

LATIN AMERICA REGIONAL FORUM

*Due Diligence in
Human Rights as a
Mechanism to
Combat Forced
Labor and Human
Trafficking.*

DATES: APRIL 16 & 17, 2024
LOCATION: ONLINE



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FREEDOM FROM SLAVERY FORUM SERIES



The Freedom from Slavery Forum was established in 2013 to gather anti-slavery leaders worldwide to create a space to merge, create partnerships, discuss promising practices, and develop a shared agenda for action. Participants have built relationships and prioritized actions in advocacy and collaboration with other sectors. In 2021, a series of Regional Forums supplemented the annual Global Forum. The 2022-2023 series took place online and in person, providing opportunities to increase access and ensuring grassroots ideas and voices were amplified within the movement. In 2024, the European Forum also became a separate entity, resulting in 7 forums held throughout the year: three in-person forums (North America, Caribbean, Europe) and four online forums (Latin America, Asia, Africa, and MENA). The series will conclude with the Global Forum in 2025.

SPECIFIC OBJECTIVES OF THE FORUMS



The objectives of the Regional Forums are **to explore and define critical strategies for local engagements, identify the best approaches to revitalize the movement, increase resilience and resistance to modern slavery, and determine how these engagements may inform the global synergies**. The Forum is a collegial space to unite stakeholders and strengthen the anti-modern slavery movement. The panels and workshops discuss opportunities, challenges, practices, strategies, and actions to eradicate modern slavery in the regions.

LATIN AMERICA REGIONAL FORUM



The Latin America Regional Forum was held online April 16 & 17. It was attended by 205 participants under the theme, *Due Diligence in Human Rights as a Mechanism to Combat Forced Labor and Human Trafficking*.

Online

April 16 & 17

**Due Diligence in Human Rights
as a Mechanism to Combat
Forced Labor and Human
Trafficking.**

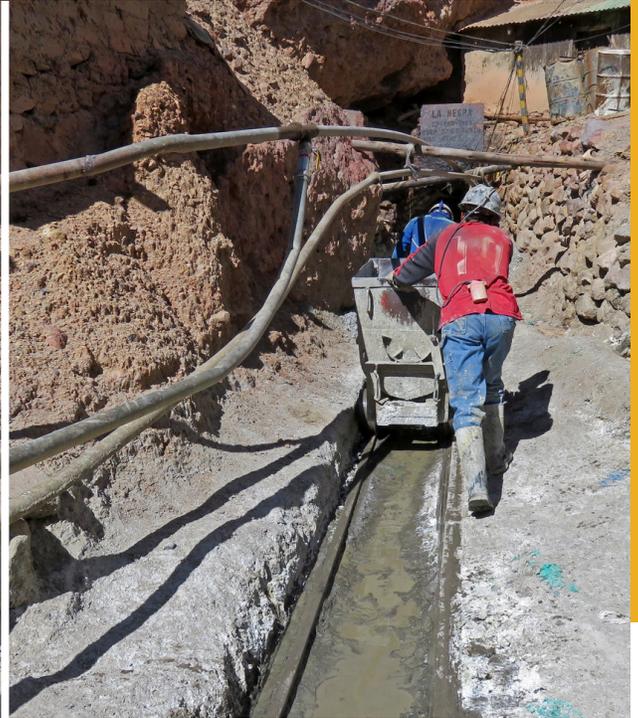
The regional planning committee formed by [Caribe Afirmativo](#), [CIPDH-UNESCO](#), [Free the Slaves](#), [Fundación Libera](#), [ONOTSI](#), [United Justice](#) and [Verité](#), chose Human Rights Due Diligence as the central focus of this year's Forum.

In recent years, the concept of due diligence has been assumed as a key mechanism to achieve corporate responsibility in the face of human rights violations in supply chains. On June 16, 2011, the United Nations approved the [Guiding Principles on Business and Human Rights](#), becoming the first global reference framework.

Since then, there has been a notable increase in human rights due diligence regulations in different countries worldwide. However, these global laws pose unprecedented challenges for compliance and application by multinational companies operating in high-risk regions, such as Latin America. This context allows us to demand due diligence as a mechanism for the prevention of forced labor and human trafficking and the protection of their victims. Latin American civil society must utilize this opportunity to advocate for stricter labour regulations that enforce greater transparency and accountability from companies operating in the region, particularly transnational corporations.

The Forum fostered reflection on the potential of the due diligence mechanism to combat human trafficking, increasing the knowledge on the progress and challenges of regulatory frameworks on due diligence at the global, regional, and national levels, and additionally, generated strategies and mechanisms to address the unique needs and challenges of specific groups in business activities, such as women, migrants, and Indigenous peoples.

The Forum was held on April 16 and 17 and was attended by 205 participants.



SPECIFIC OBJECTIVES OF THE FORUM



Identify strategies and mechanisms to address the special needs and challenges of specific groups of people in business activities, such as women, migrants and indigenous communities.



To learn about grievance mechanisms for the effective redress of rights in the region.



Share due diligence strategies for the prevention of forced labor and human trafficking.



Propose initiatives that promote the inclusion of workers and survivors in the due diligence process



To learn about the progress and challenges of regulatory frameworks on due diligence at the global, regional and national levels.

Day One

REGULATORY CHALLENGES IN THE APPLICATION OF HUMAN RIGHTS DUE DILIGENCE TO COMBAT FORCED LABOR AND HUMAN TRAFFICKING

In recent years, due diligence has been at the heart of the debate regarding the link between the corporate world and human rights. Traditionally opposed worlds, with very different logics and interests that seek a common space capable of providing effective responses to human rights abuses and violations.



