UPDATE: BRIEFING ON HUMAN TRAFFICKING AND ABUSE IN THAILAND’S SHRIMP SUPPLY CHAINS

Summary
Over the past two years, Thailand has faced increased scrutiny from media outlets and global governments for human rights abuses in its seafood sector. News outlets, including The Guardian, Associated Press, and The New York Times, have documented multiple instances of trafficking and labor violations. Examples include trafficked victims being forced onto fishing boats that catch ‘trash fish’ — juvenile or inedible fish — to be processed into feed for shrimp, the subcontracting of pre-processing to ‘peeling sheds’ in which migrant workers prepare shrimp for secondary processing, and the controlling and exploitation of workers’ documents and pay by recruitment brokers, leaving them vulnerable to debt bondage and labor abuses. Given the severity of the human rights abuses, governments, NGOs, and industry players have begun to take action to prevent labor violations in seafood supply chains.

Trafficking in Persons (TIP) Report
The Thai government has long faced criticism for its failure to curb labor and human rights abuses occurring in the country. In 2014 and 2015, Thailand received the lowest ranking (Tier 3) in the the U.S. Department of State’s human trafficking index, the Trafficking in Persons (TIP) Report. In the four years prior, the State Department labeled Thailand as ‘Tier 2 Watch List,’ which means the country had demonstrated efforts to control the problem, but without significant results. The move to Tier 3 status indicated insufficient improvement of ongoing human trafficking problems in a number of Thailand’s industries, including its seafood industry. Although certain restrictions on bilateral assistance to foreign governments — whereby the U.S. government withdraws non-humanitarian, non-trade-related foreign assistance — have at times accompanied Tier 3 rankings, the U.S. waived these sanctions for Thailand in 2014 and 2015. For the seafood sector, the major impact of the Tier 3 ranking has been the rise of more high profile media stories about forced and unpaid migrant labor in Thai seafood.

European Union Yellow Card
In addition to its Tier 3 ranking in the TIP report, Thailand also received a yellow card from the European Commission (EC) in April 2015. This served as a formal warning that the EC wanted Thailand to achieve time-bound improvement in its anti-illegal, unregulated, and unreported (IUU) fishing policies and enforcement. The EC issues yellow and red cards to nations that have not taken sufficient action to control IUU activity in their waters or by their flagged vessels. In many cases, vessels and countries with histories of illegal fishing are also associated with human rights abuses in their fishing industries — often because of weak fisheries management and limited capacity for enforcement. In January and May of 2016, Thailand was given additional six month periods to make further improvements before the EC reevaluates its yellow card status.

1 http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm
3 https://www.undercurrentnews.com/2015/10/16/us-assures-thailand-it-wont-impose-sanctions/
5 http://69.195.78.171/2015/08/26/status-of-iuu-nations-carded-by-european-commission/
6 http://usa.oceana.org/blog/senators-call-end-human-rights-abuse-seafood-supply-chain
7 http://www.intrafish.com/news/article1431430.ece
http://www.thaianti-humantraffickingaction.org/Home/?p=2077
Media Reports
Although multiple major news outlets have reported on forced labor and human trafficking in the seafood industry, reports from *The Guardian, The Associated Press,* and *The New York Times* form the backbone of coverage about Thailand’s seafood supply chains.

In 2014, *The Guardian* published an exposé on slavery in global shrimp supply chains which marked the first time that the supply chains of major retailers and suppliers were publicly connected to these human rights abuses. The article, “Revealed: Asian slave labour producing prawns for supermarkets in US, UK,” substantiated — and the 2014 TIP Report corroborated — the existence of forced labor, human trafficking, and other abuses on Thai vessels. Interviews revealed a tragic reality for trafficked migrants who were misled, sold to boat captains, and kept on fishing vessels for years in deplorable conditions. Men who managed to escape described 20-hour shifts, regular beatings, torture, and execution-style killings on vessels that harvest wild fish that is made into Thai shrimp feed.

