

Anti-Human Trafficking Laws 2023 Update



U.S. Chamber of Commerce

Human Trafficking Briefing

Human trafficking is a global problem affecting millions of people who are illegally lured into forced labor and sexual exploitation through force, fraud, or coercion.

The U.S. Department of Homeland Security estimates that human trafficking is second only to drug trafficking as the most profitable form of transnational crime, generating billions of dollars per year in illicit profit. As one of the fastest-growing criminal industries in the world, trafficking impedes national and international economic growth.

In an increasingly interconnected world, it is no longer a matter of *if* a business will come into contact with trafficking but *when*. Businesses face an economic, legal, and reputational risk if they engage in such conduct.

The U.S. Chamber of Commerce, the world's largest business organization representing companies of all sizes across every sector of the economy, established the Task Force to Eradicate Human Trafficking. The task force is an advisory group made up of members who work with the federal government and the private sector to develop commonsense solutions and speak with one voice.

As part of the Chamber's advocacy efforts, this publication highlights relevant laws, executive orders, treaties, and conventions in the international human rights context. It illustrates a range of laws applicable to companies with operations in the U.S. or U.S.-based companies with facilities abroad.

The first section of this publication, Federal Laws, highlights human trafficking rules applicable to companies in the U.S. The next section, International Laws, provides an overview of human trafficking treaties and conventions, as well as mandatory supply chain due diligence laws in Europe.

Federal Laws

Federal Laws

2000

The Victims of Trafficking and Violence Protection Act of 2000, [Pub. L. No. 106-386](#),¹ created the framework for the “3P’s”: protection, prevention, and prosecution; established U and T nonimmigrant visas to provide immigration relief for survivors of crimes; and mandated the U.S. State Department’s *Trafficking in Persons* report.

2003

The Trafficking Victims Protection Reauthorization Act of 2003, [Pub. L. No. 108-193](#),² created a civil remedy allowing trafficking victims to file lawsuits against their traffickers in federal court. The law also established a Senior Policy Operating Group within the executive branch to “coordinate activities of federal departments and agencies regarding policies involving the international trafficking in persons and the implementation of the TVPA.”

2005

The Trafficking Victims Protection Reauthorization Act of 2005, [Pub. L. No. 109-164](#),³ provided extraterritorial jurisdiction over trafficking offenses committed overseas by persons employed by or accompanying the federal government and mandated the U.S. Department of Labor’s *List of Goods Produced by Child Labor or Forced Labor*.

2008

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, [Pub. L. No. 110-457](#),⁴ expanded the crime of forced labor so that “force” encompasses the abuse or threatened abuse of the legal process; imposed criminal liability on those who, knowingly and with intent to defraud, recruit workers from outside the U.S. for employment within the U.S. by making materially false or fraudulent representations; and provided information about workers’ rights to all people applying for work and education-based visas.

2013

The *National Defense Authorization Act for Fiscal Year 2013*, [Pub. L. No. 112-239](#),⁵ provided authorities to end human trafficking in federal government contracting. The Federal Acquisition Regulation Council promulgated a [final rule](#)⁶ to implement this requirement on January 29, 2015.

The *Violence Against Women Reauthorization Act of 2013*, *Trafficking Victims Protection Reauthorization Act of 2013*, [Pub. L. No. 113-4](#),⁷ required, among other things, that the director of the U.S. State Department’s Office to Monitor and Combat Trafficking in Persons—working with other government officials—build partnerships between the U.S. government and private entities to ensure that U.S. citizens do not use items, products, or materials produced by forced labor and that those entities do not contribute to trafficking in persons involving sexual exploitation. In addition, the law amended the Racketeer Influenced and Corrupt Organizations (RICO) Act to include labor contract fraud and extended the statute of limitations for a person to bring a civil action.

2015

The *Justice for Victims of Trafficking Act of 2015*, [Pub. L. No. 114-22](#),⁸ provided for the prosecution of individuals who patronize or solicit persons for a commercial sex act and established the U.S. Advisory Council on Human Trafficking to provide advice and recommendations to the Senior Policy Operating Group.

