COUNTER FORCED LABOR JOURNAL Volume 7, Issue 3

Educating corporations and corporate counsels on the business risks associated with forced labor, human trafficking, and modern slavery within supply chains.

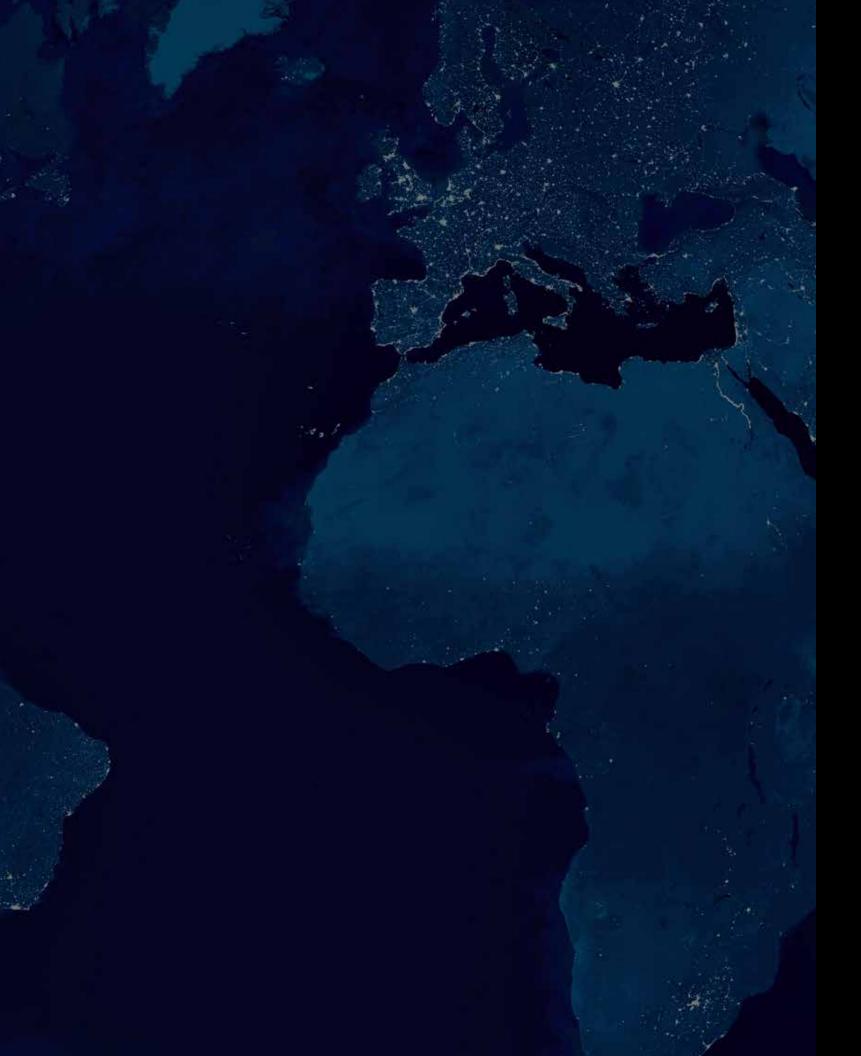


Counter Forced Labor Technologies empowers corporations and businesses to mitigate forced labor in their supply chains by providing AI-powered, data driven technology products to manage all aspects of supply chain risk.

Global Rizk Assessment Technology™

Our proprietary GRAT[™] is the industry leading Al-driven due diligence technology platform for companies that want to accurately demonstrate best efforts to comply with government regulations, ESG standards, and identify and mitigate forced labor, slave labor, and human trafficking in their supply chain.





- 2 Case Study

Contents

Current Affairs

Supply Chains

Current Legislaton

News & Events

Refugee Migration and Human Trafficking Implications in the U.S.

The implications of refugee migration for human trafficking at the U.S. border are significant.

Refugees are particularly vulnerable to human trafficking due to factors such as dehumanizing border enforcement, extreme poverty and lack of opportunities.



Punitive immigration policies and limited access to safe migration options exacerbate their vulnerability. Smuggled migrants, including refugees, are also at risk of abuse and exploitation, with many falling victim to human trafficking during their journey. The intersection between conflict induced migration and human trafficking needs to be acknowledged, and efforts should be made to invest in research, prevent trafficking, and protect refugee trafficking survivors.

WALK POR HUMAN TRAFF -ICKING HAPPENS HERE

nan Trafficking Report, Lindsev Lane I.M. Torres: Border Co one and Exploited, Migrant Children Work Brutal Ic Counter Forced Labor Journal • Volume 7, Issue 3

The Department of Health and Human Services estimates that between 240,000 to 325,000 women and children are trafficked in the U.S,

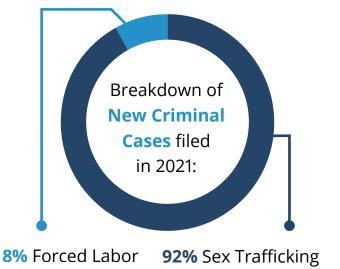
with 15,000 to 50,000 of those victims who are sex trafficked, and that number varies as it is hard to provide accurate research.¹

An estimated 72% of these victims are immigrants who are drawn to the U.S. with the promise of a job and opportunity to send money back to family.² Among the federal human trafficking cases filed in 2021, adult victim vulnerabilities identified included: undocumented immigration status (49%), limited English proficiency (47%), and financial debt (70%).³

The US government estimates of the migrant population crossing the border, that 120,000 are unaccompanied migrant children who ended up in U.S. shelters, and lends itself to victims of human trafficking and slave labor. Unfortunately, in just the last two years alone, more than 250,000 children have entered the United States by themselves.⁴ On their own they are helpless and lost in the labyrinth of migration.

NEW CASES

There were **140 new criminal human trafficking cases** filed in the federal court system in 2021. The number of new cases filed **decreased by 22%** since 2020.



In 2021, 55% (52) of the 94 Federal **Districts** filed at least one new human trafficking case, which is a **15% decrease** since 2020. 45% (42) of Federal Districts did not file a new human trafficking case in 2021.

Criminal Human Trafficking Cases In 2021

DEFENDANTS IN NEW CASES

Compared to 2020, there was a **5%** decrease in the number of new defendants charged in 2021. Since 2017, the number of defendants charged has decreased by 37%.

There were **260 new** defendants charged

with human trafficking in 2021.

In 2021, One Entity, an Agricultural **Company**, was charged with human trafficking.