DAY ONE FOCUSED ON DEVELOPING ANSWERS TO THE FOLLOWING QUESTIONS:

- 01.** Is it pertinent and necessary for human rights due diligence regulations to be binding?
- 02.** What are the opportunities and gaps in existing regulatory frameworks?
- 03.** Why is due diligence important for Latin America?
- 04.** Can due diligence cross national borders and have extraterritorial application?
- 05.** Should it be fed back with other human rights instruments?
- 06.** Should vulnerable groups require special attention?



CLICK THE VIDEO ICON TO WATCH THE SESSION ON YOUTUBE

PROGRESS, CHALLENGES, AND WEAKNESSES OF REGULATORY FRAMEWORKS ON HUMAN RIGHTS IN DUE DILIGENCE



Adoración Guamán opened the Forum with a presentation on the evolution of the concept of due diligence in human rights. She explained how guidance from the United Nations Guiding Principles on Business and Human Rights (UNGPs), and the guidance of the Organisation for Economic Cooperation and Development (OECD), and the United Nations Binding Treaty, which has been under negotiation for almost a decade, have been instrumental in setting standards. She also mentioned the national French law and German law and EU's Sustainability and Human Rights Due Diligence Directive (CSDDD), which is about to be approved.



"The transition from voluntary to mandatory mechanisms marks a significant shift in the regulatory landscape, emphasizing the urgent need to hold multinational corporations accountable for human rights violations and environmental harm throughout their supply chains."
– Adoración Guamán - Professor at the Valencia's University of Labor and Social Security Law

KEY TAKEAWAYS

Lack of Access to Information

A key weakness of self-regulated due diligence mechanisms is the lack of access to information from these companies about the processes they made, so they cannot be held accountable.

Evolving Nature of Due Diligence Mechanisms

Due diligence mechanisms are dynamic, evolving, and continuously developing as various frameworks are analyzed and adopted throughout their history.

REGULATORY TRENDS ON HUMAN RIGHTS DUE DILIGENCE IN LATIN AMERICA



José Julián Tole and Fernanda Hopenhaym continued with a discussion on regulatory trends in Latin America. José Julián Tole reviewed the evolution of human rights due diligence in the region, highlighting its shift from isolated voluntary initiatives to more concrete Corporate Social Responsibility (CSR) and sustainability frameworks, with recent legislative initiatives focusing on preventive measures and compliance to identify, prevent, and mitigate potential human rights violations within their operations or supply chains. Fernanda Hopenhaym detailed the National Action Plans on Business and Human Rights, noting that three are currently established in Argentina, Colombia, Chile, and Peru, reflecting regional adaptations of these international standards.



“Due Diligence is not going to solve the issue of harm; it’s a problem that goes beyond that. However, we can at least use it in strategic human rights litigation. For instance, we can leverage this type of information when the burden of proof is often shifted, and argue: “You didn’t map this sector or these individuals, nor did you investigate these harms. You are in breach.” This can be enforced through administrative channels, or even judicially, as is the case with the French law” – José Julián Tole - Director of the Latin American Observatory of Human Rights and Business of the Externado University

KEY TAKEAWAYS

Importance of Grassroots Participation in Due Diligence Legislation

Current trends in due diligence legislation in the region emphasize the need for laws to be developed from the ground up, incorporating differentiated approaches and fostering coordination across various governance levels.

The Use of Due Diligence as a Legal and Accountability Tool

Due diligence is a valuable tool for administrative and judicial litigation, enabling accountability and reinforcing legal frameworks.

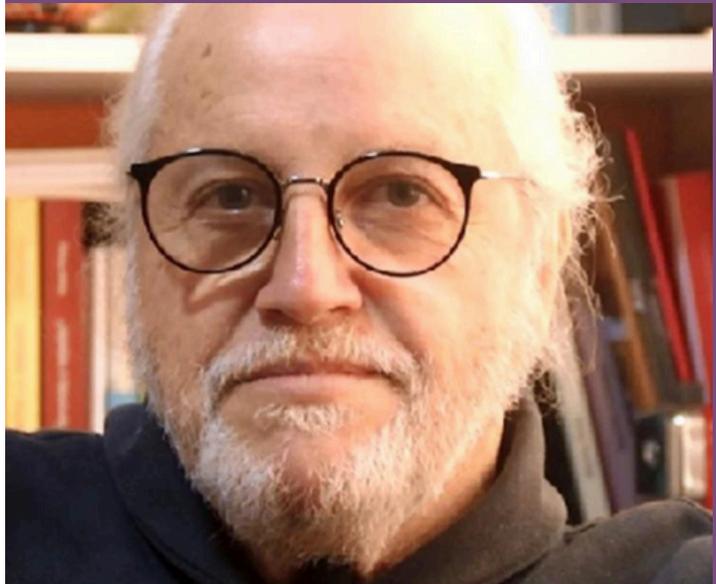
PNA's Role in Promoting Collaborative Governance

The PNA facilitates essential dialogue among businesses, public entities, and community sectors, promoting discussions that can lead to impactful regulations and participation in international treaties. This collaborative approach should be treated as a state policy to ensure continuity despite changes in administration.