The *Trade Facilitation and Trade Enforcement Act of 2015*, [Pub. L. No. 114-125](#),⁹ repealed the “consumptive demand” exception in 19 U.S.C. §1307. The exception had allowed importation of certain forced labor-produced goods if the goods were not produced “in such quantities in the U.S. as to meet the consumptive demands of the U.S.”

2018

The *Combating Human Trafficking in Commercial Vehicles Act*, [Pub. L. No. 115-99](#),¹⁰ established the DOT Advisory Committee on Human Trafficking; appointed a human trafficking prevention coordinator; and expanded motor carrier funding and educational outreach programs to incorporate prevention activities.

The *No Human Trafficking on Our Roads Act of 2018*, [Pub. L. No. 115-106](#),¹¹ included a lifetime commercial driver’s license disqualification for individuals who use a commercial motor vehicle in committing a felony involving a severe form of human trafficking.

The *Department of Homeland Security Blue Campaign Authorization Act of 2018*, [Pub. L. No. 115-125](#),¹² amended the Homeland Security Act of 2002 by codifying the U.S. Department of Homeland Security’s Blue Campaign.

The *FAA Reauthorization Act of 2018*, [Pub. L. No. 115-254](#),¹³ among other things, required that flight attendants be trained to recognize and report human trafficking to customer-facing employees.

The *Trafficking Victims Protection Act of 2017*, [Pub. L. No. 115-393](#),¹⁴ authorized grant funding to train school resource officers to recognize and respond to signs of human trafficking by reauthorizing the Creating Hope Through Outreach, Options, Services, and Education for Children and Youth (i.e., CHOOSE Children & Youth Grant Program) and created the Public-Private Partnership Advisory Council to End Human Trafficking.

The *Abolish Human Trafficking Act of 2017*, [Pub. L. No. 115-392](#),¹⁵ established the National Strategy for Combating Human Trafficking to incorporate a framework to prevent human trafficking and reduce demand for trafficking victims; improved services for trafficking survivors; and increased the maximum prison terms for certain offenses related to peonage, slavery, involuntary servitude, forced labor, and trafficking.

The *SOAR to Health and Wellness Act of 2018*, [Pub. L. No. 115-398](#),¹⁶ amended the Public Health Service Act to strengthen training and the response to human trafficking in the health care sector.

2019

The *Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018*, [Pub. L. No. 115-425](#),¹⁷ established standards training certain frontline workers in industries like transportation and bolstered efforts to keep goods made from forced labor from entering the U.S.

The *Trafficking Victims Protection Reauthorization Act of 2017*, [Pub. L. No. 115-427](#),¹⁸ modified the criteria for how the U.S. determines if countries are meeting minimum standards for eliminating human trafficking and what actions it can take against countries that fail to meet these standards.

2020

The United States-Mexico-Canada-Agreement Implementation Act of 2020, [Pub.L. No. 116-113](#),¹⁹ established the Forced Labor Enforcement Task Force and reporting requirements.

The Not Invisible Act of 2019, [Pub. L. No. 116-166](#),²⁰ increased intergovernmental coordination to identify and combat violent crime within Indian country and against Indians and established a commission to make recommendations on responding to violent crime, including human trafficking.

2021

The Infrastructure Investment and Jobs Act, [Pub. L. No. 117-58](#),²¹ authorized increased funding for the Federal Motor Carrier Safety Administration to support the recognition, prevention, and reporting of human trafficking, among other things.

The Uyghur Forced Labor Prevention Act, [Pub. L. No. 117-78](#),²² created a “rebuttable presumption” that assumes all goods from Xinjiang, China, are made with forced labor and barred imports unless the business can prove otherwise.

The National Defense Authorization Act for Fiscal Year 2022, [Pub. L. No. 117-81](#),²³ required the director of the DHS Blue Campaign to develop online, interactive training videos and other web-based training opportunities for federal, state, local, tribal, and territorial law enforcement officers, among other things. The NDAA²⁴ added a provision to the Fair Credit Reporting Act,²⁵ which provides that a consumer reporting agency may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the individual has provided trafficking documentation to the agency.

