

# ITUC GUIDE

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## How to Combat Forced Labour and Trafficking

Best practices manual for trade unions

The International Trade Union Confederation (ITUC) represents 175 million workers, 40 percent of whom are women, in 155 countries and territories and has 311 national affiliates.

The ITUC is a confederation of national trade union centres, each of which links together the trade unions of that particular country. Membership is open to all democratic, independent and representative national trade union centres.

The ITUC's primary mission is the promotion and defence of workers' rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions. Its main areas of activity include trade union and human rights, the economy, society and the workplace, equality and non-discrimination as well as international solidarity. The ITUC adheres to the principles of trade union democracy and independence, as set out in its Constitution.

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# How to Combat Forced Labour and Trafficking

**Best practices manual for trade  
unions**

## **How to Combat Forced Labour and Trafficking: A Manual for Trade Unions**

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# Foreword

Dear friends,

In Burma, the junta imposes systematic forced labour on the civilian population; in Central Asia, children are being sent onto fields to harvest cotton under governmental pressure; in Western Africa, vestiges of slavery persist and children are being trafficked from one country to another; in Pakistan and India, as well as in the South American Chaco, workers are bonded for generations to their employers; in China, prisoners are forced to work in re-education through labour programmes; in Europe, women are exploited in forced prostitution. These are few examples of a practice which many think belongs to history but which is in fact a reality of our contemporary world of work.

Meanwhile, globalisation and the growing gap between rich and poor countries have boosted migration for work, and with restrictive migration regulations in place much of it is clandestine and abusive. During centuries past, European ships provided colonial settlements in the Americas with African slaves. Today labour brokers are supplying industrialised labour markets with workers from the developing world who are forced to accept any terms and conditions of transportation and work. Trafficking of workers is the third biggest business for organised crime after the drugs and arms trade.

The international trade union movement has had a historic role in combating forced labour through abolitionist legislation and international law, organising, social dialogue, and direct assistance. In practice, even though the numbers of forced labourers have significantly decreased, the ending of slavery is still not a reality. We need to do more.

Together with the ILO, the International Trade Union Confederation, the Global Union Federations and their affiliates are working against time to eradicate forced labour once and for all by 2015. We hope this best practices manual will encourage you and your organisation also to join our global trade union alliance against forced labour and to step up your efforts to rid the world of forced labour.

Guy Ryder





# 1. Introduction

*“Decent work is about the right not only to survive, but to prosper.”*

Nelson Mandela, August 2007

Although the slave trade was abolished over 200 years ago, many millions of people continue to live in slavery today, as forced labourers. Forced labour takes many forms, including debt bondage and trafficking in people, but it always involves individuals being compelled to work against their will under the threat of some form of punishment.

Forced labour can be found on every continent of the world and affects both developed and developing countries. In 2005, the International Labour Organization (ILO) estimated that the minimum number of people who are living in forced labour is 12.3 million.<sup>1</sup>

One of the primary goals of the ILO is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom and human dignity. Forced labour makes this impossible as it involves the violation of a person's basic human and labour rights. Forced labour is the very antithesis of decent work and this is why the ILO identified the elimination of forced and compulsory labour as one of the fundamental principles and rights at work that all ILO members have to respect.

Increased global competition and de-regularisation mean that if labour rights are undermined in one part of the world, this can impact on labour standards of workers everywhere. Fighting forced labour is therefore fundamental to protecting and improving working conditions for all.

However, it should be stressed that engaging in actions to combat forced labour does not necessarily mean that trade unionists have to take on additional areas of work and spread already limited resources more thinly. Strategies to fight forced labour can compliment and reinforce priority areas that have already been selected at a local level because campaigns to unionise more workers, enforce labour legislation, increase employment opportunities or combat discrimination in the work place can all be effective tools in the elimination of forced labour.

The Constitution of the **International Trade Union Confederation (ITUC)** requires it to strive until forced labour in all its forms is abolished, and it is with this in mind that the ITUC, in partnership with the ILO's Bureau of Workers Activities (ACTRAV) and the Special Action Programme on Forced Labour (SAP-FL), is coordinating a Global Trade Union Alliance to Combat Forced Labour and Trafficking.

This alliance will bring trade unions together so that they can take concrete and coordinated action against forced labour and play an active role in ensuring that the target of eradicating all forms of forced labour by 2015 becomes a reality and not just an aspiration.

<sup>1</sup> International Labour Office, A Global Alliance against Forced Labour, ILO, Geneva, 2005.

The purpose of this manual is to provide trade unionists and other interested individuals and organisations with a useful tool for increasing awareness of what forced labour is and how it can be effectively challenged. It draws on the expertise and direct experience of a range of trade unions to provide practical examples of action that has been taken, at a local and international level, which has proved effective in combating forced labour.

The ITUC hopes that in this way the manual will encourage and inspire trade unions around the world to join the fight against forced labour and that by replicating and adapting the actions highlighted below, they will make a direct contribution to its eradication once and for all.



## 2. Forced labour in the world today

In 1930, the ILO adopted its Forced Labour Convention (No.29), which defines forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>2</sup> To put it simply, a forced labourer is someone who is compelled to work against their will under the threat of some form of punishment.

The Forced Labour Convention requires all ratifying governments to eliminate forced labour in all its forms within the shortest possible period of time. However, more than 80 years after the Convention was drafted, forced labour is still a widespread problem, affecting all regions and most countries in the world. In 2005, the ILO estimated that the minimum number of people who are forced labourers is 12.3 million and that children make up between 40 to 50 per cent of victims.<sup>3</sup>

### The regional distribution of forced labour<sup>1</sup>

Asia and Pacific:	9,490,000 (77%)
Latin America:	1,320,000 (11%)
Sub-Saharan Africa:	660,000 (5%)
Industrialised countries:	360,000 (3%)
Middle East and North Africa:	260,000 (2%)
Transition countries:	210,000 (2%)

<sup>1</sup> International Labour Office, A Global Alliance against Forced Labour, op. cit

This does not mean that the development of international standards like the ILO Forced Labour Convention (No.29) and later the ILO Convention on the Abolition of Forced Labour, 1958 (No.105) have been ineffective. On the contrary, they have helped to establish an international consensus that forced labour should be abolished, and today almost every country in the world has specifically committed itself to prohibiting the use of forced labour.<sup>4</sup>

This has led to a decline in the use of forced labour by governments, many of which have abandoned or prohibited practices like indentured labour, vagrancy laws and the use of compulsory labour in labour camps and prisons. Consequently, governments and the military are now only responsible for around 20 per cent of forced labour cases in the world.

<sup>2</sup> The Convention prohibits forced labour for private purposes; limits public work to minor communal services and normal civic duties; restricts compulsory military service to work of a purely military nature and outlaws forced prison labour when the work is done for private companies. For the full Convention see: <http://www.ilo.org/ilolex/english/convdisp1.htm>

<sup>3</sup> This is despite the fact that the ILO Convention on the Worst Forms of Child Labour, 1999 (No.182) prohibits all forms of child labour that would be hazardous to children or jeopardise their well-being. This includes many types of forced labour, including the sale and trafficking of children, debt bondage and serfdom, child prostitution or pornography and the forced recruitment of children for use in armed conflict. For the full Convention see: <http://www.ilo.org/ilolex/english/convdisp1.htm>

<sup>4</sup> China is the only member of the ILO which has not ratified either ILO Convention No.29 on Forced Labour or the UN Covenant on Civil and Political Rights (Article 8 of which prohibits forced or compulsory labour).

## The breakdown of who is responsible for forced labour in the world<sup>1</sup>

Private agents for economic exploitation: 7,810,000  
The state or the military: 2,490,000  
Private agents for commercial sexual exploitation: 1,390,000  
Mixed: 610,000

<sup>1</sup> International Labour Office, A Global Alliance against Forced Labour, op. cit.

A notable exception to this trend is Burma, where the military compels the civilian population to work in a variety of areas without pay, including road repairs, construction and as porters for the army. In addition to Burma, both North Korea and China exact forced labour from those in detention or in labour camps. In North Korea, many of those in forced labour have not even been through the judicial process.

Despite these examples, forced labour in the 21<sup>st</sup> century is primarily carried out not by governments but by private agents who want a ready supply of cheap or even free labour. Forced labour particularly affects labour intensive and/or under-regulated sectors, such as:

- Agriculture and fishing
- Domestic work
- Construction, mining, quarrying and brick kilns
- Manufacturing, processing and packaging
- Prostitution and sexual exploitation
- Market trading and illegal activities (begging)

The ILO estimates that one out of every five forced labourers in the world is a trafficked person. Trafficking involves the movement of a person using violence, coercion or deception.<sup>5</sup> The ILO estimates that the minimum number of people in forced labour as a result of trafficking at any one time to be 2.45 million.

While many only associate trafficking in people with sexual exploitation, the ILO research makes clear that around one in every three of those trafficked is used exclusively in labour exploitation.<sup>6</sup> More than 80 percent of all trafficked people are women and girls and where trafficking takes place for sexual exploitation this figure increases to 98 per cent of cases.

Trafficked people are found in both developing and developed countries around the world, but trafficked people clearly make up a significant percentage of

<sup>5</sup> The definition of trafficking was agreed in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and states that trafficking is: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;" The Protocol requires governments to pass legislation which prohibits and punishes all forms of trafficking in people.

<sup>6</sup> The ILO research found that of those trafficked, 43 per cent are trafficked for commercial sexual exploitation, 32 per cent for economic exploitation and 25 per cent for a mix of economic and sexual exploitation.

those in forced labour in developed countries. For example, in the Middle East and North Africa, trafficking accounts for more than 75 per cent of all forced labour.