“The NAPs are starting points, not endpoints. It’s not enough for governments to simply create them and claim that they are now protecting human rights in the corporate sector. National plans must lead to concrete actions” –Fernanda Hopenhaym - Chair at the United Nations Working Group on Business and Human Rights

BEYOND BORDERS, THE EXTRATERRITORIAL RESPONSIBILITY OF STATES IN THE FACE OF HUMAN RIGHTS VIOLATIONS IN SUPPLY CHAINS



Javier Mújica took the conversation beyond national borders, exploring the extraterritorial responsibility of states for human rights violations, including in supply chains. States are also responsible for human rights violations outside their borders; therefore, they must pass and enforce laws that hold businesses responsible for any harm caused outside their borders. Additionally, international rules support the idea that states are accountable for protecting human rights even when violations occur beyond their territory.

“This idea of due diligence has continued to be employed, being present in the overall interventions of the inter-American system in fulfilling its function of protecting human rights, whether through reports on countries, case reports, advisory opinions issued by the Inter-American Court of Human Rights, or even more recently, in court rulings where international responsibility has been attributed to states for failing to act diligently in regulating or overseeing the activities of companies to prevent human rights violations that may occur in the context of their operations.” – Javier Mujica - Lawyer at Peru EQUIDAD



KEY TAKEAWAY

Expanding State Responsibilities in Global Human Rights Protection

States can protect human rights beyond their borders by actively regulating corporate activities, extending jurisdiction over international actions, and collaborating with global bodies to adhere to international human rights agreements, reinforcing their accountability for violations linked to their businesses operating internationally.

CAN DUE DILIGENCE BE APPLIED IN CASES OF SEXUAL EXPLOITATION?



Livia Wagner addressed the application of due diligence in cases of sexual exploitation. She stated that this approach is necessary. Due diligence helps identify and prevent risks, conduct detailed audits, collaborate with NGOs and victim support organizations, and build resilience in vulnerable communities. This comprehensive approach ensures that sexual exploitation can be effectively addressed and prevented in various sectors.



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"Multilateral cooperation is essential in this struggle. Each actor, from companies to international organizations, has a unique role to play. Effective coordination can generate synergies that enhance our efforts in prevention and victim assistance." – Livia Wagner - Human Trafficking Team Leader at GI-TOC

KEY TAKEAWAYS

The Interconnection of Human Trafficking and Organized Crime

Human trafficking is often not sufficiently linked to organized crime in discussions, despite its strong connections to various illicit activities, including arms trade, drug trafficking, and cybercrime.

The Relevance of Civil Society in Combatting Human Trafficking

Integrating the voices of civil society organizations specialized in this field is crucial for effective prevention and response strategies. Without this collaboration, efforts by businesses and governments may fall short in addressing the complexities of human trafficking.

Strengthen Communities at Risk to Prevent Exploitation

The lack of resilience in communities at risk, especially in sectors with high informal labor, increases the risk of exploitation. Strengthening these communities and empowering their members, particularly women and children, is essential.

Leverage of International and National Frameworks to Combat Human Trafficking and Forced Labor

The importance of using existing international and national frameworks to combat human trafficking and forced labor.



DUE DILIGENCE FOR FAIR AND ETHICAL RECRUITMENT OF MIGRANT WORKERS



Vanessa Pocasangre and Quinn Sandor Kepes focused on due diligence for fair and ethical recruitment of migrant workers. Vanessa Pocasangre spoke about the ILO's work in promoting fair recruitment practices by implementing international standards to ensure migrant workers are treated fairly, without discrimination, and without bearing any recruitment costs. The ILO's approach includes enforcing conventions on migrant workers' rights, such as Conventions [97](#) and [143](#), and advocating for fair recruitment through the [Global Fair Recruitment Initiative](#), while Quinn Sandor Kepes presented a [toolkit](#) designed for migrant and farm workers to monitor their conditions and report irregularities.



"It is important to use these due diligence instruments in combination with other governance mechanisms at different levels, to strengthen relevant legal frameworks and institutions, and empower local actors to drive real change." -
Vanessa Pocasangre -
Technical Officer for Labour Migration and Human Mobility at ILO

KEY TAKEAWAY

Promotion of Equitable Recruitment in Agriculture through Collaborative Toolkits

Verité has created a series of toolkits to promote equitable recruitment in the agricultural sector, working in collaboration with the ILO and utilizing international labor rights principles. These tools aim to improve recruitment practices and prevent forced labor, highlighting the importance of stakeholder engagement in achieving better labor conditions.



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“The model we follow involves creating tools and resources to guide different stakeholders, with the aim of improving working conditions. We work closely with the private sector, providing concrete tools for companies to implement effective changes.” - Quinn Kepes - Senior Regional Lead for the Americas at Verité

DUE DILIGENCE AND PRIOR CONSULTATION



Hernán Coronado highlighted the importance of prior consultation, as established in ILO Convention 169 on Indigenous and Tribal Peoples. He pointed out that, although the State must guarantee the right to consultation, companies can play a role in transferring capacities to Indigenous peoples



“Although the provisions of Convention 169 are obligations of governments, the private sector is expected to use it as a guide for good practices when operating in territories linked to indigenous peoples.” – Hernán Coronado - Indigenous Peoples Specialist at ILO

KEY TAKEAWAY

Principles of Convention 169 as a Framework for Private Sector Engagement

While governments are responsible for consultation, the private sector is encouraged to adhere to the principles of Convention 169 as a framework for good practices, particularly in engaging with Indigenous communities and ensuring their participation in decision-making processes.