Executive Orders: Human Trafficking

1999

[Executive Order 13126 of June 12, 1999—Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor](#)²⁶

The order requires the U.S. Department of Labor to maintain a list of products that have been produced by forced or indentured child labor as well as their countries of origin. Federal contractors that supply products on the list must prove they have made a good faith effort to determine if the products were produced under forced or indentured child labor.

2011

[Executive Order 13581 of July 25, 2011—Blocking Property of Transnational Criminal Organizations](#)²⁷

The order authorizes the U.S. Department of the Treasury to pursue sanctions against the following named transnational criminal organizations:

1. The Brothers' Circle
2. Camorra
3. Yakuza
4. Los Zetas

2012

[Executive Order 13627 of September 25, 2012—Strengthening Protections Against Trafficking in Persons in Federal Contracts](#)²⁸

The order requires federal agencies to ensure that the federal procurement of goods and services does not directly or indirectly involve human trafficking.

On January 29, 2015, the Federal Acquisition Regulation (FAR) Council promulgated [final regulations](#).²⁹ On December 20, 2018, the FAR Council issued a [final rule](#)³⁰ amending the 2015 FAR to clarify the agency's prohibition on assessing employees with recruitment fees in connection with federal contracts.

2017

Executive Order 13773 of February 9, 2017—Enforcing Federal Law With Respect to Transnational Criminal Organizations and Preventing International Trafficking³¹

The order prioritizes investigating and prosecuting transnational criminal organizations, including for human trafficking through information sharing, collaboration, and the increased use of the interagency Threat Mitigation Working Group (TMWG). The TMWG identifies transnational organized crime networks that pose a national security risk and coordinates governmental response.

2017

Executive Order 13818 of December 20, 2017—Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption³²

The order implements the Global Magnitsky Human Rights Accountability Act,³³ signed into law on December 23, 2016, which targets human rights abusers and corrupt actors globally. The order blocks the property and interests of the persons and entities listed in the annex of the order, in addition to prohibiting financial transactions and unrestricted entry into the U.S.

2019

Executive Order 13898 of November 26, 2019—Establishing the Task Force on Missing and Murdered American Indians and Alaska Natives³⁴

The order forms the Task Force on Missing and Murdered American Indians and Alaska Natives, which aims to enhance the operation of the criminal justice system and address the legitimate concerns of American Indian and Alaska Native communities regarding missing and murdered people—including those who have been trafficked. The task force includes members from the U.S. departments of Health and Human Services, Justice, and Interior.

2020

Executive Order 13903 of January 31, 2020—Combating Human Trafficking and Online Child Exploitation in the United States³⁵

The order states that the executive branch will “prioritize its resources to vigorously prosecute offenders, to assist victims, and to provide prevention education to combat human trafficking and online sexual exploitation of children.” EO 13903 also provides a number of steps to combat trafficking, including a full-time position at the Domestic Policy Council to work on trafficking issues; an online list of the federal government’s trafficking resources; improved methodologies for estimating the prevalence of trafficking; and increased coordination between the government and law enforcement to prevent, detect, and prosecute this heinous crime.

2020

Executive Order 13923 of May 15, 2020—Establishment of the Forced Labor Enforcement Task Force Under Section 741 of the United States-Mexico-Canada Agreement Implementation Act of 2020³⁶

The order reiterates that Section 741 of the USMCA Implementation Act made the task force the central hub for the U.S. government's enforcement prohibiting imports made through forced labor. The order states that the task force will be chaired by the secretary of Homeland Security and will include representatives from the U.S. departments of Justice, Labor, State, and Treasury, as well as the Office of the U.S. Trade Representative. According to the order, the task force will attempt to make all decisions by consensus but will decide matters by majority vote when there is disagreement.

2021

Executive Order 14060 of December 15, 2021—Establishing the United States Council of Transnational Organized Crime³⁷

The order asserts that transnational organized crime networks contribute to a variety of activities that harm the national interests of the U.S. These activities include undermining the rule of law and democracy, supporting corruption, advancing climate change, and harming human health.

The order establishes the U.S. Council on Transnational Organized Crime (USTOC), which is tasked with monitoring the whole-of-government counter-TOC efforts. Members of the USTOC are the secretaries of Defense, Homeland Security, State, and Treasury; the attorney general; and the director of national intelligence. The order also directs executive departments and agencies to enhance efforts to counter transnational organized crime.

