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President: Ms. A. Sto. Tomas

GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK: PRESENTATION AND DISCUSSION

The PRESIDENT — It is my pleasure to open the discussion on the Global Report submitted under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. This is the second time that the Conference will consider a Global Report on one of the four categories of the fundamental principles and rights outlined in the Declaration. This year the subject of the Global Report is the elimination of all forms of forced or compulsory labour.

The second Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, *Stopping forced labour*, reminds us that the age-old problem of forced labour is, unfortunately, still with us today. One of its most insidious forms, the trafficking of children, women and men, for forced labour purposes, is touching almost every part of the globe. Bonded labour, debt bondage and unscrupulous recruitment abuses and other manifestations of forced labour, show how it is linked to poverty and the abuse of power. With forced labour and decent work at opposite ends of the spectrum, the Global Report also suggests measures that we can take to rid the planet of forced labour. My Government is glad to see that its own efforts to protect migrant workers have often been cited as an example of such initiatives. The elimination of forced labour must be imbedded in all sound and sustainable development strategies.

In accordance with the decision adopted by the Governing Body at its 279th Session in November 2000, the discussion on the Global Report will be governed by certain special provisions, as approved by the Conference.

First of all this will be an interactive discussion, in that it will be more flexible and delegates will be able to reply to statements made by other delegates, which would not be possible with a formal list of speakers. Persons wishing to speak should fill in one of the forms being distributed for this purpose by an assistant in the room. The assistants will give the forms to the Clerk of the Conference.

Today's discussion will take place in two sittings, with the possibility of extending the afternoon sitting late into the evening, depending on the number of speakers.

In the first phase of the discussion, the Employer and Worker spokespersons and the spokespersons of other groups will take the floor. During the second phase, statements will be made by individual del-

egates. During the third phase, the spokespersons of the groups, and other delegates, can make concluding statements. There will be no formal conclusions. The Director-General will then refer to this debate when he replies to the Conference.

The maximum duration of speeches will be ten minutes for speeches by the groups' spokespersons, and five minutes for delegates' speeches. Please keep to this time limit because we have a fairly long list of people who wish to speak.

As an aid to this year's discussion, the suggested points for discussion, found at the end of the Global Report, can guide our deliberations to explore the root causes of persisting situations of forced labour, and to focus on what the ILO, its constituents and other organizations, can do to address these problems. I urge all delegates to engage in a constructive debate, aimed at paving the way forward for future action.

Given the importance of technical cooperation in the follow-up to the Declaration, the Officers of the Conference have agreed to hear first of all from the Minister of Employment and Solidarity of France, before resuming the discussion in the way that I have earlier described. Along with the Government of the Netherlands, the Government of France came forward earlier with financial support to countries and to the Office in pursuit of a promotional follow-up to the Declaration. These donors have since been joined by the United States, the United Kingdom, Germany and Japan.

In symbolic recognition of the distribution of the contributions from the range of donors that now support work in the context of the Declaration, I will be calling upon Ms. Guigou, Minister of Employment and Solidarity of France, to begin the discussion of the Global Report. Following her speech, the discussion will resume with the groups' statements.

Original French: Mrs. GUIGOU (*Minister of Employment and Solidarity, France*) — Allow me, on behalf of the French Government, to commend the President on her election to the presidency of this 89th Session of the Conference and for her stewardship.

I am very pleased to be taking part in this plenary session focusing on the Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998.

I thank and commend the Director-General for the quality of his report on forced labour. We must be constantly reminded of the fact that forced or compulsory work is unacceptable. It is a complete denial of freedom. The report quite rightly states that it con-

cerns all our countries and that it takes many forms. Modern-day slavery involves trafficking in persons, all kinds of bondage and some types of prison labour.

This is a problem of which the French Government, both at home and in Europe and internationally, is keenly aware. In my former office as Minister of Justice, I had a hands-on role in this matter, and I thank the Director-General for having cited, in his report, that the French Government is taking a cross-ministerial approach in pursuing clandestine operations that rely on trafficked labour. A parliamentary select committee on modern slavery has also been set up in France.

France supports the ILO's efforts in this area through the technical cooperation agreement under the follow-up to the Declaration and the IPEC Programme on Child Labour. We also supported the principle of the application of article 33 of the ILO Constitution with respect to Myanmar which does not uphold the ban on forced labour.

We fully endorse the idea of an action plan advocated in the Global Report, especially as regards taking an integrated approach along with other international agencies. I also welcome the initiative taken by three countries, the United Republic of Tanzania, El Salvador and Nepal, at this Conference to eradicate the worst forms of child labour. France, for its part, has filed its ratification instrument on the Worst Forms of Child Labour Convention 1999 (No 182), on 5 June last.

I would also like to congratulate the Director-General for his Report, *Reducing the decent work deficit: A global challenge*, which we believe should be the core issue in this Organization. Like him, I believe that decent work is a crucial factor in securing harmonious and sustainable development. This is indeed enshrined in many international texts and also in those of the European Union which, under the French presidency in the second half of 2000, promoted quality jobs. We should be promoting, in the broadest sense of the word, forms of employment and conditions at work which secure an effective guarantee of fundamental rights at work, a high level of social protection, true social dialogue, genuine and lasting social integration, and a real quality of life which should benefit both individuals, the economy and society as a whole.

Finally, I would like to conclude on the social dimension of globalization and the idea that we must reconcile trade and labour standards — also raised by Mr. Somavia in his Report. We need to regulate better the consequences of globalization and, for that, we must strive for international cooperation founded on a number of objectives to which we have all agreed. I believe that we have come a long way. The social dimension can no longer be ignored in international debate — and this must continue to be the case. The ILO today can be inspired by the concept of decent work, the Declaration on Fundamental Principles and Rights at Work, on the shared resolve of member States to fight poverty and exclusion, reasserted last year at the extraordinary session of the General Assembly of the United Nations in Geneva in June 2000 and then in New York in September.

The way ahead is not clear, however. We have to respect the legitimate diversity of societies and cultures and not try and impose a single social development model given the concerns of countries at having social standards which they see as the latest

version of protectionism. Our Organization, I believe, has the means to provide some sort of social regulation. It certainly has some very original and efficient assets to help it in its endeavours: the tripartite nature of its standards-related activities; the existence of suitable follow-up mechanisms; and the possibility of calling to account States who fail to fulfil their obligations.

However, the ILO must maintain a close and permanent partnership with other international organizations who are engaged in the struggle against poverty and in promoting development and evening out inequalities. The European Union has thus clearly stated in its European social agenda that economic performance and social progress must go hand in hand. This issue was again taken up within the framework of the G8. An interest in the social dimension has also been expressed in international financial institutions like the World Bank and the IMF.

Let me say also that we fully support the Working Party on the Social Dimension of Globalization, which is the only tripartite forum where the ILO, the Bretton Woods institutions, UNCTAD and the WTO can discuss ways on coming to grips with the social consequences of globalization and the promotion of social development.

Mr. POTTER (*Employers' delegate, United States; spokesperson for the Employers' group*) — Perhaps, in order to bring the discussion closer to the Global Report, we might begin by commending the Office for a Global Report which represents a substantial improvement over that of last year.

The Declaration on Fundamental Principles and Rights at Work is a solemn commitment by all ILO Members to respect, promote and to realize the principles concerning fundamental rights that are the subject of eight fundamental ILO Conventions. This second Global Report — addressing the second principle on the elimination of all forms of forced or compulsory labour — looks at all ILO member States under the same lens, regardless of whether the relevant Conventions have been ratified by the member State or not. The Declaration's follow-up, however, is something quite different, procedurally and substantively, from that involved under the ILO's regular supervisory machinery. It is clear that Members have no obligation as concerns the specific provisions of the Conventions they have not ratified. As paragraph 33 of the Global Report highlights, "the Declaration is about principles and rights, not specific provisions of Conventions."

