migra* “rescued” Angela, she had a few thousand dollars in savings, but the money was confiscated. Angela was very angry that the money was gone. “It would have come in handy,” she said, “especially now that I am pregnant.” She could not understand why she was being punished when she had earned the money fair and square. Frankly, neither could I. Yes, the money was earned performing a job that law enforcement did not approve of for a seventeen-year-old, but it was still Angela's money. Moreover, the anti-trafficking law provides for restitution to victims of trafficking, but few survivors receive what is rightly theirs. Neither did Angela. She did not think her financial interests were taken into consideration at all by law enforcement that claimed to be helping her.

The desire to get a job and make money conflicted with programmes' focus on formal schooling. Following U.S. laws requiring minors to attend school, the programmes assisting trafficked youth focussed more on education and less on employment. Social workers cited regulations defining the age of employment, the number of hours minors are allowed to work, and rules about work permits whenever the youth asked for assistance with finding work. These restrictions ran counter to many goals of young people and resulted in adjustment challenges; they affected girls' commitment to education and their desire to remain in care. Cecilia,

for example, told her caseworker she did not want to go to school: “I need money! How am I going to support myself?” After much persuading, Cecilia stayed in school, but kept on asking whether she could leave high school and enrol in a vocational programme that would give her tangible skills. “What am I going to do with all this reading and writing?” she kept on asking. “I need to be able to do something concrete to get a job.” In her junior year, when her academic advisor mentioned college, Cecilia again rejected the idea. She told me: “How many years do they think I have to wait to get a good job?” Without access to decent jobs, and indeed requirements that restricted their ability to find work, the youth did not see the assistance as helpful.

## Therapeutic Interventions

The contrast between programmes’ perceptions of children’s best interests and the girls’ wishes was strongest surrounding the psychological consequences of trafficking and culturally appropriate responses. Most programmes used the Western concept of “trauma” both as the basis to imagine the trafficked children’s experiences and to promote a therapeutic model of rehabilitation services.

A relatively small number of children in this study met the criteria of post-traumatic Stress Disorder (PTSD). Some children presented no psychological disturbance, while others exhibited symptoms of depression. Indeed, depression was the most common diagnosis.<sup>4</sup> To mitigate the psychological consequences of trafficking, children were offered a wide range of mental health services: individual or group therapy, counselling by a torture treatment specialist, and art therapy. Initially, the majority of the youth refused to avail themselves of psychological services but programme staff were persistent. Two girls, with suspected sexual victimization, were referred to a bilingual counsellor. They participated in five counselling sessions, but refused to continue. Several survivors were concerned that going to therapy would stigmatize them further and label them as “crazy.” One girl joked that she was “too lazy to go to counselling every week.” She also added that she did not know what she would talk about in the sessions. Caseworkers often commented that the “girls went into therapy kicking and screaming,” but mental health services were considered in the children’s best interests.

Therapy caused “retriggering” for Catalina; she reported having nightmares after her sessions. Upon consultation with a different clinician, a decision was made not to ask questions that did not relate to concrete aspects of the present as such discussions re-opened the pain of the trafficking experience. The therapist instead engaged with Catalina around an art project, thinking this approach would be less

---

<sup>4</sup>The “diagnoses” were performed by case managers who referred the survivors to clinical social workers, psychologists, or psychiatrists.

threatening. However, Catalina was still reluctant to participate. Programme staff tried many different tactics to convince the survivors about the efficacy of mental health programmes. One girl was told that if she did not go to counselling and did not take her medication she would be separated from her baby. Many programmes clearly wanted all youth to participate in therapy and were convinced about the efficacy of this treatment. Some followed their agency's protocol as to the appropriate use of therapy and the children's interest and willingness to attend sessions, but the pressure was on the young people to participate in counselling. Eventually, most children and youth were in treatment. Again, the service providers' assessment of what was in the girls' best interests prevailed.

With one exception, programmes did not consider indigenous healing strategies, social justice, or human rights approaches. For most programmes, 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; the local Hispanic congregation embraced them and provided necessary support.

