



**Testimony of Shawna Bader-Blau  
Executive Director  
Solidarity Center**

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*Ending Modern Slavery: What is the Best Way Forward***

Chairman Corker, Ranking Member Menendez and members of the Senate Foreign Relations Committee, thank you for the opportunity to present the Solidarity Center's perspective on effective policy responses to end modern slavery. We appreciate the Committee's continued leadership in combating all forms of human trafficking globally, including trafficking for forced labor.

The Solidarity Center is an international non-governmental organization (NGO) that promotes and protects worker rights globally, with programs in more than 60 countries. The Solidarity Center is an allied organization of the AFL-CIO and a member of the Alliance to End Slavery and Trafficking (ATEST). Building upon more than 20 years of experience in the areas of child labor, migrant worker exploitation and supply chain accountability, the Solidarity Center raises awareness about the prevalence and underlying causes of forced labor and other forms of trafficking for labor exploitation, and implements programs with partners from myriad sectors to combat the problem. These programs include initiatives that address each of the four “Ps” that have become part of the anti-trafficking toolkit: prevention, protection of victims, prosecution (or as we prefer to describe it, “rule of law”) and partnerships. The Solidarity Center has the unique ability to work across borders, in both countries of origin and destination for trafficked workers, as we have long-term, on-the-ground relationships with local partners. Our anti-human trafficking programs span the globe from Africa (Kenya, Sierra Leone), the Americas (Dominican Republic, Mexico), Asia (India, Indonesia, Malaysia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand), Europe (Moldova) and the Middle East (Jordan, Kuwait, Qatar).

Because I know the leadership of this committee has the desire to take an aggressive approach to ending modern slavery around the world, and because I know that this committee can help us make great strides toward this objective, I will focus my testimony on the aspect of modern slavery that is the most prevalent—and that is forced labor. Most modern slavery today is, in fact, forced labor. That includes government-compelled labor in Uzbekistan during the annual cotton harvest; women enslaved as domestic workers in countries as diverse as Lebanon and Singapore; low-wage migrant construction workers trapped in a cycle of debt bondage in Saudi Arabia; and garment workers locked in factories forced to work for hours on end in Cambodia.

While each country we work in has its own unique context, we have uncovered a common theme. Labor trafficking has, at its core, violations of worker rights and depends on poor labor standards and weak protections it to persist. Human trafficking is a worker rights issue because it is linked to various forms of labor exploitation. It is one of the worst forms of worker abuse. Even when the end result of trafficking is sexual exploitation, there are more often than not worker rights issues involved. For example, the Solidarity Center has assisted victims of sex trafficking in Indonesia who were initially recruited by unscrupulous labor brokers who deceived them into leaving their homes by promising them work in the service-sector and then forced them into prostitution—often charging them exorbitant sums for the privilege. Indeed, the inspiring trafficking survivor who will speak on the next panel, Ms. Shandra Woworuntu, was by her own account tricked by a labor recruiter promising a real job, only to be forced into prostitution. Around the world, unsafe migration processes, lack of jobs, minimal economic opportunities for women at home and other forms of economic coercion increase the vulnerability of women to sexual exploitation.

Understanding this link between worker rights violations and human trafficking is key to eradicating this horrific human rights abuse globally. To end forced labor, we must address the underlying vulnerability of workers to exploitation, expand and enforce labor laws, and allow workers to organize to monitor their workplaces and improve their wages and working conditions.

In other words, end worker exploitation to end human trafficking.

We increasingly hear the term “modern slavery” used to describe the exploitation or compelled service of children, women and men that results from the myriad forms of coercion and deceptive practices traffickers use. Forced labor, debt bondage and involuntary servitude are severe forms of labor exploitation that continue today in our modern world, though under a different guise. Instead of shackles and chains, workers are now enslaved through threats, debt and other forms of economic coercion. And it is a seemingly intractable, growing problem.