### The regional distribution of trafficked people<sup>1</sup>

Asia and Pacific: 1,360,000 (56%)  
Latin America and the Caribbean: 270,000 (11%)  
Sub-Saharan Africa: 250,000 (10%)  
Industrialised countries: 230,000 (9%)  
Middle East and North Africa: 200,000 (8%)  
Transition countries: 130,000 (5%)

<sup>1</sup> Counted in region of destination. International Labour Office, A Global Alliance against Forced Labour, op. cit.

## 3. How are people trapped in forced labour?

In order to effectively tackle forced labour, it is important to understand the coercive mechanisms that private agents use in order to compel individuals to work against their will in conditions they did not agree to. There are of course many variations in the ways people are trapped in forced labour, but debt, restrictions on freedom of movement, threats and the use of violence are among the most common.

### 3.1 Debt

The existence and manipulation of debt is used to gain and retain control over a worker. This is normally a key element in trafficking cases where migrant workers often borrow large amounts of money in order to pay the trafficker for arranging transport, travel documents and a fee for securing the job. The loan may have been taken from friends, family or legitimate third parties on the basis that the migrant worker will then be able to support their families and provide for their futures. The thought of returning home without being able to repay their debt is inconceivable for most migrants even when they find that the job they were promised does not exist and are faced with working in exploitative conditions for an undefined period of time.

This is exactly what happened to many women who migrated from the Dominican Republic to Argentina in the late 1990s. A survey of these migrants found that over 50 per cent had taken a mortgage on their home, their parents' home or a loan from a bank to finance a trip to get work in Argentina. However, many found on arrival that the job they had been offered was a lie and were forced into prostitution.

In other forced labour cases, the initial loan may have been taken to pay for



basic subsistence needs like food, medicine or clothing. The worker is then forced to work for his employer with no control over their pay or conditions until the debt is repaid. This system of bonded labour affects millions of people in Asia (e.g., India, Nepal, Pakistan) and Latin America (e.g., Bolivia, Brazil, Peru and Paraguay), where workers end up with little or no pay as their wages are used to service their debt.

Employers who profit from forced labour will also manipulate pay and conditions to inflate existing debts or to create a debt that previously did not exist. This can be done through one or more of the following methods:

- Excessive charges for transport, tools, food, accommodation and interest on existing loans
- Paying salaries below the minimum wage and in kind
- Withholding work for a period of time
- Contract substitution
- Non-payment, under-payment or deferred payment of wages
- Illegal deductions from wages

All of the above can be used to drag workers into debt or make it impossible for them to pay off their debts. Once workers are trapped in debt bondage, many will feel unable to refuse the work they are told to do or challenge the fairness of their terms and conditions. However, in most cases, the existence of a debt is combined with one or more of the other mechanisms of coercion detailed below.

### **3.2 Restrictions on freedom of movement**

Some workers will be physically restricted from leaving their work places. Examples of this would include women who are trafficked into prostitution and held in flats or brothels, domestic workers who are locked into their houses by their employers and labourers who are held on agricultural estates or sweatshops by armed guards.

However, these sorts of direct and more visible restraints on workers' freedom of movement are relatively uncommon. It is frequently a worker's migration status that restricts their freedom of movement and their ability to challenge forced labour situations. Workers who do not have a right to live or work in a country will be worried about coming to the attention of the authorities, as this is likely to lead to them being returned to their country of origin without the money to repay their debts. For these reasons they usually try to keep their movements outside their homes and workplace to a minimum and are unlikely to try and exert their rights for fear that their employer may report them to the authorities.

Even workers with a legal entitlement to work can find their freedom of movement curtailed. This commonly happens when an employer takes away a worker's passport, as without this document they cannot prove their right

to be in the country and then find themselves in a similar position to irregular migrants. In some cases, migrant workers may have official restrictions placed on their movements. For example, in Thailand, the provincial authorities in Phuket and Ranong have introduced local laws that prohibit migrant workers from leaving their residences in the evening unless their employer gives permission. In Ranong province, migrants are also prohibited from gathering in groups of five or more unless they are working.

In other cases, workers are physically isolated in remote areas leaving them dependant on their employers. For example, Brazilian forced labourers in the Amazon have no means of leaving the estate apart from the transport provided by their employers. Workers on agricultural estates in Paraguay are less isolated, but are still several hours away from the nearest town, and there is little public transportation. As they have to work very long hours and may only have one day off every two weeks, this effectively limits their ability to travel. This restriction on their freedom of movement is quite subtle, but it is an important element in how they are trapped in forced labour: because they cannot get to the nearest town easily, they are dependent on the estate shop for food and goods. These are all charged at inflated prices, often leaving them indebted to their employers at the end of each month. The lack of contact with people outside of the estate also means they cannot get advice about their rights or assistance in asserting them and have little opportunity to find an alternative job.

### **3.3 Violence, threats, intimidation and vulnerability**

Most individuals who are seeking to profit from forced labour are also prepared to use threats and violence to ensure that their workers remain compliant. An ILO survey of brick kilns and sharecroppers in Pakistan found that between 20-33 per cent of workers reported verbal or physical coercion, while a survey by a non-governmental organisation (NGO) in the UK recorded that 70 per cent of migrant domestic workers experienced psychological abuse and 23 per cent suffered physical abuse at the hands of their employers.

Violence and the threat of violence is usually a part of the trafficking process both for labour and sexual exploitation. Threats can also be extended to the families of migrant workers back in their home towns so that even when a worker is prepared to risk their own safety by trying to escape, they will not do so because they fear the consequences for their families.

The vulnerability of many workers means that employers can intimidate them into doing the work demanded even without having to directly resort to violence. Their vulnerability is usually linked to the fact that they are literally dependant on the work for their survival. In this context, threats by their employers to withdraw housing or the provision of food, not to renew a work visa or to refuse to pay wages that are owed are extremely effective in intimidating workers into continuing to work against their will.



The fact that many forced labourers are migrant workers compounds their vulnerability, as they often find themselves in unfamiliar places where they do not speak the language and have nobody to turn to for help. If the jobs they were promised do not materialise, they rarely have sufficient funds to support themselves, let alone return home.

Most forced labourers are too afraid to turn to the authorities for help. This may be because they think that the police are corrupt or powerless or because they see the authorities as being part of the problem. For example, some workers have visas that specify that they can only work for the named employer. If that employer is exploiting and abusing them and they denounce them to the authorities, this may lead to the worker losing their right to be in the country and having to return home in debt and without any job to go to.

Workers with irregular immigration status are in an even worse situation, as they would risk detention, deportation and even prosecution (e.g., for entering the country illegally, using false documents or working without permission) if they seek protection from the authorities. Indeed, some traffickers actually threaten to report irregular migrant workers to the authorities if they do not comply with their demands.

It should be stressed that any combination of the coercive mechanisms outlined above can be used to intimidate workers into forced labour situations, and that children are even more vulnerable to forced labour than adults, especially when they have been separated from their immediate family.





## 4. What can trade unions do to stop forced labour?

Trade unions are uniquely well placed to contribute to strategies that will help to eliminate forced labour and can tailor their involvement to suit their particular areas of expertise and their available resources.

The following sections outline what measures need to be taken in the fight against forced labour and provide concrete examples of how many trade unions around the world have already had a direct and positive impact in identifying and removing workers from forced labour situations.

### 4.1 Getting the legal framework in place

The existence of quality legislation that prohibits and adequately punishes forced labour is an essential component in its eventual eradication. Trade unions should review whether their governments have ratified the key international standards that prohibit forced labour and trafficking (e.g., ILO Convention No. 29 and the UN Protocol on trafficking) and ensure that national legislation fully complies with these standards.

It is not uncommon for national laws to have been passed which only have a limited practical impact because they do not properly cover all forms of forced labour. This is frequently seen in relation to trafficking where national laws may cover trafficking for sexual exploitation but not labour exploitation.

Sometimes the legal definition itself can be too restrictive and thereby make successful prosecution difficult. For example, the law may recognise that people are trafficked through the use of abduction, violence and coercion, but not include deception. In other cases the legislation may require prosecutors to prove that the individual has profited or intended to profit from the crime in addition to proving that trafficking has taken place.

Sometimes the penalties set out in the legislation are not commensurate with the seriousness of the crimes committed. If the punishment for using forced labour is only a maximum of two years in prison or a fine, many will consider that this is a risk worth taking given the profits they can make. In these circumstances, amendments to existing laws need to be made – amendments that will act as an effective deterrent. These could include: increasing the existing penalties; introducing a range of penalties to reflect the severity of the crime (e.g., where trafficking involves children or where victims have been imprisoned, raped or subject to physical abuse); or allowing for profits and assets to be seized from those using forced labour.

Given the range of coercive mechanisms used to trap workers in forced labour, trade unions may need to look beyond specific forced labour and trafficking

## Amending the law to stop forced labour in the UK

The **British Trade Union Congress (TUC)** and other national trade unions have played a key role in the development of national legislation to combat forced labour.

The **TUC** and **UNITE** have campaigned to protect migrant domestic workers from exploitation and forced labour for many years. In 1998, they helped persuade the UK government to change existing regulations that tied migrant domestic workers to a single employer and introduce a renewable one-year visa for domestic workers that gave them the right to change employers. This change in the law has helped migrant domestic workers escape exploitative and forced labour situations, as they can come forward for assistance knowing that they can still seek work with another employer.

The **National Farmers' Union, UNITE** and the **TUC** were instrumental in the passage of the Gangmasters (Licensing) Act, 2004, which created a compulsory licensing system for gangmasters and employment agencies who supply or use workers involved in agricultural activities, gathering shellfish and related processing and packaging activities. Forced labour and exploitative activities had been recorded in the agricultural sector by trade unions, and the introduction of this regulatory system was specifically designed to deal with this problem.