International Law

Treaties and Conventions

1999

[The Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#)³⁸

Treaty signed by the U.S. on December 2, 1999

The Worst Forms of Child Labour Convention was adopted by the International Labour Organization (ILO) in 1999 as ILO Convention No. 182. By ratifying this convention, a country commits itself to taking immediate action to prohibit and eliminate the worst forms of child labour, including slavery, trafficking, and forced labor. All ILO member states signed this convention as of August 4, 2020.

2000

[UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children \(Palermo Protocol\)](#)³⁹

Treaty signed by the U.S. on December 13, 2000

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also referred to as the Trafficking Protocol or U.N. TIP Protocol) is a protocol to the United Nations Convention against Transnational Organized Crime. It is one of three Palermo protocols.

The protocol was adopted by the U.N. General Assembly in 2000 and entered into force on December 25, 2003. It has been [ratified](#) by 178 parties as of April 2022.⁴⁰

The United Nations Office on Drugs and Crime (UNODC) is responsible for implementing the protocol. UNODC helps states draft laws and create comprehensive national anti-human trafficking strategies and assists with resources needed to implement them.

The protocol commits states to prevent and combat trafficking in persons, protect and assist victims of trafficking, and promote cooperation among states to meet these objectives.

2005

[Council of Europe Convention on Action against Trafficking in Human Beings](#)⁴¹

Applicable of multinational corporations with a presence in Europe

The Council of Europe Convention on Action against Trafficking in Human Beings is a comprehensive treaty focused on protecting victims of trafficking and safeguarding their rights. It also aims at preventing trafficking and prosecuting traffickers. The convention applies to all forms of human trafficking.

To ensure effective implementation of the convention's provisions, there is a monitoring mechanism.

This mechanism is composed of the [Group of Experts on Action against Trafficking in Human Beings](#),⁴² a multidisciplinary panel of 15 independent experts and the Committee of the Parties to the Convention.

2011

[Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA](#)⁴³

Applicable to multinational corporations with a presence in Europe

The directive provides binding legislation to prevent trafficking, prosecute criminals effectively, and better protect the victims in line with the highest European standards. It takes a victim-centered approach, including a gender perspective, to cover actions in areas such as criminal law provisions, prosecution of offenders, victims' support and victims' rights in criminal proceedings, prevention, and monitoring its implementation.

[United Nations Guiding Principles on Business and Human Rights](#)⁴⁴

Ratified by the U.S.

On June 16, 2011, the U.N. Human Rights Council unanimously endorsed the U.N. Guiding Principles on Business and Human Rights (UNGPs), making the framework the first corporate human rights responsibility initiative to be endorsed by the U.N.

The UNGPs is an instrument consisting of 31 principles that implements the "Protect, Respect and Remedy" framework on the issue of human rights and transnational corporations and other business enterprises.

The UNGPs encompass three pillars outlining how states and businesses should implement the framework:

- The state duty to protect human rights
- The corporate responsibility to respect human rights
- Access to remedies for victims of business-related abuses

2014

[ILO Protocol to the Forced Labour Convention, P029](#)⁴⁵

The U.S. has not ratified this treaty

[The Forced Labour Convention](#), the full title is the Convention Concerning Forced or Compulsory Labour, 1930 (No. 29),⁴⁶ is one of eight ILO fundamental conventions of the International Labour Organization (ILO).

The convention's purpose is to suppress the use of forced labor in all its forms regardless of the nature of the work or the sector of activity in which it may be performed. The convention was adopted in Geneva on June 28, 1930, and became effective on May 1, 1932.

The convention was supplemented by the [Abolition of Forced Labour Convention, 1957](#),⁴⁷ which canceled a number of exceptions in the 1930 convention, such as punishing strikes and holding certain political views.

In 2014, the ILO agreed to adopt a protocol and a recommendation that supplements the 1930 convention (as amended)⁴⁸ and complements existing international instruments by providing specific guidance on effective measures to be taken to eliminate all forms of forced labor.