More than two decades ago, during a visit to the women’s dormitory at Kuwait University, I met a cleaning woman stocking rooms with fresh towels. Originally from India, she asked me what I had seen in downtown Kuwait City: Was it beautiful? She told me she had not been allowed to leave the dormitory courtyard—itself fully encircled by high concrete walls—in two years. And even though her husband also lived in Kuwait and drove a taxi in the city, she had not seen him in that same period—men were not permitted on the grounds of the dormitory. I learned that she had paid a lot of money to a recruiter to get the job in Kuwait, and could not leave because of her debt.

Senators, it is beyond outrageous that two decades after she and I met, indentured servitude is still more the norm than the exception for millions of migrant women and men like her working as domestic workers, fishermen, tomato pickers and garment workers. Today our staff regularly report heartbreakingly stories of modern slavery from the more than 60 countries we work in

around the world. As we will explore in this hearing, the United States can play an even greater leadership role in helping to combat such egregious abuse around the world.

While governments used to be the primary perpetrators of forced labor, today the vast majority of the almost 21 million people in forced labor globally are exploited in the private economy.<sup>1</sup> Illegal profits made from the use of forced labor worldwide amount to \$150 billion per year, exceeding the GDP of many countries.<sup>2</sup> Moreover, trafficking for labor exploitation is far more prevalent than sex trafficking globally, with 68 percent of the almost 21 million being “victims of forced labor exploitation, in economic activities such as agriculture, construction, domestic work and manufacturing.”<sup>3</sup>

Modern slavery thrives in a context of private actors and economic coercion. Our response, therefore, must address this context, recognizing human trafficking as more than just sexual exploitation and more than just organized crime. We must move beyond the notion that modern “slavery is all about bad individuals doing bad things to good people.”<sup>4</sup> We must address what one leading global expert on the international law of human trafficking,<sup>5</sup> calls the “underlying structures that perpetuate and reward exploitation, including a global economy that relies heavily on exploitation of poor people’s labor to maintain growth and a global migration system that entrenches vulnerability and contributes directly to trafficking.”<sup>6</sup> We must exert economic pressure as a response and recognize the protection of worker rights as key to trafficking prevention. We must also reject policies and practices that institutionalize harmful economic and business models that increase workers’ vulnerability to human trafficking. We cannot eliminate modern slavery without fundamentally changing how labor migration is managed around the world, how companies do business and how governments monitor and enforce human and labor rights.

It is within this context that I present our recommendations for the most effective policy responses to address gaps in U.S. and global efforts to end human trafficking for labor exploitation.

## ***1. Reform Unsafe Migration Practices***

Unsafe migration processes and the lack of labor law and other legal protections for migrant workers<sup>7</sup> make them particularly vulnerable to forced labor. And governments clearly lack

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<sup>1</sup> International Labor Organization (ILO) Global Estimate of Forced Labor, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf)

<sup>2</sup> Profits and Poverty: The Economics of Forced Labor, International Labor Organization, 2014, ([http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf))

<sup>3</sup> The ILO estimates that out of the 21 million, 4.5 million (22% total) are victims of forced sexual exploitation. ILO Global Estimate of Forced Labor, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf)

<sup>4</sup> Gallagher, Anne T., *The Global Slavery Index—Seduction and Obfuscation*, November 28, 2014, available at: [http://works.bepress.com/anne\\_gallagher/31](http://works.bepress.com/anne_gallagher/31).

<sup>5</sup> Anne Gallagher was named a “TIP Report Hero” in the 2012 Department of State *Trafficking in Persons Report*. <http://www.state.gov/j/tip/rls/tiprpt/2012/192362.htm>

<sup>6</sup> Id.

<sup>7</sup> The term “migrant worker” is the internationally accepted term for a person who migrates for employment, whether temporary, seasonally or permanently. In the United States, in everyday language, “migrant worker” may

political will to do much about it. The potential profits to be made from the global labor migration business—by government officials, employers, employment agencies and labor recruiters—seem to trump initiatives to combat the vulnerability of this at-risk population.

