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**Using the U.S. Tariff Act To Combat Forced Labor:
New Guide Released**

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WASHINGTON, D.C. – Rubber gloves. Binder clips. Tobacco. Gold. Diamonds. Tuna. Toys. These are just some of the goods blocked from entering the United States by an obscure law that bans products made with forced or prison labor from entering U.S. markets. That law, the Tariff Act of 1930, is the subject of a new practice guide issued today by [The Human Trafficking Legal Center](#). The guide, titled *Importing Freedom: Using the U.S. Tariff Act to Combat Forced labor in Global Supply Chains*, explains how trade law can be used as a tool to halt imports tainted by forced labor abroad.

The International Labor Organization estimates that nearly 25 million men, women, and children are held in all forms of forced labor around the globe. Workers held in forced labor make the goods that American consumers use every day. Weak laws, corruption, and a lack of political will have allowed this abuse to continue with impunity.

Criminal prosecution has failed as a tool to curtail forced labor. Why? Because there are almost no prosecutions. In 2018, the U.S. State Department estimates that there were just 457 forced labor prosecutions in the entire world. That is one prosecution for every 43,982 people that the ILO estimates are held in forced labor around the globe. As we mark the 20th anniversary of the Trafficking Victims Protection Act and the U.N. Trafficking Protocol, it is time to take stock and explore new, creative remedies.

It is also time to dust off old remedies, full of potential. The Tariff Act is one such remedy. Today, June 17, 2020, marks the 90th anniversary of the Smoot-Hawley Tariff Act, also known as the U.S. Tariff Act of 1930. The Tariff Act, passed into law ninety years ago today, included an obscure provision to combat forced labor, Section 307. That provision prohibits the entry of merchandise produced using forced labor, forced child labor, indentured labor, or convict labor.

Today's new publication, *Importing Freedom: Using the U.S. Tariff Act to Combat Forced labor in Global Supply Chains*, is a guide for advocates and workers. The guide explains the nuts and bolts of petitioning the U.S. Government to block a product from entry at a U.S. port. Anyone can file such a petition. It is enough for U.S. Customs and Border Protection, the agency that administers the law, to find *reasonable* proof of forced labor in the overseas production of the

goods. If such proof is provided, the U.S. Government can issue a detention order, called a Withhold Release Order, to block the goods' entry to the U.S. market.

A recent surge in the number of Withhold Release Orders issued by Customs and Border Protection is an indication of the law's potential to combat forced labor. On May 14, 2020, the U.S. Government blocked entry of fish caught by a Taiwanese shipping vessel over allegations of forced labor. On May 1, 2020, the U.S. Government issued an order detaining hair products from a manufacturer in Xinjiang, China. Since 2016, Customs and Border Protection has issued a total of 15 Withhold Release Orders to block products' entry into the United States. In all, since 1930, the federal government blocked shipments tainted with forced or prison labor on 48 occasions.

The practice guide includes information on previous Withhold Release Orders blocking imports. The guide also includes a sample template for drafting petitions to U.S. Customs and Border Protection to request the agency block entry of specific goods tainted by forced labor.

According to Anasuya Syam, Trade Policy and Human Rights Advisor at the Human Trafficking Legal Center and author of the guide, said, "The Tariff Act prohibition on forced labor has tremendous potential as a tool to eradicate forced labor in supply chains."

Sarah Bessell, deputy director of the Human Trafficking Legal Center, said, "It is clear that a criminal justice approach to human trafficking is utterly insufficient. Advocates must use all the tools at their disposal to end impunity for these abuses. Advocates have the power to petition the government to block goods made with forced labor from entering the U.S. market. The guide seeks to unlock this remedy. The ultimate goal is to end forced labor in supply chains."

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About the Human Trafficking Legal Center

At the Human Trafficking Legal Center, we believe when human trafficking survivors have lawyers, survivors have rights. We create a bridge between trafficking survivors and highly skilled pro bono legal representation. Together, we work to hold traffickers accountable for their crimes through civil litigation and criminal restitution. The Human Trafficking Legal Center seeks compensation for survivors so that they can reclaim their lives. We are a non-profit organization, monitoring the federal government and working to improve federal policy to benefit trafficking survivors. Learn more at www.htlegalcenter.org. Follow the Human Trafficking Legal Center on [Facebook](#), [Twitter](#), and on [LinkedIn](#).