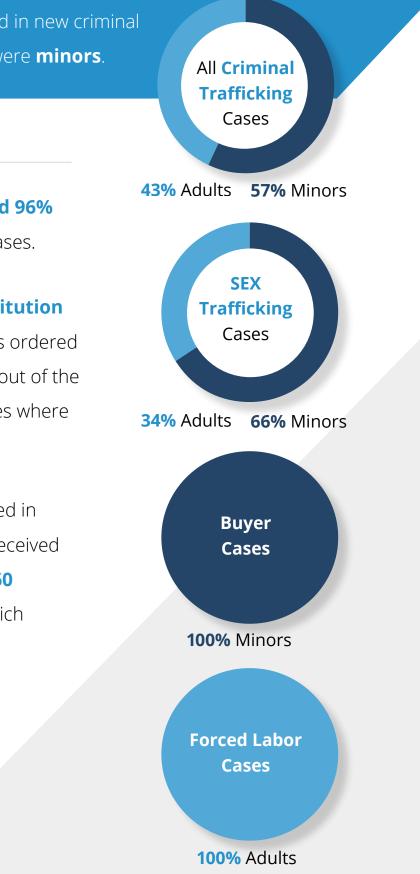
Over half of the victims identified in new criminal human trafficking cases in 2021 were **minors**.

CONVICTIONS

In 2021, Federal Courts convicted 96% of defendants in sex trafficking cases.

63% of the time, mandatory restitution was not ordered in 2021. Courts ordered 52 defendants to pay restitution out of the 141 defendants sentenced in cases where restitution was mandatory.

On average, defendants sentenced in human trafficking cases in 2021 received a term of imprisonment for 160 months (13 years, 4 months), which is the highest average sentence imposed in human trafficking cases since the enactment of the TVPA.



Border Crossings Increase Trafficking

There has been a dramatic increase in trafficking in California and Texas, due to increased migrant immigration at the border. Reason being, has been the result of the end of Title 42, which allowed border officials to turn away migrants in the U.S.-Mexico border, to prevent the spread of COVID. But, with the expiration of Title 42, there has been a surge of migrants crossing the U.S.-Mexico border. "In August 2023, the U.S. Border Patrol recorded 181,059 encounters between ports of entry along the Southwest border. CBP's total encounters along the Southwest border in August were 232,972."⁵ With the increase of crossings, comes an increase in human smuggling and most likely human trafficking and slave labor.



At the San Diego, California border alone, in just the last five months, the migration numbers have escalated to alarming levels with an increase of over 100,000 border encounters, with roughly 800-900 migrants crossing over into San Diego county daily. Similarly, in the El Paso, Texas border area there is an increase of 1,000 to 1,300 migrants being released daily.⁶ These trends of influx at the border are disturbing, especially since there is an increase of unaccompanied minor children being released at the border without a legal parental figure.

When it comes to human trafficking, law enforcement officials often describe the border as a corridor, not a destination. "The number of migrants illegally crossing the U.S.-Mexico border this past year has risen steadily since the start of September, according to Department of Homeland Security officials, with Border Patrol apprehending more than 7,500 migrants on a Sunday alone. In July, the latest month for which official data is available, the number of daily apprehensions of illegal border crossers averaged just over 4,300."7 There is a steady increase of migrants in a matter of months, in just the last year with roughly 250,000 along the southern border.

The absence of border security, in conjunction with nonexistent interior enforcement, has made the U.S. a fertile breeding ground for human trafficking.

Refugee Migrant Children Are Working Brutal Labor Jobs in the U.S.

Migrant children are coming to the U.S. in record numbers, ending up in dangerous jobs that violate child labor laws, according to the New York Times analysis of federal data.

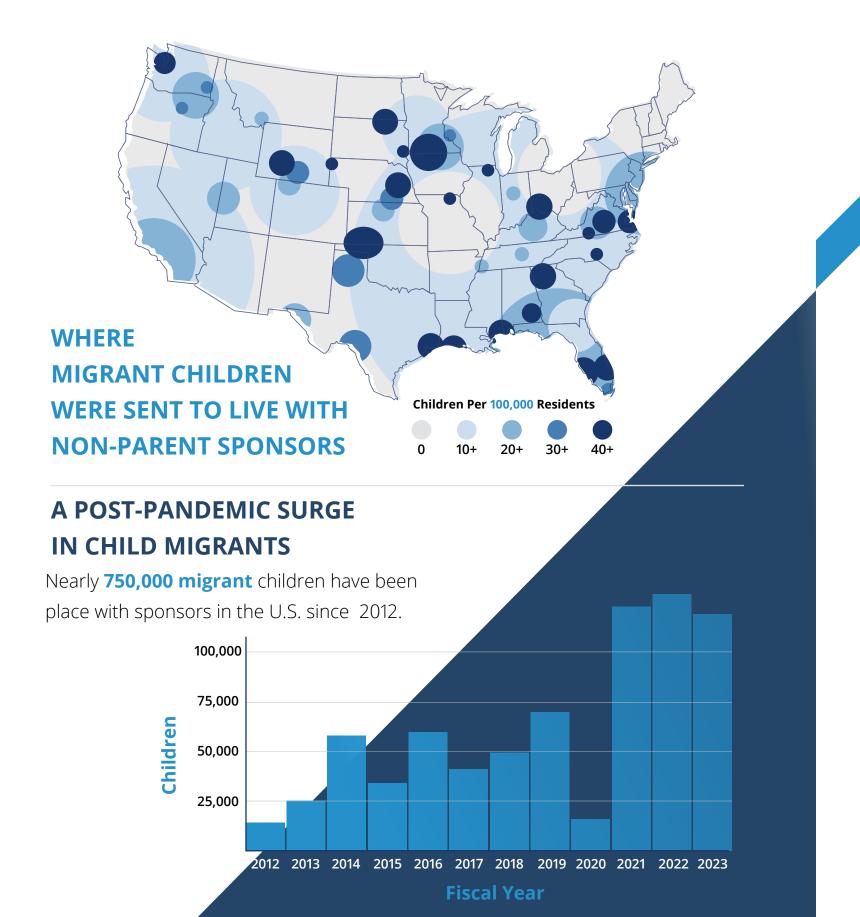
"The new economy of exploitation, are migrant children, who have been coming to the U.S. without their parents in record numbers, and are ending up in some of the most punishing jobs in the country. This shadow work force extends across industries in every state, flouting child labor laws that have been in place for nearly a century. From twelve-year-old roofers in Florida and Tennessee to underage slaughterhouse workers in Delaware, Mississippi and North Carolina, to children sawing planks of wood on overnight shifts in South Dakota."8



CBP Releases August 2023 Monthly Update, U.S. Customs and Border Protection, September 22, 2023 Migrant surge overwhelms Border Patrol and shelters in El Paso, NBC News, September 13, 2022 Illegal border crossings are on the rise: 7,500 migrants were stopped on Sunday alone, NBC News, September 18, 2023

Counter Forced Labor Journal • Volume 7, Issue 3

In the last two years alone, more than 250,000 children have entered the United States by themselves.⁹ The New York Times investigation thoroughly reviewed cases across the country, yet there was a more substantial influx of migrants from Central America, with large majorities coming from Guatemala, Honduras and Mexico. Most cases are migrating and being employed in U.S. border states as well as in southern states.



