



INTERNATIONAL LABOUR ORGANIZATION
Office for the United Nations

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“Practical Solutions to Eradicate Human Trafficking”

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- Thank you for inviting the ILO to join you today
 - The “Global Estimates of Modern Slavery” published by the ILO, the IOM and the Walk Free Foundation in 2017, showed that there are more than 40 million victims of modern slavery, 25 million of whom are in forced labour. That is, they are forced to work under threat or coercion as domestic workers, on construction sites, in clandestine factories, on farms and fishing boats, in other sectors, or they are sexually exploited.
 - Another 15.4 million people are living in a forced marriage, 99% of whom are women and girls enduring situations that often equate to providing labour or sex under the guise of “marriage”.
 - The ILO estimates that some US\$ 150 billion in illegal profits are made in the private economy each year from forced labour. This is a huge challenge for business; it is also a wake-up call for the global community which, through target 8.7 of the 2030 Agenda, has committed to ending forced labour, modern slavery and human trafficking in only 12 years from now. An ambitious goal, but one that we can make happen.
 - Supply chains contribute to global wealth, job creation, technological progress, innovation and enterprise development. In 2013, global supply chains provided an estimated 453 million jobs, an increase of 157 million since 2005.
 - The diversity, the complexity and the fragmentation of production and services make it difficult for business to ensure effective implementation of international human rights standards; particularly at the lower end of value chains, where labour inspection is often absent, media attention weak and where workers face many obstacles when they want to organize.
 - What does the ILO do to bring about change? It supports governments and social partners in the elimination of the root causes of vulnerability in the labour market. People with decent work, social protection and the possibility to exercise their rights are less likely to fall victim to the false promises of traffickers or unscrupulous employers.

- The ILO supports a number of international partnerships around the Sustainable Development Goals and acts as the Secretariat for Alliance 8.7, a global partnership that brings together the most committed partners from governments, enterprises, unions, civil society, the research community and international organizations. Alliance 8.7 acts as a hub for research and innovation, fosters joint action across critical thematic issues, such as global supply chains, and seeks to accelerate action at country level through advocacy and scaling up innovative interventions.
- The Alliance is reaching out to interested “pathfinder countries”, those that want to play a leading role in the achievement of SDG target 8.7. Businesses and social partners are also engaged those discussions at national level to set realistic targets and measure progress.
- The ILO contributes to the Alliance by promoting a new Business Network on Forced Labour, launched in June this year at the Global Sustainability Summit of the Consumer Goods Forum in Singapore. It also works as the Secretariat for the Child Labour Platform, chaired by the ITUC and IOE. The ILO supports the OSCE in the development of guidelines for public procurement, as a tool to ban suppliers that gain unethical advantages by relying on forced labour or trafficking in persons.
- Measurement and independent research are necessary to evaluate the efficiency and impact of these interventions. The ILO conducts a lot of research (e.g. study with the OECD and UNICEF for the G-20 on global supply chains). The ILO also supports its partners, e.g. national statistical institutes, to come up with better data and analyses. The ILO is collaborating with its colleagues from the UN University to support policy makers with evidence-based research on what works and what doesn’t. The new “Delta 8.7 Knowledge platform” has just been presented at the UK-Alliance 8.7 event on the Call to Action on Ending Modern Slavery.
- The global community can live up to its commitments and achieve target 8.7 by 2030 and to do that it needs political will and coordinated action, a sharper focus on prevention, better leveraging of resources and measurement of real progress. Technology and financial intelligence are powerful “allies” to trace down perpetrators and to eliminate modern slavery and forced labour from value chains.
- The adoption of the new Protocol to the Forced Labour Convention, 1930 (No. 29), as well as the Recommendation 203 that supplements both the Protocol and Convention was a major breakthrough in enhancing efforts to eradicate all forms of forced labour. Together, the ILO’s forced labour instruments – including the new Protocol and Recommendation, as well as Conventions Nos. 29 and 105 – provide all actors with a comprehensive strategy and set of tools to address the challenge of the elimination of all forms of forced labour.
- [The Protocol](#) is a legally-binding instrument that requires States to take measures of prevention, protection and remedy in giving effect to the Convention’s obligation to suppress forced labour. The Protocol also reaffirms the importance of prosecuting the perpetrators of forced labour and ending their impunity. It supplements Convention No. 29, so only ILO member States that have ratified the Convention can ratify the Protocol.