In 2009, a joint campaign by Anti-Slavery International, Liberty, the **TUC, UNITE** and the Gangmasters Licensing Authority convinced the British government that new legislation was needed to protect workers from forced labour in the UK. The government noted that it was aware of cases which detailed “victims who have been trafficked for exploitation, threatened, assaulted and blackmailed. They also describe unsafe and overcrowded working conditions, illegal wage deductions and forged contracts.” The government also conceded that “prosecutions might be easier if an offence existed that clearly encompassed all of the elements that comprise servitude or forced labour.” Consequently, on 5 November, the government approved an amendment to the Coroners and Justice Bill which makes forced labour and servitude a criminal offence.

## Pressing for legal reforms in Kuwait

The **Kuwait Trade Union Federation (KTUF)** is campaigning for legal reforms to protect domestic workers from forced labour. It is specifically calling for the abolition of the sponsorship system, which encourages trafficking and forced labour because it ties a worker's residency in Kuwait to a specified employer, making it impossible for workers to escape exploitation without losing their job.

The **KTUF** is also pressing for labour laws to be amended so that they fully cover domestic workers and ensure that the Ministry of Labour – not the Ministry of Interior – has responsibility for protecting domestic workers' rights.

laws to identify gaps in labour and criminal legislation that are contributing to the problem of forced labour. This may require introducing laws that better protect victims of these crimes (see section below) or amending the relevant legislation that relates to minimum wages, payment of wages in kind, deductions from wages, rights to organise and collective bargaining, etc.

One area that many trade unions have identified as particularly problematic is the activities of some recruitment and employment agencies that have taken advantage of sub-contracting and long supply chains to create forced labour conditions for the workers they employ. Trade unions played a pivotal role in the drafting and approval of the ILO Convention on Private Employment Agencies, 1997 (No. 181), which provides a legal framework which, if fully implemented, would greatly reduce the risks of both trafficking and forced labour (see box for details).

### **Ensuring the proper operation of private employment agencies**

ILO Convention No. 181 on Private Employment Agencies (1997) provides useful protections for workers which should reduce their vulnerability to forced labour. Specifically, it states that:

- Private employment agencies shall not charge directly or indirectly, in whole or in a part, any fees or costs to workers.
- Workers should not be denied the right to freedom of association or the right to bargain collectively.
- Private employment agencies should not discriminate against workers on any grounds.
- Migrant workers should be provided with adequate protection.
- Child labour should not be used or supplied by private employment agencies.
- The implementation of the provisions in the Convention shall be ensured by the labour inspection service or other competent public authorities.

Trade unions should lobby their national governments to ratify this Convention and monitor its full implementation. Additionally, trade unions should try and ensure that employment agencies follow standard good practice in their operations, including:

- Providing a signed written contract of employment before departure;
- Promoting equality of opportunity and treatment in access to foreign employment and to particular occupations (e.g., roughly equal numbers of job offers for men and women);
- Informing migrant workers of all requirements for working in the country of destination, including travel documents, medical and language certificates, etc.;
- Never knowingly recruiting, placing or employing a migrant worker in a job involving hazards or risks or where they may be subjected to abuse of any kind;
- Never withholding or confiscating, even temporarily, a migrant worker's passport or travel documents or misrepresenting a migrant worker's personal details;
- Never engaging in or tolerating contract substitution and;
- Never providing misleading or false information regarding the nature and terms of condition of employment.

In all of the above ways, trade unions can help ensure that the existing legal framework provides appropriate protection to all affected workers and has punishments for those using forced labour that are commensurate with the seriousness of the crime. However, after good quality legislation is enacted, there are still substantial obstacles relating to enforcement that must be overcome if these laws are to be a real deterrent against the use of forced labour.

## 4.2 Ensuring the proper application of the law

### *Victim protection*

In order to ensure that those who use forced labour are prosecuted, there must be a victim centred response to the problem that makes those affected feel confident that if they come forward to the authorities, they will be properly assisted and protected.

Where forced labourers have been subjected to violence and intimidations they, and in some cases their families, will need to receive adequate protection from the perpetrators. This may include ensuring their physical security by accommodating them in a safe house and protecting the identity. Victims may also need psychological and social support that enables them to come to terms with what has happened to them. The latter is particularly important in the case of trafficked people who have been subject to sexual exploitation.

All forced labourers will need impartial advice regarding the relevant legal and administrative proceedings so that they can make an informed decision about what they want to do next and whether they wish to testify in a prosecution.

Trade unions, in partnership with specialised NGOs or international organisations, may be able to provide some of these services, along with translation and interpretation support. For example, in Romania, the **Federation of Trade Unions for Confection, Textiles and Knitwear (MARA)** helps victims of trafficking to report cases to the authorities and assists them through the legal process. MARA also cooperates with Romania's National Agency Against Trafficking to facilitate this process and with different NGOs who are able to offer safe accommodation and other forms of assistance to those who have been trafficked.

In Finland, the **Central Organisation of Finnish Trade Unions (SAK)**, through its affiliated members, provides accommodation, financial support and legal assistance to Chinese workers employed in the construction and cleaning sector so that they can protect their labour rights or resolve disputes with employers.

One of the principle obstacles to getting migrant workers who end up in forced labour to come forward is their fear that they will be treated as criminals themselves. They are afraid that they will be subject to detention and deportation either because they have been working without permission or simply because they no longer have their passport which proves their right to be in the country.

### **Providing residency permits to trafficked people in Italy<sup>1</sup>**

In Italy, the **Italian Labour Union (UIL)** supported changes to the existing legislation to provide greater support and protection to trafficked people. This was achieved through Article 18 of the Immigrations Act, which provides a six-month residency permit to victims of serious exploitation who are still in danger, thereby allowing them to receive assistance and protection in Italy.

**UIL**, in cooperation with other organisations, has helped people who have been trafficked for both labour and sexual exploitation to apply for this permit and provided legal, administrative and psychological assistance to those who need it.

<sup>1</sup> For more information see: <http://www.uil.it/>

In these situations, it is important that the system identifies trafficked people and other forced labourers as victims of crime rather than “illegal immigrants” and treats them accordingly. Measures which permit trafficked people to regularise their status, either temporarily or permanently, in the country in which they have been exploited will encourage them to come forward and testify against the traffickers because it removes the danger of immediate deportation.

### **Trade union checklist for reviewing key issues that should be included in a national legislative framework for fighting forced labour and trafficking<sup>1</sup>**

- Has all the relevant international legislation been ratified?
- Are forced labour and human trafficking criminal offences under national legislation?
- Is there a clear and inclusive definition of trafficking in persons and forced labour?
- Does existing anti-trafficking legislation cover labour as well as sexual exploitation?
- Are there adequate penal sanctions for perpetrators and have there been any convictions based on these provisions?
- Are irregular migrants primarily considered to be victims of a crime rather than illegal immigrants?
- Are measures in place to protect victims and provide for their physical, psychological and social recovery?
- Are there procedures to protect the privacy and identity of victims and provide them with information on the relevant court and administrative proceedings?
- Are measures in place to allow victims the possibility of obtaining compensation for abuses and loss of earnings?
- Can trafficking victims remain temporarily or permanently in the country of destination?
- Does legislation on human trafficking/forced labour adequately differentiate between adults and children?
- Are all workers covered by labour legislation, including domestic and migrant workers?
- Are restrictions placed on any group of workers' right to organise?
- Is there a proper process for registering and regulating recruitment and employment agencies?

<sup>1</sup> Adapted from the ITUC Action Guide: <http://www.ituc-csi.org/spip.php?rubrique223>

## ***Law enforcement***

Implementation of laws is almost always more difficult than getting them passed. The first step is to provide training to all those responsible for law enforcement at both a local and national level, including labour inspectors, police, magistrates, lawyers and immigration officers.

This training should cover what the laws are, but also make officials aware of why victims of forced labour may be unwilling or unable to seek assistance from them, and what mechanisms are available for their protection. Institutional training will need to highlight that it is the responsibility of the appropriate law enforcement agencies to actively seek out these cases and not simply wait for individuals to come forward and make complaints.

Trade unions have a clear role to play, in cooperation with government agencies and specialised NGOs, in ensuring that the appropriate labour inspection and regulatory systems are identifying those who are being subjected to forced labour and that the judicial system is prosecuting and punishing those responsible.

The importance of this has been seen in Italy, where the **Confederazione Generale Italiana del Lavoro (CGIL)** and its affiliates have been actively involved in monitoring conditions in the textile industry and assisting workers in forced labour situations. Through this process they became aware that around 20 per cent of the 25,000 Chinese migrants who live in Prato in Italy were undocumented and that many had been trafficked to work in small factories making dresses. The migrant workers were living in the factories and working more than twelve hours per day, but all of their earnings went directly to their traffickers.

Where trade unions have identified forced labour cases, they should take action, either independently or in cooperation with the appropriate governmental or non-governmental agencies, to ensure the release, compensation and rehabilitation of those affected, as well as the prosecution of those responsible for using forced labour.

By actively working to identify and assist forced labourers, trade unions will also become aware of institutional problems that are preventing the proper application of laws. These institutional weaknesses may include corruption, insufficient resources or a lack of political will to make the implementation of these laws a priority. Where these issues exist, unions will need to engage government in addressing these problems through a national response or an action plan (see section below for more details).

## ***Awareness raising activities***

Where a legislative framework exists that establishes all of the relevant rights and protections for workers against forced labour, then it is crucial that this information is widely disseminated, particularly among people in the labour

market. Trade unions are ideally placed to do this, as they are mass membership organisations with direct access to the workforce and with a long history of carrying out effective awareness raising campaigns.