It is estimated that only a third of migrant children are going to their parents. A majority are sent to other relatives, acquaintances or even strangers called 'sponsors,' a New York Times analysis of federal data showed.

Adults were sponsoring multiple children and minors and placing them in the workplace and not into school, with children working full-time overnight in factories, in violation of child labor laws.¹⁰ Not to mention the red flag scenarios for indications of trafficking along with the child labor violations. Nearly half of migrant children are coming from Guatemala, where poverty is fueling a wave of migration. Parents know that they would be turned away at the border or quickly deported, so they send their children in hopes that remittances will come back.¹¹

The growth of migrant child labor in the United States over the past several years is a result of a chain of willful ignorance by companies that ignore the young faces in their back rooms and on their factory floors. In that same vein, the government has been overwhelmed by the surge of migrants and has scrambled to clear border shelters by releasing children and minors with little support to non-family members, but to sponsors, who in turn expect them to take on grueling and dangerous jobs.¹²

According to the United Nations High Commission on Refugees (UNHCR) there were 110 million forcibly displaced people worldwide at the end of 2023 as a result of persecution, conflict, violence, human rights violations or events seriously disturbing public order.¹³ Of that total, 43.3 Million of these refugees are children.

Trafficking of migrants has made horrific headlines in recent years, with migrants sold at slave markets, tortured for ransom and exploited across a range of industries. Organized crime groups traffic migrants in virtually every country today.

The global scope of this crime reflects broader challenges. Victims are often from disadvantaged socioeconomic backgrounds and/or lower-income countries and are usually trafficked to richer countries where traffickers obtain the highest financial returns on their exploitation. Human trafficking is therefore explicitly recognized as a development challenge.

As Migrant Children Were Put to Work, U.S. Ignored Warnings, The New York Times, April 17, 2023 ¹ Alone and Exploited, Migrant Children Work Brutal Jobs Across the US, The New York Times, February 25, 2023 ¹² As Migrant Children Were Put to Work, U.S. Ignored Warnings, The New York Times, April 17, 2023
¹³ Refugee Statistics, The UN Refugee Agency, October 24, 2023

Recommendations

Increased border crossings can exacerbate the risk of human trafficking as they may provide opportunities for traffickers to exploit vulnerabilities among migrants, including unaccompanied children and adults seeking better opportunities. To protect the supply chain from the risks associated with human trafficking, several measures can be taken:

Strengthening Legal Frameworks and Enforcement

Repeal or Amend Legislation: Appealing or amending Section 235 of the Trafficking Victims Protection Reauthorization Act could potentially reduce the incentives for unaccompanied alien children (UACs) to head for the border, thereby decreasing their vulnerability to trafficking.¹⁴

Enforce Immigration Laws: Strict enforcement of immigration laws and border security can help to deter human trafficking by making it more difficult for traffickers to exploit the system.

Improving Vetting and Monitoring Processes

DNA Testing: Reinstating programs like DNA testing for immigrants claiming to be traveling with family can help prevent traffickers from posing as family members.¹⁵

Supplier Audits: Conducting thorough audits of suppliers and implementing stronger audits that focus on workers can help identify and address forced labor in supply chains.

Increasing Transparency and Accountability

Supply Chain Visibility: Gaining deeper visibility into the supply chain, including the locations of manufacturers and suppliers, can help companies identify exposure to areas with high risks of forced labor.

Data Collection: Collecting data on recruitment corridors and cross-referencing it with lists of entities tied to forced labor risk can provide insights into potential vulnerabilities.

Collaboration and Multi-Stakeholder Initiatives

Engage with NGOs: Working with NGOs can help businesses understand good practices and challenges in implementing human trafficking and forced labor clauses.¹⁶

Use Risk Assessment Technology: AI driven technology can mitigate forced labor, slave labor, and human trafficking in the supply chain.¹⁷

Industry Coalitions: Joining industry coalitions can facilitate the sharing of best practices and the adoption of due diligence measures.

Education and Training

Supplier Training: Building capabilities with suppliers to manage issues around modern slavery through training and setting goals is crucial for a deep partnership.

Worker-Focused Audits: Audits should focus on workers, and auditors should ideally know the languages of migrant workers at a supplier to communicate directly with them.

Policy Development

Anti-Trafficking Policies: Businesses can create anti-trafficking policies that address common risks in their operations and supply chains.

Corporate Social Responsibility (CSR) Reports: Publishing CSR reports can reflect a company's commitment to fair labor practices and human rights.¹⁸

Utilizing International Guidance

UN Recommendations: Following the recommendations outlined by the UN Special Rapporteur for business and states can help eliminate trafficking in supply chains.¹⁹

Addressing Root Causes

Economic Opportunities: Providing better economic opportunities in migrants' home countries can reduce the incentive to migrate and the associated risks of trafficking.

By implementing these measures, businesses and governments can work together to mitigate the risks of human trafficking in supply chains and protect vulnerable populations.

¹⁴ Fighting Human Trafficking and Battling Biden's Open Border, The Heritage Foundation, March 14, 2023
¹⁵ Fighting Human Trafficking and Battling Biden's Open Border, The Heritage Foundation, March 14, 2023

Due Diligence Does A Company Good

Lessons in the Lithium Supply Chain

"While there is a business case for integrity, an organization that embraces it must make a conscious decision to prioritize the long term, the intangible, and the existential over the specific and measurable. A growing body of evidence shows that ethical companies outperform financially over time." - Harvard Business Review¹

Integrity means everything in business, right? In this brave new world of ever evolving technology and artificial intelligence, are we making sure that there is integrity in the supply chain? Do we understand from start to finish what is in our supply chain? As consumers, do we want to know what is in our supply chain? In today's economy we have the ability to purchase and receive anything and everything that we like, with just the push of a button on our phones and computers.

The consumer wants what they want, and that demand drives businesses to supply. Having said that, can businesses keep up with their due diligence of integrity? Additionally, is it possible to ask the supplier to promulgate ethics within their company's supply chain. It is within this concept - that every company should look at the integrity of their supply chain and know if it is for the overall good? That's a hard sell, and a hard question to ask.

Technology Demand & The Shift in the Lithium Supply

Our everyday electric gadgets like cell phones, wireless headphones, and laptops, as well as our electric vehicles, are all powered by lithium-ion batteries. They are a critical part of our daily lives. Having said that, the U.S.' alternative energy strategy of the current administration is working to pivot away from fossil fuels and bolster the U.S.' lithium battery production capabilities.²

¹ We Shouldn't Always Need a "Business Case" to Do the Right Thing, Harvard Business Review, September 19, 2017
² The world needs 2 billion electric vehicles to get to net zero. But is there enough lithium to make all the batteries?, World Economic Forum, July 20, 2022

This policy shift includes funding and resources for domestic lithium mining and the end-to-end supply chain, including the processing and manufacturing of electric vehicle batteries. The goal is to reduce the country's reliance on the foreign lithium supply and increase the nation's energy self-sufficiency. But to get there, the U.S. will need to drastically expand its domestic lithium manufacturing base at home and not abroad.