- [The Recommendation](#) (No 203) supplements both the Protocol and Convention No. 29. It provides non-binding practical guidance concerning measures to strengthen national law and policy on forced labour in the areas of prevention, protection of victims and ensuring their access to justice and remedies, enforcement and international cooperation. It builds on the provisions of the Protocol and should be read in conjunction with it.

PROTOCOL AND RECOMMENDATION – the 10 commandments

1. **Effective measures to suppress forced labour:**

Each Member must take effective measures to prevent and eliminate forced labour, to provide victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.

Examples

The United Kingdom's 2015 Modern Slavery Act criminalizes forced or compulsory labour and human trafficking. Beyond mere criminalization, this law also provides slavery and trafficking prevention orders, provisions on the protection of victims and power for courts to make slavery and trafficking reparation orders, requiring perpetrators to compensate victims of forced or compulsory labour or human trafficking¹.

2. **National policy coherence, consultation and coordination**

The development of a comprehensive national strategy on forced labour and an appropriate institutional framework for its implementation can strengthen the impact of measures taken against forced labour. The Protocol encourages such policy coherence by requiring Members to develop a national policy and plan of action on forced labour.

Examples of national practices

On 11 March 2003, Brazil launched the first National Plan to prevent and eradicate forced labour and set up a National Commission for the Eradication of Slave Labour (CONATRAE). A second National Plan was launched in 2008. CONATRAE includes different government departments, the federal police, trade unions and NGOs who are involved in challenging slave labour. It is responsible for implementing the National Plan and finding practical solutions to help eradicate forced labour.⁶

3. **Awareness-raising**

Members must educate and inform the general public – and especially those considered particularly vulnerable to forced labour – in order to prevent their becoming victims. Certain sectors of the economy are particularly vulnerable and that certain groups of workers have a higher risk of becoming victims, particularly migrants. Targeting these groups can prevent them from being caught up in forced labour situations, while sensitizing the general public can both help to prevent and encourage the identification of forced labour situations. Members must also educate and inform employers in order to prevent their becoming involved in forced or compulsory labour practices.

Examples

Peru - An innovative effort in Peru, for example, saw the development of a series of entertaining mini-dramas on forced labour that are screened on inter-city bus routes in the country. Peruvian transport officials and drivers in different terminals and interprovincial transport agencies have also been mobilised to help in awareness raising efforts targeting passengers and in recognising dangerous situations.

Mauritania – Religious leaders have been mobilised to raise awareness of the law against forced labour and to denounce it as an anti-Islamic practice.

4. **Legislation and its enforcement, including labour law and administration**

¹ United Kingdom, Modern Slavery Act, 26 March 2015.

The effective enforcement of criminal law can deter forced labour, but other types of legislation are also relevant to prevention. The Protocol requires Members to undertake efforts to ensure that the coverage and enforcement of such legislation, including labour law as appropriate, apply to all workers and sectors of the economy – so that certain vulnerable groups are not left unprotected.

Relatedly, the Protocol also requires Members to undertake efforts to strengthen labour inspection services and other services responsible for the implementation of this legislation.

Recommendation No. 203 provisions:

- *Ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and are effectively enforced (Paragraph 3(e));*

- *Give relevant authorities, such as labour inspection services, the necessary mandate, resources and training (Paragraph 13(a));*

- *Provide for penalties other than penal sanctions, such as confiscation of profits and other assets, and ensure that legal persons can also be held liable (Paragraph 13(b) and (c)).*

Examples

In Malaysia, under the 2010 Anti-Trafficking in Persons (Amendment) Act, labour inspectors have been granted the authority to exercise the same powers of enforcement as the police, and have investigated and assisted in the prosecution of criminal cases involving trafficking for labour exploitation.

South Africa's 2013 Prevention and Combatting of Trafficking in Persons Act specifically mandates relevant authorities to develop training courses on social contexts, norms, standards and procedures to ensure appropriate, efficient and sensitive responses to matters relating to human trafficking.¹² Additionally, the 1997 Basic Conditions of Employment Act empowers labour inspectors to promote monitor and enforce compliance with the law.

In Jordan, the 2015 Regulation of Organising the Private Offices of Recruiting Non-Jordanian House Workers has sought to prevent the risk of forced labour in the particularly vulnerable domestic work sector by regulating the employment relationships between workers, private employment agencies, and employers. Agencies recruiting foreign domestic workers must, among other requirements, obtain a license, pay a bank deposit and pass a records check. It has opened up the possibility for workers to change employers, and prohibits recruitment fees from being charged to domestic workers. In turn, employers contribute to a recruitment insurance scheme, so that any financial outlays they make in the recruitment of migrant workers do not lead to undue pressure upon the workers to remain in their employ.

