

Modern slavery in the United States

Global Slavery Index 2023 Country Study



KEY STATS

Population (2021) 331,003,000

GDP per capita, PPP (Current intl \$) \$63,028

3.3

PREVALENCE OF
MODERN SLAVERY
per 1,000 people

1,091,000

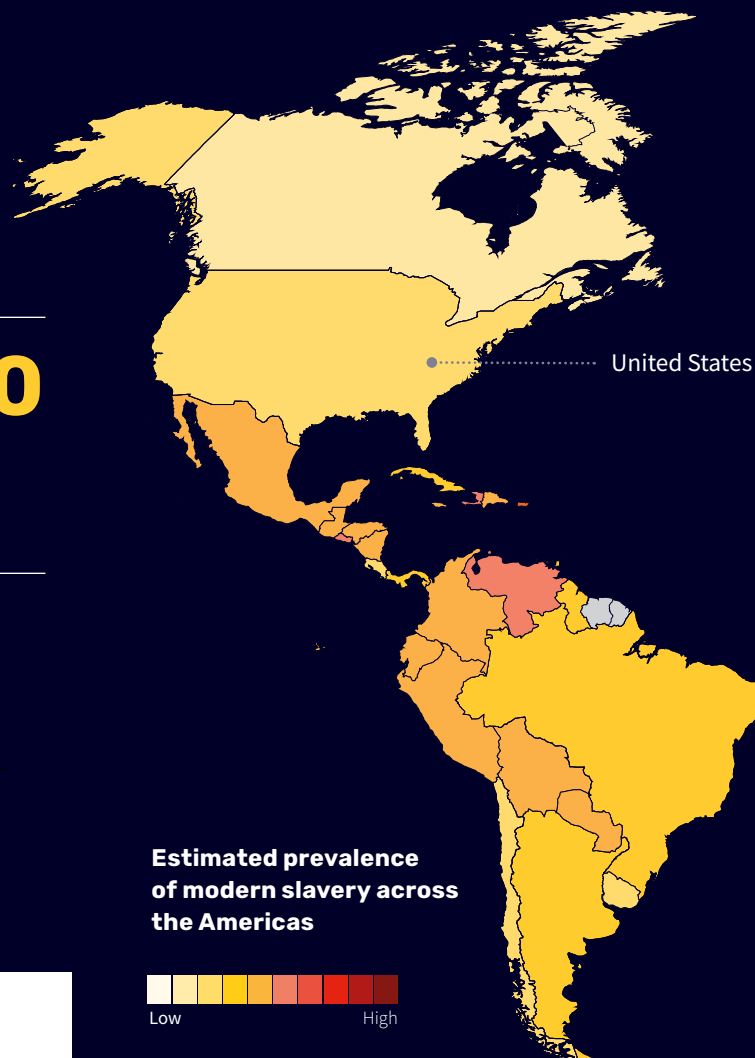
ESTIMATED NUMBER
OF PEOPLE LIVING IN
MODERN SLAVERY

25/100

VULNERABILITY TO
MODERN SLAVERY

67/100

GOVERNMENT RESPONSE
TO MODERN SLAVERY



Overview

The United States (US) – as the wealthiest nation in the Americas – demonstrated the most action to respond to modern slavery in the region, and had the equal second strongest response globally behind the United Kingdom. This reflects robust measures to identify and support survivors and action to eliminate modern slavery from supply chains, including through the introduction of the Uyghur Forced Labour Prevention Act in 2021.¹ However, several key gaps in the response remain, such as the absence of legislation criminalising forced marriage and setting a minimum age of marriage at 18 without exceptions. Prevalence of modern slavery is among the lowest of countries in the Americas, yet the estimated total number of people living in modern slavery is the highest of all countries in the region. Vulnerability is largely driven by discrimination towards migrants and minority groups,² irregular migration and organised crime along the US-Mexico border,³ poverty,⁴ and the use of state-imposed forced labour within the prison system,⁵ which critically undermines the government's response.

