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*The Global Fight to End Modern Slavery***

I. Introduction

Chairman Corker, Ranking Member Menendez and members of the Senate Foreign Relations Committee, I thank you for this opportunity to present the Solidarity Center’s views on the “Global Fight to End Modern Slavery.” First, let me convey our appreciation for the Committee’s leadership in combating all forms of human trafficking both here and abroad—including trafficking for forced labor, the most prevalent form of trafficking. According to the International Labor Organization (ILO), 25 million people around the world are trapped in forced labor—and their unpaid work generates an estimated \$150 billion annually for enterprises around the world. The continued leadership of this Committee is much needed to advocate for an aggressive approach to ending modern slavery, especially for forced labor, at a time when vulnerable communities, such as migrant workers and refugees, are in increasing danger.

The Solidarity Center is the largest U.S.-based international worker rights organization. Our mission is to help workers attain safe and healthy workplaces, family-supporting wages, dignity on the job and greater equity at work and in their community. The Solidarity Center is allied with the AFL-CIO and is a member of the Alliance to End Slavery and Trafficking (ATEST), a leading U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery in the United States and globally. Building upon more than 20 years of experience in promoting worker rights, the Solidarity Center continues to raise awareness about the causes and the extent of trafficking for forced labor and implements programs with our partners worldwide to combat this scourge. These programs address each of the four “Ps” that are part of the anti-trafficking toolkit: prevention, protection of victims, prosecution (or as we call it, “access to justice”) and partnerships. Given our global presence, the Solidarity Center works with long-term, grassroots local partners to combat trafficking in forced labor, including in Africa (Kenya, South Africa), the Americas (Mexico), Asia (Bangladesh,

Indonesia, Malaysia, Nepal, Sri Lanka, Thailand), Europe (Moldova, Ukraine) and the Middle East (Bahrain, Jordan, Kuwait, Qatar).

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. Modern slavery is forced labor, debt bondage and involuntary servitude, among other severe forms of labor exploitation that exist today. Instead of shackles and chains, workers are now enslaved through threats, debt and other forms of economic coercion.

Around the world, workers tell us they have no choice but to risk their lives for the chance to earn a living overseas. Their stories are harrowing. Kenyan women tricked into traveling to the Middle East as domestic workers and ending up enslaved, physically abused and violated¹ in private homes. Migrant workers in Jordan winding up in detention² and legal limbo after they escape the exploitative employer who had also confiscated their passport. Indigenous workers in Mexico finding themselves unpaid and locked in labor camps³ on farms that export produce to the United States.

Fundamentally, trafficking for forced labor is the result of the absence of human rights and effective governance. The failure of governments to protect worker rights in law, or employers to respect them in practice, creates an environment where workers are vulnerable to exploitation. It is no surprise, therefore, that countries that restrict civic freedoms, have weak rule of law and prevent the exercise of the right to freedom of speech, assembly, and association, including the right to form or join a trade union to represent their interests, are countries where trafficking for forced labor is common. That is why in our view, any approach to combating trafficking must begin with empowered workers who can stand up to exploitation when it occurs. Too little effort is being directed toward building worker agency and supporting worker representation; instead, voluntary corporate social responsibility policies continue to be promoted despite evidence that they do little to address the causes of forced labor or provide effective remedies to victims once a violation has been committed.⁴

¹ “Kenya Domestic Workers Find Hope in Union,” Solidarity Center, 2018. <https://www.solidaritycenter.org/kenya-domestic-workers-find-hope-union/>

² “Migrant Domestic Workers Seek Rights in the Middle East,” Solidarity Center, 2018. <https://www.solidaritycenter.org/migrant-domestic-workers-seek-rights-middle-east/>

³ “Product of Mexico,” Los Angeles Times, 2014. <http://graphics.latimes.com/product-of-mexico-camps/>

⁴ “Responsibility Outsourced: Social Audits, Workplace Certification, and Twenty Years of Failure to Protect Worker Rights,” AFL-CIO, 2017. <https://aflcio.org/sites/default/files/2017-03/CSReport.pdf>; See also See Mark Anner, Jennifer Bair & Jeremy Blasi, Towards Joint Liability in Supply Chains: Addressing the Root Causes of Labor Violations in International Subcontracting Networks, 35 Comp. Lab. L. & Pol’y J. 1, 5 (2013)(“there is a growing consensus, at least among social scientists, that codes of conduct and auditing programs have failed to eliminate, or perhaps even substantially reduce, incidents of labor violations in global supply chains.”)