5. Protection from abusive and fraudulent recruitment practices

The Protocol establishes that measures to prevent forced labour must include protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process. Certain workers, including migrant workers may be particularly vulnerable to abuses committed during the recruitment process that can result in forced labour situations. Such abuses can include, debt process linked to repayment of recruitment fees, illegal wage deductions, retention of passports, threats if workers want to leave their employers and deception about the nature and conditions of work. Ensuring fair and transparent recruitment and placement practices are key in preventing forced labour.

Recommendation No. 203 provisions

Take the most effective preventive measures, such as:

- *Orientation and information for migrants before departure and upon arrival (Paragraph 4(g));*
- *Coherent policies, such as employment and labour migration policies (Paragraph 4(h));*
- *Promote coordination between States to prevent trafficking, including coordinated efforts to eliminate recruitment fees and to regulate, license and monitor labour recruiters and employment agencies (Paragraph 4(i)).*

Examples

Nepal - Nepal signed bilateral agreements with countries including the Republic of Korea, Japan, Qatar, UAE, and Bahrain that employers pay the costs of recruitment and migration under their "zero cost to migrants" policy. This prevents illegal recruitment agencies from exploiting vulnerable workers and removes the burden of debt that can leave workers vulnerable to abuse and in situations of forced labour.

Gulf countries – with technical assistance from the ILO, many Gulf countries have made changes to their legislation allowing workers to terminate contracts with their employers, leave the country without permission from their employers and retain their own identity documents.

To avoid penalization of victims some countries have adopted a list of offences committed by trafficked persons that are exempt from punishment. For instance, the section 62 of the **Nigeria's 2015 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act**, provides that where “the circumstances so justify, trafficked persons shall not be detained or prosecuted for offences related to being a victim of trafficking, including non-possession of valid travel documents, use of a false travel or other document.

6. Due diligence by the public and private sectors

The Protocol calls for Members to take measures to support due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour.

Recommendation No. 203 provisions

- Provide guidance and support to employers and businesses on addressing the risks of forced labour in their operations or in products, services or operations to which they may be directly linked (Paragraph 4(j)).

Examples

UK – The UK's Modern Slavery Act of 2015 requires medium sized companies to report on Corporate Social Responsibility efforts and due diligence measures.

7. Addressing root causes and factors

The Protocol (Article 2(f)) requires that Members take measures to address the root causes and factors that heighten the risks of forced or compulsory labour. Such root causes could include, for instance, poverty, discrimination, climate of impunity, as well as inappropriate labour migration policies.

Recommendation No. 203 provisions

- Promote fundamental principles and rights at work, in particular freedom of association and collective bargaining, to enable at-risk workers to join workers' organizations (Paragraph 3(a) and (b));
- Programmes to combat discrimination (Paragraph 3(c));
- Educational initiatives for children and skills-training programmes for at-risk population groups (Paragraphs 3(d) and 4(d));
- Basic social security guarantees, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), to reduce vulnerability to forced labour (Paragraph 4(f)).

Examples:

South Korea's Supreme Court determined in June 2015 that all people are entitled to basic workers' rights, including the right to join and set up a trade union, regardless of their immigration status. The Migrants' Trade Union (MTU), as of mid-2015, was thereafter able to officially represent the rights of 553,000 registered migrant workers, and 208,778 undocumented migrant workers. Its activities include advocating with the Government to change labour policies that may create risks of abuse or forced labour of migrant workers.

8. Protection and non-punishment of victims

The Protocol requires Members to take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support. The obligation to protect victim thus extends beyond their initial

identification and release, encompassing additional measures of recovery, rehabilitation, assistance and support.

Members must also take measures to provide for the possibility of not prosecuting or imposing penalties on victims for unlawful activities they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour, in accordance with the basic principles of their national legal systems (Article 4(2)). Such unlawful activities could include, for instance, immigration-related, prostitution or drug offences that are linked to victims' forced labour situations.