At a minimum, the Declaration's follow-up procedures hold ILO members accountable to their commitment to seek to achieve the policies and objectives of the fundamental ILO Conventions. The evaluative criterion is whether there has more been a substantial or pervasive failure of policy to respect, promote or realize the principles concerning fundamental rights. Of course, if the member nation has ratified Conventions Nos. 29 and 105, they have an international obligation to implement the specific provisions of those Conventions. What the Declaration seeks to promote is a policy environment that strives to eliminate forced labour, that is labour not voluntarily given. Divorced from all the specific legal provisions of the Conventions, this is the central policy objective of the Declaration's principle on forced labour. When a policy environment exists with sufficient resources

and a commitment to eliminate forced labour, there is a basis for the realization of the fundamental right to be free of forced labour.

The aim of the Declaration's follow-up is "to encourage the efforts made by the members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO". The follow-up is intended to "allow the identification of areas in which the assistance of the [ILO] through its technical cooperation activities" could help ILO Members in implementing the fundamental principles and rights. The essential purpose of the Global Report, which is just one aspect of the follow-up, is to "assess [] the effectiveness of the assistance provided by the [ILO] and [to] determine [] priorities ... in the form of action plans for technical cooperation". Because the Declaration is intended to address serious failures of policy, the Global Report necessarily identifies and focuses on serious cases of forced labour. Consequently, the targeting and prioritization of technical assistance and forced labour under the Declaration are based on serious failure to achieve the elimination of forced labour. Such failures are not failures to achieve a specific legal requirement that might be found in the fundamental forced labour Conventions or in the observations of the Committee of Experts under the regular supervisory machinery.

As the report points out on page 15, "the main emphasis of this report is placed on structural concerns that might be tackled through a future programme of technical assistance".

Astonishingly, even though there is condemnation of forced labour from all quarters and economic progress is being made at different speeds around the world, this year's Global Report documents widespread serious situations of forced labour involving nearly half of the ILO membership in one or more categories. It is not clear, however, whether the listing of countries with serious forced labour problems found in this report is comprehensive — the Employers ask that there be a more precise indication of this fact in future Global Reports — but the number of identified situations of serious forced labour in ILO member States is startling. The Employers' group appeals to all governments with serious forced labour problems to step forward today and tell us what steps they are taking to eliminate forced labour. They need to be addressed as a matter of urgency.

To begin with, the report identifies egregious violations of the principle of the elimination of forced labour involving slavery and abductions in five countries. These pervasive failures of policy can be found on pages 16-18. Compulsory participation in public works projects can be found in at least eight countries. These egregious violations of the prohibition of forced labour are described on pages 19-20. Coercive recruitment systems involving 12 countries are discussed on pages 21-29. Pages 30-31 describe forced labour situations involving domestic workers in five countries. Serious breaches of the Declaration's forced labour principle involving bonded labour, including bonded child labour, is occurring in five countries and is described in pages 32-43. Significantly, three of the five countries are taking proactive initiatives.

Forced labour imposed by the military in one country, Burma (Myanmar) is somewhat briefly described in pages 44-46. This is not the place or the moment to discuss the facts of Burma, a country which has

ratified [Convention No. 29](#). However, the situation in Burma is so serious, so intractable and so longstanding that this policy failure has been addressed in the context of article 33 of the ILO Constitution for at least the last three ILO Conferences. At a special sitting of the Committee on the Application of Standards this past Monday, that Committee examined the serious human rights violations occurring there, as it has done on numerous other occasions since 1980. The ILO and this Plenary body can but deplore the situation in Burma and ask that ILO Members re-examine their policies towards the Government in light of the authority found in article 33.

In terms of the breadth of the forced labour problem touching the policies of at least one-third of the ILO membership, serious questions of forced labour and the trafficking of persons involve over 60 countries as sending, transit or receiving countries. These egregious circumstances are described on pages 47-58.

Now we come to prison labour. Much of this part of the Global Report is misplaced, in particular, in our view, paragraphs 190-197. First, private prison labour and privatized prisons fall under a complicated exclusion to forced labour under [Convention No. 29](#). Unlike the other categories of forced labour, privatized prison labour is less central to the underlying policy of eliminating forced labour. It is inherent in the situation of incarcerated persons that their personal freedom is curtailed.

Second, the central policy considerations under the fundamental forced labour Conventions concerning private prisons and privatized prison labour are not certain. For the last few years, the Applications Committee and the Committee of Experts have been reviewing the underlying policies of [Convention No. 29](#) in light of modern penal policies that seek to develop relevant workplace skills and work habits in an incarcerated prison population. It is particularly notable that the Expert-Advisers for the annual review reports of countries who have not ratified the fundamental Conventions under another part of the Declaration follow-up only highlighted in 2001 "particular concern ... at the persistence of imposition of forced labour for persons who are interned for rehabilitation through labour" involving one country. This type of prison labour does not involve private prisons or privatized prison labour. Consequently, there is no basis at this juncture for identifying serious cases of forced labour involving privatized prison labour in this context or extended discussion of this issue under the Declaration.

Although the Global Report provides some examples of governments that are trying to correct their serious forced labour situations, these appear to be in the minority. Again, we do not know if this is a comprehensive list. And the report does not tell us the degree to which Members are requesting ILO technical assistance on forced labour. What is evident is that there is a substantial need for governments to invite ILO technical assistance on forced labour. In future Global Reports, we would like to see a full listing of ILO technical assistance on forced labour, including the who, how, when and where, as well as cataloguing steps ILO Members are taking independent of ILO technical cooperation to realize the principles and rights contemplated by the Declaration.

The Employers' group commends the ILO for having taken on board in this year's report a number of suggestions that we made last year. We appreciate

Provisional Record No. 2 as a first step to providing continuity, interim reporting and evaluation between Global Reports. *Provisional Record* No. 2 provides a record of countries that have stepped forward and asked for assistance under the Declaration. We take it that the seminars are of a general informational nature. We would be interested in knowing who initiated the seminars. What follow-up to these seminars is taking place? We hope to hear today what are the reactions of governments to these seminars. How have they helped? What can be done to make them better? We have similar questions with respect to projects on the specific principles. In addition to questions already mentioned, what do they involve? From the government's point of view, are they useful? Do the seminars and projects have measurable goals and objectives? What criteria does the Office apply to the prioritization and targeting of technical assistance under the Declaration? We think that, the more Members know about these technical cooperation activities, the more likely they are to request assistance, perhaps even today; and, the more the Declaration will fulfil its promise that every nation on earth will realize the principles for the betterment of all mankind.

Not only do we need more expansive reporting on the ILO's technical assistance activities; the Declaration also requires interim reporting, principle by principle, on positive and negative developments concerning pervasive failures to achieve the Declaration's objectives. Using an analogy that I am sure crosses all regions of the world, this year we are crawling to implement the Declaration; hopefully, if Members truly take it seriously, by next year we may begin to walk. And soon all Members will be running under the Declaration to achieve its principles and rights.

Although more needs to be done to make the report less legal, we particularly appreciate the less legalistic orientation of the Global Report this year as compared to last year. When a country is mentioned in the Global Report, we think there should be some designation however as to whether the country concerned has ratified the relevant fundamental Convention(s). As we have already mentioned, the emphasis on highlighting the most significant policy failures involving the most serious cases of forced labour around the world allows all of us to focus on what is important. Compared to last year, while the sources of the information is the same, it is evident that this year's report provides us with a fresher, factual presentation. As time goes on, new sources of information will be available through the Declaration's technical cooperation programmes. And, as the ILO increasingly engages in member technical assistance under the Declaration and is asked by ILO member States to provide that assistance, an independent, enriched databank of information will be developed that will allow us to see quite clearly which Members are, and which are not, seeking to realize the principles and rights under the Declarations.