Prevalence

The 2023 Global Slavery Index (GSI) estimates that on any given day in 2021, there were 1.1 million people living in modern slavery in the US, a prevalence of 3.3 people in modern slavery for every thousand people in the country. This places the US among countries with the lowest prevalence of modern slavery in the region (21 out of 25) and globally (122 out of 160), but represents the highest estimated total number of people in modern slavery in the Americas, accounting for over one-fifth of people in modern slavery across the region. While data on modern slavery are not aggregated at the national level – making the true number of cases reported difficult to ascertain – the National Human Trafficking Hotline (NHTH) reported receiving 10,360 reports of suspected human trafficking cases in 2021.⁶

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Forced Labour

State-imposed forced labour

The government's response to modern slavery is undermined by the presence of state-imposed forced labour within the prison system.⁷ Under the Thirteenth Amendment of 1865, a sentence of involuntary servitude can be given for an offence.⁸ Prisoners are excluded from the scope of labour law protections – including those that prohibit forced labour – as compulsory prison labour is considered a legal punishment rather than an economic activity.⁹ While international law permits compulsory prison labour under certain conditions, it cannot be used for the benefit of private parties unless additional requirements are met.¹⁰ Detainees in US private prisons, including pre-trial detainees, and migrants in detention centres allege that they have been forced to work without pay under the threat of punishment.¹¹

The US has the world's largest prison population rate on record, therefore the risk of state-imposed forced labour is particularly concerning.¹² The burden of risk is disproportionately borne by people of colour, who are over-represented among US prison populations.¹³ The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has urged the government to take steps to ensure prison sentences involving compulsory labour are not disproportionately issued due to racial discrimination in the criminal justice process.¹⁴ Notably in December 2020, a joint resolution was introduced to amend the Constitution and prohibit involuntary servitude from being used to punish offenders.¹⁵ At the time of writing, it has not yet progressed into law.

Forced labour exploitation

In 2021, the NHTH received 1,066 reports of potential cases of labour trafficking, primarily in domestic work, agriculture and farming, construction, retail, hospitality, and illicit activities, among other sectors.¹⁶ A further 400 reports of trafficking for both labour and sexual exploitation were received, mostly in domestic work, illicit activities, and the illicit massage and spa business. The majority of victims identified in labour trafficking were adults (81 per cent), and more than half of all victims were foreign nationals (55 per cent).¹⁷

The risk of forced labour is well-documented in the domestic work sector.¹⁸ Domestic workers in the US are exploited through passport withholding, physical and verbal abuse, and isolation, among other harmful measures.¹⁹ In 2021, 185 potential cases of labour trafficking, and 59 cases of labour and sex trafficking within domestic work were reported to the NHTH.²⁰ Risks are also present in agriculture; of cases reported to the NHTH in 2021, 117 (11 per cent) involved forced labour in agricultural farms, making it the second most commonly reported sector.²¹ Migrant workers from Mexico and Central America have reportedly experienced exploitation in agricultural farms in South Georgia, including gun violence and passport and document confiscation.²²

Forced labour of children is also reported in the US, including among unaccompanied migrant children.²³ Unaccompanied children from Central America are reportedly deceived by sponsors and forced to work through debt bondage in food

packing, agriculture, manufacturing, and fashion.²⁴ In 2019, a Federal Judge sentenced a couple from Texas to imprisonment and ordered them to pay US\$288,620 for forced labour and other offences, after they trafficked a child from Guinea and exploited her in domestic servitude for 16 years.²⁵ From June 2019 to June 2020, the government recorded 200 child victims of trafficking for forced labour.²⁶

Forced commercial sexual exploitation of adults

The NHTH received just under 7,500 reports of potential cases of sex trafficking in 2021, primarily in pornography, the illicit massage and spa business, the hotel sector, and residence-based commercial sex.²⁷ Reports to the hotline indicate that violence, confinement, threats, and confiscation of identity documents were used to subject women to forced sexual exploitation in hotels and motels.²⁸ Between July 2019 and June 2020, 6,077 victims of sex trafficking were reported through the Department of Justice's Office for Victims of Crime (DOJ OVC), of whom 94 per cent were women and girls.²⁹

Commercial sexual exploitation of children

Between June 2019 and 2020, 1,744 child victims of sex trafficking were reported through the DOJ OVC, including girls (1,600), boys (119), and transgender children (25). The 2021 Federal Human Trafficking Report indicates that more than half of the victims identified in all new criminal human trafficking cases in 2021 were children, including sex trafficking cases where they accounted for 66 per cent of victims.³⁰ The Internet was the primary mechanism used for soliciting buyers in sex trafficking cases in 2021 (85 per cent).³¹

