



INTERNATIONAL LABOR RIGHTS FUND
"Promoting and Enforcing Rights for Workers"

2005 annual report





a note from the director:

From the farms of Honduras and fields of Kenya, to the factories of China and Indonesia, in nearly 20 years, the International Labor Rights Fund (ILRF) has touched thousands of lives and transformed the capacity of litigation to affect corporate accountability. The following pages demonstrate our remarkable achievements in 2005 towards ILRF's mission of advocating for the right to a safe working environment where workers are treated with dignity and respect, and can organize freely to defend and promote their rights and interests.

In 2005, we advanced each of our dynamic strategies for enforcing labor rights in the global economy, including publishing investigative reports and documentary films to demonstrate working conditions; public campaigning and media outreach to build awareness of rights violations and mobilize advocates; monitoring factories with known labor abuses; and promoting positive alternatives such as ethical apparel to advance the fair trade movement.

Perhaps our most unique contribution to the global effort to protect workers has been through successful legal advocacy. Several years ago, ILRF instigated the pioneering movement to use international human rights law to force multinational companies to comply with internationally recognized worker rights. Following the landmark settlement in the UNOCAL case in December 2004, we filed four new lawsuits in 2005 against multinational corporations, in addition to advancing our ongoing cases.

ILRF continues to serve as a leader and facilitator among international advocacy organizations and local NGOs from diverse regions, countries, and sectors to address the systematic violation of workers' human, social, and labor rights. Our facilitation of these linkages has promoted a more effective and coherent global movement to advance the rights of workers worldwide.

While our work in 2005 has enabled the men, women, and children toiling in the fields, farms, and factories of the developing world to enjoy the right to safe working conditions, fair wages, and the ability to freely organize, millions of workers still suffer long hours in unsafe and inhumane working conditions for little or no pay. As exposure of these abuses continues to grow, the need for our advocacy increases.

In the next year, ILRF's 20th, we will continue to expand our litigation efforts and associated public campaigns to expose corporate abuses of workers worldwide and provide redress for undue grievances. On behalf of the Board of Directors and staff of the International Labor Rights Fund, I want to once again express my gratitude for your continued generous support.

In solidarity,



about: The International Labor Rights Fund

Founded in 1986, the International Labor Rights Fund (ILRF) serves a unique role among human rights organizations as an advocate for and an ally with the working poor around the world. We believe that all workers have the right to a safe working environment where they are treated with dignity and respect, and where they can organize freely to defend and promote their rights and interests. We have been at the forefront of organizations working to develop practical and effective new tools to assist workers in winning enforcement of protections for their basic rights.

ILRF is unique among human rights and sweatshop-oriented non-governmental organizations (NGO)s working to promote economic and social rights, as we are the only such organization to have utilized the full range of mechanisms listed below. ILRF has a small but experienced staff of only nine, and promotes labor rights with partners worldwide on a variety of activities, as described in the pages that follow.

Core Activities:

- Research and publication
- Public campaigning and media outreach
- Promoting new ILO Conventions and their ratification
- Promoting reform of US trade legislation to incorporate labor standards legislation
- Advising multinational corporations on issues of corporate social responsibility
- Using litigation to hold corporations accountable for human rights violations
- Using trade-related complaints processes to hold governments accountable

ILRF has been experimenting for years with different strategies to develop a framework for making worker rights enforceable in the global economy. Despite a lack of political will on multilateral levels, our work in Central America, Africa, Asia, and beyond has demonstrated success in furthering the dialogue and in affording real protections and redress for workers.

In addition to moving office buildings in 2005, ILRF also established its first overseas office, as Program Officer Nora Fern relocated to Quito, Ecuador to build and maintain partner relationships in the Central and South American region and advance the flower campaign.

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our programs: legal advocacy and associated campaigns

Legal advocacy is one of several areas where ILRF is making a unique contribution to enforcing labor rights standards in the global economy, by ensuring that corporations are held accountable for their business practices overseas. In 2005, ILRF engaged in pioneering efforts to use international human rights law to require multinational companies to comply with internationally recognized worker rights, making particular use of the Alien Tort Claims Act (ATCA). Since reaching the landmark settlement in the UNOCAL case in December 2004, a major step forward in holding a major US corporation accountable for human rights issues abroad, ILRF has made significant advances in promoting the enforcement of human rights norms in the global economy through legal advocacy and associated campaigns.