We must move beyond the notion that “modern slavery is all about bad individuals doing bad things to good people.” Human trafficking is more than just sexual exploitation and more than organized crime. We must address what one leading global expert⁵ on the international law of human trafficking 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.”

Unfortunately, current global trends, where the rule of law is weak and democratic institutions are inhibited, are creating an enabling environment for trafficking. We see deepening authoritarianism⁶ taking hold in many parts of the world, where the exercise of fundamental human rights—such as freedom of speech, assembly and association, all essential to a rights-based approach to combatting human trafficking—is being severely curtailed or prohibited. Unions, often the largest civil society organization in any country, are frequent targets of repression. At the same time, authoritarian and populist governments have opted to demonize⁷ migrants and refugees for political gain, making their already precarious situation extremely dangerous.

Ending human trafficking requires a holistic approach, where prevention, law enforcement, victim services and protection initiatives are all implemented in a comprehensive and coherent way. Far too often, we see governments being given credit for simply passing a law or prosecuting a handful of cases, without any political will to tackle the entrenched, systemic causes of trafficking such as corruption, employer impunity and lack of civic and workplace freedoms. With a shared goal of ending modern slavery in our lifetime, we must address the root causes that allows such exploitation to thrive. I will address these causes below and provide recommendations as to what the U.S. government can and should be doing.

II. Root Causes

Deepening Authoritarianism

In a growing number of countries, governments have taken an authoritarian turn. Indeed, nearly half of the world’s population—3.2 billion people—live in countries where civic space is closed or repressed.⁸ With authoritarianism come weakened democratic institutions, including the

⁵ “Selected Works of Anne T. Gallagher,” BePress. https://works.bepress.com/anne_gallagher/

⁶ “Under Threat: Five Countries in Which Civic Space Is Rapidly Closing,” OpenGlobalRights, 2017. <https://www.openglobalrights.org/under-threat-five-countries-in-which-civic-space-is-rapi/>

⁷ “Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance,” UN General Assembly report by UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 2018. <http://undocs.org/en/A/73/305>

⁸ “OpenGlobalRights, 2017. <https://www.openglobalrights.org/under-threat-five-countries-in-which-civic-space-is-rapi/>

courts and the press, and civil society sidelined by draconian legislation and overt repression by police and the military. Trade unions and worker advocates, including journalists, have come under intense pressure to cease their activities or face jail and/or punishing fines. According to the International Trade Union Confederation (ITUC), the number of countries that deny or constrain freedom of speech increased from 50 in 2017 to 54 in 2018, and “three of the world’s most populated countries—China, Indonesia and Brazil—passed laws that denied workers freedom of association, restricted free speech and used the military to suppress labor disputes.”⁹ Indeed, workers attempting to exercise their rights were exposed to “murders, physical violence, death threats and intimidation in 65 countries in 2018, up from 59 in 2017,” reports the ITUC. In Colombia alone, 19 trade union members were murdered during the year. Anti-corruption protests¹⁰ in Haiti in November resulted in the deaths of at least six protesters, following a crackdown on dissent. In Thailand, governed by a military junta, Burmese workers who were exploited on a chicken farm were sued by their employer for defamation for daring to complain about forced overtime and underpayment of wages, both indicators of forced labor.¹¹

It is worth noting that of the 22 countries ranked as Tier 3 on the State Department’s 2018 Tier Placements, only one country, Belize,¹² is considered “free” according to Freedom House.¹³ The continued high prevalence of human trafficking is clearly a symptom of broader challenges to democracy, human rights and governance. In our work around the world, we see a strong correlation between governments that violate their citizens’ (and immigrants’) fundamental democratic rights and workers who are left vulnerable to human trafficking.