It is common business practice for employers to subcontract hiring and human resources management to labor brokers or employment agencies. All too often, labor recruiters compel workers—who have no other viable opportunities for employment in their home village or country—to pay exorbitant recruitment fees for the privilege of laboring under harsh and often inhumane conditions. Many of these migrant workers—seeking only to work toward a better life for themselves and their families—end up trafficked into forced labor and debt bondage, a situation nearly impossible to escape.

While stationed in Doha, Qatar, for the Solidarity Center a few years back, I met a young man from Nepal who told me he paid a recruiter \$6,000 to get a construction job in Qatar. Promised a \$400 monthly salary, he was paid only \$250, a portion of which was docked for food and accommodation. Due to the *kafala* system, his visa was tied to his employer and he had no choice but to stay. Despite the proven connection between recruitment fees and vulnerability to forced labor,<sup>8</sup> governments and businesses are institutionalizing these practices through increased temporary migration programs and the under- or non-regulation of labor recruiters. Moreover, many governments around the world are complicit in trafficking by labor recruiters by (at best) failing to regulate them or monitor their practices, or (at worst) accepting bribes to turn a blind eye or actually becoming involved in the recruitment of workers for profit themselves.

From poor Bangladeshi women providing household services in Jordanian homes to Nepali construction workers building soccer stadiums for the World Cup in Qatar, and from Cambodian men on Thai boats working to put fish on American grocery store shelves to Mexican workers processing seafood under H-2B visas along the U.S. Gulf Coast,<sup>9</sup> migrant workers around the world are vulnerable to trafficking through the unregulated and unmonitored practices of labor recruiters, even when they migrate through legal channels, with valid visas.

Anti-trafficking activists around the world, and in the United States, point to reform of labor recruitment processes and the regulation of labor recruiters as one of the most important initiatives to prevent human trafficking around the world. To this end, the Solidarity Center is working with a coalition of NGOs, trade unions, academics/researchers and other migrant rights activists to call for global labor recruitment reform, and a commitment from international labor migration policymakers (like at the Global Forum on Migration and Development), governments

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refer to a seasonal or temporary worker, and “immigrant worker” refers to someone who migrates for work on a more permanent basis or who has residency rights. I will use the term “migrant worker” in my testimony to refer to all workers who migrate for work, regardless of their status or length of stay in the destination country.

<sup>8</sup> In its *Profits and Poverty* report, the ILO found “the payment of recruitment fees, even to relatives or friends, leads to a higher probability of ending up in forced labor.” [http://www.ilo.org/wcmsp5/groups/public/-/-ed\\_norm/-/declaration/documents/publication/wcms\\_243391.pdf](http://www.ilo.org/wcmsp5/groups/public/-/-ed_norm/-/declaration/documents/publication/wcms_243391.pdf) at p. 44.

<sup>9</sup> See for example “Summary of Preliminary Audit of U.S. Walmart Suppliers that Employ Guestworkers.” National Guestworker Alliance <http://www.guestworkeralliance.org/wp-content/uploads/2012/06/Preliminary-Evidence-of-Forced-Labor-on-WalMart-Supply-Chain.pdf>

and businesses to implement a global “no fees” policy for migrant workers. We need a global effort to permanently ban recruitment fees.

We are seeing progress, including the Federal Acquisition Regulations on Ending Trafficking in Persons (for federal contracts) released just last week; the International Labor Organization (ILO) Protocol and Recommendation on Forced Labor adopted after tripartite negotiations in June 2014; and California’s law, SB 477, which requires foreign labor contractors to register with the Labor Commissioner.<sup>10</sup> The notion that migrant workers should not have to pay recruitment fees to find a job is increasingly accepted in policy circles. Even a few multinational corporations have adopted “no fees to workers” policies.

