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**U.S. Supreme Court Ruling in *Nestlé & Cargill v. Doe*:
No Accountability for Aiding and Abetting Child Slavery**

The Human Trafficking Legal Center expressed concern after the Supreme Court ruled against victims of child slavery in the consolidated cases of *Nestlé USA, Inc. v. Doe I & Cargill, Inc. v. Doe I*. The plaintiffs, now adults, alleged that they were trafficked as children into forced labor on cocoa farms in Côte d'Ivoire. They brought their claims under the Alien Tort Statute (ATS) in 2005.

In their complaint, the Malian children alleged that they were forced to work twelve to fourteen hours a day without pay. They alleged that they worked in abysmal conditions, with inadequate food and shelter. Children who attempted to escape faced beatings and torture. The case alleged that U.S. corporations Nestlé USA and Cargill aided and abetted these abuses, profiting from the forced labor on the farms.

In an 8-1 [opinion](#), authored by Justice Thomas, the Court held that the plaintiffs failed to establish sufficient conduct in the United States that would give rise to jurisdiction. The Court's narrow decision reversed the 9th Circuit Court of Appeals and remanded the case to the trial court. Lawyers for the child-victims have said that they will seek to amend the complaint.

Nestlé USA and Cargill, joined by the Trump Administration, cynically argued at oral argument that U.S. corporations should enjoy total immunity from liability under the ATS. The Court declined to adopt that position. A majority of the justices have signaled that corporations can be sued in U.S. federal courts under the Alien Tort Statute. Aiding and abetting liability for corporations also survived the Court's decision today.

Martina Vandenberg, President of the Human Trafficking Legal Center, said, "The Court declined to give U.S. corporations the prize they sought: blanket immunity for human rights abuses under the Alien Tort Statute. But this decision still fails to deliver accountability." She continued, "For decades, U.S. corporations have broken promises to end child labor in the global cocoa supply chain. Empty corporate social responsibility commitments are unacceptable. Corporations that profit from forced labor in global supply

chains must be held accountable in U.S. courts. The failure to remedy these abuses has shattered their credibility.”

Vandenberg noted that the Trafficking Victims Protection Act includes a private right of action permitting lawsuits by victims of human trafficking in U.S. federal courts. In 2008, Congress amended the statute to include extraterritorial jurisdiction. The Trafficking Victims Protection Act remains an important tool to hold corporations accountable for forced labor. Today, that statute is available for children held in forced labor. But the 2008 amendments to the statute came too late for these six victims, who filed their case under the ATS in 2005.

The Supreme Court’s decision stated that the Court looks to Congress for guidance. Twenty-one members of Congress filed an [amicus brief](#) to the Supreme Court in support of the former child slaves. The bi-partisan brief detailed the extensive anti-trafficking work undertaken by Congress, including the passage of the Trafficking Victims’ Protection Act and its subsequent reauthorizations. The Human Trafficking Legal Center, [Cohen Milstein](#), and the [Open Society Policy Center](#) represented the members of Congress in the amicus brief filing. Justice Thomas cited the brief in his majority opinion.

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About the Human Trafficking Legal Center

The Human Trafficking Legal Center connects trafficking survivors with pro bono representation so they can seek justice and thrive. We are a bridge to justice. We demand accountability from traffickers, from governments, and from corporations. We shine a light on the system failures that allow trafficking to flourish. We advocate for survivors as agents of change and as leaders in the movement. We fight for systems change to end forced labor, including forced labor in global supply chains. Learn more at www.htlegalcenter.org. Follow the Human Trafficking Legal Center on [Facebook](#), [Twitter](#), [LinkedIn](#), and [YouTube](#).