ILRF filed four new lawsuits in 2005, all with the potential for setting important precedents. From challenging Wal-Mart's global use of sweatshop suppliers, to the 19th-century like labor conditions on Firestone's rubber plantation in Liberia, to the aiding and abetting by multinationals of a system of cocoa production in West Africa that relies on child labor, ILRF has identified some of the worst culprits in the global economy and sought to hold them accountable for their abuses. ILRF's recent litigation makes extensive use of the Alien Tort Claims Act and the Torture Victims Protection Act, as well as an increased focus on the groundbreaking use of state causes of action, including theories of negligent supervision, unjust enrichment, unfair business practices, and third party contract beneficiary claims. Throughout these cases, the ILRF legal team seeks to develop the law in these areas so as to better protect victims of corporate labor abuses. In addition to its newly filed cases, in 2005 ILRF continued its work to advance a number of important ongoing legal suits against multinational corporations operating in Argentina, Colombia, Ecuador, Guatemala, Indonesia, and Turkey.



new cases filed in 2005:

WAL-MART **BRIDGESTONE • Firestone** **Nestlé**



Wal-Mart : in China, Bangladesh, Indonesia, Swaziland, & Nicaragua

In its most comprehensive legal campaign yet, ILRF filed suit on behalf of workers from four continents in September for massive, systematic wage and hour violations. Workers from China, Bangladesh, Indonesia, Swaziland, and Nicaragua joined together to press their common class claims that Wal-Mart knowingly uses suppliers that systematically deprive workers of the basic provisions of Wal-Mart's code of conduct, including fundamental protections of the labor laws in the countries where the workers reside.

Wal-Mart not only has a very specific code of conduct, but it incorporates the code into its supplier agreements and affirmatively represents to the consuming public that Wal-Mart itself accepts full responsibility for ensuring that its suppliers are in compliance with the code. Victory in this case will force Wal-Mart to be more accountable to its workers, and will also establish a precedent for other retail corporations to comply with their codes of conduct.

To expose the glaring example of Wal-Mart's lack of corporate accountability, ILRF coordinated a speaking tour of Wal-Mart supplier factory and farm workers, highlighting the gross injustices such as sexual harassment and forced overtime taking place in Wal-Mart factories and farms around the world. This tour generated concerned audiences in over a dozen cities all around the country.



Bridgestone-Firestone : in Liberia

In November, ILRF filed a lawsuit on behalf of adults and children who work and live on the Firestone Plantation in Liberia. The suit charges that Bridgestone Firestone North American Tire, LLC and several affiliated companies forced workers to meet impossible quotas and benefited from the widespread use of unlawful child labor.

In conjunction with the lawsuit, ILRF has joined forces with the Institute for Policy Studies, Friends of the Earth, National Association for the Advancement of Colored People (NAACP), and other US based organizations to demand that Bridgestone-Firestone take responsibility for their actions and follow the law accordingly.



STOP Firestone.org



WAL★MART **BRIDGESTONE • Firestone** **Nestlé**



Nestlé: Archer Daniels Midland, and Cargill in Cote d'Ivoire

In July, ILRF filed suit against Nestlé, Archer Daniels Midland, and Cargill companies on behalf of Malian former child slaves, who were trafficked from Mali into Cote d'Ivoire and forced to work twelve to fourteen hours a day with no pay, little food and sleep, and frequent beatings. The complaint alleges the companies' aiding and abetting of the trafficking, torture, and forced labor of children who cultivate and harvest cocoa beans which the companies import from Cote d'Ivoire. ILRF staff traveled extensively to West Africa, documenting widespread abuses throughout the supply chains of these three companies. ILRF's complaint demands full transparency along the companies' cocoa supply chain, a fair price to farmers for their product, and contractual commitments to work with farmers to remediate problems.