Congress can continue to play an important leadership role in ending forced labor by passing a comprehensive law to regulate foreign labor recruiters who hire workers through U.S. nonimmigrant visa programs, such as H1, H2 and J1. The Senate’s passage of *Subtitle F: Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad* and similar provisions in *Subtitle I* as part of S. 744 (Immigration Reform) in 2013 is a significant step forward in addressing this issue. In the House of Representatives, H.R. 3344, introduced last year by House Committee on Foreign Affairs Chairman Ed Royce, is modeled after *Subtitle F* and has bipartisan support, with over 70 co-sponsors. Unfortunately, a few large sponsoring companies are opposing these bills, sacrificing poor workers for the bottom line. Still Congress has a real opportunity to enact legislation that could end fraud in our nonimmigrant visa programs and prevent trafficking in the labor recruitment system. Not only will such a law help protect migrant workers in the United States, but it also will serve as a powerful model for other countries, and may influence international labor migration policy.

## **2. End Impunity for Labor Traffickers**

Systematic abuse of migrant workers, rising to the level of forced labor and human trafficking, goes virtually unpunished throughout world. The State Department’s *2014 Trafficking in Persons Report* provides numerous examples of governments’ reluctance to hold employers accountable for trafficking in their workplaces. And the *Los Angeles Times*,<sup>11</sup> in a December 2014 series on working conditions at Mexican farms that ship produce to U.S. supermarkets, found that one of Mexico’s largest growers routinely withheld wages from workers, housed them in rat-infested facilities and allowed bosses to beat workers who tried to escape. Two company employees were even charged with human trafficking. The government levied fines against that farm, Bioparques de Occidente, but after the uproar subsided, those fines seem to have melted away. The men accused of trafficking have not been tried nor can the charges against them be confirmed.

Immigration officials around the world regularly categorize migrant workers who are labor trafficking victims as undocumented or “out of status” workers and deport them. Police and labor inspectors often view involuntary servitude, debt bondage or forced labor in sectors such as

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<sup>10</sup> SB 477: Requires foreign labor contractors to register with the Labor Commissioner and penalizes intimidation, discrimination and other violations to prevent the exploitation of foreign workers.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB477](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB477)

<sup>11</sup> “Desperate Workers on a Mexican Mega-Farm: ‘They Treated Us like Slaves.’” Los Angeles Times. December 11, 2014. Available at: <http://graphics.latimes.com/product-of-mexico-labor/>

agriculture, domestic work, construction, manual labor and manufacturing as “mere worker rights violations” that do not require their intervention.

Even in the rare cases when labor trafficking is identified and charges brought, the labor recruiter is blamed and not the employer who also perpetrates the exploitation. This lack of political will translates into pathetically few cases of human trafficking for forced labor or other forms of severe labor exploitation being prosecuted globally. According to the 2014 *Trafficking in Persons* report, there were only 9,460 prosecutions and 5,776 convictions for trafficking globally in 2013; of these, only 1,199 cases of forced labor were prosecuted. Governments’ failure to hold employers accountable criminally for forced labor means that employers can exploit workers with impunity, and an important trafficking prevention tool goes unutilized.

Solidarity Center partners face this lack of political will to prosecute forced labor on a daily basis in their work. For example, our partner in Thailand, the Human Rights and Development Foundation (HRDF), is currently pursing cases on behalf of four Burmese migrant workers who were trafficked onto fishing boats after paying exorbitant recruitment fees to brokers. Two of the workers tried to commit suicide by jumping off of the ship. Though these cases have been going on for more than year and HRDF has collected significant evidence, Thai police have yet to charge any broker, boat captain or boat owner for the abuses.

When cases are prosecuted, they often result in small fines and no jail time for the perpetrators—barely a deterrent for exploitative employers reaping vast profit from the misery of others. Other cases may get put on hold for years while perpetrators are out on bail. Moreover, whistleblowers, in the form of trade union or NGO activists, journalists and migrant workers, often face retaliation for raising issues of forced labor and corruption linked to human trafficking.<sup>12</sup>

While public awareness campaigns and education for at-risk groups are important tools for prevention, one of the key ways to prevent forced labor is to create an enabling environment through the rule of law that promotes transparency and accountability. Increasing prosecutions and convictions, and imposing harsh penalties (including significant jail time and economic restitution) may be an even more effective prevention tool. Workers must have easily accessible avenues to report violations and attain justice, without fear of retaliation—and government officials must be trained and encouraged to respond quickly and effectively.<sup>13</sup>

The Solidarity Center sees the low levels of forced labor prosecutions, lack of political will and impunity as evidence of many governments’ dismissal of forced labor as a serious issue. Labor migration is seen as a profit-making mechanism, for employers, owners of recruitment agencies and government officials, and human trafficking as just an unfortunate consequence.