ELIMINATING SLAVE LABOR IN SUPPLY CHAINS



In the case study session, Edmundo Lima presented the work of The Brazilian Association of Textile Retail (ABVTEX) and their effective use of due diligence to eliminate forced labor in Brazil's textile industry. He explained that ABVTEX employs regular, comprehensive audits of factories, uses an online platform to track compliance and manage data, and ensures immediate corrective actions if standards are unmet. This approach has significantly improved transparency and labor practices throughout the supply chain.



"Since the program was created in 2010, we have conducted over 56,000 audits in factories, demonstrating our commitment to continuous monitoring and improvement of labor conditions across the industry (...) We could continue with hundreds of cases of transformation, showcasing the dramatic changes in previously precarious sewing workshops. Today, many of these places operate sustainably and respect all labor rights, offering legally compliant working conditions." - Edmundo Lima - Executive Director at ABVTEX

KEY TAKEAWAYS

Systematic Approach of the ABETEX Program

The ABETEX program emphasizes a systematic approach that includes direct worker interviews to uncover hidden issues, which helps create accountability and fosters transparency in labor practices.

Collaboration for Success in Sustainable Fashion

Success hinges on the collaboration between brands, NGOs, and certification bodies. By uniting these stakeholders, ABETEX effectively promotes sustainable fashion while ensuring compliance with labor laws and eliminating child labor, thus setting a strong example for the industry.

BUILDING A MOVEMENT NARRATIVE



Finally, Dr. Brook Bello closed the day with a presentation on building a new narrative for the anti-modern slavery movement. Dr. Bello stressed the importance of a unified narrative that mobilizes the world to end modern slavery, an initiative that began at the 2023 Freedom from Slavery Global Forum and has been included in all of the regional forums in the 2024 series.



"It is necessary that all the voices of the victims of human trafficking are heard in the same way." - Brook Bello
- Founder of More Too Life

KEY TAKEAWAYS

The Importance of a Unified Narrative in Mobilizing Global Action Against Modern Slavery

Creating a unified narrative is essential for mobilizing global action against modern slavery.

The Need for a Compelling Call to Action

A more compelling call to action is needed to effectively mobilize support and engagement against human trafficking.

The Necessity of Consistent Terminology in Addressing Human Trafficking

Establishing consistent terminology across regions is essential to ensure clarity and cohesion in the message about human trafficking.

The Significance of Victims' Voices in Shaping Solutions

The importance of hearing all victims' voices equally is highlighted, emphasizing their experiences in shaping the narrative and solutions.

REGIONAL CHALLENGES IDENTIFIED ON DAY ONE

Offshoring and Fragmentation of Value Chains:

Irresponsibility and Impunity: Forced labor is intrinsically linked to global value chains, especially in the roots of the chain. Transnational corporations employ a three-pronged strategy of fragmentation, decentralization, and offshoring, facilitating irresponsibility and impunity, leaving victims defenseless. Currently, there are no adequate legal mechanisms at the national and international levels to regulate transnational corporations effectively.

Ineffectiveness of Voluntariness:

Limitations of Voluntary Frameworks: OECD and UN guiding principles bind states, not companies. Although the ILO tripartite declaration on multinational enterprises and social policy was reformed in 2017 to integrate due diligence, its voluntary nature has NOT produced the expected results. Transnational companies have not adopted these measures as anticipated, highlighting the need to move from a voluntary approach (soft law) to a mandatory one (hard law).

Lack of Enforceability: While states can set requirements, enforcing them can be challenging, especially for transnational operations without specific laws mandating full disclosure. The Forum highlighted the ineffectiveness of voluntary due diligence frameworks in some LA countries and the need for binding regulations. It was also mentioned that even mandatory CSDDD regulations might clash with "trade secret" protections, complicating information collection.

Insufficiency of Due Diligence:

Limitations of the Mechanism: Although due diligence is useful, it is insufficient to combat forced labor. Other measures and regulatory frameworks need to complement it.

European Law and its Limited Application: The current implementation of the EU directive, which will not be integrated into domestic laws until 2027, focuses mainly on large companies and has several shortcomings. Member states must adopt an expansive transposition of the directive to protect more rights and require comprehensive, not merely symbolic, due diligence.

PROPOSED SOLUTIONS TO IDENTIFIED CHALLENGES

01. Region Wide Binding Agreements and Laws:

- **Implementation of Binding Laws:** Proposal for a harmonizing directive like the European Directive (CSDDD) that could be replicated in Latin America, marking a significant shift from the use of voluntary to mandatory mechanisms through the due diligence mechanism.
- **Tailor-made Law:** Adapt laws to the needs and characteristics of the territories, including all the parties involved in the creation process.

02. Use of the Due Diligence Mechanism:

- **Collect Information and Integrate with Other Mechanisms:** Use the due diligence mechanism to obtain information on labor practices and ensure transparency, integrating due diligence with other legal mechanisms, such as litigation, to avoid impunity.
- **Owning the Mechanism:** Encourage civil society, including NGOs, to actively engage with and utilize the due diligence mechanism by taking on roles such as monitoring corporate practices, facilitating grievance mechanisms for affected communities, educating the public, and raising awareness about the importance of due diligence. Their involvement is crucial for ensuring the mechanism's effectiveness and maximizing its impact.
- **Advocate for a Broad Implementation in Europe:** As EU countries must incorporate the CSDDD directive into their national laws, it's essential to push for a wide application that covers all companies, no matter their size.