Several members of this Committee have voiced their support for diplomatic and programmatic efforts of U.S. government agencies that advance democracy and human rights around the world. Though often separate from targeted anti-trafficking programs, this work builds the transparent, accountable public institutions that are critical to enforcement of anti-trafficking measures, like labor laws and workplace inspections, access to justice for victims and anti-corruption measures that keep trafficking out of workplaces and whistleblowers safe. When we neglect democracy, rights and governance, we silence workers’ voices; deny them the means to defend their rights, workplace safety and incomes; and rob them of legal recourse when their rights are violated. When working people have no possibility of decent, dignified jobs at home, they migrate abroad

⁹ “2018 ITUC Global Rights Index: The World’s Worst Countries for Workers,” International Trade Union Confederation, 2018. <https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-2018-en-final-2.pdf>

¹⁰ “Six Killed in Anti-Corruption Protests,” CIVICUS, 2018. <https://monitor.civicus.org/newsfeed/2018/11/20/six-killed-anti-corruption-protests/>

¹¹ “Myanmar Workers Go on Trial for Accusing Thai Chicken Farm of Abuse,” 2018. <https://www.reuters.com/article/us-thailand-labour-rights/myanmar-workers-go-on-trial-for-accusing-thai-chicken-farm-of-abuse-idUSKBN1FR2FZ>

¹² “Freedom in the World 2018: Democracy in Crisis,” Freedom House, 2018. <https://freedomhouse.org/report/freedom-world/freedom-world-2018>

¹³ And of the 42 Tier 2 Watch-List countries in the 2018 *Trafficking in Persons Report*, only five are listed as “free” according to the Freedom House Index.

for work, enter the illicit economy or seek out labor brokers and traffickers--to provide for their families.

We believe the U.S. government should not shift away from multilateralism and global leadership in defending human rights around the world, or else we risk weakening important global institutions that play an important role in fighting human trafficking and the impunity that perpetuates it. Human trafficking thrives in the context of restrictions on freedoms. We appreciate the Committee's commitment to combatting modern slavery and also to advancing human rights and democracy, and urge its members to consider these two (often separate) streams of work as strongly interconnected when developing policy responses and practicing government oversight in its jurisdiction.

Mass Movements of People

We are witnessing the largest movement of people in human history: International migration surpassed 244 million people in 2015, an estimated 150 million of whom were migrant workers, and the number of refugees, internally displaced persons (IDPs) and asylum seekers now tops 68 million people.¹⁴ In the context of rising authoritarianism, anti-immigrant rhetoric and accompanying policy also run high. The scapegoating and marginalization of refugees and migrants only increases these disenfranchised groups' vulnerability to forced labor and other forms of modern slavery.

In our work around the world, the Solidarity Center has heard firsthand from migrant workers who fear reporting exploitation such as virtual enslavement, wage theft, forced overtime and gender-based violence (again, all indicators of forced labor) because of the toxic, anti-immigrant environment pervasive in many cultures and political environments in recent years.¹⁵ Moreover, closing pathways for humanitarian resettlement (like refugee programs) and narrowing grounds for asylum increase the chances that those fleeing violence and persecution will be forced to migrate through less safe channels and a heightened risk of trafficking and forced labor. For example, the Business and Human Rights Resource Center found severe abuses of Syrian refugees in Turkish garment supply chains, including forced labor and child labor.¹⁶ Rohingya refugees fleeing violence in Myanmar are at heightened risk for both forced labor and commercial sexual exploitation as their precarious status in Bangladesh leads to desperate (and unsafe) ways to support themselves and their families.¹⁷

¹⁴ "Figures at a Glance," UNHCR, 2018. <https://www.unhcr.org/figures-at-a-glance.html>

¹⁵ "ILO Indicators of Forced Labor," Special Action Program to Combat Forced Labor, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