As has been already highlighted, most forced labourers will show no obvious sign that they are working against their will because debt bondage, the removal of their documents or the threats that have been made against them are used to maintain control over them. This means that forced labourers can easily be found working alongside other members of the workforce on farms, construction sites or factories. They may be unwilling or unable to communicate with other workers either because they do not speak the language or because they are too scared to talk to others about their situation.

Trade unions should therefore raise awareness amongst their own members and the wider workforce about the existence of forced labour and how traffickers, agents and unscrupulous employers coerce workers into working against their will in exploitative conditions.

**The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)** has done exactly that by publishing a booklet *Workers and Unions on the Move - Organising and Defending Migrant Workers in Agriculture and Allied Sectors*. This is a tool for raising awareness about the increasing use of migrant workers in the agricultural sector and their vulnerability to exploitation due to their lack of knowledge of the laws in the destination country or where to find help when things go wrong. The booklet aims to help trade unions organise and unionise migrant workers in agriculture in order to eradicate trafficking and other forms of forced labour in the sector.<sup>7</sup>

Trade unions may also need to train individual shop stewards on the issue so that they are better equipped to raise awareness among their fellow workers, whether this is through holding meetings and workshops, writing articles in union publications or designing and distributing posters. In these ways, unions can alert their members and other workers to the issue of forced labour so that they are better able to identify colleagues who may be affected and advise them on where they should go for assistance.

For example, in Kenya, the **Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA)**, in cooperation with the **AFL-CIO Solidarity Center**, has trained shop stewards and raised awareness among more than 2,500 union members in the tourism sector about the risks of trafficking and how to combat it. As a result, the number of people identified and rescued from trafficking situations has significantly increased as has the number of prosecutions brought against those responsible.<sup>8</sup>

Trade unions are often directly involved in reaching out to those in forced labour and providing them with practical assistance to help them escape. This



<sup>7</sup> For more information see: [http://www.ituc-csi.org/IMG/pdf/IUF\\_migration.pdf](http://www.ituc-csi.org/IMG/pdf/IUF_migration.pdf)

<sup>8</sup> For more information see: [www.solidaritycenter.org/](http://www.solidaritycenter.org/)

may involve setting up an emergency telephone line to provide confidential advice or providing leaflets to workers in different languages outlining what their rights are and contact information about places they can go for help.

In some European countries, trade unions have set up a network of information and counselling centres for migrant workers who may be vulnerable to trafficking and forced labour. The offices are often run by migrants themselves and provide information (sometimes in the migrants' own language), administrative and legal assistance, vocational training and language classes to both documented and undocumented workers regardless of whether they are union members or not.

Examples of the above include the information centres for migrant workers run by the **National Trade Union Confederation Comisiones Obreras (CCOO)** in Spain and the **National Association Oltre le Frontiere (ANOLF)** of the **Confederation of Workers Unions (CISL)** in Italy, along with the counselling centres run by the **German Trade Union (DGB)** in Germany.

### **Challenging forced labour in the logging industry in Peru**

The **National Federation of Wood and Related Industry of Peru, (FENATIMAP)** and the Dutch **FNV** union started a joint project in 2008 to reduce forced labour amongst indigenous people in the logging industry.

Local trade unionists and indigenous leaders were trained on issues such as forced labour, legal remedies to stop violations of labour or indigenous peoples' rights, collective bargaining and organising effective protests. This training was then repeated by indigenous leaders with the result that a network of activists was created who, together with **FENATIMAP**, are ready and able to take action against forced labour. This has resulted in more forced labour cases being successfully challenged and effective joint advocacy work that has pressured the authorities into doing more to improve the situation.

### **Partnerships to raise awareness of trafficking and forced labour in the Gulf**

The **National Trade Union Federation of Sri Lanka (NTUF)** and the **National Workers Congress (NWC)** have developed partnerships with trade unions in Bahrain, Jordan and Kuwait in order to combat debt bondage and trafficking among thousands of migrant workers who travel to work in the Gulf.

Through these partnership agreements trade unions exchange information and good practices. They also ensure that migrant workers are provided with information on their rights before they leave and can access assistance once they arrive in the destination countries.

The Kuwait Trade Union Federation has established links with unions and NGOs from Pakistan, India and Sri Lanka for the same purpose and signed a Memorandum of Understanding with NWC as part of this process.



In less regulated industries, including the informal economy, unions have a vital role to play in terms of monitoring at risk sectors and helping fellow workers to organise. This also includes trying to reach out to workers who may be isolated in remote areas or working in people's homes or on private land where it is extremely difficult to contact them and where labour inspectors cannot easily operate.

### Reaching out to migrant farm workers in Italy

In Italy, the **General Confederation of Labour (CGIL)** and its affiliate **Federation of Agriculture and Food Workers (FLAI)** have carried out a campaign, Red Gold, from fiction to reality, which focuses on migrant workers who are employed on farms in southern Italy to harvest tomatoes. These migrants usually have to work 14 hours a day for well below the normal wage. Those who protest are subject to threats and violence.

As part of this campaign, trade unionists from all over Italy got in touch with more than 5,000 migrant workers. The trade unionists went to the farms where the migrants were working to talk to them about their rights and distribute leaflets about minimum wage rates in 15 languages. They also discussed how to get the tomato workers unionised and provided legal assistance to those workers who had suffered the worst exploitation.

Awareness raising can also be a useful tool for preventing people from becoming forced labourers by ensuring that they know their rights and how to access them, and by highlighting measures they can take to not put themselves in a position where they are vulnerable to forced labour.



A good example of this is the information leaflet that is published and distributed in different languages by the **Confederation of Trade Unions of Armenia (CTUA)** to workers who are looking for work abroad. The leaflet sets out basic rules that migrant workers should follow before accepting any job, such as ensuring they have a formal

contract that clearly sets out the nature of their work, the salary, work hours, travel expenses, etc.

The **CTUA** advises workers that no one has the right to take away a worker's passport after they arrive in the destination country and that if this happens, or the terms and conditions of the job are not as agreed, then the migrant should go to the local Armenian embassy or consulate or a trade union. The leaflet provides the contact addresses for embassies and unions in the countries of destination that have the highest number of Armenian migrants, along with a phone number that a migrant worker can call for help.

Wider awareness raising campaigns that involve local or national media are

of great importance in making sure the general public, including consumers, employers and politicians, understand forced labour and trafficking issues and what role they may be able to play in helping to eradicate these practices.

### **Strategies to raise awareness and prevent trafficking in the Philippines**

The **Trade Union Congress of the Philippines (TUCP)** has considerable experience in developing and implementing programmes to fight both internal and cross-border trafficking. These activities have had a major impact in preventing trafficking and increasing the number of cases that are reported to the authorities, and include:

- Setting up help desks in transport terminals which provide information and advice on how to avoid trafficking;
- Showing anti-trafficking videos in buses, boats, transport terminals and offices.
- Advertising trafficking helplines to travel agencies and tourist guides;
- Creating hotlines which offer emergency assistance and a 24/7 SMS service for reporting trafficking;
- Creating a website with advice, activities, publications, news articles, campaigns, etc. ([www.trafficking.org.ph](http://www.trafficking.org.ph));
- Running community education programmes and prevention campaigns in schools;
- Developing standard reporting and monitoring forms for trafficking cases and complaints, along with computerised monitoring systems and flowcharts for accessing services;
- Providing counselling services, temporary shelter, tracing family members and facilitating free transport so that migrants can return home; and
- Monitoring the activities of private recruitment agencies and reporting instances of labour exploitation or illegal activities to the authorities.

## **4.3 Promoting prevention policies**

As highlighted above, trade unions can prevent people from becoming forced labourers through awareness raising measures outlining steps they should take to avoid trafficking and debt bondage.

Where this does not work, programmes to help rehabilitate and reintegrate victims can assist them to recover from the abuse and exploitation they have suffered. These programmes also play a crucial role in preventing them from ending up in the same situation again.

For example, many women who have been victims of trafficking for sexual exploitation are re-trafficked because they are returned to their country of origin without sufficient support. These women face multiple challenges when they arrive home: they may have to repay debts, but still have no means of providing for themselves; they may also have to deal with the trauma of what has happened to them while being rejected by their own families or communities because of their involvement in prostitution.

Trade unions, together with other specialised agencies, can provide counselling, courses and vocational training opportunities that can empower victims of forced labour and allow them to return home with new skills, which will make it easier for them to find employment and restart their lives.

Links established between unions in both the sending and receiving countries can facilitate the reintegration of migrant workers because there is a continuing support structure for them when they return home.



### Preventing trafficking in Togo, Malawi and the Philippines

#### Togo and Malawi

The **Worker's National Confederation of Togo (CNTT)**, the **Worker's Trade Union Confederation of Togo (CSTT)**, and the **Malawi Congress of Trade Unions (MCTU)** have been engaging with officials, specialised NGOs and employers in order to discuss what more can be done to prevent child trafficking.

As part of this process, these trade unions have undertaken a joint project in partnership with ILO-IPEC (the International Programme on the Elimination of Child Labour) which provides vocational and professional training to children with the objective of helping them avoid the worst forms of child labour, including forced labour and trafficking. This training has been carried out in several countries for some 3,000 children aged from 15 to 17 years old, a third of whom were girls<sup>1</sup>.

#### The Philippines

The **Trade Union Congress of Philippines (TUCP)** runs programmes designed to address the issues that make individuals vulnerable to trafficking in the first place, such as poverty, domestic violence and unemployment. One of these programmes, which is run in partnership with the government, is the TUCP Workers' College. The college provides free vocational courses and retraining opportunities so that trafficking victims can develop skills in professions where there is a demand for workers (e.g., in welding, housekeeping, accounting, call centres, etc.) and thereby facilitate their access to employment and their successful reintegration.