03. Cooperation and Synergies

- **Create Synergies with Other Movements:** Collaborate with feminist (anti-sex trafficking) and environmental movements to increase social pressure and negotiate binding frameworks.
- **Expand Multilateral Cooperation:** Encourage cooperation between sectors, including the private sector, international organizations, and civil society, to assist victims.
- **Create Specialized Audits and use Common Databases:** Conduct specialized audits, such as those of ABVTEX, and use platforms that systematize essential data for good supply chain management.

04. Pressure States to Create Laws and Mechanisms Against Forced Labor:

- **Use Treaties and Agreements with States to Push for Laws:** Many Latin American countries have signed many conventions and treaties and must comply with international standards such as those of the ILO.

05. Empowerment of Civil Society:

- **Generate Spaces for Debate and Knowledge:** Create spaces that favor debate and increase knowledge of the due diligence mechanism in Latin America.

06. Strengthening of Control Mechanisms:

- **Institutional Strengthening:** Strengthen institutions in charge of monitoring and inspecting compliance with laws, ensuring that justice systems include a business and human rights perspective.

07. Promoting Resilience in Communities at Risk:

- **Establishing Resilience Funds:** Funds for communities vulnerable to organized crime and human trafficking.
- **Create User-Friendly and Accessible Tools:** Tools for populations with low literacy levels, especially in sectors such as agriculture.



Day Two

EFFECTIVE VICTIM REPARATIONS AND INCLUSIVE DUE DILIGENCE STRATEGIES FOR THE PREVENTION OF FORCED LABOR AND HUMAN TRAFFICKING

Day two of the Forum focused on effective victim reparation and inclusive due diligence strategies to prevent forced labor and human trafficking.

In the current context, where business activities can significantly impact human rights, it is crucial to ensure that victims of violations related to these activities have access to effective mechanisms for redress. Lack of knowledge about accessing these mechanisms is a major barrier that prevents victims from obtaining justice. Therefore, it is essential to provide clear and accessible information on the various grievance and redress mechanisms available.

To ensure the effectiveness of these mechanisms, it is critical to involve unions, workers, and survivors in all phases of human rights due diligence. These actors have in-depth knowledge of the specific working conditions and contexts in which violations occur, which allows them to provide a valuable perspective. Their participation strengthens legitimacy and trust in the remediation process and helps prevent future violations by identifying and mitigating risks early on.



GRIEVANCE AND REPARATION MECHANISMS



Felipe Henríquez presented the existing mechanisms for accessing effective reparation for victims, analyzing the obstacles and progress in this area. He focused on the role of the Points of Contact (PNC) established by the OECD's guidelines, which facilitate conflict resolution and promote responsible business conduct through mediation. Henríquez highlighted how these mechanisms, while ensuring transparency and accessibility, also face challenges such as voluntary participation by companies and the need for effective implementation of human rights and labor standards across global supply chains.



"The OECD Guidelines establish due diligence as the tool through which companies should implement responsible business conduct standards." – Felipe Henríquez - Chile's National Contact Point for the OECD Guidelines in Chile

KEY TAKEAWAYS

The PNCs serve as accessible and non-contentious mechanisms to resolve conflicts between multinational companies and stakeholders, promoting dialogue and agreement. This approach not only helps to resolve disputes but also fosters transparency and corporate accountability.

While the Points of Contact (PNC) provide a valuable framework for resolving conflicts and promoting responsible business practices, their effectiveness is hindered by challenges such as corporate participation's voluntary nature and the need for consistent enforcement of human rights and labor standards throughout global supply chains.

WORKER-CENTERED HUMAN RIGHTS DUE DILIGENCE



Carlos Eduardo Chaves Silva and Marcel Gomes highlighted how the due diligence approach in human rights can achieve better results with the active involvement of unions and workers. Carlos Eduardo Chaves Silva emphasized that Brazilian rural workers' organizations have expanded their focus to oversee entire supply chains, enabling them to establish dialogue channels with major companies and supermarkets, enhancing labor rights protections. Meanwhile, Marcel Gomes pointed out that the collaboration between unions and NGOs, as demonstrated in [the McDonald's case](#), strengthens the ability to pressure companies to comply with due diligence laws and address labor issues within their supply chains.



"I believe there has been a change for years, as rural workers' organizations in Brazil have started to look at supply chains. [...] It was necessary to think of a strategy that could reach, for example, exporters, traders, supermarkets, and industries." - Eduardo Chaves - Lawyer at Reporter Brazil

KEY TAKEAWAYS

The Role of Collaboration in Combating Modern Slavery

Collaboration between local worker organizations and international NGOs is important for increasing pressure on corporations and shaping national policies, particularly those combatting modern slavery.

Accountability Through Legal Action and Due Diligence

Repórter Brasil works with unions and NGOs to hold multinational companies accountable for labor abuses. Using due diligence laws, legal actions are filed against companies like Casino, BNP Paribas, and JBS.



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“In recent years, we have published reports on many commodity chains, and allied organizations of Repórter Brasil have used our reports as a basis for their legal actions against companies. Currently, for example, we have lawsuits in France against Casino, a large supermarket chain with stores in Brazil, and against BNP Paribas, the largest European bank.” - Marcel Gomes - Executive Secretary at Reporter Brazil

WHAT SHOULD BE THE ROLE OF SURVIVORS?