¹⁶ "What's Changed for Syrian Refugees in Turkish Garment Supply Chains?" Business and Human Rights Resource Center, 2017. [https://business-](https://business-humanrights.org/sites/default/files/Syrian%20Refugess%20in%20Turkey_Public%5B2%5D.pdf)

[humanrights.org/sites/default/files/Syrian%20Refugess%20in%20Turkey_Public%5B2%5D.pdf](https://business-humanrights.org/sites/default/files/Syrian%20Refugess%20in%20Turkey_Public%5B2%5D.pdf)

¹⁷ "Human Trafficking and the Rohingya Refugees Crisis," Human Trafficking Search, 2018. <http://humantraffickingsearch.org/human-trafficking-rohingya-refugee-crisis/>

Migrant workers, whether documented or undocumented, are also disproportionately vulnerable to human trafficking. Traffickers—often in the form of unscrupulous employers or labor brokers—take advantage of irregular migrant worker’s lack of legal status to exploit them. Even workers in regular migration programs where oversight is theoretically stronger, such as guest-worker or temporary migration schemes (including cultural exchange programs like Au Pairs), can face conditions of debt bondage, involuntary servitude and forced labor through high recruitment fees that leave them indebted, having their visas tied to a particular employer, and threats of forcing workers out of status and into deportation.

It is our measured experience working in 60 countries over 20 years, that to address refugee and migrant worker vulnerability to trafficking, we need to level the playing field when it comes to rights and enforcement of rights of people living and working in a country. All workers, regardless of status—whether nationals or foreign, whether documented or undocumented, whether fleeing conflict or seeking family-supporting wages, whether in the informal or formal economy—should be treated equally when it comes to internationally recognized workplace rights and the ability to exercise them. When some people in a society are treated as lesser due to some innate quality (they are female or an ethnic minority or non-citizens), then the idea that they can be exploited becomes more accepted, possible and prevalent. Indeed, that is the very notion upon which slavery has always been based: Some people are just lesser.

Over the past two years, the United Nations has embarked on a process to negotiate two global frameworks, or compacts: one on safe, orderly and regular migration and the other on refugees. The migration compact addresses human trafficking, understanding that migrants have a particular vulnerability to this abuse. It also addresses a common trap that ensnares workers in forced labor, recruitment fees, promotes the ILO’s Decent Work Agenda and conventions addressing labor migration, and recognizes the role of trade unions and social dialogue in advancing decent work for migrant workers. While the nonbinding migration compact has some shortcomings, and the United States has withdrawn its participation, it could be an important first step in developing more comprehensive and aspirational global norms when it comes to the rights of international migrants, especially since too few countries have articulated national policies extending equality of opportunity for and treatment of migrant workers.

Corporate and Legal Accountability

While governments used to be the primary perpetrators of forced labor, today the vast majority of the almost 25 million forced laborers globally¹⁸ are in the private economy, in domestic work, construction or agriculture, among other jobs.

¹⁸ “Forced Labor, Modern Slavery and Human Trafficking,” ILO, 2018. <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

Globally, victims of trafficking for forced labor have access to few legal remedies. This is especially true for migrant workers, documented or otherwise, who often are excluded from labor law protection.¹⁹ For example, migrant workers are often unable to leave their place of work to file a complaint against their employer. This is especially true for domestic workers, who represent nearly 4 million of the globally enslaved working people each year.

For example, our organization works on the eastern coast of Kenya where jobs are few and poverty is endemic, and many women migrate to Saudi Arabia for the promise of a good-paying job as domestic help. An entire industry has been built to ship women overseas to clean and care for other people's families. Most have little choice but to leave; there is no other way to support their family and make a better life for their children. These women have told us of the trap set by labor brokers and employers. They arrive in the Gulf to find entirely different jobs than they were promised. Often in debt from high recruitment fees, they have their phones and passports confiscated. They are forced to work long hours and to sleep under the stairs or in the laundry room. Many are subjected to violence and sexual abuse, and held as virtual prisoners—sometimes for years, incommunicado from their family—in a country where they do not speak the language. Many are infrequently, if ever, paid. And too many escape with their lives, but little else, especially justice.

