

**Commercial Customs Operations
Advisory Committee (COAC)
Intelligent Enforcement Subcommittee
Forced Labor Working Group
E-Allegations Background Document**

October 2020



COAC Forced Labor Working Group (FLWG)

Since the COAC meeting on July 15, 2020, the Forced Labor Working Group (FLWG) held four (4) conference calls and the Allegations Subgroup held three (3) conference calls. The Allegations Subgroup was tasked with assessing the existing e-allegations web portal for its use to manage allegations related to potential forced labor violations.

The Allegations Subgroup included diverse industry representation including private sector companies representing apparel, agricultural, mass merchandising, ecommerce platforms and technology service providers, members of civil society organizations, customs brokers, trade attorneys, and representation from U.S. Government Agencies involved in forced labor enforcement.

Much time was spent evaluating the existing features and identifying opportunities to enhance the e-allegations portal. COAC recommends that CBP implement the core concepts outlined below to enhance system features and intuitiveness of the [e-allegations portal](#).

- Standardize the e-allegations portal format to have a similar interface across the other government agencies included in the landing page (e.g. CBP, ICE). For instance, the templates that each agency uses within the portal to gather information, submit alleged violations is very different, and may cause confusion for reporting parties.¹
- The e-allegations portal should be made available in multiple languages to allow submissions in a reporting parties native language. This is consistent with how other government agencies collect information (e.g. ICE page can be opened in English or Spanish).
- Include a glossary of terms and definitions to the e-allegations portal related to forced Labor; CBP should determine the location that makes is most logical such as e-allegations portal home page, a separate tab in the allegations submission template, CBP's Forced Labor home page, etc.
- In general, the summary of terms and definitions included in the glossary should be in line with the ones used by the International Labor Organization or clearly identify the differences with the definitions used by DHS. For instance, the definition of forced labor outlined by DHS' "Strategy to combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation": *'Forced labor in the context of a federal trade violation means all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. This includes forced child labor, prison labor, or slave labor. This differs from the definition of forced labor, also known as labor trafficking, in federal criminal law'*.²
- Provide clear guidance in the portal on what type of violations would be considered 'forced labor' within the scope and ability to process by CBP vs. other human rights violations (including child labor), which will be routed to a different agency (e.g. Department of Labor, Immigration and Customs Enforcement, etc.). The guidance from CBP should include both differences in terminologies and procedures (e.g. if a party submits an allegation through the e-portal that it is determined to be within

¹ This COAC recommendation is consistent similar observations highlighted in GAO's June 2020 report related to "Forced Labor: Better Communication Could Improve Trade Enforcement Efforts Related to Seafood." Specifically, the GAO report noted that CBP's e-allegations portal, should be updated to provide clearer & more accessible info to stakeholders, and recommended CBP make use of the guidance on quality external communication guidance in the September 2014 GAO document, "Standards for Internal Control in the Federal Government."

² <https://www.dhs.gov/publication/strategy-combat-human-trafficking-importation-goods-produced-forced-labor-and-child>

the scope of other agency (e.g. Department of Labor), does CBP re-route the submission to the corresponding agency? What is the hand-off process and acknowledgement to the party submitting the allegation?

- Review the system capacity of the e-allegations portal to ensure the capability to submit large files, videos, pictures, etc. There should be more flexibility on the type (size and format) of files and information submitted.
- The existing template in the e-allegations portal is very broad and more inclined to populate information related to general trade violations. CBP should revise the existing forced labor submission template at the e-allegations portal to a format that is more user friendly and allows additional fields; Furthermore, CBP should incorporate the recommended elements that COAC submitted for consideration of a credible, high quality allegation' at the April 2020 public meeting (Appendix 1), in the template questions/fields from.
- CBP should continue to request feedback from trade, and the civil society about the use of the portal, as well as the forced labor allegations' submission process. Civil society and other partners can help increase awareness of the e-allegations portal and its purpose in international forums.
- CBP should continuously evaluate and improve features of the e-allegations portal. CBP should periodically conduct an internal assessment to evaluate and improve its effectiveness and publish any relevant updates to the public for awareness.