Yesenia Díaz emphasized that survivors should be key sources of information and insight into human trafficking, aiding in detection and prevention. Their experiences are crucial for understanding and addressing the issue, and they should be recognized as experts also in policy and decision-making processes.



"How can they truly understand this crime if not through the voices of those who have experienced it? Many of us raise our voices with courage and call for due diligence throughout the entire value chain [...] Nothing about us without us. Together we can achieve a shared vision and co-create a global movement against trafficking alongside survivors." – Yesenia Díaz - Survivor Leader

KEY TAKEAWAY

Survivors' Role in Collaborative Efforts

Collaboration among survivors, government entities, and organizations is vital. Empowering survivors by recognizing their expertise and involving them in decision-making can lead to a more effective response to human trafficking.

DUE DILIGENCE IN THE PREVENTION OF MONEY LAUNDERING



Carolina Rudnick presented how due diligence can be a valuable resource for identifying illicit activities in supply chains, such as forced labor and human trafficking. Effective due diligence helps identify suspicious activities and illicit financial flows by monitoring unusual transactions, verifying employment practices, and ensuring transparency in financial operations.



"The phenomenon of money laundering is critical to understand, as it involves the movement of illicit funds into the formal economy, where traffickers and their accomplices use these proceeds to acquire assets, start businesses, and create a facade of legitimacy that obscures the illegal origins of their profits." – Carolina Rudnick - Founder of Libera Foundation

KEY TAKEAWAYS

Financial Institutions' Responsibilities in Trafficking Prevention

Financial institutions have a legal responsibility to report suspicious transactions linked to trafficking and forced labor. This includes recognizing red flags in financial activities and ensuring due diligence to detect potential money laundering schemes associated with these crimes.

The Necessity of Oversight in Supply Chain Management

Businesses must implement rigorous oversight and monitoring of their supply chains. This involves actively verifying the legitimacy of subcontractors and ensuring compliance with labor laws and human rights standards. By conducting thorough assessments and audits, companies can help prevent exploitation and human trafficking, fostering a culture of accountability and ethical sourcing.

PUBLIC-PRIVATE PARTNERSHIP AGAINST MODERN SLAVERY



Jimena Sanchez and Jamile Freitas Virginia discussed the role of the financial and private sectors in the fight against modern slavery and its connection to the global economy. Jimena Sánchez discussed Amfori's comprehensive approach to combating modern slavery through rigorous audits, codes of conduct, and tools like the [Amfori ESG Risk Compass](#). She emphasized the need for deep supply chain scrutiny and effective remediation strategies, while Jamile Freitas Virgini outlined Brazil's multi-pronged strategy against modern slavery, including the "Lista Sucia" blacklist, victim assistance programs, and transparency tools like [RADAR SIT](#). She highlighted the pivotal role of civil society and the private sector in driving impactful change.



"We must keep in mind that due diligence should not only consider this first link in hiring, but also the subsequent links where there is greater vulnerability." – Jimena Sánchez - Amfori representative for Latin America

KEY TAKEAWAYS

Comprehensive Due Diligence Across the Supply Chain

Adequate due diligence must extend beyond initial hiring practices to encompass all levels of the supply chain, particularly focusing on areas of greater vulnerability where exploitation is more likely to occur.

The Private Sector's Role in Combating Modern Slavery

Engaging the private sector is essential for addressing modern slavery and human rights violations, as businesses play a crucial role in supply chains and have a shared responsibility to implement systematic approaches to combat these issues.

Public Lists as Tools for Accountability

Public lists, such as the "Lista Sucia" or "Dirty List," serve as critical tools in Brazil's fight against modern slavery by publicly identifying employers who exploit workers. This transparency creates accountability and discourages businesses from engaging in such practices, as inclusion on the list results in significant economic repercussions.

Civil Society's Impact on Modern Slavery in Brazil

Civil society is instrumental in eradicating modern slavery in Brazil, having driven the government to recognize and confront this issue through advocacy and awareness-raising efforts.



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"It is essential that there be a state-sponsored list (of companies that were discovered to use forced labor), ensuring transparency in the names of those involved, as this forms the basis for creating effective corporate policies to combat forced labor." - Jamile Freitas - Brasil's Secretariat of the Labor Inspection, Ministry of Labor and Employment

TECHNOLOGICAL INNOVATION FOR INCLUSIVE COMPLAINT MECHANISMS IN THE PROTECTION OF LABOR RIGHTS IN LATIN AMERICA



After a Q&A session, Vera Belazelkoska presented a case study on technological innovation for inclusive grievance mechanisms in protecting labor rights in Latin America. She explained how their systems use offline and voice-based technology to reach workers without smartphones or internet access, ensuring accessibility and anonymity. Ulula's approach integrates real-time alerts, multi-language support, and two-way communication to address labor rights issues effectively and protect workers' identities.

"Our work is centered on technological innovation to build inclusive complaint mechanisms that protect workers in global value chains. For the past nine years, we have been developing and testing various technologies to see how we can leverage the devices we all carry in our pockets to support those workers who are most exposed to vulnerabilities, such as forced labor and human trafficking." - Vera Belazelkoska - Managing Director at Ulula

KEY TAKEAWAYS

Importance of Grievance Mechanisms in Labor Rights Protection

Effective complaint mechanisms must utilize accessible technology that can reach all workers, including those in vulnerable positions who may lack smartphones or internet access.

Collaborative Partnerships for Enhanced Accountability

Partnerships between businesses, civil society, and government initiatives can create more effective complaint mechanisms and promote greater accountability in addressing labor rights violations.