To conclude, in this Global Report, nearly half of the ILO membership has been mentioned as maintaining policies that result in serious failures to eliminate forced labour. Now is the time for those countries to step forward and ask for technical assistance and to tell us what they are doing to achieve the elimination of forced labour. This will facilitate an interactive discussion that is essential to targeting and prioritization, and to the Declaration's success. If

Members do not step forward today in view of the basic human right to be free from forced labour, we may need to think about other means of creating more effective interaction and targeting. For these reasons, we think that the points for discussion, while important, will, if concentrated on by the speakers today, represent a distraction from the real aim of the Declaration, which is to help ILO members realize the fundamental principles and rights.

Lord BRETT (*Workers' delegate, United Kingdom; Chairperson of the Workers' group*) — I will begin by commending the Office for this excellent first Global Report on forced labour.

Unfortunately, the picture it paints is one of a disturbing growth in forced labour across the world. It is totally unacceptable to the workers' organizations of this world that in the twenty-first century forced labour, and often the terrible and horrifying living and working conditions that accompany it, should still exist, despite the fact that the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), are the most ratified among the fundamental ones, with 156 and 153 ratifications respectively.

Here, I would endorse entirely the comments of my Employer colleague, Mr. Potter, in respect of the situation in Myanmar.

The phenomenon of trafficking of forced and compulsory labour, particularly of sexual exploitation, is one of those growing practices. The increased use of prison labour in industrialized countries is another source of deep concern to workers. On this point I would not be in unity of thought with my colleague, Mr. Potter. We think there is more work to be done in this respect. Indeed, it is frankly refreshing that in the report itself the Office admits that the ILO has not done enough, and it seems to me that the point of this discussion is to see what more the ILO can effectively do.

Therefore, we hope this report will prompt member States to re-examine their conscience and to instigate action to eliminate this "terrible blight on human freedom in all its forms".

The report also demonstrates that a prerequisite for the eradication of forced labour is a recognition by the Government of the very existence of the problem and, equally, a strong political will to combat it. What we suggest the Office should do — and we look for support from the Employers and from Governments — is to put forward a project outline to the November Governing Body meeting on an international programme for the elimination of forced labour.

We have seen, in respect of child labour, that focusing the attention on the world not only brings awareness but also brings resources. It brings political will. Therefore, we would hope that others would join with us in asking the Director-General to take that point on board, and to bring forward a programme for further discussion in November.

A number of my colleagues from different parts of the world will contribute to this debate. They will, I am sure, deal with national situations, national experiences, and the situation in their areas of the world. I will not concentrate further on the report, but it might be useful for the Members present to turn to page 108, which contains the suggested points for discussion. I would like to put before you the views of the Workers' group and its responses to those nine ques-

tions, starting with the very first one on the broad forms of forced labour. Our answer to the question posed is “yes”, with the exception of forced child labour, such as live-in servants and similar cases violating the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and the United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. While this is likely to be focused on deeply in next year’s Global Report, it should have been clearly mentioned in this year’s report, and not ignored completely.

To turn to question 2, on forced labour in the rural economy, bonded labour is most commonly used in India, Nepal and Pakistan. In our view, the reason it is so prevalent in those countries and not in others is because of the similar and higher levels of poverty that are directly related to the caste system, that is outlawed but still exists in those countries. It is discrimination against minorities that is the root cause of the problem. Those minorities are not in a position to challenge existing social structures, in particular, the powerful local elite who continue to use bonded labour in some cases despite, legal prohibition.

In our view, there is a reason why — even in South Asia — bonded labour is more particularly widespread in certain regions. It is because of the existence of indigenous groups. Nepal is an example. Or it is because the local government has shown no political will to address the problem and enforce the laws that do exist, and this would appear to be the case in Sind Province in Pakistan, for example.

Factors relating to trafficking are even more complex, with some countries being the sender, transit and recipient points for different trafficked people. Victims cover a spectrum, from those who have a good, though imperfect knowledge of what they are getting involved in, to those who have no idea about what is going to happen to them. Victims will also include the well-qualified and the relatively affluent, as well as the many who live below the poverty line. Some of the factors that contribute to the prevalence of trafficking in particular areas are: established trafficking routes; a history of migration; an inability to access the job market, either because of a lack of jobs or because of discrimination; lack of awareness regarding consequences; lack of legal channels for migration; and gender discrimination in areas of origin, which inhibit women’s income-generating activities.

Our views in respect of question 3 are that these factors are pivotal to the problem, as we have already pointed out. The perpetrators and victims of slavery in Sudan, for example, are from different ethnic or religious groups. In some areas women are especially vulnerable to bonded labour, because they can inherit debts, but they cannot inherit land. Gender is also important in determining what types of forced labour children will have to do. Girls are exclusively the victims of forced labour practices such as the *trokosi* practice in Ghana, while only boys are trafficked to work as camel jockeys in other parts of the world. Girls are primarily exploited in the sex industry, or for domestic or market work, while trafficked boys usually end up working in a range of low-skilled manual occupations.

There are implications for strategy. All surveys and data collection exercises may be disaggregated by gender, age and minority group. It is particularly important to identify the caste indigenous group, and

whether they are migrants. This will allow the solutions to target the particular needs of those affected.

It cannot be said strongly enough that legislation which prohibits discrimination needs to be enacted, but when it is enacted it needs to be enforced. Education campaigns should be undertaken to change attitudes and to inform people about their rights. Many forced labour practices affect specific groups in specific geographical areas, like *trokosi* or slavery in Sudan, and for these, action plans must be tailored to fit the specific circumstances in order to be effective.

To turn to question 4 — the major questions related to forced rural labour — here, there are a number of things that need to be done. We need problem identification. Broad mapping and data collection exercises must be undertaken in countries and regions where bonded labour has not already been documented, so as to ascertain where a problem exists and, more importantly, how deep the problem is. This requires detailed surveys. We think those exercises can be carried out by independent institutions, and can be achieved through joint projects between the ILO and relevant governments, as referred to in paragraph 308.

Independent and comprehensive national surveys by regional districts should be carried out to identify the total number of bonded labourers in any country where the problem has been identified or reported in the last five years (paragraph 307). Such studies should break down the statistics to provide a picture of the number of women, children, and members of indigenous or other minority groups who are the victims of bonded labour. This will establish the number and location of people held in debt bondage, and allow the remedies to be developed to meet the needs of those affected. It will allow for progress towards the elimination of the problem.

We need to do much more in the form of awareness-raising and public information campaigns, which specifically target victims and perpetrators. These should be supported. Such campaigns could explain that bonded labour is illegal, that bonded labourers do not have to repay debts, and are, indeed, eligible for compensation where available, and that those who have exploited them through debt bondage are liable to prosecution.

Training schemes should be organized in cooperation with the appropriate local organizations to ensure that all official labour inspectors, district magistrates, judges, police, etc. and key members of the general public understand the law and how it prohibits bonded labour, and play their part in properly enforcing it.

Any solution that is brought forward by the Director-General will have the full support not only of the Workers’ group, but of the trade union movement, both nationally in countries and internationally. We know there are well-established, reputable non-governmental organizations doing tremendous work already. I may mention Anti-Slavery International, the oldest human rights organization in the world, in my own country.

We know there are people who would seek to join us if we had a programme.

Prevention is important. Unannounced inspections of industries where bonded labour is commonly used should be supported. Multidisciplinary monitoring groups such as those established in Brazil to combat forced labour in the charcoal camps can play a useful role, as can trade unions which organize bonded

labour. Rural workers' organizations should be created. The social partners should be seen to support the victims of bonded labour. A specific component to eradicate bonded labour should be included in every rural development programme where an instance of bonded labour has been detected.

The ILO should seek to coordinate with other intergovernmental organizations, such as the International Monetary Fund, the World Bank, the United Nations Development Programme, and the World Health Organization in order to break the cycle of social exclusion and poverty which means that people are vulnerable to exploitation through bonded labour.