Forced marriage

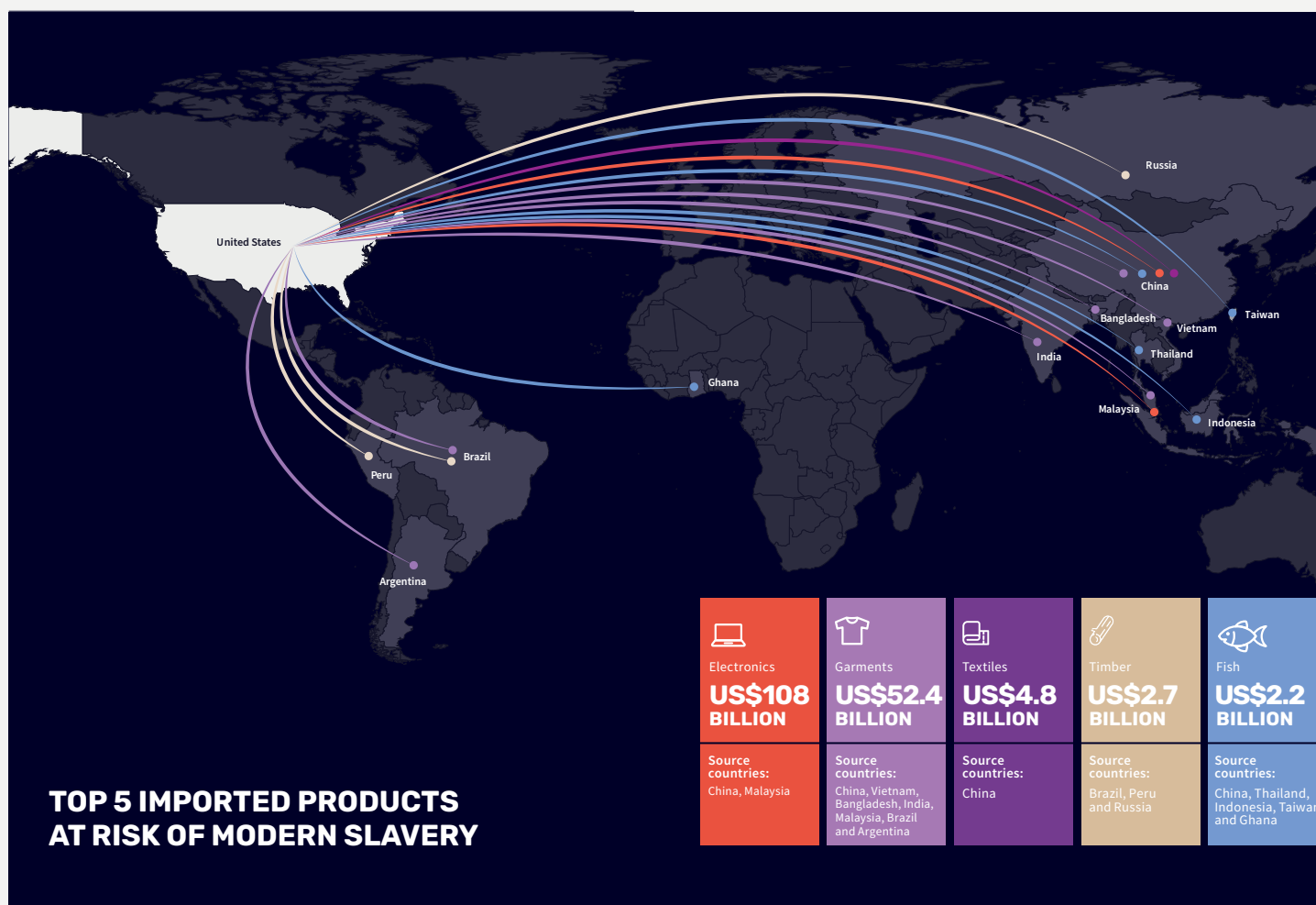
Recent data on the prevalence of forced marriage among adults in the US is limited,³² however child marriage – a form of forced marriage – is widely documented, and continues to be legal in eight states.³³ According to a 2021 study, almost 300,000 children were legally married in the US between 2000 and 2018.³⁴ Around 96 per cent of these marriages involved children aged 16 to 17, however some children were married as young as 10. Girls represented over 86 per cent of child marriage victims and most were forced to marry adult men.³⁵ Forced marriage in the US also impacts children born outside the country; in 2022, Tahirih Justice Centre reported that between 2000 and 2017, over 8,500 marriage-based visa petitions were approved, each involving at least one person under 18 years old.³⁶