Their experience is not unique: 26 percent of Indonesian migrant domestic workers in the Middle East say they endure long working hours, 52 percent do not receive any days off, and 88 percent are not paid overtime.²⁰ And this is not culturally or regionally specific: This happens here in the United States. It happens in Europe. It happens in Asia. Everywhere.

This problem of accountability is compounded when trafficking for forced labor takes place in the global supply chains of multinational enterprises—and when governments fail to hold corporations to account. In recent years, governments like the United Kingdom have passed transparency laws patterned on the 2010 California Transparency in Supply Chains Act, which calls on enterprises to disclose the policies that may be in place to combat forced labor by subsidiaries and suppliers. While transparency requirements can help encourage companies to undertake due diligence to detect and address forced labor risks in supply chains, too few are following through in a meaningful way. Indeed, a recent report found that “only a handful of leading companies have demonstrated a genuine effort in their reporting to identify vulnerable

¹⁹ “The Rights to Freedom of Peaceful Assembly and of Association in the Workplace,” UN Special Rapporteur, General Assembly Report, 2016. http://freeassembly.net/wp-content/uploads/2016/10/A.71.385_E.pdf

²⁰ “Indonesia Can Improve Opportunities for and Protection of Its Migrants Working Abroad,” World Bank, 2017. <http://www.worldbank.org/en/news/press-release/2017/11/28/indonesia-can-improve-opportunities-for-and-protection-of-its-migrants-working-abroad>

workers and mitigate modern slavery risks.”²¹ The fact that few enterprises are penalized for failing to stem modern slavery in their supply chain likely explains the lack of robust compliance.

Corporate social responsibility (CSR) approaches cannot just be bandages or window dressing. Non-binding codes of conduct, certifications schemes and third-party auditing do not work. For example, a recent study found that “ethical” certification schemes are largely ineffective in combating labor exploitation and forced labor in tea and cocoa supply chains.²²

We need to move away from CSR to worker-driven social responsibility, providing support for workers to express their agency and have representation in the workplace. Freedom of association and collective bargaining are a key way to do that. From rubber plantations in Liberia to households in Hong Kong and along the eastern coast of Kenya, the Solidarity Center has seen time and time again how democratic worker organizing and collective bargaining can eliminate forced labor in a workplace.

Legal Tools to Combat Trafficking

Some of the best tools currently available are provisions in the 2008 reauthorization of the Trafficking Victims Protection Act and the amended Tariff Act. The TVPRA provides civil action to victims of trafficking for forced labor in supply chains. However, we note with concern that a federal district court in California, in *Ratha v. Phatthana Seafood*, interpreted the TVPRA to essentially read out of the statute liability for those who knowingly benefit from forced labor in their global supply chain—in this case Thai shrimp produced by trafficked Cambodian workers and imported into California. The Solidarity Center joined several other organizations to file an amicus brief in an appeal to the Ninth Circuit Court of Appeals to ensure the intent of Congress, namely to provide a remedy to workers in global supply chains.²³

We also commend the amendment to Section 1307 of the Tariff Act of 1930, which removed the consumptive demand exception, a long-standing loophole in the prohibition against the importation into the United States of goods made with forced labor. Under the consumptive demand exception, companies were able to import goods produced with forced labor if the “consumptive demand” for those goods in the United States exceeded the capacity of domestic production. This meant that many goods made with forced or prison labor freely entered the

²¹ “FTSE 100 and the UK Modern Slavery Act: From Disclosure to Action,” Business and Human Rights Resource Center, 2018. <https://www.business-humanrights.org/en/ftse-100-the-uk-modern-slavery-act-from-disclosure-to-action>

²² “The Global Business of Forced Labor,” Sheffield Political Economy Research Institute, 2018. <http://globalbusinessofforcedlabour.ac.uk/wp-content/uploads/2018/05/Report-of-Findings-Global-Business-of-Forced-Labour.pdf>

²³ “Solidarity Center Supporting Trafficked Cambodians,” 2018. <https://www.solidaritycenter.org/solidarity-center-supporting-trafficked-cambodians/>

United States. After the amendment, the law now simply prohibits the entry of such goods—most recently cotton from Turkmenistan and several goods from China. The effectiveness of this law will depend on implementing regulations, which have yet to be promulgated, and the political will of any administration to enforce it.