As this demand for smartphones, electric vehicles and renewable energy continues to rise, scientists are searching for ways to improve lithium-ion batteries, and the most common type of battery found in home electronics and a promising solution for grid-scale energy storage. On the forefront of novel battery technology are iron based battery cathodes and other sources like Lithium Iron Phosphate(LFP) batteries. These are innovative lithium batteries that do not have cobalt or nickel.

The Dilemma

Global demand for lithium is expected to grow more than 500% by 2030³, especially with the growing need for electric vehicles and electronics. The lack of near-term options for increasing production, from traditional sources like rock mines, can take more than a decade, and is creating concerns about the impending supply gap that could hinder the world's clean energy transition.

The United States is one of the biggest consumers of lithium; yet, the U.S. produces roughly 2% of the global supply. The three largest producers of lithium are Australia, Chile, and China, with the vast majority of it being processed in China.⁴ As a result, developing a domestic source of lithium has tremendous economic and geopolitical appeal to the U.S.

China dominates the critical mineral industry. The country was the largest global importer of lithium in 2021 and refines approximately 59% of the world's supply of the mineral.⁵

Other minerals vital to battery production are no different. China produced 79% of the world's graphite supply in 2021, and refined approximately 73% of global cobalt supply, according to the Brookings Institute.

Natural resources are named as a major global risk in the next ten years according to the World Economic Forum 2024 risk report, and is ranked number 4 out of 10 of all global risks combined.⁶ Specifically, in the Davos global meeting in January 2024, by the World Economic Forum, the phase out of fossil fuels is essential and inevitable, and was highlighted by the UN Secretary General Antonio Guterres, who outlined the need for global cooperation in the renewable energy transition.⁷

This chart shows which countries produce the most lithium, World Economic Forum, January 5, 2023 This chart shows which countries produce the most lithium, World Economic Forum, January 5, 2023 Visualizing 25 Years of Lithium Production, by Country, Visual Capitalist, December 26 2022 Global Risks Report 2024, World Economic Forum, January 10, 2024 Climate, nature and energy at Davos 2024: What to know, World Economic Forum, January 14, 2014



The Electric Vehicle Demand

A typical electric car requires six times the mineral inputs of a conventional car and an onshore wind plant requires nine times more mineral resources than a gas-fired plant. Since 2010 the average amount of minerals needed for a new unit of power generation capacity has increased by 50% as the share of renewables in new investment has risen.

One Type of Solution: The Lithium Iron Phosphate (LFP) Battery

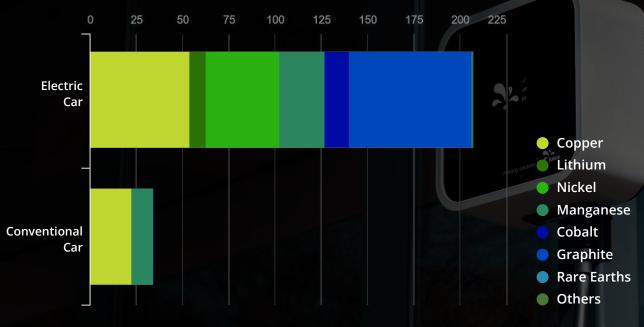
Technology for Electric Vehicles (EVs) has evolved significantly over the last decade; but, the technology behind providing a sustainable and socially responsible battery has been behind the curve, and yet is a critical component.

One such new solution to the battery dilemma is the Lithium iron phosphate (LFP) battery which is becoming popular in choice for standard EVs. The key benefits of the LFP battery are the following: they are safe, have a long life cycle, are cost effective and are environmentally sustainable.⁸

LFP environmentally are stable elements, they are not as toxic, and have longer longevity. Higher price and lower voltage are also incentives. LFP batteries are considered safer due to their varying chemical and mechanical advantages, and are environmentally friendly materials. Iron phosphate is more stable and abundant. The stability of the LFP battery provides for a longer lifespan of the battery.⁹ In short, no cobalt or nickel is needed, and they are cheaper. LFP batteries can be up to 30% cheaper per kilowatthour, and have a longer lifetime, which lowers the total cost of ownership. The LFP battery would be a socially responsible solution.

When reviewing how to maintain integrity and due diligence in the supply chain, the major advantage of LFP batteries is their reduced reliance on minerals like cobalt and lithium. Both cobalt and lithium are mostly mined in the Democratic Republic of Congo, where human rights abuses and child labor are rampant.¹⁰ Using LFP instead of mined lithium reduces reliance on outside mining sources and supports the environment and advocates for human rights in the labor supply chain.¹¹

Minerals Used in Electric Cars Compared to Conventional Cars



Source: Minerals used in electric cars compared to conventional cars, IEA, May 5 2021

U.S. Tax Credit Incentives for Electric Vehicles with Domestic Production

The recent Inflation Reduction Act states that starting in 2024, vehicles seeking to qualify for the law's EV tax credits "cannot have battery components manufactured or assembled by a foreign entity of concern." And starting in 2025, "qualifying vehicles' batteries cannot contain critical minerals extracted, processed, or recycled by a foreign entity of concern."¹²

The Biden administration is offering a \$7500 tax credit for electric vehicles if the battery is made predominantly with materials extracted or processed in the U.S.¹³ To access these credits, by 2026, vehicles will need to have 80% of critical materials sourced domestically or from a country that the U.S. has a free trade agreement with. Positive effects will be had through battery incentives and tax credits. This in turn will bring more jobs to the U.S., aid the local economy while reducing reliance on slave labor in the world economy.

The Promise of Lithium Iron Phosphate (LFP) as a Cheaper, Safer, and More Sustainable Cathode Material for Batteries, Noah Chemicals, April 19, 2023 Clean Energy Tax Provisions in the Inflation Reduction Act. The White House, September 21, 2023

⁸ Minerals used in electric cars compared to conventional cars, IEA, May 5, 2021 ⁹ These 5 reasons make LFP Battery a better choice for your electric vehicle., Green Tiger Mobility Pvt. Ltd., January 27, 2023

¹⁰ The Promise of Lithium Iron Phosphate (LFP) as a Cheaper, Safer, and More Sustainable Cathode Material for Batteries, Noah Chemicals, April 19, 2023
¹¹ How 'modern-day slavery' in the Congo powers the rechargeable battery economy, NPR, February 1, 2023



Automotive companies like Tesla and Ford are beginning to introduce LFP powered cars to their cache. Companies like Tesla are curbing slave labor in the supply chain due to using LFP, specifically by building gigafactory centers in Nevada, Texas, and Germany. Additionally, General Motors is leading the charge in developing a different type of electric vehicle battery, one that is an iron-based cathode.¹⁴

Toyota plans to ramp up electric vehicle production domestically and will spend \$2.5 billion on an upcoming North Carolina battery production facility, which will supply batteries for hybrid EVs and battery electric vehicles beginning in 2025.¹⁵ Tesla battery supplier Panasonic is investing nearly \$10 billion to establish two battery production facilities in the U.S.¹⁶ The company announced plans in July for a \$4 billion dollar facility in Kansas, and is looking at Oklahoma for another facility as well.