We need an effective programme to prevent bonded labour, and it must have within it a comprehensive development programme. This will, of course, require substantial resources way beyond anything that the ILO has, but we have seen how, when the world's conscience is focused and raised, there are agencies and national governments prepared to step forward and offer assistance. The use of tactics such as microcredits will provide an alternative way for people to obtain the resources required to plant crops, etc., rather than having to seek loans from employers, which makes them vulnerable.

There are remedies available. Technical assistance should be provided to States in drafting legislation which complies not only with the Forced Labour Convention, 1930 (No. 29), but with other ILO Conventions which help to prevent the conditions in which people will be vulnerable to forced labour. Such instruments include, for example, the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). In other words, we must provide coherent and cohesive advice.

National local-level action plans need to be drawn up for the authentication, release and rehabilitation of bonded labourers. This should include an inter-agency approach in the countries affected, involving the different governmental departments, the trade unions, the employers' organizations, community groups and those responsible for national non-governmental organizations which want to assist.

A monitoring system should record and make publicly available information about the release of bonded labourers and compensation paid to former bonded labourers. Technical workshops could be organized by the ILO to show how to set up and maintain a system of statutory registers, including the tracing of bonded labourers across districts.

It should not be ignored that this practice is being perpetrated by people who know about bonded labour. It is not perpetrated normally by the uneducated and the poverty-stricken. Those who are the perpetrators of bonded labour should therefore be arrested, prosecuted and brought before the courts. It should be publicly seen that the law is being enforced against those who might appear powerful, but who have no more right to ignore the law than those who are poor.

Practical assistance should be offered to strengthen labour inspection services. High-profile public-interest litigation against those using bonded labour should be pursued.

To turn to question 5, many States still need to ratify the Protocol to Prevent, Suppress and Punish

Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. More need to incorporate it into their domestic legislation.

This is a priority, as States need to work from the same definition of trafficking and have similar legislative frameworks in order to combat it. Measures to combat trafficking must include policies to support and protect victims, including temporary or permanent protective status, and to ensure victims have the right to legal redress and compensation.

Respect for labour standards must be enforced in informal areas of work, regardless of the immigrant status of those working in those areas. Trade unions can assist in organizing and raising awareness among workers in informal employment about the risk involved in informal migration, and what rights migrants have when working abroad.

Employers' organizations can assist by monitoring particular industries to ensure that no forced labour is being used. They can also seek to ensure that their suppliers are not using trafficked forced labour, by working with governments in countries of origin to carry out surveys and support the establishment of multidisciplinary inspection teams.

Regarding question 6 on freedom of association, the freedom to organize is pivotal to the elimination of forced labour. Intimidation and threats of violence are the weapons used by landowners to try to prevent bonded labourers from accessing their rights under the law and to keep them from organizing and bringing together self-help organizations.

Trade unions should be supported and encouraged in their efforts to organize, unionize or bring together workers in the rural areas into self-help organizations, and to protect potential victims of forced labour in the informal economy.

Regarding question 7, in our view the key factors for success include political will to address the problem and proper enforcement of the law, including the punishment of perpetrators. Sustainable solutions to problems must be offered, and effective rehabilitation and integrated development programmes should be available. All sectors must be involved in the solution of particular forced labour problems.

Question 8 asks, "In the case of labour trafficking, what is the ILO's appropriate niche?" What does the ILO bring to the party? What is our comparative advantage? Should the elimination of forced labour have a greater emphasis? This is a question I have read in detail because it seems to be the key to the way forward.

The ILO could focus more on trafficking for exploitation of labour, rather than on trafficking for sexual exploitation. It is not without coincidence that newspapers, TV and radio tend to give sexual exploitation greater publicity. Is it because they are truly interested, or is it because sex sells newspapers?

There are many other areas of labour exploitation we could focus on. There are other agencies, such as the International Organization for Migration, which concentrate on sexual exploitation. We should raise public awareness of specific situations. We should promote the protection of migrants' rights. All ILO constituents should work together to help organize workers in informal employment who are at risk of being exploited. At the end of the day, the people themselves are probably the best protection.

We certainly support the elimination of forced labour being given much greater emphasis within the ILO, because it is a growing problem. It is resistant to attempts to eradicate it. We have seen the efforts made so far. The ILO should bring its unique experience and expertise to the fight to eliminate forced labour. This could take the form, as I have said, and I will repeat, of an international programme of action against forced labour, which would seek to deal with all aspects of the problem in a concerted and coordinated way, and would lead international agencies, as well as ILO Members, to work together.

Lastly, what sort of progress should be seen between this Global Report and the next? Well, it seems to me the validation of success is relatively simple. The number of people released, compensated and rehabilitated should be documented, and should show year-on-year increases. The number of people prosecuted for using forced labour and the sentence passed should be seen to have increased dramatically. Their cases should be properly documented, and we must ensure that their sentences are commensurate with the crimes.

States should publicly and more transparently acknowledge that forced labour is a problem in their countries. There should be evidence of concrete steps to tackle the problem. Results of independent and rigorous surveys should be produced, and should show the breakdown by gender, age, minority group, etc. of the victims of forced labour, and should give a clear indication of how the scope of forced labour is being examined, and what action is being taken against it.

Ratification of the appropriate ILO standards, particularly the relevant ILO Conventions, will be also part of the fight. There should be an identifiable increase in the number of States which grant temporary or permanent protective status to victims of trafficking. That will also show the efforts made at the international level.

Workers in informal employment should be increasingly organized. This is a major priority of the international trade union movement, and we must do more. It is not good enough to talk of governments doing more. The trade union movement itself has a major part to play and, I have to admit, we have not done enough.

Finally, we need integrated development programmes which provide actual or potential victims with access to land or other means of generating income. This is a major task. It is a task we believe today's debate can contribute to starting. Therefore I apologize for going over my time. We are speaking on behalf of the whole group, and we commend these thoughts to you.

Ms. ROBINSON (*Government delegate, Canada; spokesperson for the IMEC group*) — I am making this statement on the ILO Global Report, *Stopping forced labour*, on behalf of the IMEC group.

To begin, IMEC wishes to reiterate its view that the Global Report, in addition to its primary purposes of identifying priorities for technical assistance and assessing the effectiveness of ILO interventions, is also a communications and information tool that presents an opportunity for the ILO to highlight global trends, generate discussion at high political levels and engage the interest of the international community and media.

IMEC welcomes the second Global Report which provides a dynamic global context and current assessment of the situation with respect to forced labour. The report is rich in information, and the Office's efforts to produce a more readable report for a broader audience by including boxes highlighting good practices and special initiatives, as well as areas of particular concern, are appreciated.

IMEC has previously expressed the view that there is a need to establish effective mechanisms to ensure continuous assessment of progress between Global Reports on each of the principles. In this context, we welcome the report in *Provisional Record* No. 2, concerning follow-up to the Action Plan adopted by the Governing Body in November 2000 with respect to last year's Global Report on freedom of association and collective bargaining.

We also note that the suggested points for discussion include questions related to potential linkages between respect for other fundamental principles and the existence of forced labour.

IMEC is pleased with the more timely distribution of the Global Report this year, but would ask for further information on the Office's public relations' strategy for publicizing the report for other audiences, and suggest once again that media coverage and interest, and the effectiveness of the strategy, be assessed and reported on.

With respect to arrangements for the discussion of the Global Report, IMEC reiterates the view that the discussion should be an interactive high-level political discussion and regrets that it could not have been scheduled earlier during this week so that more Ministers could participate. We ask that this be given due consideration when scheduling next year's discussion on child labour.

On substantive issues, IMEC shares the grave concerns expressed in the report, concerning not only the continued existence of certain traditional forms of forced labour, but also the emergence of new forms, in particular the trafficking of persons for forced labour.

There is growing global recognition of the seriousness of the situation, which contributed to the recent adoption of a new United Nations Convention and Protocols. It is essential that the ILO build on those initiatives by developing a meaningful action plan to address forced labour issues within its mandate, and by implementing them in cooperation with other international organizations working in this area.