We urge this Committee to encourage the U.S. Customs and Border Protection (CBP) and the Department of Homeland Security to closely monitor supply chains with known forced labor risks. We also urge this Committee to ensure the promulgation of new regulations as soon as possible, with the consultation of stakeholders. Such regulations should make it easier to bring complaints, and shift the burden of proof to companies and importers when a product is on the Department of Labor's *List of Goods Made with Forced or Child Labor*. Goods on that list should not be imported unless the importer can demonstrate that such goods were made free of forced labor or child labor.

Accountability and Trade Policy

U.S. trade programs can also be tools to address trafficking for forced labor. Most recently, the administration announced the suspension of trade preferences under the African Growth and Opportunities Act to Mauritania due to its utter failure to address hereditary slavery in that country. We also note that the work of this Committee, and in particular Senator Menendez, regarding trafficking issues in Malaysia during negotiation of the Trans-Pacific Partnership has borne fruit. The new government is moving to adopt laws and institutions necessary to combat trafficking for forced labor.²⁴

Tomorrow, the AFL-CIO will testify at the Office of the U.S. Trade Representative (USTR) regarding trade preferences for Thailand under the Generalized System of Preferences. Despite several years of engagement, trafficking for forced labor there remains a serious problem in Thailand, one that is exacerbated by the fact that migrant workers are prohibited by law from forming their own worker organizations. As such, workers performing some of the most

²⁴ While successive elevations in recent annual TIP Report rankings were seen as largely undeserved by civil society and Malaysia was once again 'downgraded' to the Tier 2 Watch List in the most recent TIP Report, the historic election of the Pakatam Harapan coalition government in May 2018 has produced some cause for hope and progress with regard to trafficking issues, forced labor and migrant worker rights in general. It is crucial that the international community and the U.S. government continue to support the advocacy of Malaysian civil society organizations (including trade unions) to reform Malaysian labor laws and migration policies, and monitor the implementation and impact of new initiatives to ensure ongoing forward momentum.

dangerous jobs have no ability to assert their rights collectively, and little incentive or protection to report forced labor or involuntary servitude. Trade tools can be used to advance specific diplomacy with Thailand to ensure it undertakes the necessary reforms in law and in practice to prevent this scourge.

Our trade agreements can and should include binding obligations that reduce, and aspire to eliminate, the risk of trafficking for forced labor among our trade partners. We note that an obligation to adopt some version of Section 1307 was included in the labor chapters of the Trans-Pacific Partnership and the new US-Mexico-Canada Agreement. However, the specific provisions on labor recruitment that were recommended by labor rights groups were not incorporated, among them the elimination of recruitment fees; a ban on passport confiscation; requirement to disclose terms and condition of employment; and equal rights for citizen, resident and migrant workers. These provisions would help reduce trafficking for labor exploitation and should be included.

Conclusion and Recommendations

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.

Recommendations:

1. Pass the Trafficking Victims Protection Reauthorization Act, which contains important provisions co-sponsored by Senators Menendez and Rubio related to enhancing the integrity of the annual Trafficking in Persons (TIP) report. For the TIP report to be more effective as a diplomatic tool, countries should be ranked not just on legislation or policy reform but on the actual impact that such policies have on curbing human trafficking on the ground. The TVPRA bill also has important provisions to codify the prohibition on the charging of recruitment fees to workers in federal procurement. Eliminating recruitment fees is one of the most effective ways to prevent debt bondage, a pervasive form of human trafficking for workers in regular migration programs (including guestworker and cultural exchange programs).
2. In addition to supporting the State Department's Office to Monitor and Combat Trafficking in Persons (J/TIP), reinforce support for USAID (especially the democracy and governance programs and TIP specific work of the agency), the State Department's Bureau of Democracy, Human Rights and Labor (DRL), and the Labor Department's Bureau of International Labor Affairs (ILAB) anti-trafficking and forced labor initiatives, especially its technical assistance programming. These agencies conduct important work

to address the root causes of trafficking vulnerability—including poverty alleviation, workforce development, trade capacity, research, ending gender-based violence and providing support to marginalized communities, such as migrant or disabled workers—and provide much-needed technical assistance to governments.

