

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

United States of America – 2023

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations, b) The most representative workers organizations, c) The competent authorities.

92. To which employers organizations was the report sent? [12] Please provide the list

U.S. Council for International Business (USCIB).

93. To which workers organizations was the report sent? [13] Please provide the list

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

94. Please describe the consultation process(es). [10.2]

The draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards (TAPILS), a subgroup of the President's Committee on the ILO which includes representatives from the USCIB, the AFL-CIO, and other government agencies. The report was also reviewed by relevant government agencies responsible for administering policies and programs to address forced labor that are not members of TAPILS.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes. Legislation developed following public debate which includes organizations representative of employers and workers. Similarly, the implementation of regulations supporting legislation is done following a notice and comment procedure that provides an opportunity for participation by employer and worker organizations. Finally, the Congressional oversight process provides an opportunity for public comment on the Executive Branch implementation of legislation and regulations.
84. Please provide details and provide any relevant URL(s) [6.2]	N/A
95. Did employers organizations comment on the report? [11a]	Yes
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes. Legislation developed following public debate which includes organizations representative of employers and workers. Similarly, the implementation of regulations supporting such legislation is done following a notice and comment procedure that provides an opportunity for participation by employer and worker organizations. Finally, the Congressional oversight process provides an opportunity for public comment on the Executive Branch implementation of legislation and regulations.
84. Please provide details and provide any relevant URL(s) [6.2]	N/A
96. Did workers organizations comment on the report? [11b]	Yes
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?

The United States has not ratified Convention No. 29.

62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?

No change.

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]

Yes

65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]

No change.

66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?

N/A (This question is not open to a response, because the answer to question 63 indicates that the U.S. has a national policy and plan of action in place).

67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]

N/A (This question is not open to a response, because the answer to question 63 indicates that the U.S. has a national policy and plan of action in place).

68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]

Yes

69. Please describe these measures. [1.5]

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70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]

No change

71. Please describe these data. [1.6.1]

See Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons for FY 2022, which contains information on data compilation and other related practices.

72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	N/A (This question is not open to a response, because the U.S. collects data on forced or compulsory labor).
Measures taken or envisaged for systematic and coordinated action	
64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]	No change.
Measures taken or envisaged to prevent forms of forced labour	
74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Yes
75. If so, please indicate the type of measures, [2.2]	a) Information, education and awareness raising targeting especially people in vulnerable situation and employers, b) Strengthening and broadening of the coverage of legislation, particularly labour law, c) Regulation and supervision of the labour recruitment and placement process, d) Supporting due diligence by the public and private sectors, e) Addressing the root causes that perpetuate forced labour, f) Promotion of safe and regular migration, g) Education/vocational training, h) Capacity building for the competent authorities, i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations, j) Basic social security guarantees, k) Other.
75.a. Please provide a description of measures taken or envisaged:	As reported previously, the Department of Health and Human Services (HHS) assists individuals who have experienced trafficking and those at risk of human trafficking by funding the National Human Trafficking Hotline (NHTH), a 24/7, confidential hotline that provides information and referrals in more than 200 languages for potential victims, survivors, and witnesses of human trafficking. In FY 2022, the NHTH received reports of 10,013 potential human trafficking cases ³⁴ (a decrease from reports of 10,983 potential human trafficking cases in FY 2021) involving 16,775 potential victims. Of the potential trafficking cases reported, 6, 592 were potential sex trafficking cases, 1, 284 were potential labor trafficking cases, 617 were potential sex and labor trafficking cases, and 1, 520 were classified as other or not-specified cases.
75.d. Please provide a description of measures taken or envisaged:	In September 2022, DOL released an updated version of the Comply Chain ³⁶ app and web-based tool, which provides companies and industry groups with a step-by-step guide to develop robust social compliance systems and root out child labor and forced labor from global supply chains. The September 2022 version contains considerable content updates across all areas of the app, including a dozen specific examples that incorporate worker voice – the ability of workers to speak out and influence decision-making to

	ensure their rights, entitlements, and safe working conditions – as a fundamental component of each step in due diligence to address child labor and forced labor in global supply chains. In September 2022, DOL also updated the Better Trade Tool,³⁷ which integrates existing DOL data on international child labor and forced labor with U.S. import trade data. New risk-management tools for the facilities services and management sector were also developed for the site https://www.responsiblesourcingtool.org/.
75.e. Please provide a description of measures taken or envisaged:	The Secretary of State's Office of Global Women's Issues (S/GWI) seeks to advance gender equity and equality and the empowerment of women and girls globally, including through efforts to prevent and respond to gender-based violence.