IMEC endorses proposals in the report to focus on gathering more precise information on the existence of forced labour and on those most affected, in order to better understand the labour market dimensions of the problem and contribute to the development of effective programmes to eliminate forced labour in all its forms.

IMEC supports the proposed focus on domestic work, rural development and forced labour and trafficking as appropriate areas for ILO action, and welcomes the proposal for a special programme against bonded labour. We would also suggest that special attention should be given to the prosecution of the perpetrators of forced labour.

IMEC endorses the view that successful action will require a holistic approach, including better data collection, awareness raising, technical assistance to improve training, labour inspection and law enforcement, and dissemination of good practices, as well as the commitment of governments, the social partners

and relevant international organizations. Attention must also be given to providing access to education, income support and alternative decent work opportunities to those removed from forced labour.

Finally, today's discussions and conclusions should result in operational objectives, indicators and concrete targets within the programme budget, with appropriate monitoring and evaluation mechanisms. This will provide the means for continuous assessment of the situation with regard to forced labour and will be essential for assessing progress and the effectiveness of ILO technical assistance.

Original Arabic: Mr. ELAMAWY (*Minister of Manpower and Emigration, Egypt, speaking on behalf of the Governments of the Arab States*) — In the name of God, the Merciful, the Compassionate!

Forced labour is certainly one of the most flagrant and unbearable practices to affect the dignity of man. Islam prohibits slavery and considers it a form of torture. This is why all governments and all peoples must put an end to this type of horrible practice, that is, indeed incompatible with the Declaration of the ILO.

These practices are also incompatible with the international agreements which is why the international community must make every possible effort to eradicate this kind of practice which affects humanity and human dignity.

Based on this principle, all Arab States, without exception, have stated that forced labour is a criminal act and States have deployed efforts to stop these kinds of practices on Arab territories and to apply all applicable legislation that prohibits slavery and forced labour.

It is, therefore, not surprising to see that 20 Arab States have ratified the Forced Labour Convention, 1930 (No. 29), and several Arab States have also ratified the Abolition of Forced Labour Convention, 1957 (No. 105). These two Conventions prohibit forced labour. The Global Report this year highlights the fact that this phenomenon is not about to disappear but is, on the contrary, developing in the new millennium and, in fact, getting worse. This is worrying. We therefore need to do some very serious work to stop this extremely destructive phenomenon that threatens both developed and developing countries, even if the majority of victims are from developing countries and countries in the throes of economic crises. There are also victims amongst migrant workers.

The report lists different forms of forced labour and slavery. It also mentions the kinds of environments in which this kind of practice develops.

I do not have enough time to list all the situations in which forced labour can appear, but I would like to make two comments. First, forced labour is directly linked to a vicious circle of poverty, illiteracy and the inability of citizens to participate effectively in decision-making in their respective societies.

Because of this, eradication of this phenomenon will require draconian measures in order for the law to be applied. However, these efforts must be based on a global strategy designed to combat poverty, develop education, promote knowledge, make people aware of their rights, and provide citizens with economic and social protection. It is particularly important that there are special measures to stop people from being marginalized.

Forced labour is totally incompatible with the concept of decent work, which is a pure concept of development. That is why we must promote economic and social development and also reinforce and extend the networks of social security.

Measures also need to be taken to fight poverty by creating jobs and supporting small and medium-sized enterprises.

These are phases which are absolutely necessary to put a stop to forced labour all over the world.

Second, most rich countries have not been able to protect their territories from the terrible phenomenon of forced labour. On the contrary, many of these countries have become very fertile grounds for mafia-like organizations that smuggle and exploit people unacceptably through slavery and exploitation.

Both developed and developing countries are suffering from this and even in rich countries there are pockets of poverty that serve as a basis for the exportation of slaves.

We have seen that, together with the export of capital and services, there is also an export of cheap labour. It is really shocking to see that these phenomena still exist in this era of technology and information. We must stop these inhuman practices and prevent the development of conditions that are favourable to the importation of foreign manpower that can be exploited at will. This type of climate is exploited by criminal gangs which impose modern forms of slavery on human beings.

The eradication of all forms of forced labour in developing countries requires education policies and policies against poverty. We also need to ensure that rich countries adopt policies to bring about true equality for migrant workers.

Among the first steps to be taken are the application and ratification of the major Conventions on migrant workers, especially those which protect all migrant workers and their families. These are Conventions which, unfortunately, have been ratified by only a handful of countries.

The report recalls the fundamental rights of workers. The objective of the Global Report is to set up a programme of cooperation to serve the social partners in countries all over the world. One of the essential elements for the success of this programme is the mobilization of appropriate resources. The report proposes stages and different measures to be implemented and we hope that efforts will be made to put a stop to forced labour in a far more global framework of development based on elements proposed in the document. This will allow our discussions and debates to be far more practical and operational.

We are convinced that the eradication of forced labour will be a unique opportunity to promote the Declaration and to eradicate forced labour in all its forms — slavery, smuggling, obligatory participation in public works, debt bondage, illegal exploitation of housekeepers, compulsory labour under occupying forces, and so on.

We all know that the Declaration on Fundamental Principles and Rights at Work is a political Declaration, the value of which is based on the conviction of all the member States because it is a global and objective document.

We should invite all member States to respect both the spirit and the letter of the document because it is a document which could help the social partners all over the world. It would also help us provide human

and material resources which the States need in order to respect labour standards.

In conclusion, I would like to say that we are convinced that constructive cooperation among member States of the Organization will be based on technical cooperation which will allow us to respect the spirit and the letter of the Conventions and the labour standards to which they relate in order to put a final end to forced labour.

This is the path that we must take and which will allow us to respect decent work and to fight against forced labour.

Original Arabic: Mr. AL SHO'ALA (*Minister of Labour and Social Affairs, Bahrain, speaking on behalf of the Gulf Cooperation Council States*) — In the name of God, the Compassionate, the Merciful! I would first of all like to reaffirm what His Excellency Mr. Ahmed Elamawy said when he spoke on behalf of the Arab governments, including the governments of the Gulf Cooperation Council (GCC).

It is my pleasure to address this august assembly on behalf of our regional group of the Gulf Cooperation Council, which includes the United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar and Kuwait. I would like to underline our commitment to applying international labour standards and principles, which are related to our values, traditions and ethics. These are based on our Islamic religion, which embodies all the principles contained in international human rights instruments and upholds the principles set out in the ILO Declaration on Fundamental Principles and Rights at Work.

As regards the discussion of the Global Report of the Director-General, which this year addresses the second of the principles in the Declaration concerning the elimination of all forms of forced or compulsory labour, it is our wish to express on behalf of the six countries in our Council our appreciation for the efforts made by the Director-General to enable the ILO to fulfil its mandate of improving working conditions, social justice and material and spiritual well-being for humanity as a whole, ensuring freedom, dignity, economic security and equality of opportunity.

The Gulf Cooperation Council would also like to express its appreciation for the scientific efforts and objective follow-up which characterized the main thrust of the Global Report of the Director-General, *Stopping forced labour*, by reaffirming its total agreement with the Director-General, who considers that forced labour must be condemned throughout the world. Nevertheless, the elimination of all forms of forced labour still constitutes today one of the major challenges for local communities and for workers' and employers' organizations alike. If, as the Director-General stated in the Global Report, domestic workers may often fall prey to forced labour and the States of the Gulf Cooperation Council welcome these types of workers, we should like to emphasize that our States are making every effort, through legislation and strict controls, to eliminate all forms of forced labour in our societies.

The States of the Gulf Cooperation Council, despite the limited duration of their experience in this area, are working actively at the heart of the international community. With the current period displaying a great number of political, economic and social changes, we have undertaken the rapid modernization of our civil institutions and legislation, on

the basis of the sovereignty of law, the separation of powers, political participation, transparency and strengthening of the role of institutions in civil society, improving worker representation and respect for the rights and the role of women in society. We consider, along with the rest of the world, that these principles are a means to honour the right to freedom, equality and justice.