To generate public support for these exploited workers, ILRF and partners launched an extensive media campaign in 2005, including organizing several events targeting Nestlé. In July, taking advantage of the release of the film "Charlie and the Chocolate Factory" and its corporate partnership with Nestlé, ILRF and campaign allies distributed postcards outside movie theaters in several cities, highlighting Nestlé's abuses and calling for the company to begin sourcing Fair Trade cocoa. The action coordinated by ILRF in Washington, DC received mention in the Washington Post as part of the review of the film during its opening week. In October, in partnership with several fair trade advocacy organizations, we encouraged consumers to purchase Fair Trade trick or treat candy as a statement against child labor on cocoa farms and to participate in a national call and write-in day to Nestlé USA. Ultimately, over 500 households participated in campaign activities, including dozens of community events, hosted by churches, unions and student groups generating hundreds of calls, letters, and faxes to Nestlé on Halloween, and distributing over 30,000 postcard leaflets.



ongoing efforts: existing cases and campaigns



Coca-Cola: and Coca-Cola bottling plants in Colombia and Turkey

ILRF continues to advance the legal efforts it began in 2001 to hold Coca-Cola accountable for the murder and torture of trade union leaders in Colombia. In 2005, ILRF continued to litigate several issues pertaining to Coca-Cola and its Colombian bottlers. In conjunction with its legal action against Coca-Cola, ILRF continues to participate in a major student-led campaign against the company for its treatment of workers worldwide. The campaign has attracted widespread interest on campuses, with several major universities deciding to suspend sales of Coca-Cola on campus and a number of major media outlets running stories about Coca-Cola's labor practices overseas.

Additionally, ILRF extended its global representation of victims of Coca-Cola in 2005 by filing another lawsuit on behalf of workers at a Coca-Cola bottling facility in Turkey in November. ILRF is representing nearly 100 workers, including women and children, who were brutally beaten by the Turkish riot police because of union organizing activities.



ExxonMobil: and affiliates in Indonesia

ILRF's 2001 case continues against ExxonMobil on behalf of villagers from Aceh, Indonesia, who accuse the oil giant of paying and directing Indonesian security forces who committed atrocities including murder, sexual violence, and kidnapping. While the judge dismissed the plaintiffs' federal claims in November, 2005, he subsequently allowed the plaintiffs to proceed on their state law claims, ruling that "the United States, the leader of the free world, has an overarching, vital interest in the safety, prosperity, and consequences of the behavior of its citizens, particularly its super-corporations conducting business in one or more foreign countries." ILRF anticipates engaging in discovery in this case in 2006.

ILRF's campaign for a shareholder resolution to force ExxonMobil to report payments to the Indonesian military for "protecting" its natural gas operation in Aceh experienced noticeable success in 2005, as the company yielded to pressure from ILRF and partner organizations in March by placing ads in The New York Times touting its commitment to transparency.



ongoing efforts: existing cases and campaigns . . . continued



Del Monte in Guatemala

ILRF represents workers from Del Monte Fresh Produce's banana plantation in Guatemala who assert that they were tortured by a vigilante gang sent by the company. In July 2005, the 11th Circuit Court found in favor of the Guatemalan workers on an issue that was on appeal, finding that the Guatemalan trade unionists represented by ILRF had properly alleged claims of torture. ILRF expects the case to enter the discovery phase in 2006.

Drummond Coal in Colombia

ILRF filed suit in 2002 against the Drummond Company, an Alabama-based mining corporation with facilities in La Loma, Colombia, asserting claims on behalf of union mineworkers in Colombia who were tortured, kidnapped, and murdered by paramilitary gunmen. In 2005, ILRF engaged in extensive discovery of witnesses in the case.



Other Human Rights Cases:

In 2005, ILRF continued ongoing legal efforts in other cases to hold multinational corporations accountable for human rights abuses. In *Occidental Petroleum*, a case alleging the complicity of two US corporations in a bombing in Colombia that killed numerous civilians, ILRF appealed the court's dismissal of the case based on the US State Department's unsupported opinion that human rights litigation could "embarrass" the US government in its dealings with Colombia. ILRF also pursued a case brought against Daimler Chrysler, alleging that it arranged for its trade union leaders to be assassinated and tortured during Argentina's dirty war. Finally, ILRF advanced a case on behalf of villagers in Ecuador whose crops and livestock were destroyed by the illegal spraying from Dyn Corp's aerial fumigation program pursuant to Plan Colombia.