Measures taken or envisaged to protect victims of forced labour

76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]	Yes
77. If so, please indicate the type of measures [3.2]	a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, f) Protection of privacy and identity, g) Appropriate accommodation, h) Specific measures for children, i) Specific measures for migrants, j) Other.
77.b Please provide a description of measures taken or envisaged:	Under the Trafficking Victims Protection Act of 2000 (TVPA), federal agencies must extend specified benefits to human trafficking victims and are authorized to provide grants to facilitate such assistance. Federal law also requires the Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of Labor, to establish a program to assist U.S. citizens and noncitizens lawfully admitted for permanent residence in the United States who are human trafficking victims. HHS issues Certification Letters to foreign national adults and Eligibility Letters to foreign national minors who have been subjected to a severe form of trafficking in persons and meet eligibility criteria outlined in the TVPA, as amended. These letters allow recipients to apply for benefits and services, such as financial assistance, medical care, and housing assistance, to the same extent as refugees. HHS issues a Certification Letter to a foreign national adult who has received Continued Presence or a T1 visa from the Department of Homeland Security.
77.c Please provide a description of measures taken or envisaged:	For the one-year period from July 1, 2021, through June 30, 2022, DOJ's Office for Victims of Crime (OVC) grantees providing direct services to human trafficking victims across the country reported 5,418 new clients who began receiving OVC-funded services for human trafficking victims and 10,972 existing clients from previous reporting periods who required ongoing services or who

	resumed services after their cases were previously closed. The 16,390 total clients represented a significant increase from the 10,070 clients reported by OVC grantees in the prior 12 months. HHS' Office on Trafficking in Persons (OTIP) funded comprehensive case management and support services for foreign national victims of human trafficking through its Trafficking Victim Assistance Program (TVAP). In FY 2022, the TVAP grant recipient, U.S. Committee for Refugees and Immigrants, served 2,527 foreign national victims and 1,496 qualified family members (an increase from 2,047 foreign national victims and 1,414 qualified family members served in FY 2021).
77.j Please provide a description of measures taken or envisaged:	The forthcoming Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons for FY 2022 will contain information about other related measures.

Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Yes
79. If so, please indicate the type of measures, [4.2]	a) Information and counselling for victims regarding their rights, b) Free legal assistance, c) Cost-free proceedings, d) Development of forced labour indicators, e) Access to remedies and compensation, f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges, g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit, h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.
79. b. Please provide a description of measures taken or envisaged:	The Legal Services Corporation (LSC), an independent nonprofit corporation established by Congress to provide financial support for civil legal aid to low-income Americans, recorded 436 human trafficking case closures in calendar year 2022 (a significant increase from 241 human trafficking case closures in calendar year 2021). For 2022, LSC staff closed 435 cases and private attorneys closed one case.
79. e. Please provide a description of measures taken or envisaged:	Federal law requires defendants convicted of human trafficking offenses to forfeit any property that facilitated, or was proceeds of, their criminal conduct. ⁶² Moreover, federal law mandates that human trafficking victims receive restitution for the full amount of their losses and directs that forfeited assets be used to satisfy restitution orders as a matter of first priority. ⁶³ For example, in a forced labor case, a defendant may be ordered to pay restitution to victims for the value of unpaid wages, unpaid overtime, liquidated damages, and victims' losses, such as medical services (physical, psychiatric, psychological), occupational therapy or rehab, transportation, temporary or permanent housing, child care expenses, and attorneys' fees or

¹ 62 See 18 U.S.C. § 1594.