Ford's plans include two battery plants in Kentucky and one in Tennessee, each through a joint venture with a battery partner in South Korea. Additionally, there will be a Ford assembly plant in Tennessee able to build up to 500,000 electric pickup trucks a year. The Ford companies are planning an \$11.4 billion investment in the projects. The three battery plants combined are expected to create 5,000 construction jobs, as well as 7,500 operations jobs once the plants are up and running.¹⁷

This new shift in strategy among global automakers to invest in their own battery production facilities, many of them in the U.S. will help them shorten their supply chains, gualify for the Biden administration's tax credits, and demonstrates due diligence in the integrity of their supply chains.

Lithium Production in the United States: A Novel Solution

New data was released in November 2023, that within the Salton Sea in Southern California there might be enough lithium to supply the nation's needs for decades. According to federal analysis led by Lawrence Berkeley National Labs of the U.S. Department of Energy, "The Salton Sea has the potential to produce an estimated 375 million lithium batteries for electric vehicles, more than the total number of vehicles currently on the U.S, roads."18

This new discovery is exciting to say the least. "The Salton Sea is believed to have the highest concentration of lithium, contained in geothermal brines, in the world." If lithium can be extracted from the Salton Sea, it could give the U.S. the ability to produce domestically and assist with ending dependence on other countries for the supply of lithium."

Another domestic production solution has been spearheaded in recent months by a U.S. manufacturing company called Stardust. Due to incentives from the federal government, specifically the Department of Energy and the Department of Defense, Stardust is set to receive \$257 million in grants.¹⁹ The goal of Stardust is to advance U.S. manufacturing capacity of lithium from major deposits domestically, such as Oklahoma and Arkansas, so that the U.S. can be a mineral supplier in the supply chain.²⁰

Recommendations

There is a need to enhance supply chain resilience and market transparency. Exploring possibilities that provide a range of improvements for resilience in the supply chain with different materials and response capabilities to alleviate supply disruptions and provide transparency are all needed. Strategic stockpiles and market assessments can provide relief.

Requiring mainstream higher standards of excellence within social and governance standards is a good start. Providing efforts to incentivize higher environmental and social performance can increase responsibly produced volumes and lower the cost of sourcing for sustainability. If companies are rewarded for such performances it will lead to better diversification in the supply chain.

The supply chain dilemma of lithium resources can be addressed for the future through a combination of measures such as increasing domestic production, investing in recycling technologies, and diversifying sources of lithium.²¹ Governments and industry stakeholders have introduced sustainability standards to safeguard the supply of lithium, revealing a continuation of green initiatives. Additionally, navigating the challenges in the lithium battery industry involves addressing overcapacity across the supply chain and the stagnation in the automotive sector. By implementing these strategies, the lithium supply chain dilemma can be mitigated, ensuring a sustainable and reliable source of lithium for various industries, including electric vehicles and electronics.

In summary, reasonable measures and steps taken to provide a sustainable outcome of social responsibility does do a company good over time. **Providing economic incentives** to domestic production, facilitating control locally, along with tax credit incentives provides improved outcomes. Due diligence in the supply chain does a company good.

Stardust Power to build lithium refinery in Oklahoma, Supplychain Dive, January 22, 2024 ^eStardust Power to build lithium refinery in Oklahoma, Supplychain Dive, January 22, 2024 ¹ Resource-rich but short on supply: A look at the lithium industry's midstream dilemma, Trade Financial Global, January 12, 2024

¹⁴ GM invests \$60M in Mitra Chem to develop low-cost EV batteries, Manufacturing Drive, August 18, 2023
¹⁵ Toyota Announces \$2.5 Billion Expansion of North Carolina Plant with 350 Additional Jobs and BEV Battery Capacity, PR Newswire, August 31, 2022

¹⁶ Panasonic to open \$4B EV battery plant in Kansas, Supplychain Dive, July 15, 2022

¹⁷ Ford's massive battery plants secure \$9.2 billion federal loan for Tennessee and Kentucky projects, ABC News, June 24, 2023

¹⁸ Salton Sea could meet nation's lithium demand for decades, study finds, Nevada Current, November 29, 2023

Seaports Need to Play a Role in Preventing Human Trafficking

Port security is essential in preventing human trafficking. Traffickers often use ports as a gateway to transport victims across borders, exploit them for labor or sexual purposes.

governments, this provides traffickers an

Human trafficking at ports can occur through various means, via transportation of victims on vessels, exploitation of maritime law discrepancies, and using port facilities for trafficking. Victims can be isolated and transported through vessels international laws and vast maritime standards, which can be taken advantage of by smugglers. The discrepancies in maritime law at seaports plays into exploitation and profitability for trafficking. Additionally, there is frequently a lack of governments, allowing traffickers to easily relocate victims across borders.

Trafficking can occur by using shipping contained trucks for transport and concealed commercial vehicles at the ports. Addressing human trafficki at ports requires comprehensive measures to combat trafficking by sea and port facilities. Therefore, implementing strategies and measure to detect and disrupt trafficking in ports is crucia

The U.S. government has taken some measures to protect ports and combat human trafficking by implementing laws such as the International Megan's Law, which requires the registration of offenders and alerts foreign countries when the travel. Additionally, the Department of Homeland Security's Blue Campaign initiative aims to raise public awareness of human trafficking and provi tools to recognize and report it.

However, there have been instances of violation of port security and human trafficking in the United States and abroad as of recent. For example, two brothers were sentenced to prison for smuggling Mexican nationals into the United States through a port of entry. There have also been numerous reports of trafficking and forced labor in seaports around the world. Common occurrences of human trafficking have been more so in the seafaring and commercial fishing industries, whereby ship crew members are being forced to work under inhumane conditions in major ports in Asia and abroad.² Unfortunately, the legal framework of international law at sea does not lend itself to protecting or preventing such tragedies in the labor sector of maritime or at ports globally.