Promoting Positive Alternatives:

Promoting ethical apparel

In North America, the potential for selling ethical apparel remains almost entirely unrealized. To address this market failure, ILRF co-sponsored a conference in April 2005 with the University of Michigan's Institute of Labor and Industrial Relations. The conference invited participants from the anti-sweatshop and fair trade movements, from small ethical retailers to large retailers with a strong interest in ethical production. The conference identified a number of positive steps that stakeholders can take to further the goal of bringing ethically produced goods to the US market. Following the April 2005 conference and its resulting discussions, ILRF joined efforts by the United Students Against Sweatshops and SweatFree Communities campaigns to develop a program to encourage sourcing in designated supplier factories that uphold workers' rights.

Rule of Law in China

Since 2003, ILRF has facilitated a program in China aimed at addressing some of the problems faced by workers who suffer from labor violations in that country. The program is a multi-faceted approach to promote both new theoretical legal strategies, such as novel legal arguments in difficult cases, and practical methods of bringing labor law enforcement proceedings both by and on behalf of workers, such as the creation of a labor law practitioner support network, and devising methods for workers to represent themselves. This program has served a unique role among rule of law programs in China as one of the few programs to involve lawyers and legal practitioners, trade union representatives, and academics in practical discussions grounded in actual case studies related to labor law application.

The first training session for these stakeholders took place in Hefei, Anhui Province in July, 2005. The 40 participants came from throughout Anhui province, and included legal scholars, practitioners, and arbitrators, each of whom are responsible for providing legal advice and representation for workers' grievances. The second training session was held in Xi'an in November, 2005, at the Northwest University of Politics and Law. Participants included 31 labor law practitioners from regional trade union offices and private practices. The third training took place in Suzhou in November, 2005, in partnership with the Kenneth Wang Law School of the University of Suzhou. Participants included 35 labor law practitioners from a variety of backgrounds. ILRF plans to expand these efforts in 2006 by facilitating trainings in additional cities.



Research and Public Education:

Reports on Working Conditions in Central America's Sugar Industry

Throughout its history, one of ILRF's core activities has been providing in-depth and credible research on working conditions and obstacles to labor rights enforcement in developing countries. Protecting the rights of workers within the global trading system has long been ILRF's main priority, and one longstanding vehicle has been the promotion of labor rights clauses in bilateral and multilateral trade initiatives.

Recognizing the need for reliable information to enable policymakers to implement change, ILRF continued its work with local labor rights organizations throughout Central America to research working conditions in the agricultural sector. In particular, researchers focused on the sugar industry in Guatemala, Honduras, Panama, Costa Rica, El Salvador, and the Dominican Republic. Their results expose the exploitation of migrant workers; the increasing use of subcontractors, who do not pay the legally-mandated bonuses nor social security; repression of workers' attempts to unionize; and health and safety problems resulting from pesticide exposure. Final reports for Costa Rica, El Salvador, Guatemala, and Nicaragua were released in June, 2005.



Rights for Working Women Campaign:

ILRF continued its Rights for Working Women Campaign in 2005, in an effort to advance the rights of women workers through targeted advocacy on labor rights issues of particular concern to women. Since 2001, the Campaign has led a global initiative to stop the practice of sexual violence against women in the workplace, with targeted initiatives in Kenya, Thailand, Mexico, and Dominican Republic.



Film Documenting Sexual Harassment in Mexico's Maquilas

The Rights for Working Women Campaign completed *'Sexual Harassment: A Maquila Reality'* in December 2005, the first documentary film to explore the personal experiences of women workers who were sexually harassed while working in Mexico's export manufacturing industry (maquilas). The film was produced in conjunction with local partner organizations including Red De Mujeres Sindicalitas, SEDEPAC, Coalition for Justice in the Maquiladoras (CJM), and Cielo Producciones. It follows an initial assessment study conducted through ILRF, which showed that nearly 50% of the Mexican women interviewed had suffered some form of workplace sexual violence. The film brings to life the women behind these facts in a deeply powerful way, which the Campaign believes will challenge activists and policy makers both domestically and internationally to reinforce and develop enforceable mechanisms to combat workplace gender violence.