<sup>1</sup> For more information see: <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=9330>

## Rehabilitating former bonded labourers in Nepal

The **General Federation of Nepalese Trade Unions (GEFONT)** has played a prominent role in raising awareness of bonded labour in Nepal and supported key demonstrations by bonded labourers in 2000 in which they called for their release.

In response to these demonstrations, the government declared the kamaiya system of bonded labour illegal and officially freed the 18,400 families affected. This was later formalised in the Kamaiya Labour (Prohibition) Act in 2002. Many landlords reacted to this by evicting their former bonded labourers from their land, thereby depriving them of their homes and any income. The government's rehabilitation programme for these families was poorly coordinated and extremely slow in providing them with assistance.

**GEFONT** has been monitoring the situation and, together with Anti-Slavery International, it carried out research between 2004 and 2007 into the nature of bonded labour in agriculture, brick kilns and domestic work throughout Nepal.

**GEFONT** found that some 7,900 families who had been bonded labourers received the equivalent of just over US\$100 in housing grants and around 12,000 families were given a piece of land of between 0.017 to 0.169 hectares. While these were positive measures, the allocated land was in many cases infertile and/or insufficient to support a family.

For this reason, **GEFONT** has focused attention on supporting, in cooperation with other trade unions and international actors, rehabilitation programmes for freed bonded labourers. These include social empowerment workshops, skills training, classes for children that have never been to school before and programmes to promote the unionisation of freed farmers. These interventions have seen the situation of ex-kamaiya families slowly improve and have helped to prevent them from falling back into debt bondage or other forms of forced labour.<sup>1</sup>

<sup>1</sup> GEFONT, *Paying Back in Sweat and Tears: A Consolidated Report on the Studies of Kamaiya Liberation, Brick Kiln Workers and Domestic Labour in Nepal*, for the Anti-Slavery International Bonded Labour South Asia Project, 2007.



## ***Addressing discrimination and social exclusion***

In order for policies that seek to prevent forced labour and trafficking to be effective, they will need to address issues of discrimination and marginalisation that underpin these practices by leaving groups of people extremely vulnerable to forced labour because of their impoverishment and social exclusion.

For example, bonded labourers in South Asia are primarily made up of minority and marginalised groups who are unable to meet their essential living needs. A national survey of bonded labourers in India found that 81% of bonded labourers took a loan because they could not meet their basic daily needs (food, medicine, clothes, etc.) or to pay for a specific event like a wedding or a funeral. More than 80% of bonded labourers were indigenous people, dalits or from other 'low' caste groups.<sup>9</sup>

Similarly, discrimination and social exclusion underpin forced labour in Paraguay. Indigenous people have little access to land and 51 per cent are illiterate, compared with a national average of just seven per cent. This makes it difficult for them to compete for jobs, and where they are employed they are paid less than other Paraguayan labourers for equal work. While indigenous people make up only 1.7 per cent of the population they account for almost all the workers in debt bondage on the agricultural estates.

Gender discrimination also contributes to women's and girls' structural vulnerability to forced labour, as they are often excluded from education and labour markets altogether. Where they do manage to find work, they frequently have worse terms and conditions than men.

In Peru, only 35 per cent of the economically active female population find work and these jobs usually pay well under the minimum wage. However, some 20 per cent of households are headed by women who therefore have an urgent need to secure some form of income. This search for work pushes them into the informal and unregulated areas of the economy where they are more likely to be subject to forced labour and exploitation.

In Paraguay, more than 20 per cent of all economically active women are employed in domestic work where they are subjected to legalised discrimination. A domestic worker can be paid 40 per cent of the minimum wage, work 12 hours (rather than the normal eight), and has no right to days off on Sundays or to a written contract.

With fewer employment opportunities and lower wages than men, women are particularly susceptible to being trafficked. ILO statistics indicate that more than 80 per cent of those trafficked for economic and sexual exploitation are women and girls.

These structural issues need to be addressed as part of a strategy to eliminate forced labour. Otherwise there will continue to be millions of socially excluded

<sup>9</sup> The survey was carried out by the National Labour Institute and the Gandhi Peace Foundation and covered 1,000 villages in 10 Indian states (1978-79).

individuals who feel they have no choice but to take a loan that may leave them in debt bondage or a job offer abroad that may turn out not to exist. Awareness raising campaigns may be effective in highlighting the risks of forced labour and trafficking to these vulnerable groups, but what choice do they have but to take that chance if they literally have no alternative means of providing for themselves or their families?

Discrimination leaves people excluded from access to jobs, education, healthcare and other services, but it also makes it more difficult for minority or marginalised groups to enforce their legal rights. This is because many individuals in the institutions responsible for protecting their rights and applying the law will hold the same prejudices as the general population.

The elimination of discrimination in respect to employment and occupation is considered one of the fundamental principles and rights at work and is a key component of many trade unions day-to-day work. This involves working for changes to discriminatory laws and practices, promoting equal opportunities and challenging discriminatory attitudes in the workplace and wider society. This type of action is pivotal to providing marginalised groups with the opportunities for education, training and work that will allow them to break out of a cycle of social exclusion.

### ***Promoting development***

Unions can also contribute to the promotion of development policies that provide income generating opportunities and alternatives to forced labour. These could include rural development programmes, land reform initiatives, micro-credit schemes, fairer leasing arrangements and access to local education and healthcare. All of these would help prevent workers from ending up in bonded labour or becoming trafficked because they would not feel compelled to migrate in search of work.

#### **Using development assistance to fight forced labour in Ireland**

The Irish Congress of Trade Unions' (ICTU) Global Solidarity Programme for 2008-2011 aims to make development education an integral part of trade union training and awareness raising.

As part of the programme, the ICTU is aiming to train 90 trade unionists with the knowledge and skills to strengthen international trade union solidarity work in Ireland and promote development worldwide. These Global Solidarity champions will also play a key role in raising public awareness of the causes of exploitation and forced labour and the need for progressive policy solutions.

This programme has already had an important impact, as reflected by the Irish Minister of State for Overseas Development's announcement at an ICTU Global Solidarity event in 2009 that it would commit an extra €3 million to combating human trafficking, debt bondage and child labour in the developing world. The Minister stressed that development assistance to combat poverty and deprivation was a key part of ending forced labour, debt bondage and trafficking.<sup>1</sup>

<sup>1</sup> For more information see: <http://www.ictu.ie/globalsolidarity/> or <http://www.ictu.ie/>

## *Influencing migration policy*

Another structural issue that is contributing to forced labour relates to the increasingly competitive and globalised economy in which there is a strong demand for a cheap and flexible workforce, particularly in the informal and under-regulated economy.

This, combined with growing inequality of wealth within and between countries, has resulted in a dramatic increase in both rural to urban and cross-border migration. The number of international migrants is estimated to have increased from 176 million in 2000 to 191 million in 2005, an eight per cent increase.

As has been outlined above, these migrants are extremely vulnerable to being exploited by traffickers, and the ILO estimates the profits from trafficking to be about US\$32 billion a year.<sup>10</sup>

Even where changes to criminal and labour laws are being made to combat trafficking, some governments are undermining these efforts by implementing increasingly restrictive immigration policies, which often do not take account of a continuing demand for migrant workers in some sections of their economies. Where a demand for migrant workers exists, a lack of regular migration opportunities will encourage irregular migration and trafficking.

By engaging with governments on the development of their migration policies, trade unions can promote policies that will help prevent the underlying conditions that facilitate forced labour practices. A progressive national migration policy that attempted to do this could include commitments to:

- Protect both regular and irregular migrants from forced labour and other forms of exploitation by ensuring that the migration system is transparent and in full compliance with all aspects of the UN Convention on the Rights of All Migrant Workers and their Families, 1990.
- Promote regular and managed migration. This helps protect migrants' rights, but is also good for the wider society as it ensures migrants contribute to destination countries through their taxes and do not undermine existing labour standards by working excessive hours for less than the minimum wage.
- Link migration and development policy to promote sustained economic and social development in sending countries. Global Unions recommend a holistic approach to looking at migration and development linkages, one that considers not only the impacts of migration on development, but also the impacts of uneven development on migration. Policy frameworks must recognise that the decent work deficit in developing countries and the failure of the global economy to create jobs where people live are critical push factors in the "migration by necessity" syndrome. They must prioritise support policies to strengthen labour markets and create decent work that provides a living wage for people in their home communities.<sup>11</sup>

<sup>10</sup> International Labour Office, *The Cost of Coercion*, ILO, Geneva, 2009.

<sup>11</sup> Council of Global Unions Statement to the Global Forum on Migration and Development and the Civil Society Days, 2007, 2008, 2009. For more information see: <http://www.global-unions.org>.

## ***Working with companies***

Labour market de-regularisation, increased capital mobility and sub-contracting through long supply chains means that even when workers have taken effective action against forced labour in their country, large companies may simply relocate or sub-contract the work to firms in places where the laws to prevent forced labour are either non-existent or not adequately enforced.

In order to prevent this, trade unions, with the support of Global Union Federations, should engage with transnational companies so that they commit themselves to taking steps to ensure that no forced labour is used at any stage of the production process. International trade union organisations are working with companies and industry associations to address forced labour at the international level. Activities have included agreements with industry associations and participation in specific initiatives. The abuse of forced labour, as with all of the human rights declared by the ILO to be fundamental rights at work, are often included in international framework agreements (IFAs).