Review: Human Trafficking at Sea, JTSOR, Spring/Summer 2017

rs,	On the other hand, smuggling has been on the		
	rise at ports. Specifically, there is the case of the		
ing	39 Vietnamese migrants who suffocated in a		
	truck trailer after being locked in a container. The		
	victims were between the ages of 15-44, and were		
es	discovered in the truck at a port near London. ³		
al.	It is believed that they arrived in a container		
	that had been shipped from the Belgian port of		
	Zeebrugge to Essex, England. "While data indicates		
	the trafficking of Vietnamese migrants to the		
	United Kingdom may be on the rise, the official		
sex	figures likely represent just a fraction of the actual		
У	number because many cases go unreported and		
d	known victims disappear" ⁴ Many of these types		
	of smuggling cases go unnoticed and take years		
ide	to prosecute. Smuggling of persons and human		
	trafficking continue to be a problem via the use		
	of ports, but there are ways to proactively		
S	prevent trafficking.		

Maintaining port security	
must be a top priority in	
preventing human trafficking,	
and continued efforts are	
necessary to ensure that	
traffickers are apprehended,	
and victims are rescued and	
able to reclaim their lives.	

What's Being Done in the U.S. at the West **Coast Ports of Call**

The Port of Los Angeles in 2023 processed 8.6 Million container units, and when combined with Long Beach ports both produced 17.3 Millions container units. The LA/LB ports have sustained their rank as the number one port in North America with the busiest container port, holding record volumes for containerized trade, with 43% of the nation's goods coming through the port of Los Angeles.⁵

Keeping this in mind, it is important to note the climate of smuggling at ports in combination with the volume at these ports. According to a recent report in the fall of 2023 by the U.S. DHS Customs and Border Patrol there is a significant increase in maritime smuggling in southern California reaching record levels.⁶ Recently, the Los Angeles/Long Beach ports seized one billion dollars in counterfeit products, an increase of 38% from the previous year, whereby counterfeit goods were seized that would be profits of smugglers and traffickers.⁷

Up the west coast, the Port of Seattle-Tacoma averages 3.3 million container units, and ranks fourth in volume in the North American ports behind the New York, Savannah, and Los Angeles/ Long Beach ports.⁸ Both the LA/LB ports as well as the Seattle port have significant imports from Asia where a myriad of smuggling and trafficking issues

spot something that's wrong."

Having said that, the Port of Seattle is leading the way by blazing a trail to implement plans and procedures to stop trafficking and smuggling at their ports of call.



Counter Forced Labor Journal • Volume 7, Issue 3

have come to light in recent years. During a recent panel in the U.S. Chamber of Commerce's **Transportation Sector Efforts to Combat Human Trafficking** event in Washington DC this past year, Sam Cho, commissioner at the Port of Seattle, and Derek Miller, government relations manager at the American Association of Port Authorities, discussed strategies to raise human trafficking awareness in the maritime sector. Cho and Miller stated that labor trafficking is more prevalent than sex trafficking in the maritime sector. According to the U.S. Department of Transportation, labor trafficking is "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion."9

Miller said, "Ports can serve as the first line of defense and the first place where an educated workforce can

> Strategies for providing trafficking awareness at the ports were discussed. Cho and Miller cited two distinct hurdles for private sector leaders to get on board with spreading awareness. First, Cho said that the board was concerned that once training was implemented, it could disrupt the employees' work schedules. Second, Miller noted that trafficking may lead to a negative perception of ports, and employees fear discussing trafficking because it may make it seem like there's a significant problem.¹⁰

⁵ The Port of Los Angelos

Maritime Smuggling Activity Increases in Orange, Los Angeles, and Ventura Counties, U.S. Customs Border and Protection, August 23, 2021

⁷ CONSUMER ALERT: LA/Long Beach Seaport Reaches One Billion Worth of Fake Products Seized Breaking All-time Records, U.S. Customs Border and Protection, November 17, 2022 8 What Do You Know about Maritime Cargo?, Port of Seattle, September 30, 2021

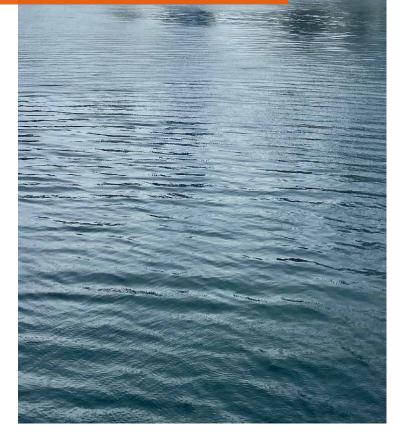
In contrast, both Cho and Miller highlighted that the Maritime industry can invest and lend themselves to preventive and proactive actions. Specifically, the Port of Seattle has invested in supporting trafficking survivors, and educating port workers. The port created the Port Allies Against Human Trafficking pledge, which calls on its partners and tenants to raise awareness of the signs and behaviors of human trafficking with their employees.¹¹



In an effort to be proactive the Port of Seattle has developed a four-step plan for the maritime industry to combat labor trafficking:¹²

- 1. Training
- 2. Public awareness
- 3. Appropriate protocols and standard operating procedures
- **4.** Partnerships

Miller expressed the importance of working with maritime tenants to help spread awareness. "Even if they're not your employees, if they're your tenants or if they're truckers, there's an opportunity for them to see what the initiative is at the port and how they can participate." A collective community of workers in maritime who have been trained to be the eyes and ears of safety makes a difference at the ports.



Mitigating **Forced Labor** in the Supply Chain

bear the burden to protect their goods from exclusion or seizure at a port of system by completing two categories of actions:¹³ (1) mitigating the risk by engaging stakeholders and partners, assessing risks and impacts, communicating and training the supply chain, and developing a code of conduct; and (2) monitoring conducting independent reviews, and reporting performance and engagement. Incorporating these indicators into both compliance weaknesses in their

These strategic solutions aim to strengthen port security and disrupt the illicit activities of traffickers, ultimately contributing to the prevention of smuggling of slave labor and human trafficking in the United States.

Leveraging the International Labor Organization's Forced-Labor Indicators to Eradicate Forced Labor from Supply Chains, Foley and Lardner LLP, November 27, 2023 4Leveraging the International Labor Organization's Forced-Labor Indicators to Eradicate Forced Labor from Supply Chains, Foley and Lardner LLP, November 27, 2023 ¹⁵ Leveraging the International Labor Organization's Forced-Labor Indicators to Eradicate Forced Labor from Supply Chains, Foley and Lardner LLP, November 27, 2023 ¹⁶ Leveraging the International Labor Organization's Forced-Labor Indicators to Eradicate Forced Labor from Supply Chains, Foley and Lardner LLP, November 27, 2023

Strategic Solutions to Mitigate Trafficking at the Ports

To mitigate the smuggling of slave labor, and human trafficking at ports in the United States, strategic solutions can be implemented. These may include:¹⁵

- 1. Enhanced Technology: Investing in nonintrusive inspection systems and large-scale scanners at ports of entry to increase inspection capacity and detect illicit goods, including human trafficking victims.¹⁶
- 2. Increased Law Enforcement Support: Devoting resources to support federal, state, local, and tribal law enforcement working to stop traffickers across all 50 states, as well as expanding programs like the High Intensity Drug Trafficking Area (HIDTA) to target traffickers.
- **3. Global Collaboration:** Targeting the global illicit supply chain through measures such as imposing sanctions on foreign persons involved in trafficking.
- **4. Awareness and Enforcement:** Prioritizing the enforcement of rules against forced labor and human trafficking by customs and border protection agencies.