Fairness in Flowers Campaign: Ecuador and Colombia



In 2005, ILRF continued to promote improved working conditions and health protections for the women employed in the Ecuadorian and Colombian cut flower industries through the Fairness in Flowers campaign, launched in 2003. In February, ILRF invited an Ecuadorian flower worker and a Colombian NGO representative to visit Washington, DC to speak to members of Congress, the State Department, NGOs, and consumers about working conditions in the Latin American cut flower industry. Their compelling accounts of grueling work hours, exposure to toxic pesticides and resulting chronic illnesses, unpaid work, and difficulty of union organizing provided a unique perspective on labor rights abuses in the cut flower industry. The workers urged US government officials to improve the mechanisms for guaranteeing compliance with labor rights when finalizing negotiations for a new free trade agreement with Andean countries. As part of this campaign, ILRF created a legal support center for flower workers in Cayambe, Ecuador. In 2005, the center provided workshops to educate flower workers about their labor rights, and provided instruction on filing complaints when appropriate.

Planned to coincide with Mother's Day, ILRF released a report in May examining sexual harassment in the cut flower industry, where there is rampant discrimination in hiring, work shifts, and assigned tasks. With few people working per greenhouse, workers are an easy target for sexual harassment and abuse by coworkers and supervisors. The report revealed that over 55 percent of flower workers have suffered from sexual harassment on the job, although only five percent of cases are reported, and even fewer are sanctioned.





2005 Financials

| Unrestricted Net Assets | 2004 | 2005 |
|--|-----------------------|-----------------------|
| Revenue | | |
| Churches | \$2,000.00 | \$882.00 |
| Foundations | \$409,138.00 | \$535,383.00 |
| Other Institutions | \$118,738.00 | \$232,447.00 |
| Individuals | \$33,333.00 | \$45,802.00 |
| Trade Unions | \$200.00 | \$700.00 |
| Government | \$507,169.00 | \$592,296.00 |
| Honoraria | \$1,000.00 | \$3,317.00 |
| Event, net | \$7,680.00 | \$4,738.00 |
| Interest | \$870.00 | \$4,481.00 |
| Reimbursements | \$7,177.00 | \$785,048.00 |
| In-Kind contributions | \$55,000.00 | \$20,000.00 |
| Other | \$81.00 | \$0.00 |
| Loss on Investments | -\$1,048.00 | -\$1,433.00 |
| Total Revenue | \$1,141,338.00 | \$2,223,661.00 |
| Expenses | | |
| Program services | \$1,057,345.00 | \$1,413,393.00 |
| Supporting services | | |
| Management and general | \$178,012.00 | \$300,214.00 |
| Depreciation | \$4,115.00 | \$4,809.00 |
| Fundraising | \$2,152.00 | \$3,882.00 |
| Total Expenses | \$1,241,624.00 | \$1,722,298.00 |
| Change in Unrestricted Net Assets | \$-100,286.00 | \$501,363.00 |
| Net Assets at the Beginning of Year | \$387,617.00 | \$287,637.00 |
| Net Assets at the End of the Year | \$287,331.00 | \$789,000.00 |

Our work would not be possible without the contributions of our dedicated supporters who share our belief in making social and economic justice a reality for millions of workers worldwide. We would like to express our deepest gratitude to the following foundations, institutions, organizations and individuals for their general support in 2005.

Foundations, Institutions and Organizations

- American Federation of Government Employees, Local 1395
- Center for Community & Corporate Ethics
- CharityGift Fund
- Cohen, Milstein, Hausfeld & Toll, PLLC
- Environmental Rights International Fund for Southern Communities
- General Service Foundation
- Human and Civil Rights Organizations of America
- Impact Fund
- International Brotherhood of Electrical Workers, Local 46
- International Brotherhood of Teamsters
- Kerrigan, Estess, Rankin, McLeod & Thompson, LLP
- Labor Research Association, Inc.
- Open Society Institute
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