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<sup>12</sup> For example, a U.S. labor rights group, the National Guestworkers Alliance, found evidence that Mexican workers in one Louisiana plant were coerced by their employer into working in dangerous conditions against their will by threatening to harm their families, specifically their children, in Mexico. The workers understood this treat to be real as the owner bragged about knowing “bad people” who would do his bidding.

<sup>13</sup> Congress and other governments must pass national whistleblower protection laws (such as the “Protect Our Workers from Exploitation and Retaliation,” or POWER Act) regarding trafficked and vulnerable migrant workers. Such legislation would serve as a model for other governments globally. Also, companies should ensure that there are worker protections in company policy all along the supply chain, and advocate to governments for such protections.

### **3. Monitor and Enforce Laws Regulating Forced Labor in Supply Chains**

Given our globalized economy, the link between worker exploitation and human trafficking in the context of forced labor perpetrated by private actors through economic coercion means that products made with forced labor are ending up on our store shelves. And, governments and businesses are doing little to ensure that supply chains are untainted by forced labor and human trafficking.

In general, it is difficult to quantify the extent of forced labor in global supply chains. But as those supply chains reach down to more and more suppliers, the chances that trafficked people are in the labor force increase. For example:

- When buyers and multinational corporations demand cheap or unrealistic pricing structures from suppliers, severe labor abuses, including forced labor, often result in their supply chains.<sup>14</sup>
- Similarly, when employers contract out or hire unregulated subcontracted suppliers, or rely on labor recruiters and employment agencies, they should not be surprised to find that they have trafficking victims in their production lines.
- When employers refuse to enforce or claim that it is too difficult to monitor adherence to core labor standards in their supply chains, the probability that they will find forced labor, debt bondage and other severe forms of labor exploitation increases.

The U.S. government has two important resources at its disposal to monitor industries in countries with a high prevalence of forced labor and vulnerability to other forms modern slavery. The annual Department of State's (DOS) *Trafficking in Persons Report* and the Department of Labor's (DOL) *List of Goods Produced with Child Labor or Forced Labor Report* are excellent resources to help identify vulnerable economic sectors for forced labor. Products identified on the DOL's list from countries identified by DOS as having significant labor trafficking problems, however, continue to enter the United States, meaning that in all likelihood the U.S. government is allowing imports of products made with forced labor.

In 2008, the Solidarity Center released a report as part of its *Degradation of Work* series titled, *The True Cost of Shrimp: How Shrimp Industry Workers in Bangladesh and Thailand Pay the Price for Affordable Shrimp*. Thailand is one of the main exporters of shrimp to the United

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<sup>14</sup> The pricing structure as a cause of human trafficking cannot be overemphasized, as this is an underlying factor that employers, business, corporations and consumers can all address. As described in the Solidarity Center's report, *The True Cost of Shrimp*: "As a commodity, the price of shrimp fluctuates according to supply and demand, and price pressure is significant all along the supply chain. Retailers, sensitive to the risk involved with importing fresh food, press import companies for faster distribution, acceptable quality and the lowest prices. Importers, aware that market fluctuations can affect prices, leverage their bulk purchasing power to demand speedy delivery from producers. Trapped between producers and importers are labor-intensive shrimp factories. Often, the factories' response to price pressure is to squeeze wages, neglect workplace health and safety regulations, and cut other corners that leave shrimp workers bearing the social cost of affordable shrimp." *The True Cost of Shrimp*, Solidarity Center, 2008, p. 11.