Human Trafficking 2023 Legislation:

The Year in Review



The importance of legislation on the fight against human trafficking cannot be overstated.

Human trafficking is a heinous crime that involves the exploitation of vulnerable individuals for various purposes, including forced labor, sexual exploitation, and even organ trafficking. The United States government has taken a proactive approach towards combating this crime by passing various laws aimed at preventing human trafficking, prosecuting offenders, and providing assistance to victims.

One of the most significant pieces of legislation on human trafficking in the United States is the **Trafficking Victims Protection Act (TVPA) of 2000**. This law mandates that the United States government take vigorous action to prevent human trafficking, prosecute offenders, and provide assistance to victims, both domestically and internationally. The TVPA has been amended several times to strengthen protections for trafficking victims and to ensure that law enforcement agencies have the resources they need to effectively combat this crime.



The TVPA has had a profound impact on the fight against human trafficking by raising awareness of this crime and providing law enforcement agencies with the necessary support to investigate and prosecute offenders. The law has also led to the creation of specialized task forces focused on combating human trafficking and has provided funding for victim services programs.

Other legislation, such as the End Trafficking in Government Contracting Act and the Protecting Girls' Access to Education in Vulnerable Settings Act, have also been enacted to address specific aspects of human trafficking. These laws help prevent the U.S. government from inadvertently supporting human trafficking through its contracting practices and ensure that vulnerable populations, such as displaced girls, are not at risk of exploitation.

Legislation on human trafficking in the United States is critical to the fight against this crime.

It has been instrumental in raising awareness of human trafficking, providing important support to victims, and prosecuting offenders. While there is still much work to be done, these laws provide an essential framework for combating human trafficking and ensuring that victims receive the support they need to recover and move forward.

New & Noteworthy Federal Legislation 2023

Enhancing Detection of Human Trafficking Act, H.R. 443

On January 23, 2023 Congressman Tim Walberg (MI-05), Congressman Gregorio Kilili Camacho Sablan (MP-00), and Congresswoman Ann Wagner (MO-02) introduced H.R. 443, Enhancing Detection of Human Trafficking Act. The bipartisan bill would ensure that Department of Labor employees receive the proper training to recognize instances of human trafficking and refer these cases to law enforcement agencies. According to data released by the National Human Trafficking Hotline, over 295 cases of human trafficking were identified, with 429 victims in these cases, in Michigan in 2021 alone.

This bill would ensure that Department of Labor employees have the necessary training to identify and respond to cases of human trafficking. "This is an important step we can take to hold traffickers accountable and protect those who are most vulnerable. Combating human trafficking in the United States requires a whole-of-government approach," said Rep. Wagner. "This problem is getting worse, and as it evolves, government employees must be kept up to date on the trends we are seeing in the fight against trafficking and are aware of the best ways to alert law enforcement.

Now on January 10th, 2024 the HR 443 bill has been reintroduced as there was no action taken on the bill during the year of 2023.¹

Nevada Legislation, Assembly Bill, AB145

Status:

Introduced February 13, 2023, passed on April 17, 2023

Summary:

An ACT relating to crimes; increasing the penalties for a customer who unlawfully engages in prostitution or solicitation therefor; requiring a peace officer to make an arrest with or without a warrant under certain circumstances; revising requirements for the automatic sealing of records in certain circumstances; and providing other matters properly relating thereto.

Existing law prohibits a customer from engaging in prostitution or solicitation for prostitution except in a licensed house of prostitution. Existing law provides that a customer who violates such a prohibition: (1) for a first offense that involves an adult, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months and by a fine of not less than \$400 but not more than \$1,000; (2) for a subsequent offense that involves an adult, is guilty of a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days and by certain minimum fines; and (3) for any offense, is subject to a civil penalty of not less than \$200 per offense. Additionally, existing law provides for the automatic sealing of records if a person is discharged and the proceedings against the person are dismissed upon the fulfillment of the terms and conditions of a court-ordered program for the treatment of persons who solicit prostitution. (NRS 201.354) This bill: (1) requires a peace officer to arrest a person if the peace officer has probable cause to believe that the person has violated such a prohibition; (2) increases the minimum fine for a first offense to not less than \$800; (3) increases the civil penalty for any offense to \$600; and (4) authorizes a person to petition the court 2 years after the person is discharged and the proceedings against the person are dismissed for the sealing of all records relating to the discharge and dismissal.





NEWS AND EVENTS

New & Noteworthy Federal Legislation 2023

California Legislation, Senate Bill, SB376

*Status:

Introduced February 9, 2023, amended and passed in Senate on April 20, 2023, Approved and signed into law by the Governor July 21, 2023

Summary:

Under existing law, anyone who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or with the intent to effect a violation of specified sex crimes, is guilty of human trafficking. Existing law requires law enforcement agencies to use due diligence to identify all victims of human trafficking regardless of the citizenship of the person.

This bill would provide that a victim of human trafficking or abuse has the right to have a human trafficking advocate, as defined, and a support person of the victim's choosing present at an interview by a law enforcement authority, prosecutor, or *the suspect's* defense attorney and would require the human trafficking advocate to advise the victim of the applicable limitations on the confidentiality of the victim's communications with the advocate.

The bill would authorize the law enforcement officer or the prosecutor to exclude the support person, but not the human trafficking advocate, if they believe that the support person's presence would be detrimental to the process. The bill would require the attending law enforcement authority or prosecutor to notify a victim of human trafficking or abuse of their right to have a human trafficking advocate and support person of their choosing present at the interview, as specified. By creating a new notification requirement for local law enforcement and prosecutors, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

California Legislation, Senate Bill SB14

*Status:

Introduced January 5, 2023 Passed in the Senate, April 25, 2023, Assembly Review. Passed both houses. Approved and signed into law by the Governor September 25, 2023

Summary:

SB 14 will include sex trafficking of minors in the lists of crimes that are defined as serious under California law, making the crime a strike under the Three Strikes law. SB 14 will help strengthen protections for the millions of victims of sex trafficking.

Texas Legislation, Senate Bill, SB 1527

Status:

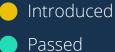
Introduced March 3, 2023 in the Senate, passed, under review by the House May 2, 2023, Passed May 19, 2023

Summary:

Relating to human trafficking, including the prosecution and punishment of compelling and solicitation of prostitution and other sexual or assaultive offenses; increasing a criminal penalty; creating a criminal offense.



Status on New & Noteworthy Federal Legislation 2023 118th Congress (2023-2024)



S.519

A bill to prohibit individuals charged with or convicted of human trafficking or drug trafficking offenses committed near the border of the United States from receiving Federal benefits.