The push for mental health services was consistent with strategies employed to deal with other victimized populations. The number of programmes established to provide psychological help to refugees, victims of wartime violence, and more recently trafficked victims has grown exponentially (Bracken et al. 1997). The expansion of such programmes indicates the prominence of mental health concepts 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 programmes is directly related to what Kleinman calls "medicalization of human suffering" (Kleinman et al. 1997).

Undeniably, most of the children and youth in my study had 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 the traffickers, pretending to be relatives of the children, contacted the girls. Marianela was one of those girls. Her abuser called her on the phone in the convent where she was staying awaiting placement in a group house. They arranged to meet in a nearby park and the programme staff never heard back from her. However, vigilance of the staff protected many other youngsters from re-victimization. The programmes' unprecedented dedication to the protection of the children in their care was admirable. At the same time, by focusing so much on the children's vulnerability, the programmes often lost sight of the youth's resiliency. Preoccupied with Western standards of child welfare, staff did not have adequate resources to tap into culturally relevant healing strategies.

## Towards Solutions and Resolutions

Studies of children and childhoods increasingly see children as “at once developing beings, in possession of agency, and to varying degrees vulnerable” (Bluebond-Langner and Korbin 2007). Developments occurring in the field of childhood studies parallel developments in women’s studies, which consider women as social actors and contextualize them in theories of behaviour, culture, and society. Unfortunately, the discourse on child trafficking focuses mainly on the vulnerability and victimization of trafficked children, even though recognition of the coexistence of agency and vulnerability is particularly important in the child trafficking domain. As Diane M. Hoffman, who studied *restavek*<sup>5</sup> children in Southwest Haiti, observes,

Recognizing their agency is not denying that they suffer; nor is it to sanction the social structural inequalities that make the *restavek* system possible in the first place. Rather, it is to point the way to a reconceptualization of the *restavek* child in a more positive light, to portray the child as a person who has real capacities, skills, intelligence, and personal fortitude that can make him or her an asset to the society, rather than a victim or a drain on a society that is itself in chaos (Hoffman 2010, 48).

I acknowledge the legal necessity to use the term “victim.” The services that trafficked youth were eligible for were paid with money earmarked for “victims of crimes” and adjustment of their immigration status was also linked to being victimized. I am, however, opposed to extending this label beyond the legal realm. Therapeutically speaking, assigning the identity of a forcibly trafficked victim is often counter-productive to young people’s integration into American society or re-integration into their home country, should they choose to return. Recognition of the coexistence of vulnerability and resiliency influences the way we conduct research with trafficked children and affects our ethical responsibilities to the studied youngsters. This recognition is important because it affects—or should affect—institutional responses to survivors of trafficking. While there is no denying that trafficked children and youth have often been severely abused and exploited, one must also consider questions of agency and resiliency while analysing this phenomenon, designing services for trafficked minors, crafting policy responses aimed at preventing child trafficking, and prosecuting perpetrators. Well-informed rehabilitation approaches must consult children’s voices, experiences, and perspectives to explicitly inform and shape policy decisions and programmatic responses. Listening to the voices of children has become a powerful mantra for activists and policymakers worldwide. Yet, despite such pronouncements, many of the trafficked girls and boys found their voices silenced or ignored in the name of their “best interests.”

---

<sup>5</sup>A *restavek* (or *restavec*) is a child in Haiti who is sent by his or her parents to work for a host household as a domestic servant because the parents lack the resources required to support the child. The term comes from the French language *rester avec*, “to stay with.”



Programmes need to be flexible. The youths' perceptions of the nature of their experiences and their families' involvement in trafficking may be at odds with the perceptions held by law enforcement and service providers. Despite these differences, it is essential that law enforcement and service providers are flexible enough to allow the trafficked youth to have a unique, and perhaps differing, assessment of what happened to them and who wronged them. Minors should also be educated about their rights and about U.S. and international conventions protecting children. "Know your rights" sessions are commonplace for migrant children in detention centres; similar training should be provided for trafficked minors, especially adolescents. Trafficked minors 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, not moral assessments of parents' actions. Hopefully, a rights-based service model taking into account young people's resiliency and agency will empower them sufficiently to continue rebuilding their post-trafficking lives long after they leave assistance programmes.