States. The report uncovered major human rights abuses in the industry: unpaid wages, unsafe and unhealthy workplaces, child labor, forced labor, physical intimidation, violence and sexual abuse. Seven years later, little progress has been made to clean up the industry, as reports continue to surface about human trafficking of migrant workers in the fishing and seafood-processing sector in Thailand.<sup>15</sup> *The Guardian* found that such forced labor plays an integral part in the production of shrimp sold in leading supermarkets around the world, including in the United States, in stores such as Walmart and Costco.<sup>16</sup>

And despite U.S. laws that prohibit the importation of goods made with forced or child labor, Thai shrimp continues to be found at major U.S. retailers and in consumers' freezers. Mexican chilies, more easily plucked by children's hands from 3-foot plants,<sup>17</sup> are processed into salsa for U.S. dinners. Similar concerns may be raised about products such as ready-made garments from Haiti and Jordan, or electronics from Malaysia.

The U.S. government must do more to ensure that multinational corporations are held accountable for their practices abroad. And we must increase government scrutiny of imports to ensure goods made by forced labor are not allowed into the U.S. marketplace. This type of economic consequence will be a catalyst for change.

The 1930 Tariff Act prohibits the importation of goods into the United States made with forced or child labor. This law, however, is rarely enforced as the "consumptive demand exception" weakens it. As required by the 2005 Trafficking Victims Prevention Reauthorization Act (TVPRA), the U.S. Department of Labor "maintains a list of goods and their source countries which it has reason to believe are produced by child labor or forced labor in violation of international standards."<sup>18</sup> Even though many of the goods on the list are produced for export by the identified countries, the list has not been used to enforce the Tariff Act.

Moreover, U.S. Immigration and Customs Enforcement (ICE) must notify foreign governments of its intent to inspect workplaces that export products to the United States. Such notification results in the "cleansing" of workplaces to remove any signs of trafficking or forced or child labor. Moreover, U.S. law does not allow evidence collected by unions, the media or non-governmental sources to be the basis for restricting the importation of products made by trafficked or forced labor. This must be reformed. The Department of Homeland Security must review and rework the role of ICE in overseas inspections.

Many countries that have been shown to have significant labor trafficking problems continue to receive trade preferences from the U.S. government. Mexico, Brunei, Malaysia and Vietnam,

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<sup>15</sup> See for example: "Trafficked into Slavery on Thai Trawlers to Catch Food for Prawns," *The Guardian*, June 10, 2014, <http://www.theguardian.com/global-development/2014/jun/10/-sp-migrant-workers-new-life-enslaved-thai-fishing>.

<sup>16</sup> See "Revealed: Asian Slave Labor Producing Prawns for Supermarkets in US, UK," *The Guardian*, June 10, 2014, <http://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour>. See also "Thailand's Seafood Industry: A Case of State-Sanctioned Slavery?" *The Guardian*, June 10, 2014, <http://www.theguardian.com/global-development/2014/jun/10/thailand-seafood-industry-state-sanctioned-slavery>.

<sup>17</sup> "In Mexico's Fields, Children Toil to Harvest Crops that Make it to American Tables." Los Angeles Times. December 14, 2014. Available at: <http://graphics.latimes.com/product-of-mexico-labor/>

<sup>18</sup> <http://www.dol.gov/ilab/reports/child-labor/list-of-goods/>

four countries with significant forced labor problems, are part of the Trans-Pacific Partnership (TPP) negotiations. Lawmakers have a significant opportunity in the context of TPP to call out forced labor and modern slavery in these states and negotiate over improvements in laws and practices **before** any new trade agreement goes into force. If we really want new tools in the struggle against modern slavery, Congress can urge the Administration to use the leverage it has right now to negotiate meaningful changes to laws and practices before the agreement takes effect, not after—and to ensure any final trade deal includes vigorous monitoring and enforcement standards.

Congress should also encourage and support the U.S. Trade Representative (USTR) to suspend Generalized System of Preferences (GSP) and other trade benefits for any country that does not effectively address forced labor. Economic consequences are key to eradicating forced labor. And countries that are habitual abusers of vulnerable workers should face trade sanctions. Moreover, bilateral and multilateral trade agreements should contain labor standards and protections to prevent trafficking, ensuring those standards apply to all workers, including migrants.