[The Protocol to the Forced Labour Convention, 1930](#),⁴⁹ is a legally binding instrument that requires states to take measures regarding prevention, protection, and remedy in giving effect to the convention's obligation to suppress forced labor. It supplements the Forced Labour Convention, 1930 (No. 29)⁵⁰ so that only ILO member states that have ratified the convention can ratify this protocol. The convention itself remains open for ratification.

[The Forced Labour \(Supplementary Measures\) Recommendation, 2014 \(No. 203\)](#)⁵¹ provides nonbinding practical guidance in the areas of prevention, protection of victims and their access to justice and remedies, enforcement, and international cooperation. It supplements both the protocol and the convention.

2015

[U.N. Sustainable Development Goals](#)⁵²

Ratified by the U.S.

In September 2015, the U.N. General Assembly adopted the 2030 Agenda for Sustainable Development. The Sustainable Development Goals (SDGs) are a collection of 17 interlinked global goals designed to be a “blueprint to achieve a better and more sustainable future for all” to be achieved by 2030. Each of these goals has targets that are in part outcomes based.

SDG 8 is defined as the following: “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.”⁵³ SDG 8 includes Target 8.7, which says that nations should “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”⁵⁴

SDG 16 is defined as the following: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effectiveness, accountable, and inclusive institutions at all levels.”⁵⁵ Target 16.2 calls for the nations to “end abuse, exploitation, trafficking and all forms of violence against and torture of children.”⁵⁶

International Supply Chain Due Diligence Laws and European Union Proposal

The U.K.'s Modern Slavery Act 2015 requires certain companies doing business in the U.K. to produce a "slavery and human trafficking statement"⁵⁷ disclosing their efforts to ensure that their supply chains are free from slavery and human trafficking. The U.K.'s mandatory due diligence and reporting obligations provided a road map for other countries, including Australia, Germany, the Netherlands, Norway, and Switzerland, to enact their own supply chain due diligence laws. A pending proposal for corporate sustainability due diligence is pending before the European Parliament. Multinational employers with operations in these designated countries and in the EU bloc may be subject to these laws.

U.K.

2015

Under the [U.K. Modern Slavery Act 2015](#),⁵⁸ organizations conducting business in the U.K. with worldwide revenues of at least £36 million (approximately US\$50 million) are required under Section 54 to publish a transparency statement describing the steps they have taken in the last financial year to ensure that their business and supply chains are free from modern slavery and human trafficking. The obligation applies to financial years ending on or after March 31, 2016, and transparency statements are required to be published as soon as reasonably practicable after, ideally within six months of the financial year-end.

On January 22, 2019, the U.K. published a second [interim report](#)⁵⁹ on the transparency in supply chains provisions.

The U.K. government committed to strengthening [Section 54 of the Modern Slavery Act](#)⁶⁰ by gathering views on proposed measures intended to increase transparency and compliance, improve reporting quality, and extend the scope of the legislation. Comments were submitted by September 17, 2019.

In early July 2020, the U.K. implemented the Global Human Rights [sanction regime](#)⁶¹ targeting individuals and organizations around the world that are involved in serious human rights violations or abuses. On September 22, 2020, the U.K. Home Office published its [response](#)⁶² to the 2019 Transparency in Supply Chains Consultation. Following this action, the U.K. government launched an online central registry of statements published in compliance with requirements under Section 54 of the Modern Slavery Act 2015.

Following the Home Office's 2020 response to the 2019 Transparency in Supply Chains Consultation, the U.K. government launched an [online central registry](#)⁶³ of statements published in compliance with requirements under Section 54 of the Modern Slavery Act 2015.

The Netherlands

2017

On February 7, 2017, the lower house of the Dutch Parliament and on May 14, 2019, the Dutch Senate adopted a [law](#)⁶⁴ to require companies selling or delivering goods or services to Dutch end-users to conduct due diligence regarding whether child labor is occurring in their operations or in supply chains. If so, companies must set forth a plan of action to combat it and issue a due diligence statement on their investigation and plan of action. The law imposes criminal sanctions for failure to perform due diligence. To ease compliance burdens, the law is expected to enter into force in mid-2022 and contains a five-year transition period.