In 2015, *The Associated Press* (AP) published the results of a yearlong investigation, titled “Are slaves catching the fish you buy?” demonstrating how seafood linked to forced labor, human trafficking, and other abuses occurring on Thai vessels in Indonesia can enter the supply chains of major U.S. grocery stores. Later that year, AP followed up with the story — “Global supermarkets selling shrimp peeled by slaves” — connecting modern slavery and forced labor in Thai shrimp supply chains not only to fishing vessels but also to processing facilities. The article documented the accounts of migrant workers and children who were sold to factories in Thailand and forced to peel shrimp that becomes a part of global supply chains. Because shrimp from various sources is often aggregated and mixed during packaging, branding, and shipping, it is difficult to determine where an individual piece was peeled and whether it is associated with slavery.


Thai Response
Following Tier 3 TIP rankings, an EU yellow card, and increased media scrutiny, Thailand officials have reported expanding efforts to prevent abuses in the fishing industry, from improving legislation to increasing monitoring and inspection. To demonstrate stricter law enforcement, Thailand submitted a report to the U.S. government detailing the prosecution of parties involved in trafficking and labor abuses in January 2016. This included arrests and criminal/disciplinary charges for 29 officials and the conviction of a member of government. Thailand’s actions also extend beyond policy enforcement. In early 2016, a Thai tuna canning company made the unprecedented decision to pay its workers compensation for labor abuses. The International Labor Organization (ILO) and the government of Thailand also began a 42-month project in March 2016 to combat unacceptable forms of work — such as forced labor, child labor, and the exploitation of workers — in the Thai fishing industry. However, NGOs and international organizations maintain that there is still more work to be done by Thai government and businesses.

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8 http://www.thaiembassyuk.org.uk/?q=node/573
Seafood Industry Response
Public disclosures of human rights abuses have sparked action in seafood businesses as well as governments. In the past few years, a number of collaborations between the seafood industry and other stakeholders have developed to address issues of labor violations. These collaborations provide a range of benefits, from circulating news to developing and implementing action plans for supply chains in Thailand and other countries. Collaborations, such as the Shrimp Sustainable Supply Chain Task Force, include various seafood stakeholders such as retailers, buyers, processors, government, and NGOs. Some companies, such as Nestlé, have formed additional partnerships with NGOs, government, and producers for increased supply chain traceability. Certification entities have also responded to prevent labor abuses. The Global Aquaculture Alliance’s Best Aquaculture Practices (BAP) third-party certification program now prohibits BAP-certified processing plants from outsourcing the processing of shrimp to third-party entities. Undocumented steps in supply chains, such as shrimp peeling sheds or fishing boats, often lack adequate oversight and regulation which at times allows severe abuses to occur. It is important for the industry to improve seafood traceability so that companies can identify and address the products at risk of being associated with the mistreatment of workers in their seafood supply chains.

Recommendations for Seafood Companies
Verifying an abuse-free seafood supply chain is challenging, given the systemic and entrenched problems documented in seafood production. Labor and supply chain improvement programs may provide a framework for businesses to implement labor laws and standards through guidelines and supportive training programs. However, voluntary schemes and accreditations by themselves are not sufficient in eliminating trafficking and forced labor in supply chains. Seafood companies should therefore voice their public support for binding and fair government regulations and common, market-oriented standards throughout industry to build upon existing voluntary schemes.

Major seafood buyers in the U.S. and EU should:

1. Map it: Demand full traceability to the farm(s), feed mill(s), and the vessels supplying the feed mill(s), to ensure products can be traced to their origin and names and addresses of all entities that handled the product can be identified.
2. Analyze: Conduct a risk assessment and focus work on areas of the highest risk.
3. Pledge and track: Ensure that each link in the supply chain makes a binding, documentable pledge to their customer to avoid all forms of labor abuse.
4. Audit: Support unannounced labor audits of all steps in the supply chain (including boats providing fishmeal for aquaculture species), as well as worker interviews. Audits should capture the extent to which recruitment companies and individuals that place workers within all levels of the seafood sector exceed basic compliance with local labor laws and can provide evidence that workers are free from debt bondage and are aware of their legal rights.
5. Communicate with stakeholders: Share concerns regarding human trafficking, labor violations, and the lack of monitoring of pre-processing facilities with vendors, then stipulate that continued procurement will be based on improvement by agreed-upon timelines.
6. Communicate with consumers: Provide clear, robust information to consumers on the origin of fisheries products (such as production location and method), and the actions taken to guarantee products are not connected to human rights abuses, labor violations, or environmental damage.
7. Support improvements: Participate in multi-stakeholder collaborations and support relevant policy to combat illegal fishing and human rights or labor abuses.