Imported products at risk of modern slavery

The US is not only affected by modern slavery within its borders: as one of the world's largest economies, the US – like other G20 countries – is exposed to the risk of modern slavery through the products it imports. Nearly two-thirds of all forced labour cases are linked to global supply chains, with workers exploited across a wide range of sectors and at every stage of the supply chain. Most forced labour occurs in the lowest tiers of supply chains; that is, in the extraction of raw materials and in production stages.³⁷ Given the G20's level of influence in the global economy, it is critical to examine their imports at risk of forced labour and efforts to address this risk. The US imports US\$169.6 billion products at-risk of being made using forced labour annually. Table 1 below highlights the top five most valuable products (according to US\$ value per annum) imported by the US that are at risk of being produced under conditions of modern slavery.

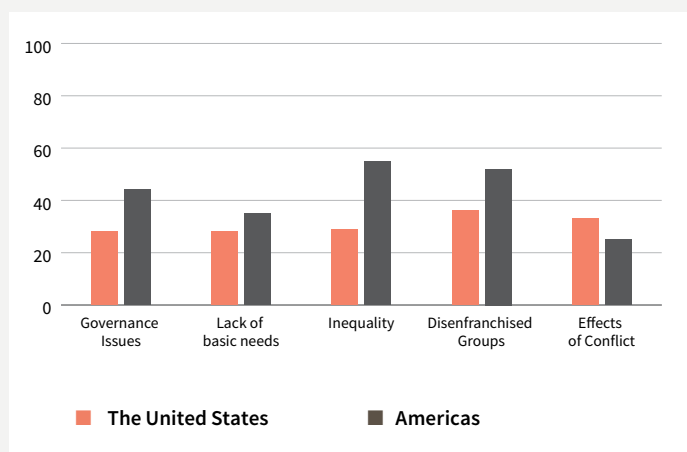
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Vulnerability to modern slavery

Figure 1.
Vulnerability of the United States to modern slavery by dimension, compared to the regional average



Overall, the US is among the least vulnerable countries to modern slavery in the Americas, yet certain groups are particularly at risk, with vulnerability primarily driven by a lack of acceptance of migrants, racial and gender discrimination, poverty, and forced labour imposed by the state.

A Gallup national poll conducted in 2023 indicates there has been an intensification in negative attitudes towards immigration in the US over the past year, with satisfaction reaching its lowest level in a decade.³⁸ The poll also found that most Americans view illegal immigration as a threat to national security.³⁹ This follows anti-migrant rhetoric and harmful immigration policies implemented during the Trump presidency⁴⁰ and the COVID-19 pandemic,⁴¹ which has seen increasing numbers of migrants and asylum seekers turned away at the US-Mexico border⁴² – the world's largest migration corridor.⁴³ US Customs and Border Protection (CBP) reportedly detained or denied access to over two million migrants at the southern border in the 2022 financial year, including over 152,000 unaccompanied children.⁴⁴ Many of those seeking to enter the US are fleeing conflict, persecution, and violence in the region.⁴⁵ Those who migrate irregularly lack protections and are vulnerable to violence, extortion, kidnapping, and human trafficking by organised crime groups who operate a US\$13 billion smuggling industry along the border.⁴⁶

