



## CBP Combats Forced Labor

Seafood, denim jeans, coffee, chocolate, and electronics – what do these seemingly unrelated items have in common? U.S. Customs and Border Protection (CBP) has investigated the supply chains of these and countless products spanning multiple industries for allegations of forced labor. Forced labor is a form of modern slavery where employers and other actors in the supply chain use their positions of authority, manipulation, violence, or threats to force workers into performing work. It takes place all over the world and is an invisible step in the production process of many everyday products.



Photo by David L. Parker, MD, MPH

Not only does this practice represent an egregious affront to human rights around the globe, it also directly threatens the American economy by forcing domestic businesses that practice humane and ethical production to compete with entities who use forced labor to produce goods cheaply, which gives them an unfair financial advantage. Often shoppers looking for a deal don't realize that the bargain they found came at someone else's expense. While we save money, the laborers producing these goods pay the ultimate price: abusive working and living conditions, physical and sexual violence, debt bondage, isolation from family and community – these are just a few of the ways in which forced labor plays out across the globe.

According to the International Labour Organization (ILO), as of 2016, there were approximately 25 million people trapped in situations of forced labor worldwide, and approximately 4 million were victims of forced labor imposed directly by government bodies. Nearly 10 million of the victims of modern slavery (which includes forced labor and forced marriage) were children, and the majority of all forced labor workers were trapped in private sector industries like agriculture, mining, and construction.<sup>1</sup>

## FORCED LABOR INDICATORS

25 million people, including children, are victims of forced labor around the world.  
International Labour Organization



Source: International Labour Organization ([https://www.ilo.org/wcmsp5/groups/public/---cd\\_norm/---ipcc/documents/publication/wcms\\_716930.pdf](https://www.ilo.org/wcmsp5/groups/public/---cd_norm/---ipcc/documents/publication/wcms_716930.pdf))  
Photos by Adobe Stock and David L. Parker, MD, MPH

## The history of forced labor law in the United States

The United States is one of the only countries in the world with the legal authority to prohibit the importation of goods made with forced labor. The history of CBP's legal authority began with the Tariff Act of 1930. For the first time in American history, this act prohibited goods produced with forced labor entering the United States.

But the government's ability to enforce the prohibition lacked teeth due to a single clause within the legislation called "the consumptive demand clause." The clause meant that if American manufacturers could not meet the "consumptive demand" for a certain product, exporters using forced labor in their supply chains could sell the product in the United States to help meet that demand.

The passage of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and the repeal of the consumptive demand clause in 2016 reinvigorated CBP's efforts to impose consequences on foreign manufacturers, suppliers, and domestic importers benefiting from forced labor practices and products. Since the passage of TFTEA, CBP has developed a stronger, more proactive approach to combating forced labor in U.S. supply chains through comprehensive data analysis and collaboration with both public and private stakeholders.

## What does CBP do?

<sup>1</sup> [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf)

CBP is responsible for making sure that products made with forced labor do not enter the U.S. market by investigating and acting upon allegations of forced labor in supply chains. Given the complexity of global supply chains and the widespread use of forced labor around the world, this is an enormous undertaking. It requires an extensive network of public and private partners with different specialties. Each organization plays a unique role in combating forced labor.

CBP's role is to conduct thorough investigations of allegations of the presence of forced labor indicators in the supply chains of goods being imported, or likely to be imported, to the United States (see an extensive list of [forced labor indicators](#) on the ILO website). When the agency has evidence that forced labor is present in the supply chain, CBP has the authority to take one of three enforcement actions.