#### **4. Promote Worker-Driven Solutions**

Multinational corporations' codes of conduct—which are voluntary and unenforceable—have failed to protect workers from forced labor in supply chains. Solidarity Center staff see examples of this first hand in garment/textile, agriculture and seafood processing across four continents. Research shows what does NOT work: private, voluntary corporate social auditing and other traditional “corporate social responsibility” (CSR) approaches have proliferated over the last 20 years but on the whole have failed to adequately address labor exploitation and modern slavery in global supply chains.<sup>19</sup>

Indeed, despite their codes of conduct, corporations often argue that it is too difficult or too expensive for them to map and monitor their entire supply chains. However, in the case of Mexican tomatoes, the *Los Angeles Times* reporter and a photographer—on a newspaper budget—managed to track gross violations throughout the export agriculture industry, including child labor, and follow supply chains to U.S. grocery stores. In addition, the *Times* reported the regular presence of buyers inspecting produce, just feet from abused workers.<sup>20</sup> Obviously, whatever corporate social responsibility guidelines those companies have in place carry little weight—and other pressure is required.

Companies can and should do more. Secretary of State John Kerry summed up the situation last week, at the White House Forum on Combatting Human Trafficking in Supply Chains:<sup>21</sup> “Governments can lead the way in ensuring that suppliers and contractors are held to the highest standards and adopt the highest standards. Companies can enforce regulations against human

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<sup>19</sup> See “Responsibility Outsourced: Social Audits, Workplace Certification and Twenty Years of Failure to Protect Worker Rights” AFL-CIO April 2013.

<sup>20</sup> “Desperate Workers on a Mexican Mega-Farm...” Los Angeles Times. Available at: <http://graphics.latimes.com/product-of-mexico-labor/>

<sup>21</sup> Remarks at the White House Forum on Combatting Human Trafficking in Supply Chains. U.S. Department of State. January 29, 2015. Available at: <http://www.state.gov/secretary/remarks/2015/01/236950.htm>

trafficking throughout their supply chains, and that includes the production of raw materials, labor brokers, contractors, and subcontractors throughout the final product.”

Still, workers are key to eradicating forced labor and trafficking in supply chains. Workers see abuses or may be the exploited on a farm or in a factory. We know that firsthand reporting of abuses and exploitation by workers, unions and rights organizations shine a light on abusive practices through on-the-ground investigations and worker whistleblowing. It is crucial that the U.S. government support monitoring and the efforts of workers to report human rights violations in their own workplaces, without fear of retaliation. Ultimately, workers and trade unions must be empowered to monitor supply chains because history shows that abuses in the workplace only end when workers can assert their rights under ILO conventions and national laws are respected. Employers and governments must therefore support and respect the freedom of association for workers.

We should embrace proven worker-driven models of corporate accountability like the Coalition of Immokalee Workers’ Fair Food Program, which is an excellent example of how economic consequences can help to eliminate forced labor and other forms of labor trafficking in an industry.<sup>22</sup> Governments should impose trade restrictions, import bans or other penalties on products made with forced labor, and multinational corporations should exert their significant power as buyers to hold suppliers accountable to supply chains free of forced labor.

Finally, freedom from forced labor and slavery are established human rights principles. The United Nations Guiding Principles for Business and Human Rights provide a powerful and inclusive baseline that can be employed in the global fight to end modern slavery.<sup>23</sup>

### ***Toward a Robust U.S. Government Response***

Addressing the role of private actors in forced labor and modern slavery that is perpetuated through the use of economic coercion requires an integrated approach—promoting worker rights, increasing access to justice, ensuring safe migration and focusing on economic growth that promotes shared prosperity. It also requires an integrated approach by government.

The U.S. government has shown true leadership in the global fight against human trafficking, including expanding the understanding that human trafficking is also about labor exploitation. But as we continue to learn about the scope and magnitude of modern slavery, we know that much remains to be done. We need significantly greater resources, and we need approaches that address all facets of the problem, and especially the underlying root causes of human trafficking. While it is crucial to identify and protect victims, prosecute perpetrators, our ultimate goal of course is to prevent the exploitation in the first place.