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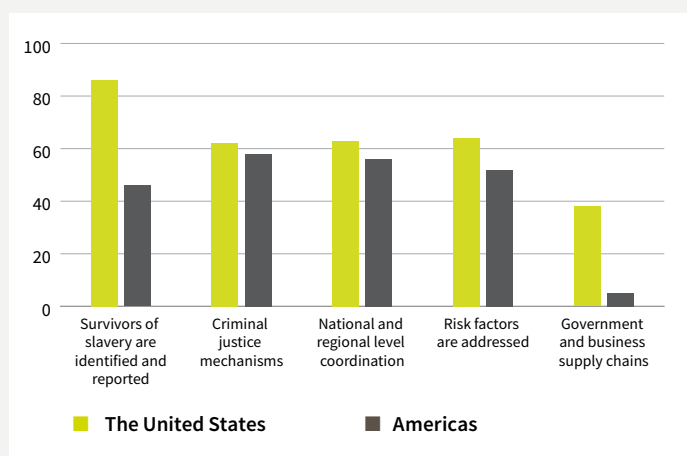
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Systemic racism also impacts vulnerability in the US. People of colour may be disproportionately vulnerable to forced labour in the prison system where they are significantly over-represented, in part due to over-policing and historical mass criminalisation of their communities.⁴⁷ People of colour and ethnic minority groups are also more likely to be living in poverty compared to the non-Hispanic white population.⁴⁸ Poverty and debt, as well as lack of legal status and limited language skills were identified as key drivers of vulnerability among adult victims of human trafficking in 2021.⁴⁹ Those employed in domestic work are also far more likely to be living in poverty compared to any other sector in the US.⁵⁰ Women of colour and ethnic minorities make up the majority of this workforce,⁵¹ increasing their risk of exploitation in the sector.

Since the 2018 GSI, the political environment has grown increasingly hostile towards women, with a number of new laws and policies imposing greater restrictions on women's rights. For example, the right to abortion has been near or totally banned in 21 states following the overturning of *Roe v Wade*, which established the constitutional right to abortion in the US.⁵² Women and girls also make up the majority of victims of forced sexual exploitation⁵³ and forced marriage.⁵⁴ Girls accounted for all victims of CSEC identified in 2021, with vulnerability primarily driven by homelessness, being in the foster care system, running away, being undocumented, previous trafficking experiences, or identifying as a member of the LGBTQI+ community.⁵⁵ Risk increased during the pandemic as children had reduced access to protective environments such as schools.⁵⁶

Government response to modern slavery

Figure 2.
Government of the United States's responses to modern slavery by milestone, compared with the regional average



The US demonstrated the most action to respond to modern slavery in the Americas; it had the strongest response out of 32 countries assessed in the region, and the equal second strongest response globally behind the United Kingdom. The US is also the wealthiest country in the region in terms of GDP per capita,⁵⁷ meaning it has more resources to dedicate to addressing modern slavery.

The US has taken the most action of any country to identify and support survivors. The government funds the NHTH – a free multilingual service operated by Polaris, which is available to receive reports of human trafficking⁵⁸ – and specialised services for survivors are funded through DOJ and the Department of Health and Human Services (HHS), including mental and physical health care, legal and financial aid, job training and placement, and housing and shelter.⁵⁹ However, a lack of access to services for males and the LGBTQI+ community has been reported.⁶⁰ Promisingly in December 2021, the Debt Bondage Repair Act (DBRA) was signed into law, prohibiting consumer reporting agencies from disclosing adverse credit information about a consumer if it was caused by a situation of human trafficking.⁶¹

The US criminalises peonage and involuntary servitude, but Amendment 13 of the Constitution allows for a sentence of involuntary servitude can be given for an offence.⁶² Human trafficking is criminalised under the Victims of Trafficking and Violence Protection Act, 2000 (TVPA),⁶³ and forced labour⁶⁴ and CSEC⁶⁵ are criminalised under sections 1589 and 1591 of the US Code respectively. The TVPA recognises that victims should not be treated as criminals for crimes committed while in modern slavery,⁶⁶ yet the arrest of children on prostitution charges continues. Only 27 states and the District of Columbia have reportedly prohibited the criminalisation of children for engaging in prostitution.⁶⁷ In 2020, more than 100 children were arrested for prostitution and commercialised vice offences.⁶⁸

Several other gaps in the legal framework exist. The US is not party to several key international conventions related to the elimination of modern slavery, including the ILO Forced Labour Convention, 1930, the ILO Domestic Workers Convention 2011, the Convention on the Elimination of All Forms of Discrimination Against Women, 1981, and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964. Forced marriage is not criminalised in national legislation, and eight states do not establish a minimum age of marriage.⁶⁹ Further, there is no minimum age for foreign spouse or fiancé visas, allowing child marriage to occur overseas.⁷⁰ There have been improvements since the 2018 GSI: 16 states have set a minimum marriage age at 16 and 17 years old,⁷¹ six states have limited the age of marriage to 18 years old, except for emancipated minors (children freed from control of their parents or guardian before the age of majority),⁷² and promisingly, seven states have established 18 years as the minimum age of marriage without exceptions.⁷³