REGIONAL CHALLENGES IDENTIFIED ON DAY TWO

Limitations of Voluntary Regulatory Frameworks:

Limitation of Regulatory Measures and Frameworks/Voluntary Laws: If companies are the ones making commitments against modern slavery, that limits their effectiveness and range to the good faith of companies, and many may not be willing to commit enough to save costs resulting in a focus on the first or second tiers of the supply chain, rather than addressing the entire chain, especially the bottom, where there are more significant risks of forced labor. For this reason, law enforcement can reduce the risk of some companies not being committed to addressing forced labor in their supply chains.

OECD National Contact Points are Voluntary: Their voluntary structure limits their effectiveness in addressing cases of labor exploitation.

Modern Slavery Generates considerable Economic Benefits:

High Incentives to Maintain Modern Slavery Practices: Modern slavery generates huge profits, comparable to illicit industries such as drug trafficking hindering efforts to eradicate them.

Legal Barriers, and Lack of Information and Resources to Make use of European DUE DILIGENCE Laws for Workers and Workers' Organizations in the Region:

Lack of Information: Workers' organizations face a serious lack of access to information on due diligence and labor rights.

Costly Litigation: The cost of hiring specialists for international litigation is prohibitive, limiting the ability of Workers' organizations to effectively defend against labour.

Bureaucratic Difficulties: European due diligence laws pose significant challenges for Latin American workers to fully benefit from these mechanisms, particularly due to requirements for intermediary organizations in countries like Germany.

REGIONAL CHALLENGES IDENTIFIED ON DAY TWO - CONTINUED

Survivors Face Trauma from Their Past Experiences:

Mental Health Problems: Survivors of modern slavery require psychological care due to the trauma they have suffered.

Low Participation and Recruitment of Survivors as Experts by NGOs and Other Entities:

Lack of Inclusion of Survivors of Labor Trafficking in CSO Staffing: The practice of hiring survivors as experts is uncommon in Latin America, limiting their participation and ability to contribute to the fight against exploitation

Lack of State Capacity and Dependence on Private Sector Participation:

Lack of State Capacity: To prevent money laundering, the State can only deploy tax inspectors in some economic activities.

Dependence on the Private Sector: The fact that the State cannot cover everything means that the private sector's participation is crucial in identifying and reporting illicit flows.





PROPOSED SOLUTIONS TO IDENTIFIED CHALLENGES

01. Protect and Empower Workers:

- **Building Channels of Dialogue:** Establish direct channels of dialogue between workers and distribution companies to address disparities in profits and improve transparency in the supply chain.

02. Survivor Participation and Empowerment:

- **Include Survivors in Leadership Roles:** Ensure survivors' active participation in anti-trafficking initiatives by providing them with safe spaces for reporting and consulting them as experts.
- **Foster Collaboration:** Improve coordination and communication between organizations, survivors, and public and private sector institutions to develop effective support strategies.
- **Increasing Visibility and Facilitating Reporting:** Making it more accessible for survivors to share their experiences to sensitize and educate organizations, governments, and civil society about the dangers and realities of trafficking. In addition, it will create safe spaces for them to access justice.
- **Provide Adequate Reparation and Services:** Offer psychological care and comprehensive support services for the reparation and rehabilitation of victims.
- **Build Empathy:** Educate and train communities and professionals about human trafficking to increase empathy and support for victims.

03. Identification of Forced Labor:

- **Create Independent Reports:** Conduct studies and supply chain tracking, using these reports to support legal actions and press for changes in companies' sustainability policies.
- **Conduct Comprehensive Audits:** Complement traditional audits with direct worker interviews to obtain a complete picture of working conditions.
- **Education on Trafficking Modalities:** Disseminate information on the various forms in which trafficking manifests itself, demystifying that it only occurs at the level of complex organized crime.
- **Financial Training:** Instruct companies on how to identify and report suspicious transactions related to trafficking and money laundering.
- **Implement Due Diligence Processes to Prevent Money Laundering:** Encourage companies to collaborate with financial intelligence units by reporting suspicious transactions and using due diligence to identify illicit flows.

04. Strengthening of the Public System and Prosecution of Forced Labor:

- **Strengthen Public Institutions:** Ensure that labor protection institutions are robust and efficient and foster strategic alliances with trade unions, the press, and civil organizations to combat forced labor.
- **Establish Penalties:** Implement severe financial penalties for companies that use forced labor practices, incentivizing compliance with fair labor laws.



05. Create National Points of Contact or Agencies to Act as Mediators:

- **Establish NCPs:** Create and strengthen national points of contact in Latin America, serving as complaint and mediation mechanisms to resolve conflicts between stakeholders and multinational companies.

06. Transparency and Access to Information:

- **Develop Public Registries:** Maintain registries of employers who have subjected their workers to conditions of contemporary slavery, promoting transparency and access to critical information for the protection of labor rights, such as Brazil's dirty list.
- **Access to Information for Workers:** Provide clear and accessible information: Ensure that workers have access to understandable information about their working conditions and rights, eliminating misleading and coercive practices.