² 63 See 18 U.S.C. §§ 1593–1594.

	costs. ⁶⁴ As part of its interagency collaboration, DOL's WHD helped federal law enforcement partners compute restitution owed to victims in FY 2022.
80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Yes, As previously reported, the laws regarding forced or compelled labor in the United States, such as the Thirteenth Amendment to the U.S. Constitution and its implementing legislation, and 18 U.S.C. § 1581 et seq. (Peonage, Slavery, and Trafficking in Persons), apply equally to all people in the United States. Some of the programs discussed above that assist victims in accessing remedies have particular eligibility requirements.
Non-prosecution of victims for unlawful acts that they would have been forced to carry out	
79.g. Please provide a description of measures taken or envisaged:	As reported previously, over 40 states have enacted laws to allow trafficking victims to vacate or seal charges or convictions where criminal activity may have been committed as part of the trafficking situation; these statutes vary from state to state. The Trafficking Victims Protection Reauthorization Act of 2017, passed in December 2018, authorizes the Department of Justice to prioritize law enforcement applicants under certain grant programs that will use grant funds to "take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization."
Cooperation with other Member States, international / regional organizations or NGOs	
81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]	Yes
82. Please briefly describe the modalities of this cooperation. [5.2]	DOL's ILAB obligated a total of \$ 38.9 million in FY 2022 for six new projects and three cost increases for ongoing projects designed to combat forced labor around the world. State's Office to Monitor and Combat Trafficking in Persons (TIP Office) manages a diverse portfolio of grant projects designed to strengthen efforts outside of the United States to prosecute traffickers, protect victims, and prevent human trafficking. The TIP Office awards grants to strengthen legal frameworks, build governmental capacity, enhance victim identification and protection and support other anti-trafficking activities. The TIP Office supports cross-cutting programs that address multiple elements of the "3P" paradigm: prosecution, protection, and prevention.

³ 64 See 18 U.S.C. § 2259(b)(3).

	In FY 2022, the Bureau of Population, Refugees, and Migration's (PRM) Office of International Migration provided funding to regional projects implemented by the IOM to build the capacity of host governments and civil society to identify, protect, and assist vulnerable migrants, including victims of trafficking, in Africa, Asia and the Western Hemisphere. State's Bureau of International Narcotics and Law Enforcement Affairs' (INL) foreign assistance programming aims to help partner countries address illicit drug challenges, combat transnational crime and corruption and strengthen criminal justice institutions to deliver fair and effective justice. INL works directly with partner countries' law enforcement, as well as through DOJ's Office of Overseas Prosecutorial Development, Assistance and Training and CEOS, DHS, and State's TIP Office, to support training and case-based mentoring of counterparts to prosecute human traffickers.
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Promotional activities

90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]	N/A
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Special initiatives or Progress

85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]	Policy initiatives: In FY 2022, the Senior Policy Operating Group (SPOG) continued to coordinate federal efforts to combat human trafficking. Legislative developments. No change See however Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons for FY 2022. Monitoring/ Labour Inspectorate. In 2022, the US Department of Labor's (DOL) Wage and Hour Division (WHD) conducted investigations across industries that are historically vulnerable to labour exploitation, including agriculture, restaurants, construction, food processing, manufacturing, and the garment sector. WHD investigators are uniquely positioned to detect and refer potential indicators of human trafficking to the appropriate law enforcement authorities. WHD worked with criminal law enforcement agencies in 22 trafficking cases by making referrals, receiving referrals for investigation under WHD laws, and assisting with the computation of restitution for victims.
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CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective	State's 2022 <i>Trafficking in Persons Report</i> ⁷¹ discusses challenges for countries around the globe in preventing and addressing trafficking in persons, including forced labor. The United States country narrative
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and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	notes challenges in preventing human trafficking, including forced labor, and makes specific recommendations for improvement. Additionally, the forthcoming Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons for FY 2022 will also contain information that is responsive to this question.
TECHNICAL COOPERATION NEEDS	
Request	
87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]	No
88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]	N/A. (This question is not open to a response, because the answer to question 87 indicates that the U.S. is not in need of technical assistance at this time).
89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.	N/A