Sponsor: Blackburn, Marsha [Sen.-R-TN] (Introduced 02/16/2023) Cosponsors: (4) **Committees:** Senate - Homeland Security and Governmental Affairs Latest Action: Senate - 02/16/2023 Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (All Actions) Tracker: This bill has the status Introduced

H.R.443

To direct the Secretary of Labor to train certain employees of the Department of Labor how to effectively detect and assist law enforcement in preventing human trafficking during the course of their official duties, and for other purposes.

Sponsor: Walberg, Tim [Rep.-R-MI-5] (Introduced 01/20/2023) Cosponsors: (2) **Committees:** House - Education and the Workforce Latest Action: House - 01/20/2023 Referred to the House Committee on Education and the Workforce. (All Actions) Tracker: This bill has the status Introduced

H.R.528

Put Trafficking Victims First Act of 2023

Sponsor: Wagner, Ann [Rep.-R-MO-2] (Introduced 01/25/2023) Cosponsors: (4) Committees: House - Judiciary; Education and the Workforce Latest Action: House - 01/25/2023 Referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the... (All Actions) Tracker: This bill has the status Introduced

H.R.623

Human Trafficking and Exploitation Prevention Training Act

Committees: House - Energy and Commerce (All Actions)

Tracker: This bill has the status Introduced

S.159

Human Trafficking Survivor Tax Relief Act

Sponsor: Cornyn, John [Sen.-R-TX] (Introduced 01/31/2023) Cosponsors: (3) **Committees:** Senate - Finance (All Actions) Tracker: This bill has the status Introduced

H.R.30

Stop Human Trafficking in School Zones Act

Sponsor: Jackson Lee, Sheila [Rep.-D-TX-18] (Introduced 01/09/2023) Cosponsors: (3) Committees: House - Judiciary Tracker: This bill has the status Introduced

- Sponsor: Buchanan, Vern [Rep.-R-FL-16] (Introduced 01/30/2023) Cosponsors: (1)
- Latest Action: House 01/30/2023 Referred to the House Committee on Energy and Commerce.

- Latest Action: Senate 01/31/2023 Read twice and referred to the Committee on Finance.

- Latest Action: 01/30/2023 Sponsor introductory remarks on measure. (CR H507) (All Actions)



Status on New & Noteworthy Federal Legislation 2023

• 118th Congress (2023-2024)

H.R.1405

IMPACT Human Trafficking Act

Sponsor: Joyce, David P. [Rep.-R-OH-14] (Introduced 03/07/2023) Cosponsors: (3) **Committees:** House - Judiciary Latest Action: House - 03/07/2023 Referred to the House Committee on the Judiciary. (All Actions) Tracker: This bill has the status Introduced

S.670

IMPACT Human Trafficking Act

Sponsor: Peters, Gary C. [Sen.-D-MI] (Introduced 03/07/2023) Cosponsors: (2) **Committees:** Senate - Homeland Security and Governmental Affairs Latest Action: Senate - 03/29/2023 Committee on Homeland Security and Governmental Affairs. Ordered to be reported without amendment favorably. (All Actions) Tracker: This bill has Passed in the Senate

H.R.2601

National Human Trafficking Hotline Enhancement Act

Sponsor: Lee, Laurel M. [Rep.-R-FL-15] (Introduced 04/13/2023) Cosponsors: (1) **Committees:** House - Judiciary Latest Action: House - 04/13/2023 Referred to the House Committee on the Judiciary. (All Actions) Tracker: This bill has the status Introduced

Why Companies Doing Business in Canada Need GRAT[™]

Effective January 1, 2024, entities in Canada must, on or before May 31st of each year, submit a report to the Minister of Public Safety. Our Global Rizk Assessment Technology™ easily and effectiively addresses and automatically generates a report that will satisfy the information requested by the Minister of Public Safety. Those include:

Canadian Legislation

- The steps the entity has taken during its previous financial year to prevent and reduce the risk that forced labor or child labor is used at any step of the production of goods in Canada or elsewhere by the entity or of goods imported into Canada by the entity.
- Its structure, activities and supply chains.
- Its policies and due diligence processes in relation to forced labor and child labor.
- The parts of its business and supply chains that carry The technology has a propriety scoring system which a risk of forced labor or child labor being used and the evaluates each vendor in the supply chain across steps it has taken to assess and manage that risk. multiple categories of risk. The technology generates remedial steps to be taken by every supplier in the database in order for them to reduce the risk of forced labor and child labor.

Counter Forced Labor Journal • Volume 7, Issue 3

Our GRAT™ Solutions

- The entity has deployed a comprehensive AI based platform to address all of the critical steps and components which are the focus of the Canadian law.
- Maps the entity supply chain through multiple tiers including the worldwide locations of facilities and ports.
- The technology captures the policies and procedures as well as due diligence on policies and procedures utilized by vendors in their supply chain.



Why Companies Doing Business in Canada Need GRATTM

(Continued)

Canadian Legislation	Our GRAT™ Solutions
• Any measures taken to remediate any forced labor or child labor.	• The entity encourages/requires it's suppliers to participate in the AI technology platform by providing certain information and data through an electronic survey and encouraging suppliers to follow the computer generated remedial steps to reduce the incidence of forced labor or child labor.
• Any measures taken to remediate the loss of income to the most vulnerable families that results from any measure taken to eliminate the use of forced labor or child labor in its activities and supply chains.	 By utilizing the technology there are more moderate remedial measures being promoted which do not lead to closing of the supply chain facility. The goal is to improve the conditions at the facility rather than close it down.
 The training provided to employees on forced labor and child labor. 	 The technology contains a training feature. Specifically, there are approximately 100 survey questions and with respect to each question there is an explanation as to why the question is important. This is an education and training feature which helps each supplier to consider or require remedial steps.
 How the entity assesses its effectiveness in ensuring that forced labor and child labor are not being used in its business and supply chains. 	 The technology provides a series of comprehensive reports across multiple categories of risk related to forced labor and child labor and contained in such reports a series of comprehensive scores on a proprietary scoring system.



On April 13th, Counter Forced Labor Technologies served as an Annual Partner at the Playing for Change Foundation (PFCF) 2024 Impact Awards in Miami, Florida.





Whitney Kroenke Silverstein and Jake Groshong

Source: Bill S-211, Fighting Against Forced Labour and oply Chains Ac

Counter Forced Labor Journal • Volume 7, Issue 3

Counter Forced Labor Technologies is inspired by and proud to support the PFCF mission, to use music as a tool for social change.

For seventeen years, the Playing For Change Foundation has helped youth rise up through their own culture by using music education to create social and economic change in areas that are economically poor, but culturally extremely wealthy. With over fifty locations across nineteen countries and growing, the positive impact of PFCF on youth, families, and communities in need, is truly extraordinary.

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