I would like to take this opportunity to inform you that our countries have taken measures to ratify certain international Conventions, such as those connected with the follow-up to the Declaration on Fundamental Principles and Rights at Work, and in particular the Conventions regarding compulsory or forced labour. All the GCC States have ratified the Forced Labour Convention, 1930 (No. 29), and most of them have taken steps to ratify the Abolition of Forced Labour Convention, 1957 (No. 105).

The GCC countries respect all the fundamental principles and rights contained in the Declaration. They are working to improve their labour legislation so that it complies with international labour standards. The laws and rules applied in our countries reaffirm the principles of equality and legal protection against discrimination. These appear in many of the laws and regulations of our countries.

Labour legislation in our countries condemns any violation of workers' rights taking the form of forced labour, in compliance with international labour standards and in accordance with the precepts of the Islamic religion and our values and traditions which condemn these inhumane practices.

In the framework of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, it is our wish to express the importance of clear follow-up mechanisms, so that these can encourage and strengthen the efforts of the ILO Members and so that the follow-up cannot be used for making complaints against member States. The direction being followed by the Committee of Experts tends towards adopting a new follow-up mechanism alongside existing ones, and this constitutes a duplication of work which is hardly desirable.

We share the regrets of many member States regarding the report of the Committee of Experts which mentions countries by name. We respect the independent nature of the Committee and the work it has done to analyse the large number of reports sent by the member States. We would like to applaud their efforts. Nevertheless, we would also like the positive side to be reflected in the report and the recent measures taken by the countries concerned to be mentioned. We would like the measures or provisions required in the future to strengthen fundamental principles and rights at work to be stated, as well as the role of the ILO regarding technical assistance needed, especially strengthening the efforts of these countries to ratify international labour Conventions.

I would like to take this opportunity to pay tribute to the Director-General in his efforts to make the Global Report a report which can encourage and strengthen these principles and affirm the role of the ILO as regards technical assistance to countries experiencing forms of forced labour. I would also like to highlight the importance of continuing research into why these forms of labour persist and of finding solutions leading to their elimination.

We agree with the Director-General as regards the difficulty of gathering data and statistics on this issue,

and this necessitates concerted action and strengthening of cooperation with Members of the ILO so that a flexible, modern and transparent database can be established.

In conclusion, on behalf of the States of the Gulf Cooperation Council, I would like to reiterate that our countries wish to contribute, in cooperation with the international community, to promoting the modern principles of a humane civilization and to achieving collective well-being through cooperation and calm and constructive dialogue. We will continue our efforts within our societies in order to strengthen the fundamental principles and rights at work, as stated in the Constitution of the ILO.

THE PRESIDENT — We have now completed the first phase of the discussion. Individual delegates will now be invited to take the floor. May I remind you that the time limit of five minutes is now applicable.

Mr. KITT (*Minister for Labour, Trade and Consumer Affairs, Ireland*) — I very much appreciate the opportunity to address this special plenary session on the Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, entitled *Stopping forced labour*. This is an issue on which I have maintained a strong, personal interest, since my time as Irish Minister with responsibility for development cooperation some years ago.

This report is an important one, containing extensive research, high-quality analysis and clear pointers towards action. Each of the issues addressed deserves detailed attention and I associate myself fully with the statement on behalf of the IMEC group made earlier, in which we had a strong input. However, I intend to focus my comments on a national basis on the particular question of bonded labour and its eradication, covered principally in Chapter 6 of the report.

I would like to inform delegates about the extent of the concern in Ireland in relation to bonded labour. Trocaire, an Irish aid agency, which is an affiliate of Caritas International, launched a campaign earlier this year to raise public awareness on the issue and to push for eradication.

Last week I was presented with almost 40,000 signatures from concerned Irish citizens, urging me to raise this matter here today. I do so without hesitation, convinced that this is an area where the ILO, with its specific mandate and competences, can really make a difference.

We know that bonded labour is the most common form of forced labour, but it is not an easy issue, either to analyse or to tackle. The report rightly points to the complexity of agreeing a precise definition of bonded labour and securing accurate statistics. The analysis in the report of practical experiences in certain countries also points to the multidimensional nature of the problem. To cite just two examples: in Pakistan there is a serious problem of child bonded labour; and in India there is emerging evidence that women may be increasingly affected by bonded labour in agriculture.

In setting ourselves a goal of eradication, we are not starting from scratch. Much is already being done at national and international level. The report gives full weight to the work being carried out by national governments. It is clear that serious and significant efforts are being made in a number of countries. Three key ingredients are required for national programmes to succeed.

One, the issue must become a national priority for the governments concerned. Two, there must be the necessary political will to tackle it. And three, the necessary resources, human and financial, must be available to sustain the national effort.

But if the primary responsibility rests with national governments, it is also abundantly clear that the international community must be mobilized in a supportive role. The ILO can perform key tasks in prevention, rescue and rehabilitation. A good beginning has already been made, especially with microcredit programmes. And yet, as the report itself points out, “a huge amount remains to be done, in both analytical and data-gathering work, and in practical programmes for its effective eradication”.

The key challenge in our discussions today is to identify concrete suggestions which will feed into the discussion at the Governing Body in November. Ireland would wish the Governing Body to approve a substantial technical cooperation programme on bonded labour, with a series of clearly identified component elements. And I want to say that I appreciate the support of many of my EU colleagues for such an approach, and in particular that of my Belgian colleague, who will take over the EU presidency duty shortly and who signed a joint statement with me on bonded labour yesterday evening.

I want to summarize five elements which we believe are critical to effective programmes in member States where bonded labour has been reported.

- (1) All governments should allow and support an independent assessment of the extent of bonded labour in their countries.
- (2) All those involved in developing and enforcing laws on bonded labour should be properly trained.
- (3) Monitoring systems should be set up to record how many bonded labourers are freed and also the record of convictions for using bonded labour.
- (4) Regional action plans should be designed to identify, release and rehabilitate those in debt bondage.
- (5) Enhanced measures should be taken at national level to reduce the number of people becoming bonded, including public information campaigns and increased provision of rural credit.

It will be central to any technical cooperation programmes that there are specific benchmarks which we can use to measure success or failure. When we look back in four years time we will want to have much more concrete data about numbers released, prosecutions brought and sentences handed down and experience with rehabilitation programmes.

I believe that the goal of eradication of bonded labour within a defined time frame is a realizable one. What is needed at both national and international level are the will and resources.

For our part in Ireland, we are working towards the early conclusion of a partnership programme between Irish Aid and the ILO. In relation to bonded labour, we are ready to examine how we can play a meaningful role through the ILO and other organizations.

I look forward to a very practical outcome to our debate, which will assist policy formulation and implementation over the period ahead.

I want to conclude by saying that I am convinced that today's debate can become an important milestone along the road to eliminating forced labour.

Ms. VAN DUEREN DEN HOLLANDER (*Government adviser and substitute delegate, Netherlands*) — The Government of the Netherlands fully endorses the statement made by Canada on behalf of IMEC. We also want to express our general support for the statement on debt bondage made by the Irish Government.

We think the Global Report is a valuable instrument for the promotion and follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. We therefore welcome this second Global Report, which offers us a wealth of information and experience. It shows us not only a global but also a dynamic picture. It shows that forced labour does not belong to the past, that traditional forms still exist and new forms are emerging.