### **A Memorandum of Understanding in the temporary agency work industry**

In 2008, the Global Union for Skills and Services (**UNI Global Union**) and the International Confederation of Private Employment Agencies (CIETT) signed a Memorandum of Understanding in which they agreed to work in partnership for fair conditions for the temporary agency work industry – which has a global turnover of €228 billion – and its nine million temporary agency workers around the world. The agreement is global in scope and includes commitments from both parties to:

- Provide adequate protection, decent working and employment conditions for temporary agency workers and ensure proper conditions for the operation of temporary work agencies.
- Work with policy makers to establish an appropriate regulatory framework for the industry.
- Work with the ILO to promote the ratification of ILO Convention No.181 and the application of Recommendation 188 on private employment agencies.
- Cooperate with key stakeholders in taking steps to eliminate human trafficking.
- Respect workers' right to freedom of association and collective bargaining.
- Promote global dialogue as a means for the negotiation of working conditions and use of temporary agency workers.<sup>1</sup>

<sup>1</sup> For more information see <http://www.ciett.org/index.php?id=1>



### A Protocol to address forced labour in the cocoa industry

In 2000, there was significant media coverage of forced labour on cocoa farms in Côte d'Ivoire and other West African countries. The media attention led some of the largest companies in the confectionary industry to engage in dialogue with NGOs and trade unions.

In 2001, this led to an agreement, known as the Cocoa Protocol, between the cocoa industry, human rights organisations and trade unions. The Protocol set out a framework to address forced labour which includes the following: carrying out research into labour conditions in Côte d'Ivoire, establishing an independent verification system to ensure the cocoa products are free from forced labour, and setting up the International Cocoa Initiative (ICI), which would encourage responsible cocoa farming by funding local projects and supporting governmental action plans in the region. Both the **IUF** and the **ITUC** are members of the Board of the ICI.

International Framework Agreements (IFAs) are formal agreements between a Global Union Federation and a multinational company. Some framework agreements involve more than one GUF and can also involve other trade union organisations. The content of many IFAs is similar to those of the codes of conduct for labour practices that companies apply to their suppliers in that the IFA may reference international labour standards including the fundamental rights at work. Unlike the unilateral codes of conduct that are more about assuring the public that everything is all right, IFAs are closer to industrial relations. An IFA anticipates that problems will arise that should be addressed and provides a way to do this through dialogue with an appropriate trade union organisation.

Most agreements explicitly reference ILO Conventions No.29 and 105 on the abolition of forced labour and Convention 182 on the elimination of the worst forms of child labour. An agreement between the ITGLWF and the Spain-based global retailer Inditex includes a code of conduct that the company will apply to its suppliers. Under this code suppliers must not require deposits of workers or retain the identity papers of workers.

By the end of 2008, 72 International Framework Agreements had been signed.<sup>12</sup>

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<sup>12</sup> For more information on International Framework Agreements see: <http://www.global-unions.org>



### An International Framework Agreement

On 17 June 2008, Italcementi, the fifth largest cement producer in the world, signed an International Framework Agreement with the **Building and Wood Workers' International (BWI)** and its Italian affiliates, **Filca-Cisl**, **Feneal-Uil** and **Fillea-Cgil**. The agreement aims to secure trade union and social rights for all workers engaged in Italcementi projects worldwide.

Italcementi is based in Italy but has a presence in 22 countries and more than 23,000 employees worldwide. Through the Framework Agreement, it has undertaken to comply with ILO core labour standards, including the conventions on freedom of association and the right to collective bargaining, and those relating to the elimination of forced labour, child labour and discrimination in employment.

The company agrees to: pay decent wages, fully respect trade union rights, provide a healthy and safe work environment, and ensure training and development opportunities for its employees. It also commits itself to promoting the same principles with its subsidiaries, contractors, subcontractors and suppliers.

In addition, the Framework Agreement establishes a reference group composed of company and trade union representatives to oversee the implementation of the agreement.<sup>1</sup>

<sup>1</sup> For more information see [www.bwint.org](http://www.bwint.org)

## 4.4 Developing national action plans against forced labour

The above sections give clear examples of a variety of actions that trade unions can undertake to tackle forced labour. They also highlight the complexity of the challenge and the need for concerted action by a variety of different stakeholders over time if the goal of eradicating forced labour is to be achieved.

As part of making this happen, governments should put in place national action plans against forced labour and trafficking, and integrate them into regional and international programmes to ensure that the problem is not simply moved from one place to another. These national strategies will clearly need to be tailored to the individual circumstances of each country, but there are certain key elements that should be common to all plans.

### *Include all relevant stakeholders*

An effective plan of action can only be formulated and implemented if all of the relevant stakeholders are involved. This will include the range of government departments and agencies that have responsibility for some aspect of the strategy (e.g. those covering justice, employment, immigration, equal opportunities, development, etc.) as well as the appropriate trade unions, employers' associations, non-governmental organisations and inter-governmental agencies.

Part of the national planning process will involve identifying how mutually beneficial partnerships and long term cooperation can be structured between these different stakeholders. Another element will be to identify other national and international actors -including, trade unions, employers, NGOs and governments in other countries - that can make a contribution to the implementation of the national plan.

In recent years, trade unions have been extremely effective in building these sorts of alliances which, in turn, have allowed them to share resources and increase the effectiveness of their efforts to stop the use of forced labour.



### TUCP partnerships in the Philippines

The Trade Union Congress of the Philippines (TUCP) has developed formal partnership agreements and Memorandums of Understanding with 35 overland and sea based transport companies, their TUCP affiliated unions and other support groups (e.g. port workers, bus terminal vendors, transport associations, port authorities, and local government units).

These agreements include provisions for the joint monitoring of potential in-transit trafficking activities, the dissemination of anti-trafficking materials, and the free transportation of victims and accompanying family members or custodians back to their homes. Under the partnership framework, training on how to identify potential trafficking victims has been provided to bus line inspectors and government officials.

The TUCP has also put in place partnerships with lawyers' associations, like the Integrated Bar of Philippines Lawyers' Association and the International Federation of Lawyers (FIDA), so that free advice and legal assistance is provided to victims of trafficking. These measures have contributed to an increase in the number of people rescued from trafficking situations and the number of cases referred to the police.

TUCP has complimented this work by developing joint anti-trafficking initiatives with three international trade union groups, the Asean Trade Union Council (ATUC), the Japanese RENGO and the Korean FKTU. These initiatives include the adoption by ATUC members of a standard reporting form for documenting requests for assistance, trafficking cases and complaints of other human rights violations by migrant workers. ATUC affiliates also approved a Best Practice Guide for Union Action on Assisting Migrant Workers and Trafficking Victims, which contains a range of activities to fight trafficking and forced labour, and identifies individuals and partner NGOs with a responsibility for migrant issues.



This leaflet introducing the Centro Sindical de Migrantes (CSM (Trade Union Centre for Migrants)) gives the centre's contact details and summarises the fundamental rights of migrant workers.

## Trade union partnerships in Central America

In Costa Rica, a partnership between the Costa Rican **Confederación de Trabajadores Rerum Novarum (CTR)**, the Nicaraguan **Central Sandinista de Nicaragua (CST)** and the **Confederación de Unificación Sindical (CUS)** has been established with the support of **ITUC** and the Swedish **LO-TCO** trade union.

In 2007, this led to the creation of the Migrant Trade Union Centre (CSM) which fights for the rights of migrant workers and helps them to unionise. The CSM prioritises work in the construction and agricultural sectors, where most migrants are working, but offers free legal and administrative assistance to all migrant workers.

**CTR** particularly focuses on helping undocumented migrant workers to regularise and to become trade union members. However, they are also involved in trying to combat the trafficking of children and have signed a code of conduct against sex tourism with the taxi drivers' trade union **SICOTA**, as taxi drivers often come into contact with trafficked children. All companies signing the code of conduct commit to providing specific training to their workers so that they are better able to identify cases and report them to the police.<sup>1</sup>

<sup>1</sup> For more information see: [http://www.ituc-csi.org/IMG/pdf/VS\\_Costa\\_Rica\\_EN.pdf](http://www.ituc-csi.org/IMG/pdf/VS_Costa_Rica_EN.pdf)

## Partnership between the ITUC and Anti-Slavery International

The **International Trade Union Confederation (ITUC)** and **Anti-Slavery International** have signed a Memorandum of Understanding that aims to strengthen cooperation between the two organisations and to build a Global Trade Union Alliance to Combat Forced Labour and Trafficking.<sup>1</sup>

Both the **ITUC** and Anti-Slavery International recognise that they can benefit from sharing the knowledge and experience they have in combating forced labour and trafficking, and in involving their respective member organisations, partners and networks in the development and implementation of projects as part of the Global Alliance.

Under this framework, the **ITUC** and Anti-Slavery International have started a new project to create a European coalition of trade unions and NGOs to protect women and young people in the workplace, with a specific focus on trafficking.<sup>2</sup>

<sup>1</sup> For more information see: [http://www.ituc-csi.org/IMG/pdf/ASL\\_ITUC\\_MoU.pdf](http://www.ituc-csi.org/IMG/pdf/ASL_ITUC_MoU.pdf) or [www.antislavery.org](http://www.antislavery.org)  
<sup>2</sup> For more information on this specific project, contact S. Glovackas in the ITUC Vilnius Office at: [ituc.vilnius@post.5ci.lt](mailto:ituc.vilnius@post.5ci.lt)

## *Ensure the plan is comprehensive*

In order to put together national action plans to combat forced labour, it is absolutely essential that there is a clear picture of what type of forced labour takes place in which industries, and who are the people affected. If this does not already exist then plans will need to include initiatives to carry out national, regional or sectoral surveys to ensure there is a comprehensive understanding

of the scope and scale of forced labour practices in the country. These surveys should include breakdowns of the victims of forced labour by age, gender, nationality, ethnic group and caste, as appropriate.