## References

- Bayley, J. (1991). The concept of victimhood. In D. Sank & D. I. Caplan (Eds.), *To be a victim* (pp. 53–62). New York: Springer.
- Bluebond-Langner, M., & Korbin, J. E. (2007). Challenges and opportunities in the anthropology of childhoods. *American Anthropologist*, 109(2), 241–246.
- Bowman, D. (2015). Studying up, down, sideways and through: situated research and policy networks. <https://www.tasa.org.au/wp-content/uploads/2015/03/Bowman-Dina.pdf>.
- Boyden, J., & de Berry, J. (2005). *Children and youth on the front line: Ethnography, armed conflict and displacement*. Oxford and New York: Berghahn Books.
- Bracken, P., Giller, J., & Summerfield, D. (1997). Rethinking mental health work with survivors of wartime violence and refugees. *Journal of Refugee Studies*, 10(4), 431–442.
- Brennan, D. (2005). Methodological challenges in research with trafficked persons form the field. *International Migration*, 43(1–2), 35–54.
- Cole, A. (2006). *The cult of true victimhood: From the war on welfare to the war on terror* (1st ed.). Stanford, California: Stanford University Press.
- Ensor, M. O., & Goździak, E. M. (Eds.). (2010). *Children and migration. At the crossroads of resiliency and vulnerability*. New York: Palgrave.
- Fanon, F. (2005). *The wretched of the earth (Richard Philcox, Trans.)* (Reprint ed.). New York: Grove Press.
- Fassin, D., & Rechtman, R. (2009). *The empire of trauma: An inquiry into the condition of victimhood*. New Jersey: Princeton University Press.
- Frederick, J. (2005). The myth of nepal-to-india sex trafficking: its creation, its maintenance, and its influence on anti-trafficking interventions. In K. Kempadoo, J. Sanghera, & B. Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work and human rights* (pp. 127–128). Boulder, Colorado: Paradigm Publishers.
- Giddens, A. (1993). *The giddens reader*. Redwood City, California: Stanford University Press.
- Gonzalez-Barrera, A. (2014). Record number of deportations in 2012. Pew Research Center. <http://www.pewresearch.org/fact-tank/2014/01/24/record-number-of-deportations-in-2012/>. Accessed 15 May 2015.
- Goździak, E. M. (2008). On challenges, dilemmas, and opportunities in studying trafficked children. *The Anthropology Quarterly*, 81(4), 903–923.