As our Minister stated in his speech this week, forced labour is a severe violation of human rights and cannot be tolerated. An integrated approach is needed to eliminate forced labour successfully. Only by simultaneous action in the field of research, data collection, awareness raising, empowerment, technical assistance, improved labour inspections and law enforcement, including prosecution of the perpetrators, can we tackle this problem successfully. All parties have to be mobilized — governments, employers, workers as well as NGOs. Since forced labour is not only a labour problem, we also have to cooperate closely and on a coherent basis with other international bodies and organizations like the Commission on Human Rights, Anti-Slavery International and others. Forced labour is the antithesis of decent work. Not only must we combat forced labour, but we must also provide people with decent work alternatives. Only then can this approach be sustainable. We think that the Global Report offers us a good basis for setting priorities and concrete targets for technical assistance, which will be discussed in the Governing Body session of November this year. It is clear that forced labour is an issue that has to be a top priority for everybody. Not only that but it is a complex issue and cannot be solved tomorrow. Only step by step can we move forward. A lot of research and data gathering has to be done, because we still know too little, especially regarding the informal sector, and the situation of domestic workers. At the same time we have to set concrete targets for the coming period. What do we want to achieve within the coming four years? For example, do we want to achieve the maximum number of ratifications for the following Conventions: the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Worst Forms of Child Labour Convention, 1999 (No. 182)? Or do we want to achieve improvements in the quality and quantity of labour inspections, an increased number of freed bonded labourers, or even more importantly, the persecution of an increased number of keepers of bonded labourers, as was stated this morning by Lord Brett on behalf of the Workers.

The promotion of the fundamental principles and rights at work as well as the elimination of all forms of forced labour need all our attention. I would like to reiterate the importance of widespread international public exposure of the Global Report through a media campaign. This contributes to the further promotion of these rights. We noticed the ILO press announcement a few weeks ago and we were very happy to see that it was published by the newspapers in the Netherlands. However, we are interested to know more about the media campaign and the way publicity has been generated worldwide. We think that, without media attention, no progress will be made.

Mr. SWEENEY (*Workers' adviser, United States*) — It is my privilege to offer the perspective of the AFL-CIO in the United States on the fundamental issues raised by the Global Report on forced labour.

I commend the Director-General for the initiatives the ILO has taken in the last years.

The 1998 ILO Declaration on Fundamental Principles and Rights at Work has underscored the global consensus on basic workers' rights. Now, this follow-up report focuses global attention on the shameful scourge of forced labour.

What does this report tell us?

Forced labour is universally condemned — and yet again on the rise.

Even as we celebrate the spread of democracy, we witness a revival of forced labour, debt bondage, even slavery.

And as privatization of public services spreads even to the prisons, we witness an increase in the bartering of captive labour for private profit.

At the AFL-CIO, we support the ILO's efforts to enlist public and private support for the abolition of forced labour.

We will work to expose this blight, to urge our employers and our governments to act against it, and to rouse the outrage of working men and women against its indignities and oppressions.

But the ILO Declaration and report puts us to the test.

Will exposure, documentation and condemnation lead to action? Will global cooperation police their own practices and that of their subcontractors? Will countries hold their companies and executives responsible? Will citizens hold their countries accountable? Is there an international community willing to act in concert against this fundamental deprivation of human rights?

These are not abstract questions.

As the Global Report notes, forced labour was central to the inquiry on Burma (Myanmar).

As the most recent United States State Department Human Rights report notes, in that country, unions are banned and "forced labor, including forced child labor, remains a serious problem".

Human Rights Watch reports that children from ethnic minorities are forced to work under inhumane conditions, without adequate medical care, mistreated, sometimes dying from beatings.

Last year, the Governing Body of the ILO judged that Burma had not taken effective action to deal with "widespread and systematic" use of forced labour in that country.

For the first time in the history of the ILO, it called upon all ILO Members to review their relations with the regime.

Countries, companies and workers are enjoined to cease any action that might strengthen that repressive regime.

This surely is a test of our will, a measure of our commitment to our words. With business and government leaders across the world arguing that the ILO should be the forum where basic worker rights are protected in the global economy, it is also a test of the global economic system itself.

To date, little progress has been made. Global corporations with international brand names import textiles from Burma. Multinationals continue to work with the military regime in building the pipelines that will bolster the junta.

Few countries have done a formal review of their relations with the military. My own country and US-based multinationals, I am sorry to say, have not acted effectively in response to the ILO mandate. The United States remains the leading importer of textiles made in Burma — many sold by brand-name American retailers.

Imports rose 130 per cent last year and have doubled in the first six months of this year, even in the face of the ILO's call for action. The United States Government has banned any further investment in Myanmar, but US corporations continue to work on projects directly benefiting the regime.

I pledge to this body that the AFL-CIO will double its efforts to support the historic ILO initiative on Burma.

Last month, Senator Tom Harkin reintroduced legislation to ban imports from Burma — legislation that has the support of both Liberals and Conservatives like Senator Jesse Helms, the former Republican Chair of the Senate Foreign Relations Committee.

The AFL-CIO will continue to call upon US corporations to fulfil the pledge to end any activity that might support the regime. We are introducing shareholder resolutions in four major multinational companies, calling upon them to desist.

Our unions will raise these issues directly with management. Our members will continue to build the rising movements of students, citizens and consumers calling on companies to end forced labour and sweatshop practices.

We will work to make action against forced labour, starting in Myanmar, not only a moral imperative, but a business investment — a question not only of an executive's conscience, but of a corporation's reputation and profit.

The ILO report also calls our attention to the growing problem of prison labour, both for private profit and as state-imposed punishment for anti-social acts.

In the United States, prisoners exploited for private profit is a growing and fundamental problem. This report reveals once again the gulf that lies between rights and reality in the global economy — the shadow between promise and performance. Across the world, citizens, consumers and workers are mobilizing to reassert their fundamental rights — demanding an end to business as usual.

This report helps direct their concern and calls us all to action. For that we salute the Director-General, the staff and the tripartite members of the ILO.

Mr. HUSSAIN (*Government delegate, Pakistan*) — I should like to begin by congratulating the International Labour Organization, in particular, the Director-General and the team associated with the Decla-

ration, on a realistic Global Report under the Follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.

This Report, the second in a series of four, represents a marked improvement in terms of thrust, substance and handling of the issue. The present report does justice to the major purpose of the Global Report, that is, to present a dynamic global picture that will serve as a basis for assessing ILO technical assistance programmes. It has, indeed, made the task of creating an effective, tailor-made, nationally owned and driven programme of action for technical assistance by the Governing Body much easier.

Pakistan is opposed to forced labour in all its forms and manifestations. Forced labour is prohibited in Pakistan under the Constitution. We ratified the Forced Labour Convention, 1930 (No. 29), in 1957, which is a clear manifestation of our political and legal commitment. In 1988, the Supreme Court of Pakistan issued a model decree against debt bondage, which was followed by the promulgation of the Bonded Labour System (Abolition) Act, 1992. This legislative measure established an elaborate infrastructure in the form of district monitoring committees to oversee progress towards the abolition of bonded labour practices.

As recognized in the Global Report, Pakistan has taken a number of important initiatives to tackle the problem. These include legislative measures and attempts to gain an idea of the number involved and assess the approaches for the release and rehabilitation of bonded labourers. An elaborate legislative and judicial structure exists on the ground in Pakistan. Unfortunately some instances of bonded labour have been reported, as noted by the Chief Executive of Pakistan in his address to the first ever Pakistan Convention on Human Rights in April 2000: "The Government seeks to address the issue of bonded labour ... by means of legal pressure on the bonded labour mafia, coupled with a protection and rehabilitation programme".

Over the past few years, Pakistan has continued to work constantly with the ILO on this question and to report to the Organization and its bodies on the impediments we face in addressing instances of bonded labour. As recognized in the Global Report, bonded labour is embedded in poverty and socio-economic underdevelopment. This situation is further compounded by the invisibility of the problem due to certain age-old agricultural customs and practices.

The Government of Pakistan is working assiduously to address and eradicate instances of bonded labour. A National Committee for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers has been constituted to act as a watchdog and coordinate efforts towards the abolition of bonded labour and rehabilitation programmes.

While the Government has consistently sought to strengthen the various committees, multidimensional socio-economic constraints have hampered the results. The Government is in the process of reconstituting and further encouraging the work of the district monitoring committees. Over the past year, intensive consultations have been held on the question of ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Government is in the final stage of the process of ratifying this Convention.