Plans should also include specific actions to be completed within a set timeframe by named institutions or organisations. These actions should address the prevention, protection and prosecution aspects of the strategy to eliminate forced labour (as reviewed above), and all those responsible for implementing sections of the plan must allocate or be given sufficient resources so that they can meet their commitments.

### ***Ensure the plan is properly implemented and reviewed***

There must be high level political commitment to the implementation of the plan over time. Obtaining this will be easier if the plan is shown to be working and it is supported by the general public.

Popular support for tackling forced labour should not be taken for granted. Trade unions and other stakeholders will need to have strategies for communicating the purpose and benefits of the plan to the general public and for winning their approval.

In order to make sure that the plan is effectively implemented, the key objectives must be clear from the start and they must be specific, measurable, and achievable. A committee that involves all major stakeholders should be established to regularly review progress towards the stated goals, identify obstacles and take the necessary action to resolve them.

For example, if the plan has stipulated that greater priority needs to be given to enforcing the law against bonded labour, then the number of successful convictions and sentences passed should be recorded by region and reviewed on a regular basis to see if this is taking place. If the police or the judiciary are found not to be applying the law, or if one region is shown not to be taking action, then immediate measures must be taken to correct this.

This might involve training officials so they understand their responsibilities better; disciplining or firing officials who have obstructed the application of the law; introducing new legislation to close loopholes; or amending existing laws to remove any confusion or inconsistencies about how it should be interpreted.

It could also include consistent public statements from senior government officials condemning bonded labour and taking forward successful and high profile public prosecutions of perpetrators. This type of action is likely to secure both local and national media coverage that will help to counter institutional indifference towards the issue of bonded labour; build confidence amongst those affected that the authorities will support them if they come forward and make a complaint; and raise awareness and maintain support among the general public for the government's action plan.

## Examples of national action plans

### Brazil

Since 2003, the Brazilian government has shown a commitment to tackling forced labour which affects many thousands of people in the Amazon. On 11 March 2003, President Lula da Silva launched the National Plan for the Eradication of Slavery and set up a National Commission for the Eradication of Slave Labour (CONATRAE).

CONATRAE includes different government departments, the federal police, trade unions and NGOs who are involved in challenging slave labour. It has responsibility for implementing the national plan and finding practical solutions to help eradicate forced labour. This work has resulted in:

- The approval of legislative amendments that make it an offence to recruit or transport workers into forced labour situations and increase penalties for certain types of slavery offences.
- The establishment of the Special Mobile Inspection Group which is a federal and multi-agency institution made up of labour inspectors, federal police officers and attorneys. The involvement of the federal police in operations means that charges can be brought immediately against those using slave labour, and provides protection for the members of the Special Group.
- The use of mobile courts that accompany the Special Group and can impose immediate fines, freeze bank accounts and seize assets. This ensures that those who use forced labour are immediately punished and workers receive the compensation they are owed.
- The introduction of a Register of Employers for all those found to have used slave labour. Any individual or organisation on the Register cannot access public grants, credits or other forms of financial assistance. This is an important additional sanction against those using slave labour.

The government's Special Mobile Inspection Group has proved to be an effective mechanism for enforcing the law against slave labour, even in remote areas where estate owners have significant political power. By the end of 2007, the Special Group had released more than 27,600 workers from forced labour. Successful claims for compensation reached nearly US\$ two million in 2003 and, as of July 2007, there were 192 individuals or companies on the Register of Employers.

### Ireland

Many governments now have national action plans against trafficking. One example is the Irish National action plan to prevent and combat trafficking in human beings in Ireland, 2009-2012. This was developed by the Department for Justice, Equality and Law Reform in consultation with the Irish Congress of Trade Unions (ICTU) and other stakeholders.<sup>1</sup>

<sup>1</sup> For the full plan see: <http://www.justice.ie/en/JELR/Final%20National%20Action%20Plan2.pdf/Files/Final%20National%20Action%20Plan2.pdf>

Whether or not a national plan exists, trade unions should develop their own action plans along similar lines in order to maximise their impact. For example, the **Confederation of Trade Unions of Armenia (CTUA)** drew up a Strategy on Labour Migration, Combating Human Trafficking and Forced Labour, 2009–2012<sup>13</sup>, which identifies a number of key goals:

- Setting up a working group on labour migration;
- Organising five seminars on trafficking in the regions of Armenia that have been identified as producing the largest numbers of migrant workers;
- Ensuring national and local trade unions provide free information to Armenian migrants, including about visa requirements and labour legislation in countries of destination, along with a contact telephone number and an e-mail address;
- Providing free legal advice for victims of trafficking and forced labour, including help with documentation; and
- Developing partnerships with trade unions and NGOs in destination countries so that information regarding trafficking can be collected and trafficked people can be protected and supported.

Another example is the Trade Union Anti-Trafficking Policy that has been approved by the **Georgian Trade Union Confederation (GTUC)**, and which focuses on raising awareness of trafficking for labour exploitation among its 26 affiliated unions and their 200,000 members. The **GTUC** strategy includes the following actions:

- Add forced labour to the issues in bipartite and tripartite negotiations.
- Campaign for legislation that defines and punishes trafficking for forced labour.
- Ensure that measures are taken to combat discrimination.
- Adapt union structures so that they can incorporate migrant workers and others working in the informal economy.
- Identify, document and publicise cases of forced labour and trafficking (without endangering those affected).
- Form alliances and agreements with unions, NGOs and other relevant organisations abroad in order to ensure migrant workers can access information (particularly through linked websites) about job opportunities, working conditions and labour regulations in other countries.
- Ensure political and financial support for the development of policies against forced labour at all levels of the GTUC and appoint people with responsibility for implementing them.

It is also important to exchange information and plan at a regional level. **ITUC Africa**, **IIDA/CISL-Italy** and **ILO-ACTRAV** convened a regional workshop on Strategies for addressing labour migration, forced labour, slavery, child labour and human trafficking in March 2009. During the workshop, participating trade unions identified common strategies that **ITUC Africa** and its affiliates should undertake. Many of these mirror the actions outlined in the **CTUA** and **GTUC** plans, but they also covered other activities such as:

13 See: [http://www.ituc-csi.org/IMG/pdf/The\\_CTUA\\_Strategy\\_For\\_Labour\\_Migration0409.pdf](http://www.ituc-csi.org/IMG/pdf/The_CTUA_Strategy_For_Labour_Migration0409.pdf)

- Establishing trade union campaign committees which would organise mass rallies and support artists to raise awareness of the issues in popular and innovative ways;
- Campaigning for the inclusion of forced labour, trafficking and related issues in schools' national curricula;
- Providing specialised training to trade union members, government officials and members of civil society; and
- Regulating recruitment and employment agencies, and making effective use of labour inspection systems as well as ILO supervisory mechanisms.

## 4.5 Holding governments to account

It is not uncommon for governments to pass a law against forced labour and then consider they have complied with their obligations without devoting any resources to ensuring that this law is properly understood and enforced.

This is because action against forced labour and trafficking is rarely a political priority for governments. Those affected are normally marginalised or powerless, and their exploitation usually takes place in under-regulated sectors of the economy where it can be easily ignored. Conversely, solving the problem involves a proactive approach from different sections of the government alongside other key stakeholders, and may well involve confronting powerful elites within society.

This is why national action plans and multi-agency coordinating committees to oversee their full implementation are an important mechanism for holding governments to account and making sure they fulfil the commitments they have given. As members of these multi-agency coordinating committees, trade unions can ensure that governments do not lose focus or give into pressure to divert resources away from combating forced labour and into another policy commitment. This is where trade union strategies that incorporate awareness raising components including media work, building alliances and mobilising the general public, can be vital for making long term progress against forced labour.

Demonstrations of public support for action against forced labour and positive reports in newspapers and on the radio or television can make all the difference when political priorities are being decided. Conversely, an absence of popular support for measures to combat forced labour could result in funding being cut and legislative proposals being weakened or abandoned. Trade unions, in alliance with other organisations and institutions, need to mobilise popular support both to endorse positive measures and to condemn regressive proposals that would increase workers' vulnerability to forced labour.



### Overcoming opposition to the National Plan in Brazil

In trying to implement its National Plan for the Eradication of Slavery, the Brazilian government has had to contend with strong opposition from interest groups that have sought to use legislative and judicial mechanisms to block progress (see page 38 for details). For example, the legality of the Register of Employers has been challenged in court; the Senate started an inquiry into the Special Mobile Inspection Group leading to a suspension of inspections; and Congress removed labour inspectors' powers to issue on the spot fines and award compensation payments.

However, the government has shown a determination to take forward its agenda and has been encouraged and supported to do so by the National Commission for the Eradication of Slave Labour, the ILO and many other national and international trade unions and NGOs.

Consequently, the government has restarted inspections by the Special Group by guaranteeing legal assistance to any official who may be implicated in any proceedings arising from an inspection. It is also reviewing new legislation to introduce tougher penalties for those convicted of using forced labour and to ensure that any legal challenge to the Register of Employers will not be successful.

This example shows the level of political commitment that is needed in order to resist challenges from the affected elites and ensure that those using forced labour are effectively punished. It also highlights how important trade unions and other stakeholders are in mobilising support for a progressive government so that it can overcome this type of opposition.

### Campaigning against proposals that would increase forced labour in the UK

In 1998, the **TUC** and **UNITE** campaigned successfully with the NGO Kalayaan to convince the UK government to introduce renewable visas for migrant domestic workers which allowed them to change employers. However, 10 years later, the government announced it was considered changing this system and only giving migrant domestic workers a six-month non-renewable visa under which they could not change employers even if they were subject to abusive practices. They would also not be recognised as workers but rather as domestic 'assistants' and consequently would not enjoy protection under employment laws.