Recommendation No. 203 provisions

- *Encourage the cooperation of victims for the identification and punishment of perpetrators while not conditioning the provision of protective measures on such cooperation (Paragraph 5(2) and (3));*
- *Recognize the role and capacities of workers' organizations and other organizations concerned in this area (Paragraph 6);*
- *Measures to eliminate abuses by labour recruiters and employment agencies, such as the eliminating the charging of recruitment fees to workers, requiring transparent contracts, establishing adequate and accessible complaint mechanisms, imposing adequate penalties, and regulating or licensing related services (Paragraph 8);*
- *Provide accommodation, health care, material assistance and social and economic assistance; protect the privacy and identity of victims and their safety along with that of family members and witnesses (Paragraph 9(a)-(f));*
- *Measures that take into account the special needs of children as well as migrants who are subjected to forced labour (Paragraphs 10 and 11).*

Examples:

Identification Operational indicators of trafficking should be drawn up and distributed among the police force, labour inspectors, border guards, immigration officials and ideally, the general public in order to ensure timely identification of victims.

Argentina – The Human Trafficking Law in Argentina mandated the government to establish a 24-hour text message and telephone hotline for anonymous complaints of suspected cases of trafficking.

Bahrain – In Bahrain, migrant workers are given mobile phones with SIM cards and the migrant assistance hotline number installed upon arrival at Bahrain International Airport.

UK – The UK has developed a smartphone app that allows suspicious customers to send anonymised data and a GPS position to the National Crime Agency and the Gangmasters and Labour Abuse Authority (GLAA) and directs users to the Modern Slavery Helpline. It has been piloted for the car wash sector that has a high prevalence of trafficking cases. When customers go on the app they are asked questions about their visit to a carwash. The questions include whether the workers were wearing protective clothing and whether the wash cost less than 6.70 GBP. They're also planning on further developing the app for other high risk sectors like nail parlours.

Protection Medical and psychological assistance, accommodation services, vocational training are essential for the rehabilitation of victims. Those who come forward should also be protected by law from criminal punishment for crimes potentially committed under duress as well as protected from immediate forced repatriation.

Argentina – The Human Trafficking Law includes a provision granting repatriation services to trafficked persons if they want to return to their home country or a non-conditional residency permit to stay in Argentina. For those choosing to stay, the law also provides guarantees of psychological support, medical care, housing benefits, and the option of entering into the education system.

9. Remedies, such as compensation and access to justice

Members must ensure that all victims of forced labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation (Article 4) in the member State where the forced or compulsory labour occurred.

Compensation should be available to victims through both civil and criminal courts. Civil courts can provide compensation for the non-payment of wages and loss of earnings, etc. while criminal courts deal specifically with the crime of human trafficking. Access to remedies should be ensured through free legal proceedings and free legal assistance to victims as well as translation services and the option for traumatised victims to testify remotely and access identity/witness protection schemes.

Recommendation No. 203 provisions

- *Ensure that victims have effective access to courts and tribunals either by themselves or through representatives (Paragraph 12(a));*
- *Ensure that victims have access to existing compensation schemes and that they can pursue compensation and damages from perpetrators, including unpaid wages (Paragraph 12(b) and (c));*
- *Provide accessible information regarding the legal rights of and services available to victims and access to legal assistance (Paragraph 12(d));*
- *Appropriate remedies include administrative, civil and criminal remedies, under simplified procedural requirements when appropriate (Paragraph 12(e)).*

In Armenia, the 2011 Criminal Code (Amendments) allowed for the confiscation of property from offenders.²⁴ Additionally, victims of trafficking have been included in the list of priority groups covered by the 2013 Law on Employment, granting them a right to lump-sum financial benefits and access to work skills training and support for small business or farming activities.

In Honduras, Chapter VI of the 2012 Trafficking in Persons Act is devoted to victims' protection. It lists the care that victims should receive as well as the various rights to which they are entitled, including the right to remain on the national territory, the entitlement to full compensation for the damage suffered, the right of protection during the trial, and the right to free legal assistance.

10. International cooperation – and that's why is important to promote events like this one.

Thank you for organizing

Cooperation between and among Members in combating forced labour, including trafficking for forced labour, is essential given its global and cross-border dimensions. Accordingly, the Protocol (Article 5) requires that each Member cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

Recommendation No. 203 provisions

- *Strengthening international cooperation between labour law enforcement in addition to criminal law enforcement (Paragraph 14(a));*
- *Mobilizing resources for national action programmes and international technical cooperation (Paragraph 14(b));*
- *Providing mutual legal and technical assistance (Paragraph 14(c) and (e));*
- *Cooperation to address the use of forced labour by diplomatic personnel (Paragraph 14(d)).*