The national response to modern slavery is coordinated by the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, which includes collaboration with NGOs.⁷⁴ Survivors are also consulted in response efforts through the US Advisory Council on Human Trafficking.⁷⁵ In 2021, the government launched the National Action Plan to Combat Human Trafficking,⁷⁶ and while it is unclear whether funding has been allocated to all activities within the national action plan, notably the US has directed substantial funding towards anti-trafficking programs, committing almost US\$87 million in 2021.⁷⁷

The government has also taken steps to address risk factors: as of March 2023, the Domestic Workers Bill of Rights Act, 2021 – which seeks to strengthen protection for domestic workers⁷⁸ – has been recognised in 10 states, two cities, and the District of Columbia.⁷⁹ However several risks remain unaddressed, and in some cases, are exacerbated by government policies and practices. For example, migrant workers are vulnerable to exploitation under guestworker programs that tie them to their employers. The H-2A and H-2B guestworker programs provide temporary visas for migrants to work in agricultural and non-agricultural jobs respectively,⁸⁰ however if an employer no longer wishes to employ them, migrants can lose their status and right to remain in the US.⁸¹ This dependence creates a steep employer-employee power imbalance, leaving migrant workers vulnerable to abuse and exploitation.

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In addition, the Department of Homeland Security (DHS) detained at least 660 unaccompanied children in hotels in 2020 – some for up to 38 days – disregarding TVPA's requirement to transfer children to the Department of Health and Human Services (DHHS) within 72 hours.⁸² While the government lifted Title 42 in May 2023, which restricted immigration during the pandemic and allowed the immediate deportation of asylum seekers, strict new immigration policies are set to make it even more difficult for asylum seekers to gain protection in the US.⁸³

The US implements several measures to combat modern slavery in supply chains, including through the Tariff Act of 1930, which prevents the import of goods made with forced labour,⁸⁴ and the List of Goods Produced by Child Labor or Forced Labor, produced by the Department of Labor,⁸⁵ and has strengthened efforts since 2018. For example, the government passed the Uyghur Forced Labour Prevention Act, 2021 to prevent the import of goods made with forced labour in the Xinjiang Uyghur Autonomous Region of China.⁸⁶ It also introduced Business Supply Chain Transparency on Trafficking and Slavery Act, 2020, which if passed, will require businesses to disclose measures to prevent modern slavery in their supply chains.⁸⁷ Despite these positive steps to address modern slavery, critical gaps remain – chief among them, the government's use of state-imposed forced labour within its own borders through the prison system, which undermines its overall response.



THE GLOBAL SLAVERY INDEX 2023



WALK FREE

For more information on modern slavery, visit the Global Slavery Index 2023 website.



Recommendations

1

Survivors identified and supported

- Ensure survivor support services and shelters cover all populations, including males and members of the LGBTQI+ community.
- Improve screening for indicators of modern slavery among vulnerable populations including migrants and asylum seekers, and ensure unaccompanied children are referred to the DHHS to receive support services.

2

Criminal justice mechanisms

- Ratify international conventions including the ILO Forced Labour Convention, 1930 and Domestic Workers Convention 2011, and enact federal legislation criminalising forced marriage in line with international standards.
- Enforce federal legislation prohibiting the criminalisation of victims, including children exploited in commercial sex.

3

National and regional level coordination

- Fully fund and implement the National Action Plan to Combat Human Trafficking 2021.

4

Risk factors are addressed

- Immediately end state-imposed forced labour within the prison system by repealing legislation and criminalising practices that allow state-imposed forced labour to occur.
- Raise the minimum legal age of marriage to 18 without exceptions in all states and establish protections in legislation to prevent the inclusion of minors in visas for foreign spouses and fiancés.
- Strengthen efforts to protect vulnerable populations at the US-Mexico border by repealing hostile migration policies that place national security above human rights, expanding the provision of safe and regular migration pathways, and by screening asylum seekers and irregular migrants for modern slavery indicators, regardless of how they arrived in the country.
- Enforce the Domestic Workers Bill of Rights Act to strengthen protections for domestic workers, and reform the H-2A and H-2B guestworker programs such that visas are not tied to specific employers and migrants are granted a grace period to find alternative employment, rather than losing their right to work in the US.

5

Government and business supply chains

- Introduce mandatory human rights due diligence to prevent the government and businesses from sourcing goods or services linked to modern slavery.

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