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16 http://www.shrimptaskforce.global/
Appendix:

Non-Profit Organizations, Consultancies, Research Centers, and Other Resources

The following are listed as resources for any companies seeking more information or to obtain advice on their procurement practices. For more information and contacts please see the FishWise white paper at: http://www.fishwise.org/images/pdfs/Trafficked_II_FishWise_2014.pdf.

Environmental Justice Foundation

The Environmental Justice Foundation (EJF) is a U.K. based nonprofit working internationally to combat environmental degradation and associated human rights abuses. EJF conducts detailed field investigations and presents the results in high-impact advocacy campaigns, aligned with detailed policy solutions. The organization provides film and advocacy training to individuals and grassroots organizations in the global South, enabling them to document, expose, and create long-term solutions to environmental abuses. EJF campaigns internationally to raise awareness of the issues its grassroots partners are working to solve locally. EJF has brought much needed attention to labor issues in the fishing industry, investigating abuses aboard fishing vessels in West Africa and South East Asia. EJF has conducted multiple detailed investigations exploring the social and environmental impacts of shrimp aquaculture. EJF is campaigning for a range of policy solutions to address environmental and human rights abuses in seafood production, with a primary focus on driving substantially improved transparency and traceability. Measures include the application of Unique Vessel Identifiers (UVIs) along with a Global Record of fishing vessels; the broad application of VMS and AIS technology; rapid adoption of the Port State Measures Agreement (PSMA) and the application of enforceable conditions by market States; the adoption of digital system requirements by fishing vessels including digital catch, landing and license certificates alongside digital crew manifests and log-books and; strong action to outlaw Flags of Convenience.

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Ethical Trading Initiative

The Ethical Trading Initiative (ETI) is a leading alliance of companies, trade unions and NGOs that promotes respect for workers’ rights around the globe. ETI’s vision is a world where all workers are free from exploitation and discrimination, and enjoy conditions of freedom, security and equity. The ETI Food and Farming Category members have formed a working group targeting worker exploitation in the Thai seafood sector, to coordinate members’ responses and to promote cooperation across key initiatives. ETI is actively supporting the work of the Shrimp Sustainable Supply Chain Task Force, particularly its work to increase respect for workers’ rights across all Thai Fisheries Associations and their members. ETI members also support the Issara Institute. Finally, The ETI is contributing ideas and facilitating dialogue between its members, the Shrimp Task Force, the ILO, the Thai Government, leading Thai seafood companies and civil society initiatives. ETI expects all its partners to adopt and implement the UN Guiding Principles on Business and Human Rights and as members to also apply the ETI base code.

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Fair Trade USA

Fair Trade USA is a nonprofit organization that promotes sustainable livelihoods for farmers, workers, and fishermen; protects fragile ecosystems; and builds strong, transparent supply chains through independent, third-party certification. Its trusted Fair Trade Certified™ label signifies that rigorous standards have been met in the production, trade, and promotion of Fair Trade products from over 80 countries across the globe. Recognized as a leading social venture, Fair Trade USA provides critical capacity-building programs at origin and educates consumers about the power of their purchase. The Fair Trade Certified Seafood Program is the first of its kind to offer industry and consumers a holistic choice in sourcing responsible seafood by addressing social, economic, and environmental criteria. The well-recognized Fair Trade consumer-facing label is a mechanism to reward best in class seafood companies for their commitment to sourcing ethical seafood.