Australia

2018

The [Australian Modern Slavery Act 2018](#)⁶⁵ required effective January 1, 2019, that businesses and other organizations with a minimum annual consolidated revenue of US\$100 million report annually on the risks of modern slavery in their operations and supply chains, any actions they have taken to assess and address those risks, and the effectiveness of their response. Smaller businesses can report voluntarily.

Germany

2021

On June 11, 2021, the German Federal Government adopted the [Supply Chain Due Diligence Act \(LkSG\)](#),⁶⁶ which will enter into force on January 1, 2023.

Starting January 1, 2023, the act applies to companies with a head office or branch office in Germany that have 3,000 or more employees. From 2024 onward, the act applies to companies with 1,000 or more employees.

These companies have two years to set up compliance procedures to monitor and stop abuses within their supply chains and must create an alert system to third parties and victims to safely report any abuse.

Due diligence obligations would apply to a corporation's direct suppliers, not to indirect suppliers. For indirect suppliers, companies would only have to carry out a risk analysis if they have "proven knowledge" of human rights violations.

Companies with annual revenues of more than 400 million euros (US\$484 million) that fail to meet the requirements could face fines up to 2% of annual sales. Offenders could also be excluded from public contracts for up to three years.

Switzerland

2022

After Switzerland voted against adoption of the Swiss [Responsible Business Initiative](#),⁶⁷ which would have imposed liability on businesses, a [counter-proposal](#)⁶⁸ introducing new reporting and due diligence obligations entered into effect.

The final version of the ordinance was published on December 31, 2021, and entered into force on January 1, 2022. There is a one-year transition period for compliance purposes.

Among other things, the counter-proposal provides for due diligence and reporting obligations in dealing with conflict minerals and the avoidance of child labor.

Companies with their registered office, head office, or principal place of business in Switzerland that import or process tin, tantalum, tungsten, or gold containing minerals or metals from conflict or high-risk areas or that offer products or services for which there is reasonable suspicion that they were manufactured or provided using child labor are considered covered entities. The counter-proposal includes exemptions from the due diligence requirements for small and medium-size enterprises and for low-risk enterprises in the field of child labor.

As part of its due diligence obligations, an enterprise is required to establish a supply chain policy as the ordinance requires such businesses to establish a traceability system for child labor and conflict minerals.

These enterprises must prepare an annual report discussing their compliance with these obligations. The first report is due in 2024.

Norway

2022

On June 10, 2021, the Norwegian Parliament adopted the [Transparency Act](#),⁶⁹ which will require companies doing business in Norway to (1) regularly conduct human rights due diligence, (2) publish an annual human rights statement, and (3) respond to third-party requests for information regarding the adverse impacts of human rights violations. The Norwegian government announced that the act will take effect on July 1, 2022.

The act will apply to “larger companies” as defined in Section 1–5 of the Accounting Act, i.e., public limited companies, listed companies, and other accounting entities.

Also covered are companies that meet at least two of the following three conditions:

- No less than 50 full-time employees (or equivalent annual man-hours)
- Over 70 Norwegian krone (US\$7.94 million) in sales revenue
- Over 35 Norwegian krone (US\$3.97 million) in balance sheet total

The act will apply to large enterprises domiciled in Norway that provide goods and services and foreign large enterprises that provide goods and services in Norway.

These businesses are required to implement and carry out a human rights due diligence process to both identify and act upon actual and potential human rights risks for workers in their own operations and throughout their supply chains. They are obligated to publish an annual report on their due diligence assessments on their website no later than June 30 each year.

The act provides that citizens are entitled to ask for information from companies upon written request. Firms would be required to provide information on how they address actual and potential adverse impacts that have been identified through the due diligence assessment within a specified time. Companies may deny such requests if the request doesn't provide a sufficient basis for identifying concerns, is clearly unreasonable, or is related to personal or competitive data.

The Norwegian Consumer Agency is given a duty to provide guidance and is responsible for enforcement.

Proposal

On February 23, 2022, the EU adopted a [proposal](#)⁷⁰ for a directive on corporate sustainability due diligence, which aims to foster sustainable and responsible corporate behavior in supply chains. Companies will be required to identify, prevent, end, or mitigate adverse impacts of their activities on human rights, such as child labor and the exploitation of workers.