3. Continue to support the End Modern Slavery Initiative (EMSI), championed by Senators Corker, Cardin and others on this committee, to address root causes of vulnerability to human trafficking. EMSI provides an opportunity to leverage funding on a global scale to tackle the prevalence of trafficking around the world. EMSI should be looking at initiatives that reduce the vulnerability of migrant workers to trafficking and promote worker rights all along supply chains, as well as other underlying structural causes of trafficking. We also think it is crucial to ensure that civil-society and survivor representatives have a significant role in the implementation of EMSI, including on the Board of Directors of any organization implementing EMSI.
4. Encourage the State Department to put more diplomatic pressure on states to uphold rights. The United States needs to be a strong defender of human rights around the world if we are serious about combatting modern slavery. This includes a foreign service officer corps specifically trained in and given a mandate to prioritize labor rights, human rights and the broader agenda for civic freedoms; a comprehensive and robust annual Human Rights Report; engaging in multilateral initiatives that are connected to advancing human rights and the rights of marginalized people, and supporting the work of UN agencies, such as the ILO. The State Department should also increase the number of and support to dedicated labor reporting officers in U.S. embassies as they are the frontline for the U.S. government in tracking labor rights conditions, including forced labor and other forms of trafficking for labor exploitation.
5. Use trade pressure to eliminate forced labor in supply chains. The U.S. government needs to continue to leverage tools such as AGOA, GSP, trade agreements and the Tariff Act to pressure governments and companies to eliminate forced labor in supply chains. These tools should be updated to reflect a renewed focus on labor rights and trafficking for labor exploitation, especially provisions that would protect migrant workers from these abuses. The closing of the consumptive demand loophole was a good first step. Now, we urge Congress to insist that the Administration promulgate regulations that facilitate the effective enforcement of the Tariff Act prohibitions on the importation of goods made with forced or child labor. Such regulations should make it easier to bring complaints, and shift the burden of proof to companies and importers when a product is on the Department of Labor's *List of Goods Made with Forced or Child Labor*. Goods on that list should not be imported unless the importer can demonstrate that such goods were made free of forced labor or child labor. We also urge passage of the *The Anti-Trafficking*

Trade Act, co-sponsored by Senators Menendez and Portman, which would suspend certain trade benefits for countries that do not take steps to combat human trafficking.

6. Currently, business already has responsibilities under the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multination Enterprises to respect fundamental workers' rights, including a prohibition on forced labor. While important, these are not binding. We therefore urge the Committee to support the negotiation of the UN Treaty on Business and Human Rights, which would direct governments in its current draft to adopt laws creating binding obligations on business to respect labor rights in their supply chains, to undertake mandatory due diligence, and to provide an effective remedy to workers when their rights are violated. We would also encourage the US to support standard setting in the ILO to respect labor rights in supply chains.
7. Without a doubt, migrant women workers, and domestic workers in particular, are at high risk of suffering gender-based violence and harassment in the world or work and that is specifically true for victims of forced labor and human trafficking. In 2019, the ILO will have the opportunity to adopt a new convention on this important issue. It is critical that the US support the adoption of a strong convention and recommendation, and ratifies the convention as part of a comprehensive approach to uplifting the human rights of women and men who are victims and survivors of modern slavery.

Senators, thank you again for the opportunity to testify and for your continued leadership in combating trafficking for forced labor and other forms of severe labor exploitation around the world. I am encouraged by your commitment to finding solutions and welcome your questions.