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FishWise

FishWise is a nonprofit conservation organization that promotes the health and recovery of ocean ecosystems by providing innovative market-based tools to the seafood industry. We support sustainability through environmentally and socially responsible business practices. As a part of FishWise’s human rights services, FishWise reports on industry, government, and civil society efforts, initiatives and progress, provides guidance for engagement in human rights issues related to seafood sourcing, conducts human rights risk assessments of supply chains to identify products sourced from high-risk countries, establishes supplier engagement strategy to address high-risk supply chains, and tracks and reports on novel tools, resources, and best practices for supply chain improvements as they are developed.

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Humanity United
Humanity United (HU) is a foundation dedicated to bringing new approaches to global problems that have long been considered intractable. The Foundation builds, leads, and supports efforts to change the systems that contribute to problems like human trafficking, mass atrocities, and violent conflict. Since 2010, HU has worked to disrupt the system of exploitation and abuse in Thailand’s seafood industry by engaging partners from nonprofits, media, government, and business to be part of the solution. HU is part of the Omidyar Group, which represents the philanthropic, personal, and professional interests of the Omidyar family.

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International Labor Organization
The International Labor Organization (ILO) is a specialized agency of the United Nations. The main aims of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues. The ILO's work on fishing and seafood processing is guided by a number of international labor standards, including the Work in Fishing Convention, No. 188 and the Forced Labor Protocol. These instruments provide a valuable reference point in developing national legislation and tools. The ILO has also supported governments to develop guidelines and deliver training for labor inspection of fishing vessels and seafood processing plants. Support services and group formation among workers in the sector is also a key strategy in the effort to prevent and respond to labor rights abuses. The private sector, including industry associations and buyers are key partners in the efforts to ensure decent working conditions throughout the supply chain.

www.ilo.org/fishing  Brandt Wagner  wagner@ilo.org

International Labor Rights Forum
Based in Washington, D.C., International Labor Rights Forum (ILRF) is a policy advocacy organization fighting to end child labor, forced labor, and discrimination and promoting workers’ rights to organize and secure safe and decent working conditions. ILRF advocates for government and corporate policies that enable workers to claim their rights at work. Through a broad network of grassroots allies, ILRF amplifies the voices of frontline labor rights defenders and connects workers in developing countries with consumer activists worldwide. ILRF coordinates a working group of nearly 30 human rights, labor and environmental organizations that share strategies and coordinate actions to promote environmental and social sustainability within seafood supply chains. It is particularly interested in developing and promoting worker-led accountability mechanisms to document and resolve labor abuses in factories and on fishing vessels, as described in a recent joint report with the Migrant Workers Rights Network (MWRN).

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International Transport Workers Federation
Headquartered in London, the International Transport Workers Federation (ITF) is an international trade union federation of transport workers’ unions. Fishers (and the fisheries sector in general) are becoming an important part of ITF’s activities. ITF recognizes that exploitative practices experienced on board fishing vessels are closely linked to those of merchant seafarers and is working to further expand regulation of practices and attain, at the very least, minimum standards within the fishing industry.

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Issara Institute
Issara Institute is a public-private sector platform and alliance to tackle human trafficking and forced labor in Southeast Asia. Through its Strategic Partners’ Programme, Issara works with global brands, retailers and importers to carry out Inclusive Labour Monitoring, a locally grounded and worker-voice centered model for identifying as well as addressing labor rights issues across all tiers of global supply chains, including seafood and other products. Combining intelligence from migrant workers, communities and workplace assessments, Issara collaborates with suppliers to build solutions, a process which has already resulted in improved workplaces for tens of thousands of workers. Issara runs a trusted 24-hour hotline for migrant workers in Burmese, Khmer, Thai, and Lao languages. Thousands of calls are received each year, enabling Issara to assist and empower workers with information, referrals, and continued support. Through its Freedom of Choice Programme, the first in the world to trial unconditional cash transfers for victims of trafficking, Issara also empowers workers with new, safe jobs, healthcare and legal support.