07. Civil Society Activism and Participation:

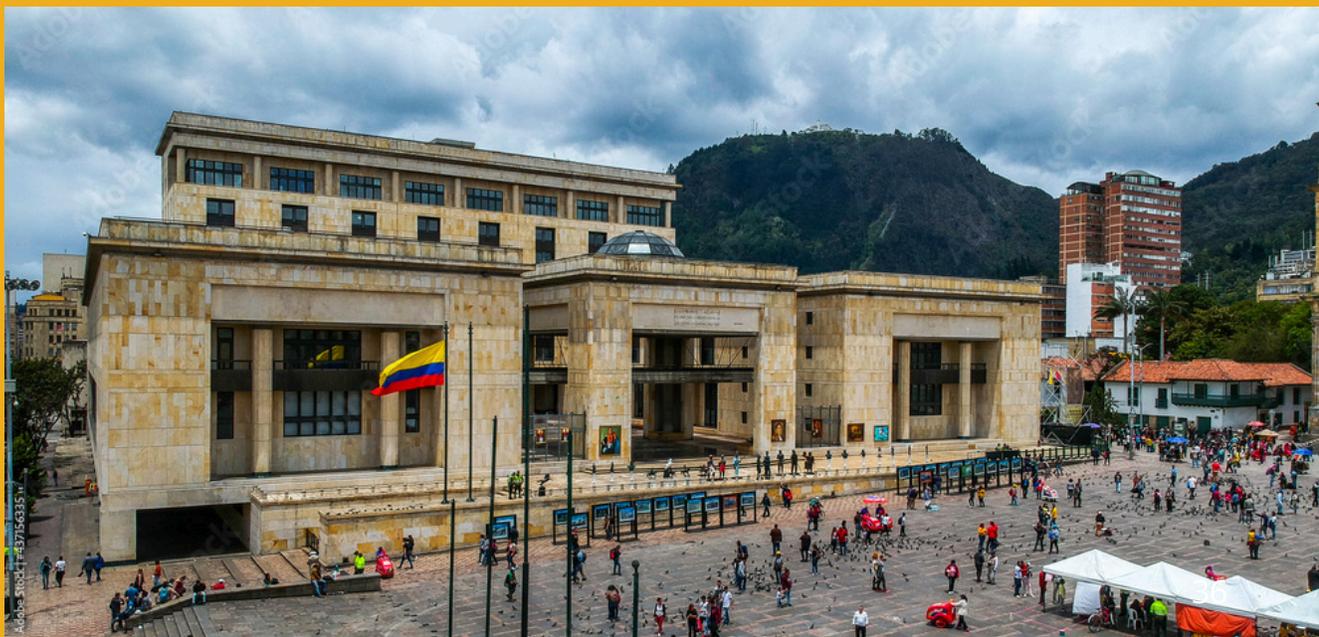
- **Mobilize Society:** Encourage continued activism to maintain pressure on governments and ensure the implementation of effective anti-slave labor policies.

08. Private Sector Collaboration and Responsibility:

- **Foster Private Collaboration:** Work with the private sector to address co-responsibility in supply chains by implementing holistic approaches to prevention.

09. Develop Grievance Mechanisms:

- **Develop Accessible Technologies:** Create technological solutions that work offline and with voice communication options (IVR) for low literacy populations or those without smartphone access. Use familiar platforms: Use applications such as WhatsApp or Facebook to facilitate trust and adoption among workers.
- **Language Accessibility:** Implement multi-language platforms to ensure accessibility for all workers.
- **Identity Protection:** Protect workers' identity by avoiding linking telephone numbers with personal information.
- **Fostering Collaborative Initiatives:** Working with governments, industries, other organizations and other stakeholders to create global grievance mechanisms.



OUTCOMES OF THE FORUM

This year, the Latin America Regional Forum has been a catalyst for strengthening regional collaboration. In a context marked by the imminent approval of the binding EU due diligence directive (CSDDD), the Forum has made significant progress in raising awareness of the subject and promoting due diligence initiatives. The main results are presented below:



Increased Due Diligence Awareness

Increased the regional awareness of due diligence, a mechanism that has recently become more relevant due to the approval of the binding CSDDD directive in the European Union.

Multistakeholder Post forum Webinar on Human Rights Due Diligence Challenges of Implementation:

The webinar invited diverse stakeholders, including businesses, survivors, and civil society actors, to discuss the challenges of implementing due diligence laws in the region. With 42 participants, the session also highlighted the necessity for clear, down-to-top due diligence human rights frameworks to ensure effectiveness in addressing the issue without harming communities.

NEXT STEPS



Joint Publication of the Forum Transcript

The event transcript will be presented on November 15 during a panel discussion at the VIII International Course on Human Rights, organized by CIPDH-UNESCO. The transcript will be made available online, providing participants and interested parties with full access to the discussions and conclusions in written form.

Letter/declaration Addressed to the Governments of the Region

A letter or declaration to Latin American governments will be drafted and signed by various influential entities and individuals. This document will urge governments to enact binding laws on due diligence, underlining the importance of such rules for protecting human rights and sustainability. The letter seeks to lobby and encourage political commitment for concrete and effective action in the region.

PARTICIPATION AND EVALUATION

The Forum attracted 205 participants this year, representing over 31 countries and a wide range of sectors. Additionally, the event garnered more than 350 views on YouTube. Among the attendees, a significant portion came from Argentina (29%), followed by the United States (10%), Chile (8%), Brazil (7%), Mexico (7%), Peru (5%), and Colombia (5%).





"I formed new connections that could turn into future partnerships and collaborations; also deepened connection with previous connections to discuss potential collaborations" –
Anonymous Participant at the North America Forum

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The Hub of the Anti-Modern Slavery Movement