If adopted, this change in the law would increase the number of domestic workers who are exposed to trafficking, forced labour and other forms of exploitation. The **TUC** and **UNITE**, together with Kalayaan and a range of other NGOs campaigned strongly against this measure. They mobilised their members and supporters for demonstrations and to write to their elected representatives, secured positive media coverage for the campaign and lobbied the government directly. As a result, on 25 June 2008, the government announced that the current visa system would be retained for a further two years before being reviewed again.



## Campaigning for domestic workers' rights in Malaysia

The **Malaysian Trades Union Congress (MTUC)** is campaigning for a number of measures that would help stop the forced labour, trafficking and exploitation of migrant domestic workers in Malaysia.

The campaign specifically calls for domestic workers to get one paid day off a week in line with other workers, but it also wants the government to recognise domestic work as proper work with the consequent entitlements and protections in relation to conditions and wages.

In campaigning for these objectives, **MTUC** also promotes awareness about how domestic workers are currently exploited and abused, and seeks to change public attitudes towards this group of workers. Information leaflets and postcards which members of the public can send to the Malaysian government urging it to accept the campaign goals have been widely distributed. This has been supported by media work drawing attention to individual cases where domestic workers have had their rights severely violated.

As result of the campaign, the Malaysian authorities are drafting laws to introduce a paid day off and a minimum wage for domestic workers as well as measures to improve their working conditions and their ability to legally defend their labour rights. The **MTUC** is also planning to set up an Association of Migrant Domestic Workers that can register and organise domestic workers.

### *Using the ILO procedures*

Another way in which trade unions can put pressure on governments to eliminate forced labour is to use the ILO's supervisory mechanisms. Only a handful of countries have not ratified ILO Convention No.29 on forced labour (Afghanistan, Brunei, Darussalam, Canada, China, the Republic of Korea, Maldives, Marshall Islands, Tuvaalu and the United States of America), which means nearly all of them are regularly reviewed by the Committee of Experts on the Application of Conventions and Recommendations.<sup>14</sup> Trade unions can directly input into this process by submitting evidence to the Committee of Experts<sup>15</sup> if they believe that a government is not complying with its obligations under a convention it has ratified.<sup>16</sup>

If the Committee of Experts agrees, they will publish an observation on the issue in its annual report and indicate what measures the government should take in order to comply with its duties under the relevant convention. In some cases, this may lead to the tripartite Conference Committee on the Application of Standards publicly reviewing the case at the ILO conference.

<sup>14</sup> Even those States which have not ratified Convention No.29 are obliged to respect its articles as it is considered to be one of the ILO's core conventions.

<sup>15</sup> In addition to the regular supervisory mechanism there are also the representation and complaint procedures which are used for serious cases of non-compliance with ratified Conventions.

<sup>16</sup> For more information on how trade unions can input into the ILO monitoring system see the ITUC briefing for trade unionists on ILO supervisory mechanisms at: [http://www.ituc-csi.org/IMG/pdf/No\\_34\\_-\\_Briefing\\_Note\\_2009\\_and\\_Appendix\\_1-3.pdf](http://www.ituc-csi.org/IMG/pdf/No_34_-_Briefing_Note_2009_and_Appendix_1-3.pdf)

Governments will usually make considerable efforts to avoid having their human and labour rights record publicly questioned in this way. For this reason, criticism from the ILO for failing to fulfil obligations under Convention No.29 can provide the impetus required for a government to take the necessary action needed to eradicate forced labour in their country.

For example, submissions by the **ITUC** to the ILO Committee of Experts and the Conference Committee in relation to the trafficking of very young children from countries like Pakistan, Bangladesh and Sudan to be used as camel jockeys in the United Arab Emirates (UAE), had a major impact in influencing the UAE to address this issue.

In 2005, after several years of denying the existence of this problem, the UAE finally accepted that some 3,000 children were being used as camel jockeys and that nearly 90 per cent of them were under 10 years old. The government took direct action to address the problem by passing a law prohibiting children under 18 from taking part in camel racing and punishing offenders with up to three years in prison and/or a fine of at least 50,000 dirham (US\$ 13,600). In addition, the government provided US\$2.7 million to assist with the return and reintegration of the camel jockeys to their homes, to be facilitated by UNICEF.

Where a government itself is directly responsible for the use of forced labour, then engaging inter-governmental support to reinforce local activities to hold it to account becomes even more important. In the case of Burma, the ILO has been keeping the government under constant review since the **ITUC** filed a formal representation in 1993 that outlined the systematic use of civilians for forced labour by the military.

Since that time, the ILO has repeatedly and publicly criticised Burma for using forced labour. In 2000, the ILO Director General called on all international organisations to stop any cooperation with Burma and urged governments, trade unions and employers' organisations to cease any activities that could directly or indirectly support the use of forced labour.

The continuing use of forced labour in Burma after so many years of public scrutiny does reflect the limits of the ILO's ability to make a government comply with its obligations to eradicate forced labour. However, this does not mean that the pressure exerted by the ILO together with action being taken on the ground by organisations like the **Federation of Trade Unions of Burma (FTUB)** is not having an impact.

Indeed, the general secretary of the **FTUB** noted that ILO engagement and their direct presence in Burma through their field office was having some beneficial effect. He stated in 2009 that:

“... there are more people who know that they can interact with the ILO. They are still reticent, but as compared with last year, the number of people filing complaints has substantially increased. It's a positive thing, because we have to let people know that the ILO is there for them, that they have the right to testify.”<sup>17</sup>

<sup>17</sup> ITUC interview with FTUB General Secretary, Maung Maung, Brussels, 5 June 2009.

Along with its supervisory mechanisms, the ILO international standards setting function can also be an effective tool for raising the profile of a specific labour rights issue and providing a real stimulus for governments to take action to resolve it.

Represented in the ILO, trade unions can identify systemic problems that are undermining labour rights and be directly involved in drafting and approving new conventions and recommendations that will address them. Most recently, trade unions from all over the world, including the **International Trade Union Confederation (ITUC)**, the **General Confederation of Workers of Mauritania (CGTM)**, the **Hong Kong Federation of Trade Unions (HKCTU)**, the **Latin American and Caribbean Confederation of Household Workers (CONLACTRAHO)**, the **South African Domestic, Service and Allied Workers' Union (SADSAWU)** and the **Trade Unions Congress (TUC)** in the UK, have all identified the treatment of domestic workers as an area where a new ILO convention is needed.

The ILO is currently considering the adoption of a new standard on domestic workers and a Convention that sets out the rights of domestic workers could provide the impetus needed to ensure that national governments prioritise this issue and take the necessary steps to give this group of workers full access to their labour rights and protect them from exploitation and human rights violations, including forced labour and trafficking.

Titus Mlengeya, national chairman of the **Tanzanian Conservation, Hotels, Domestic and Allied Workers' Union (CHODAWU)**, sums up why the adoption of a Convention on domestic workers would make such a difference in protecting their rights:

“... it will help our prospective members, domestic workers, to be recognised as workers rather than being classed as ‘servants’ as is usually the case at the moment. A convention of this kind would also raise self-awareness among the workers themselves. They will be internationally recognised as a category of workers that makes an important contribution to the economy and to livelihoods.

Such a labour standard would also help Tanzania to introduce legislation that protects the interests of these people, that helps them to secure formal employment contracts with clearly stipulated terms and conditions, so that they have rights they can defend. For us at **CHODAWU**, it would be easier to defend them as it would be a question of enforcing existing laws. And once our government has ratified this prospective ILO convention, no one will look at us oddly and say, ‘How can you defend domestic servants?’ On the contrary, we will be seen as citizens who are protecting the interests of a group of people who are just as important as everyone else.”<sup>18</sup>

As the above examples illustrate, using the ILO’s supervisory and standard setting procedures is an important way of encouraging and pressuring governments to comply with their international commitments and take the necessary steps to eradicate forced labour.

<sup>18</sup> ITUC interview with Titus Mlengeya, National Chairman of CHODAWU which is affiliated to TUCTA (Trade Union Congress of Tanzania), Brussels, 27 July 2009.

## 5. Conclusion

“Modern forced labour can be eradicated, providing there is a sustained commitment by the international community, working together with governments, employers, workers and civil society.” ILO Director-General Juan Somavia, May 2009

In 2009, the ILO estimated that the financial cost of forced labour to the workers affected in terms of lost earnings is around US\$ 21 billion each year.<sup>19</sup> The price that forced labour exacts in terms of human suffering is impossible to calculate.

The goal of eradicating all forms of forced labour by 2015 may seem a daunting task, but it is achievable. The first organised resistance to the transatlantic slave trade only started in Britain in 1787, but in less than 20 years the slave trade had been abolished.

The goal of eradicating forced labour is already well advanced: there is almost universal ratification of the international standards that prohibit it, and there are coordinated efforts all over the world to ensure that these commitments are made a reality. However, with millions of people around the world still living in forced labour, much more clearly needs to be done.

Trade unions are a vital part of this fight against forced labour. The examples in this manual show how effective trade unions have been, both independently and in alliance with others, in taking action that has helped to release and protect people from different forms of forced labour. The ITUC urges all trade unions to join the Global Trade Union Alliance to Combat Forced Labour and Trafficking and make a contribution to the eradication of all forms of forced labour by 2015.

**For more information on forced labour and trade unions, check out the webpage: <http://www.ituc-csi.org/forcedlabour>**

**To join the Trade Union Alliance to Combat Forced Labour and Trafficking or to subscribe to the Alliance newsletter, send an email to: [forcedlabour@ituc-csi.org](mailto:forcedlabour@ituc-csi.org) .**

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<sup>19</sup> This estimate does not include the victims of forced commercial sexual exploitation. International Labour Office, The Cost of Coercion, Geneva, 2009.





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