National governments would define the financial penalties for companies violating these rules. Victims could sue for compensation in domestic courts of EU member nations even if the harm occurred outside the bloc.

The proposal would initially apply to companies with more than 500 employees and annual revenue over 150 million euros (or about US\$170 million), a group that includes about 10,000 EU businesses. Around 2,000 companies based outside the bloc but doing business in the EU with annual revenue of more than 150 million euros would also be covered. After two years, the range would be expanded to include smaller businesses in high-impact sectors, such as textiles, food products, and mining.

The final draft will require passage by EU lawmakers and member nations.

Canada

S-211, An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff

On May 11, 2023, S-211, An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff,⁷¹ received royal assent.

This Act will require certain companies, including multinational corporations, to annually report their steps to address forced labor and child labor in supply chains. S-211 will also ban imports into Canada that are produced with child labor.

Private sector entity reports will be required to be filed with the Minister of Public Safety and Emergency Preparedness on or before May 31 of each year.

A private sector entity includes corporations or trusts, partnerships, or other unincorporated organizations that meet the following criteria:

- It is listed on a stock exchange in Canada.
- It has a place of business in Canada, does business in Canada, or has assets in Canada, and based on its consolidated financial statements meets at least two of the following conditions:
 - C\$20 million in assets.
 - C\$40 million in revenue.
 - Has an average of 250 employees or more.
- It meets other thresholds prescribed by regulations, which have yet to be enacted.

Moreover, a private sector entity must produce, sell, or distribute goods in Canada or elsewhere, import into Canada goods produced outside of Canada, or control another entity engaged in any of these activities.

These private sector reports must include the following information regarding each entity subject to the law:

- 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 a risk of forced labor or child labor being used and the steps it has taken to assess and manage that risk.
- Any measures taken to remediate any 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.
- The training provided to employees on forced labor and child labor.
- How it assesses its effectiveness in ensuring that forced labor and child labor are not being used in its business and supply chains.

The reports must be approved by the reporting company's governing body. In the case of joint reports filed on behalf of a group of reporting entities, the report must be approved by either the governing body of each entity or by any governing body that controls each entity included in the report.

The Minister of Public Safety and Emergency Preparedness has the power to designate individuals to administer and enforce the Act. The Act provides broad authority for the designated individuals to review documents or inspect any place that the Minister's office has reasonable grounds to believe is relevant to verifying compliance with the Act. If based on that review and inspection the Minister believes that an entity is not in compliance with the Act, it may require the entity to take any measures that the Minister deems necessary to ensure compliance.

Entities or individuals that fail to comply with the obligations under this law or make false or misleading statements, or provide false or misleading information to the Minister (e.g., in an annual report), will be subject to summary conviction with fines up to \$C250,000. If a person or entity commits an offense under the Act, any director, officer, or agent who directed, authorized, assented to, acquired in, or participated in the commission of the offense may also be fined.

In addition to the public reporting requirement, S-211 includes a number of amendments to clarify and expand the scope of existing forced labor laws:

- It extends the import ban under Canada's Customs Tariff to goods that are "mined, manufactured or produced wholly or in part" with "child labour" in addition to goods produced with "forced labour" and "prison labour" that are already prohibited.
- It codifies a Canadian definition of both "child labour" and "forced labour," adopting the definitions from Article 3 of the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 and Article 2 of the ILO Forced Labour Convention, 1930.
- It introduces a definition of "production of goods" meaning "the manufacturing, growing, extracting and processing of goods."

This law will come into effect on January 1, 2024, with the first report due by May 31, 2024.

Appendix

2022

The Violence Against Women Reauthorization Act of 2022, [Pub. L. No. 117-103](#)⁷² (Division W of the Consolidated Appropriations Act, 2022), reauthorized the Violence Against Women Act.⁷³ Among other things, this legislation required the U.S. Department of Housing and Urban Development to study and report on housing and services needs of human trafficking survivors and individuals at risk for trafficking, as well as expanded the special criminal jurisdiction of tribal courts to cover non-Native perpetrators of violent crimes, including sex trafficking.

Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022, [Pub. L. No. 117-176](#),⁷⁴ abolished the previous 10-year statute of limitations to commence a civil action for any person who, as a minor, was the victim of any of these offenses: forced labor, sex trafficking of children, sexual abuse of a minor, sexual exploitation of children, and transportation of minors to engage in sexual conduct.

End Human Trafficking in Government Contracts Act of 2022, [Pub. L. No. 117-211](#),⁷⁵ further amended Title XVII of the National Defense Authorization Act, Fiscal Year 2013 ([P.L. 112-239](#)⁷⁶) by requiring the head of an agency to refer to the agency's suspension and debarment official substantiated allegations of human trafficking against a recipient of a federal contract, grantor cooperative agreement—or any subcontractor, subgrantee, or agent of the recipient; and notifications of an indictment, criminal information, or criminal complaint involving human trafficking.

Human Trafficking Prevention Act of 2022, [P.L. 117-301](#),⁷⁷ directed the departments of Transportation and Homeland Security to post the contact information of the national human trafficking hotline in visible places in all federal buildings; in the restrooms of each U.S. aircraft, airport, over-the-road bus, bus station, passenger train, and passenger railroad station; and at each port of entry.

James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, [P.L. 117-263](#),⁷⁸ among other things, required the National Oceanic and Atmospheric Administration to prioritize audits of seafood imports covered by the Seafood Import Monitoring Program on the basis of the risk these imports present of having been harvested through Illegal, Unreported, and Unregulated fishing, including through the use of forced labor.

Countering Human Trafficking Act of 2021, [P.L. 117-322](#),⁷⁹ codified the Center for Countering Human Trafficking (CCHT) into law; required the CCHT to develop a strategy to improve the systems and processes used throughout DHS to combat human trafficking and the importation of goods produced with forced labor; and transferred the functions of DHS' Blue Campaign to the CCHT.

EU Proposed Regulation

On September 14, 2022, the European Union (EU) issued a Proposal for a new Regulation Prohibiting Products Made with Forced Labour on the Union Market.⁸⁰

The proposal would ban all goods that are the product of forced labor or that contain inputs made with forced labor. These goods may be singled out through submissions from external parties or via a central EU public database tracking products made with forced labor. Under the proposed Regulation, EU member states would be responsible for enforcement.

This proposed Regulation differs from EU's directive on corporate sustainability due diligence⁸¹ as that directive focuses on establishing a system within company law and corporate governance to address human rights and environmental abuses in companies' own operations, their subsidiaries' operations, and their value chains. Companies are required to engage with business partners in their value chains to remedy such violations. By contrast, the forced labor proposal will effectively prohibit placing on the EU market of products made with forced labor as well as their export from the EU.

EU Proposed Regulation On Forced Labor

EU Directive on Corporate Sustainability Due Diligence Corrective

On June 1, 2023, the EU adopted amendments to the corporate sustainability due diligence directive regulation and amending directive.⁸²

The amendments expand the categories of covered entities from those originally proposed to include EU-based companies with more than 250 employees and a net annual revenue worldwide of at least 40 million euros; parent companies with more than 500 employees and a net annual revenue worldwide of at least 150 million euros; or non-EU companies with \$150 million net annual revenue if at least 40 million euros were generated in the EU.

Financial institutions were originally excluded from the proposed directive, but the adopted amendments require institutional investors and asset managers specifically to comply with the directive, including conducting due diligence on their clients.

Noncompliant companies would be liable for damages and can be sanctioned by national supervisory authorities. Sanctions include measures such as “naming and shaming,” taking a company’s goods off the market, and fines of at least 5% of the net worldwide turnover. Non-EU companies that fail to comply with the rules would be banned from public procurement in the EU.

According to the text adopted, the new obligations would apply after three or four years depending on the company’s size. Small companies would be able to delay applying the new rules by one year.

Parliament’s negotiating position was adopted with 366 votes in favor, 225 against, and 38 abstentions.

The next steps for the proposed directive include trilogue discussions between the Parliament, the European Council, and the European Commission.

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