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Migrant Worker Rights Network
Migrant Worker Rights Network (MWRN) is a migrant worker led organization seeking to educate and empower migrant workers in Thailand and Myanmar or travelling to work overseas. MWRN was founded in 2009 by a group of nine Myanmar migrant leaders who strongly believed that empowerment of migrants was the best way for them to protect themselves in their vulnerable situation as migrant workers in Thailand. MWRN works with all concerned stakeholders to achieve this aim and provides legal assistance, organizing assistance, conducts research and undertakes advocacy. MWRN works closely with a number of key food export companies and associations in Thailand.

Monterey Bay Aquarium
The Monterey Bay Aquarium Seafood Watch program is a globally respected source of science-based recommendations for sustainable seafood from wild-caught and farmed sources. Seafood Watch recommendations empower consumers and businesses to make choices for a healthy ocean, helping support diverse marine ecosystems for the future. Increasingly, Seafood Watch is working on a global scale – taking a markets-based approach that harnesses the purchasing power of businesses large and small in order to shift fishing and aquaculture practices around the world in more responsible directions. The Seafood Watch program is also collaborating with Seafish and Sustainable Fisheries Partnership to create a risk assessment tool for social responsibility in fisheries. The tool will focus on the “at sea” portion of wild-caught seafood supply chains.

NEXUS Institute
The NEXUS Institute is an independent international human rights research and policy center, dedicated to ending human trafficking as well as other abuses and offenses that intersect with human rights and international criminal law. NEXUS is a leader in research, analysis, and evaluation in human trafficking and is pioneering the application and adaptation of methods for the collection, analysis, and presentation of new knowledge about human trafficking, including what does (and does not) work in combatting human trafficking and why. The NEXUS Institute has issued several publications on the fish and seafood sector, including: “Trafficked at Sea: The Exploitation of Ukrainian Seafarers and Fishers” (2012) and “In African Waters: The Trafficking of Cambodian Fishers in South Africa” (2014), and “The True Cost of Shrimp” (2008).

Not For Sale
Based in San Francisco, Not For Sale is an international nonprofit organization that works to protect people and communities around the world from human trafficking. By providing safety, job training, and access to dignified job opportunities, Not For Sale helps survivors and people at risk break the cycle of exploitation. To address human trafficking in supply chains, Not For Sale, in collaboration with Baptist World Aid Australia, evaluates companies’ efforts to guard against child and forced labor from raw materials level to final stage manufacturing. The evaluations are converted into grades, using an assessment tool developed in partnership with the International Labor Rights Forum through the Free2Work project, to help consumers make informed purchase decisions. Based on this research, Not For Sale has released reports on the apparel, coffee and electronics industries, summarizing sustainability trends and best practices.

Seafish
Seafish is working to improve human rights in the seafood industry through collaborations and certifications. The Seafish Seafood Ethics Common Language Group formed following the 2014 media reports of slavery and trafficking in the seafood industry. The group convenes seafood stakeholders to reach a mutual consensus on issues which impact the responsible sourcing of seafood to facilitate a sector-wide response. The Seafish Responsible Fishing Scheme is a voluntary vessel based program certifying high standards of crew welfare and responsible catching practices on fishing vessels. The program includes standards for crew welfare and responsible catching practices on vessels, complementing other fishery-based sustainability certifications and contributing to this sector’s long term viability. Seafish is also collaborating with the Monterey Bay Aquarium Seafood Watch program and Sustainable Fisheries Partnership to create a risk assessment tool for social responsibility in fisheries.

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19 http://www.seafish.org/media/publications/SeafishEthicsWorkshop_Handout_201602.pdf
**Slave Free Seas**

Slave Free Seas (SFS) is a nongovernmental organization based in Tauranga, New Zealand with a specific focus on human trafficking of fishermen at sea. Primarily directed at seafarers who are least able to stand up for themselves (or have a meaningful voice), SFS' work is critical to high seas governance and related environmental issues. SFS has a team of some of the world’s foremost experts on human trafficking and modern slavery, including international lawyers specializing in human rights and maritime law along with a diverse group of advocates from the private sector. SFS uses research-based legal remedies and strategic litigation to facilitate justice for seafarers trapped in exploitative conditions around the globe. In partnership with the publishing firm LexisNexis, SFS is currently in the process of developing a ‘legal toolbox’ of strategies, which can be used by lawyers and non-lawyers to obtain remedies for victims of forced labor in the world’s fishing industries. The toolbox is published in a freely accessible online database.