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<sup>22</sup> <http://ciw-online.org/slavery/> and <http://ciw-online.org/fair-food-program/>

<sup>23</sup> The UN Guiding Principles were adopted unanimously by the UN Human Rights Council in 2011. They recognize that when it comes to human rights, the State has the duty to protect, Corporations have the responsibility to respect these rights, and Victims have the right to access remedies when violated and provide implementation guidance to states and corporations.

The U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP) plays an absolutely crucial role in pressuring and supporting governments around the world to address modern slavery. The effectiveness of the J/TIP office given its small size is commendable. Importantly, and with bipartisan consensus, it has raised the profile of forced labor and human trafficking within our government and has had unmatched influence on how multilateral institutions, private actors and governments around the world define and address the scourge of modern slavery. The tier rankings and accompanying diplomacy provide one of the most effective tools the United States government has for promoting accountability to human rights in our entire foreign policy agenda.

As a lifelong activist and passionate defender of human and labor rights, I can tell you how refreshing it is—and how incredibly unusual it is—to see such regular coherence of policy, diplomacy and program support for work on the ground around the world that comes out of J/TIP. J/TIP receives less than \$20 million a year for its grant-making program. Increased resources for J/TIP could greatly expand its ability to coordinate the U.S. government response to trafficking, and allow J/TIP to focus more of its attention on prevention efforts globally. And it is absolutely crucial that the new Ambassador for the J/TIP office be committed to addressing both labor and sex trafficking; be able to take on recalcitrant governments; and be a unifying, not polarizing, force in the anti-trafficking movement.

And this committee also oversees other agencies in the U.S. government that are fundamental to combating forced labor around the world. They include the State Department's Bureau of Democracy, Human Rights and Labor (DRL), which promotes human rights, including worker rights, as a way to prevent human trafficking. DRL could do much more to help eradicate modern slavery if it was given the policy direction and resources to mainstream the promotion of the migrant rights agenda further within the Department of State and U.S. embassies. The Department of Labor's Bureau of International Labor Affairs (ILAB), which provides technical assistance to governments on how to implement and enforce core labor standards as a way to prevent forced labor and child labor, is responsible for producing the annual *List of Goods Produced with Child Labor or Forced Labor* required by the Trafficking Victims Protection Act (TVPA). ILAB engages with businesses and workers to address root causes of forced labor, and has championed the importance of using rigorous data collection and analysis in this struggle. The U.S. Agency for International Development (USAID), through its Counter-Trafficking in Persons (C-TIP) policy and country based programs, is finding ways to integrate anti-trafficking initiatives into all of USAID's strategic objectives. Despite the clear connection between economic, social and democratic development and the prevention of severe forms of labor exploitation, all of these agencies are too understaffed and under-resourced to address the scope of the problem.

Finally, we are encouraged that the Senate is discussing ways to spur a bold and more aggressive global approach to ending these enduring horrific human rights abuses that are the focus of the hearing today. A successful new initiative will:

- Prioritize an approach that addresses all forms of trafficking, e.g., sex trafficking and labor trafficking.

- Embrace principles of transparency, accountability and survivor leadership in interventions; ensuring that trafficking survivors, civil society and worker organizations have meaningful input and participation.
- Build on the steady progress of current U.S. government efforts, and not re-channel resources that are currently authorized to combat trafficking domestically and globally, but rather represent an additional investment by the U.S. government to supplement the meager resources available today in relation to the scale and severity of the crime.
- Support coordination among agencies to ensure a comprehensive, holistic approach to combating human trafficking. This includes working in close cooperation with international agencies, such as the International Labor Organization.
- Be linked to the priorities and recommendations in the annual *TIP Report* and the *List of Goods Report*; and, reports of United Nations agencies, such as the International Labor Organization.

Thank you again for the opportunity to testify and for your continued leadership in combatting trafficking for forced labor and other forms of severe labor exploitation around the world. I welcome your questions.