In consultation with our social partners and civil society, the Government is also in the process of

devising a national plan of action for the abolition of bonded labour and rehabilitation of freed bonded labourers. The proposed action plan, which has been formulated through tripartite consultation, focuses specially on awareness raising, advocacy, rehabilitation, including the education and vocational training of freed children, promotion of the right to organize in the agriculture sector, the creation of self-employment opportunities and empowerment through microfinance and the creation of a legal centre for those who seek the help of the Government.

It is indeed logical to note that this diverse situation warrants a deeper understanding. Only through such an understanding will governments and the ILO be in a position to create effective programmes of action for technical assistance.

In Pakistan, a recent situational analysis has highlighted the need for an accurate and reliable data on the nature, extent and conditions of debt bondage in Pakistan. In this context, the Government has decided to undertake a survey using the Federal Bureau of Statistics in collaboration with the provincial governments, our social partners and civil society.

The ILO is sponsoring the survey, for which we are very grateful, and it is expected to take place in the third quarter of this year.

At the same time, the Government has also embarked on devolving economic and political power at the grass-roots level through a restricting local government. The new structure reserves one third of seats exclusively for peasants and labourers. These local bodies will be provided with sufficient financial resources to enable them to plan and implement programmes formulated by them, to alleviate poverty and generate employment at the grass-roots level.

The measures being taken by Pakistan and the steps envisaged demonstrate the sincere effort by Pakistan to fulfil its international obligations under the ILO Forced Labour Convention, 1930 (No. 29). In fact we have already taken a number of the steps outlined in the report.

We look forward to the formulation of a technical assistance programme. A number of countries, including Pakistan, have already created national programmes in this regard. It would be most appropriate if the ILO were to integrate these national programmes into its technical assistance strategies in order further to complement existing efforts. We look forward to a dialogue with the ILO in this regard.

In Pakistan we understand that progress is not about striving for economic growth alone; it is also about economic justice and fairness. However, there is an inherent relationship between economic growth and social equality. Economic justice cannot be dispensed without economic development. A comprehensive strategy to work on social problems cannot but include the need to address the economic root causes of the problem. For our part, we are taking affirmative action to rectify imbalances that may exist and to ensure that economic and social progress are achieved in parallel.

Before I conclude, may I also add that the Government is now in the process of gathering more reliable data through a nationwide survey in collaboration with the ILO. However, according to our preliminary findings, instances of bonded labour in Pakistan have no link to any kind of caste system. In fact, the caste system does not exist in Pakistan. We are confident

that, once realistic data become available, they will also prove that it is not based on discrimination of any kind especially against minorities, and that, in fact, it is poverty which gives rise to an environment of bonded labour.

To conclude, Pakistan is happy to note that the follow-up process of the ILO Declaration on Fundamental Principles and Rights at Work is receiving increasing attention, and in the context of the present report it is going in a positive direction.

We remain realistic, but we are optimistic for the future.

Original French: Mr. BARDE (Employers' delegate, Switzerland) — Many have spoken, and will speak, on the Global Report, Stopping forced labour, whose persistence in many forms continues to concern us all.

As an Employers' delegate from a European country, I should like to concentrate my remarks on two issues.

Without going into any details here on the problem of Myanmar, which is being debated elsewhere in this forum, the question deserves to be examined as to whether private enterprises and investors should withdraw from countries contravening the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), and therefore subject to the sanctions decreed by the international community, and particularly by our own Organization.

If the issue is debated, it seems to us that such withdrawals, throwing thousands of workers into the streets, would only weaken and render them more vulnerable to the very thing which we are trying to combat, that is, forced labour. The best intentions of those who are putting pressure on these companies to withdraw, could prove counter-productive. That is the first point.

The second point which I would like to raise is that of clandestine migration. It comes from two different sources, although it is often difficult to distinguish between the two. The first is asylum seekers, and the second, workers looking for jobs.

In both cases, and all too often, we know that organized networks of smugglers, in exchange for often extortionate sums of money, organize these movements of migrants, giving them the illusion of an El Dorado; but reality hits hard and they soon find that all that glitters is not gold. Even if employers are generally not the ones who have gone looking for these workers, the risk exists that once the workers reach their destination they will be employed — because they are consenting and fearful — in conditions that do not correspond, or perhaps only partially, to national standards.

The struggle against this trafficking requires measures which are not only the responsibility of our Organization; it also requires the ongoing pursuit of democracy and freedom of association, which are the guarantees of freedom of expression, stability and the harmony of a national community, as well as of a fair distribution of wealth.

This is a fundamental challenge which we are faced with today, and we must meet it through the participation and commitment of all.

Original French: Mr. NORDMANN (Secretary of State, Directorate of Labour, Federal Department

of Economy, Switzerland) — The report we are discussing has a number of strong points.

First, it gives a very clear picture of a very disquieting trend. Forced labour is a reality in all parts of the world.

Secondly, forced labour is assuming new, even hybrid forms. For a long time associated with bondage labour and serfdom, forced labour is assuming new forms. The report explains all this without mincing its words and clearly points its fingers at the actors involved. Prison labour, which is sometimes privatized, is a worrying example.

Thirdly, the report shows the ILO's success in the struggle against forced labour. We must congratulate the ILO for its work and commitment.

Fourthly — and the essential point of the report in my opinion — it deals in depth with the operational measures in the field. The elimination of forced labour is a national challenge for countries that must set up framework conditions for equitable work through national legislation and collective labour agreements.

This is a challenge for the ILO and its constituents. Technical cooperation and the advisory services provided by the ILO should be strengthened for implementing the relevant fundamental standards throughout the world. And the social partners must be genuinely involved in this international commitment.

In this regard, Switzerland is deeply worried by the situation described in the report. We hail the ILO's commitment and the success achieved by the Organization in its struggle against forced and child labour.

Switzerland has ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). Forced labour is also closely related to the situation of child labour. For this reason, we have also ratified, in the name of international solidarity, the two fundamental Conventions, No. 138 and No. 182, aimed at the struggle against child labour.

Switzerland genuinely supports the ILO's IPEC Programme and the work of UNICEF.

Condemning forced labour without doing anything to eliminate it makes us all the accomplices of reprehensible action against all persons concerned. However, this also requires governments to adopt a coherent attitude towards the ILO. The ILO must have the financial and institutional resources to as-

sume its role. This is why Switzerland supports the programme and budget submitted to this Conference. Our right hand needs to be aware of what our left hand is doing.

In a climate of the globalization of trade and economic liberalization, the struggle against forced labour is a global challenge for our society. As is rightly said in the report, this challenge calls for a multidisciplinary global response. For this reason, Switzerland supports the operational and specific measures proposed by the ILO. Above all, it supports: a mechanism for monitoring standards; dispensing more effective advice; strengthened technical cooperation; a multidimensional approach covering justice, social security and labour inspection; the monitoring of the labour market and illegal migration; a strengthening of the ILO's ability to carry out a social and economic analysis for implementing measures aimed at the struggle against poverty and labour market regulation; supporting the ILO's IPEC Programme to combat child labour; better coordination with the social partners and between multilateral institutions, particularly by asking enterprises to subscribe to the Global Compact of the Secretary-General of the United Nations.

Generally speaking, Switzerland supports the ILO in its efforts to promote the fundamental rights of workers caught up in the process of globalization of the economy. It is actively contributing to the implementation of these rights in all member States of the Organization.

The PRESIDENT — We have received a request from Mr. Potter, Employers' delegate, United States, to take the floor once again. The Officers of the Conference have decided that he may do so.

Mr. POTTER (*Employers' delegate, United States; spokesperson for the Employers' group*) — We appreciate the opportunity for this moment of interaction. I know it is very difficult in this great hall to do that, but had we had the opportunity immediately after the Workers' group presentation, we would have endorsed their answers to the questions that are found on pages 108 and 109 of the Global Report; we would also have endorsed their analysis of the necessary elements of the follow-up plan.

(The Conference adjourned at 1 p.m.)

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