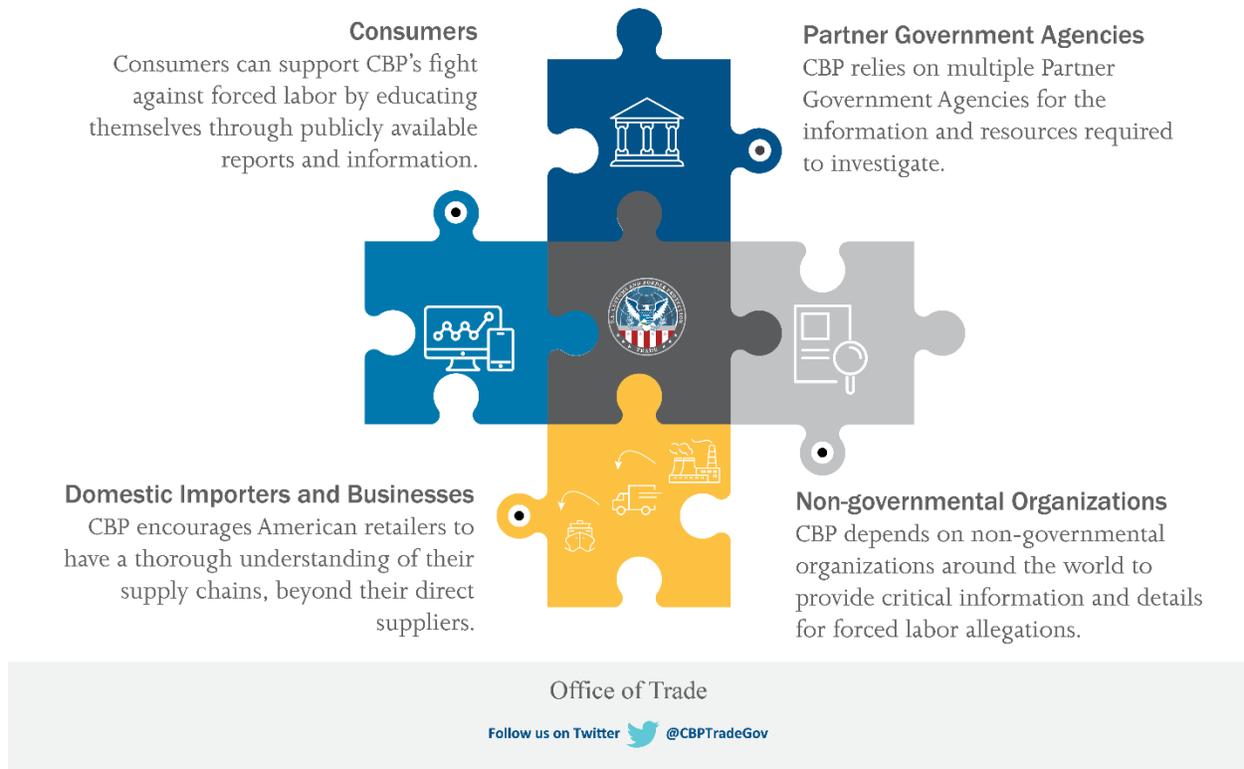


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If CBP has evidence to suggest that a good(s) being imported to the United States has forced labor in its supply chain, it has the authority to issue an order preventing the entry of the good(s) into the U.S. market. At this point, the importer has an opportunity to provide evidence that they did not use forced labor to produce or manufacture the goods, or they can export the goods. When CBP has evidence that is sufficient to determine that a particular entity used forced labor in the production of goods being imported to the United States, the agency will publish that determination and seize the goods. In this scenario, the importer will usually not have the opportunity to recover their merchandise. CBP also has the authority to issue civil penalties against domestic companies for importing goods made with forced labor into the United States.

Other U.S. government agencies also have a critical role in combating forced labor through criminal penalties and investigations, foreign development projects, research, policy, and more. CBP works closely with many partner government agencies like the Department of Labor, Department of State, U.S. Immigrations and Customs Enforcement, the U.S. Agency for International Development, and the Department of Justice, as well as non-governmental organizations to ensure an effective and integrated approach to this complex problem.

## FORCED LABOR AND OUR PARTNERS



### What can you do?

CBP needs many private sector partners to combat and end the inhumane practices of forced labor. We depend on the reports and information from dependable sources to prioritize investigations into high-risk industries and regions where forced labor is most likely taking place. We need American retailers and importers to have an intimate understanding of their own supply chains beyond their direct suppliers. Retailers, investors, and importers must have concrete plans and internal controls to address forced labor and workers' rights, such as ensuring workers' freedom of association, having detailed and worker-centered remediation plans for when they encounter labor issues in their supply chains, and enforcing meaningful consequences for bad actors.

To confirm the ethical and humane [sourcing](#) of the products they bring into the United States, companies need to monitor the conduct of their direct suppliers, but also go beyond, to the subtiers of supply chains. Companies and their investors can make sure they have effective monitoring and evaluation of their efforts to ensure ongoing improvements.

Finally, we need consumers to do their research and to demand more from their favorite brands and retailers, asking important questions like, "What do you do to ensure that forced labor is not a part of your supply chain?" As consumers, we send a clear message about what matters to us by choosing where to spend our money.

By doing some quick research of publicly available reports and documents like the [DOL List of Goods Produced by Child Labor or Forced Labor](#) or the [DOS Trafficking in Persons Report](#), consumers can determine whether or not to support or protest specific supply chains due to the use of forced labor.

In a globalized economy where the production of a single good may depend on parts from multiple countries, detecting and combating forced labor can seem like a daunting task. However, if consumers, businesses, non-governmental organizations, and government bodies continue to unify their efforts to achieve this common goal, there is no end to what we can accomplish. We all have a unique role to play in this fight. If we all do our part, we can set an example for countries and workers around the world by demanding that global supply chains measure up to standards required to meet the International Labour Organization's goal to eliminate forced labor, modern slavery, and human trafficking by 2030. Our actions and choices as individuals and communities will have a lasting impact on the lives of thousands of men, women, and children around the globe. CBP will continue to investigate forced labor in the supply chains of goods being imported to the United States and to impose the appropriate consequences, but you can help to amplify our message. By joining forces, we can eliminate forced labor from the United States supply chain for good.

Stay tuned for Part II of this article, which will provide more information regarding the forced labor investigation process and how to submit a forced labor allegation.