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**Solidaridad Network**

Solidaridad Network builds sustainable supplies of 13 commodities by bringing together supply chain actors and engaging them in innovative solutions to improve production with a view to accelerate the transition to a sustainable and inclusive economy. In aquaculture they currently focus on building the sustainable supply of shrimp for export markets and a number of species for local markets. They are working with exporting processors in Bangladesh and Myanmar in order to build transparent supply chains and enable seafood companies to build long-term sustainable businesses.

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**Solidarity Center**

The Solidarity Center is a nonprofit organization that works with 400-plus labor unions, NGOs, human rights defenders, women’s associations and community groups to advance worker rights and achieve equitable economic development in countries where globalization has made the lives of vulnerable people even more precarious. It supports programs—e.g., trainings, education campaigns, legal aid, research and transparency initiatives—that help workers understand and exercise their rights, improve their working and living conditions, and build independent unions. The Solidarity Center has more than 200 professional staff working in 60 countries reaching more than 300,000 working people every year. The Solidarity Center has issued several publications on the fish and seafood sector, including: “The Plight of Shrimp-Processing Workers of Southwestern Bangladesh (2012), “Out of Sight, Out of Mind: Human Trafficking & Exploitation of Migrant Fishing Boat Workers in Thailand” (2009), and “The True Cost of Shrimp” (2008).

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**The Sustainability Incubator**

Clients of The Sustainability Incubator are improving conditions for people and nature alongside the production of good seafood. The Sustainability Incubator helps companies address social and environmental sourcing issues in a number of ways. These include assisting companies close loopholes in traceability for assurance of legal origins, identify and address human rights risks, foster compliance with ethical sourcing policy across entire seafood supply chains, and strengthen their license to operate successfully both in source regions and corporate communities to improve fisheries. The Sustainability Incubator provides the services to get the work done anywhere in the world and engage scientists, human rights practitioners, NGO partners, and local producers in projects to achieve real world results. Using this model, the Sustainability Incubator developed the Labor Safe Screen. It is a business-to-business application that combines evidence-based research with real world purchasing data and practices to identify human rights conditions in seafood supply chains. The results provide a clear picture of the story behind the food to support ethical sourcing. The Sustainability Incubator also provides services to address and mitigate risks wherever any are found.

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**Sustainable Fisheries Partnership**

Sustainable Fisheries Partnership (SFP) is a business-focused NGO working to create information tools and methodology to allow companies to directly engage with seafood suppliers. SFP operates through two main principles: information and improvement. SFP has created a database of fisheries which contains assessments of sustainability and improvement needs called FishSource. SFP helps seafood companies engage with fisheries by creating Fishery Improvement Projects to work together with multi-stakeholder groups for the creation and implementation of improvement plans. SFP is also collaborating with Seafood and Monterey Bay Aquarium Seafood Watch program to create a risk assessment tool for social responsibility in fisheries.

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**Verité**
Verité is a U.S. based nonprofit consulting, training, research, and advocacy organization that works around the world with companies, workers, and other stakeholders to improve supply chain labor conditions across all sectors of the global economy, including seafood. Verité aims to ensure that globalization is made to work for poor and vulnerable people around the world. Verité has conducted a range of private and public research efforts on indicators of forced labor, human trafficking, and other labor problems in various seafood supply chains and conducts a range of compliance activities (e.g. audits, trainings, capacity building, labor broker due diligence, strategic consultation) and works with companies on model compliance plans.

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**Warnath Group, LLC**
Based in Washington, D.C., the Warnath Group, LLC is a specialized consulting firm that offers strategic advisory services to company management and in-house counsel to comply with the new legal framework and transparency disclosure requirements about company efforts to preclude human trafficking in supply chains (e.g. SB 657). In addition, the Warnath Group is a leading provider to the U.S. State Department of training on human trafficking issues to government officials and professionals world-wide, and offers industry and company-customized awareness and response training programs.

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