- Goździak, E. M. (2012). Challenges, dilemmas and opportunities in studying trafficked children in the United States. In Course Reader eBooks. Belmont: Wadsworth Cengage Learning.
- Guevara, C. (2006). *Radical writings on guerrilla warfare, politics and revolution*. London: Filiquarian.
- Gusterson, H. (1997). Studying up revisited. *PoLAR: Political and Legal Anthropology Review*, 20(1), 114–119.
- Heissler, K. A. (2013). Rethinking “trafficking” in children’s migratory processes: the role of social networks in child labour migration in Bangladesh. *Children’s Geographies*, 11(1), 89–101.
- Hess, J. M., & Shandy, D. (2008). Kids at the crossroads: Global childhood and the state. *Anthropological Quarterly*, 81(4), 765–776.
- Hoffman, D. M. (2010). Migrant children in haiti: Domestic labor and the politics of representation. In M. O. Ensor & E. Goździak (Eds.), *Children and migration: At the crossroads of resiliency and vulnerability*. New York: Palgrave Macmillan.
- Jensen, S., & Ronsbo, H. (2014). *Histories of victimhood*. Philadelphia: University of Pennsylvania Press.
- Kapur, R. (2008). Migrant women and the legal politics of anti-trafficking interventions. In Cameron, S., & Edward Newman, E. (Eds.), *Trafficking in humans: Social, cultural and political dimensions*. Tokyo: United Nations University Press.
- Kelly, J. B. (1997). The best interests of the child: A concept in search of meaning. *Family Court Review*, 35(4), 377–387.
- Kempadoo, K. (Ed.). (2005). *Trafficking and prostitution reconsidered. New perspectives on migration, sex work and human rights*. Boulder: Paradigm Publishers.
- Khalili, L. (2007). *Heroes and martyrs of palestine: The politics of national commemoration*. Cambridge: Cambridge University Press.
- Kleinman, A., Veena, D., & Lock, M. (1997). *Social suffering*. Oakland: University of California Press.
- Kopelman, L. M. (1997). The best-interests standard as threshold, ideal, and standard of reasonableness. *Journal of Medicine and Philosophy*, 22(3), 271–289.
- La Fontaine, J. (1978). *Sex and age as principles of social differentiation*. London: Athlone Press.
- MacGaffey, J. (2000). *Congo-paris: Transnational traders on the margins of the law*. Bloomington: Indiana University Press.
- Mai, N. (2011). Tempering with the sex of “angels”: Migrant male minors and young adults selling sex in the EU. *Journal of Ethnic and Migration Studies*, 37(8), 1237–1252.
- McGough, L.S. (1995). Children V. Child custody. In W.T. Reich, (Ed.), *Encyclopedia of bioethics* (pp. 371–378). New York: Simon and Schuster MacMilan.
- Meyers, D. T. (2011). Two victim paradigms and the problem of “impure” victims. *Humanity: An International Journal of Human Rights Humanitarianism and Development*, 2(2), 255–275.
- Miko, F.T. (2004). *Trafficking in Women and Children: The U.S. and International Response*. Washington, DC: Congressional Research Service.
- Nader, L. (1969). Up the anthropologist: Perspectives gained from “studying up”. In D. Hymes (Ed.), *Reinventing anthropology* (pp. 284–311). New York: Random House.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. (2000). <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.
- Pupovac, V. (2001). Therapeutic governance: Psychosocial intervention and trauma risk management. *Disasters*, 25, 358–372.
- Rodham, H. (1973). Children under the law. *Harvard Educational Review*, 43(4), 487–514.
- Ruddick, W. (1989). Questions parents should resist. In L. M. Kopelman & J. C. Moskop (Eds.), *Children and health care: Moral and social issues* (pp. 221–230). Dordrecht, Netherlands: Kluwer Academic Publishers.
- Sanghera, J. (2005). Globalization, labor migration, and human rights: unpacking the trafficking discourse. In K. Kempadoo, J. Sanghera, & B. Pattanaik (Eds.), *Trafficking and prostitution reconsidered* (pp. 3–24). Boulder, Colorado: Paradigm Publishers.

- Stryker, R., & Gonzalez, R. (Eds.). (2014). *Up, down, and sideways. anthropologists trace the pathways of power*. Oxford: Berghahn Books.
- Summerfield, D. (2000). Childhood, war, refugeedom and “trauma”: Three core questions for mental health professionals. *Journal of Transcultural Psychiatry*, 37(3), 417–433.
- Tsing, A. (2000). The global situation. *Cultural Anthropology*, 15(3), 327–360.
- Veatch, R. M. (1981). *A theory of medical ethics*. New York: Basic.
- Veatch, R. M. (1995). Abandoning informed consent. *The Hastings Center Report*, 25(2), 5–12.
- Whitehead, A., & Hashim, I. (2005). *Children and migration: Background paper for DFID migration team*. Brighton: University of Sussex, Development Research Center on Migration, Globalization and Poverty.
- Williams, P. (2008). Trafficking in women: The role of transnational organized crime. In S. Cameron & E. Newman (Eds.), *Trafficking in humans*. Tokyo, New York, and Paris: United Nations University Press.
- Young, A. (1995). *The harmony of illusions: Inventing post-traumatic stress disorder*. Princeton: Princeton University Press.

**Open Access** This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 2.5 International License (<http://creativecommons.org/licenses/by-nc/2.5/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the book's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the book's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

