



Tool No. 1: The international labour standards on forced labour



The ILO has developed a body of legal instruments, known as international labour standards (ILS), which aim to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and dignity. These instruments are drawn up by the ILO constituents – governments, employers and workers – and include conventions and protocols, which are legally binding international treaties that ILO member States are encouraged to ratify; and Recommendations, which serve as non-binding guidelines.

ILO constituents can also adopt declarations, which are resolutions emanating from the International Labour Conference. Declarations are used to make a formal and authoritative statement while reaffirming certain principles and values. Although declarations are not subject to ratification, they are intended to have a wide application and contain symbolic and political undertakings to be carried out by the member States.

The following box presents the main international labour standards and ILO declarations that address forced labour. These provide all actors with a comprehensive strategy and set of tools with which to address the challenge of the elimination of all forms of forced labour.

The Forced Labour Convention, 1930 (No. 29)

requires ratifying States to suppress all forms of forced or compulsory labour (Article 1(1)). It provides the legal definition of “forced labour” (see section 2 of the Guidance Manual) and lists five exceptions. It also requires ratifying States to ensure that the use of forced labour is punishable as a criminal offence and that penalties are “really adequate and strictly enforced” (Article 25). *Convention No. 29 has been ratified by 178 member States (as of March 2020).*

The Abolition of Forced Labour Convention, 1957 (No. 105)

primarily concerns forced labour imposed by state authorities and specifically prohibits the use of any form of forced or compulsory labour:

- ▶ as a means of political coercion or education or as a punishment for the expression of political views,
- ▶ for the purposes of economic development,
- ▶ or as a means of labour discipline
- ▶ as a punishment for having participated in strikes,
- ▶ as a means of racial, social, national or religious discrimination.

Convention No. 105 has been ratified by 178 member States (as of March 2020).



The 2014 Protocol to the Forced Labour Convention, 1930 (No. 29)

is a legally-binding instrument that requires States to take measures to prevent forced labour, protect victims and provide them with access to justice and remedies, including specific measures against trafficking in persons. It requires States to develop a national policy and plan of action on forced labour, in consultation with social partners. *The Forced Labour Protocol has been ratified by 45 member States (as of March 2020).*

The Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

is a non-binding instrument which provides further practical guidance concerning measures to strengthen national law and policy on forced labour in the areas of prevention, protection of victims and ensuring their access to justice and remedies, enforcement and international cooperation. It builds on the provisions of the Protocol and should be read in conjunction with it.

The 1998 Declaration on Fundamental Principles and Rights at Work

is a key ILO text which defines the core labour standards that must be respected by all countries. By adopting the Declaration on Fundamental Principles and Rights at Work (FPRW), ILO member States recognized that they have an obligation to respect, promote and realize these rights, namely: the freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. This obligation exists even if a member State has not yet been able to ratify the eight fundamental Conventions, which embody these principles. As a consequence, countries which have not ratified these Conventions (including the associated Protocol of 2014 to the Forced Labour Convention) must report to the ILO on the measures they have taken towards realizing the Fundamental Principles and Rights at Work.¹

National stakeholders should also consider other ILS² that do not deal directly with forced labour but can be relevant in an integrated approach, taking into account all fundamental principles and rights at work and addressing forced labour root causes, including:

- ▶ **The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)** and the **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**: Freedom of association and the right to collective bargaining are one of the four fundamentals principles and right at work (FPRW). Strong, independent and representative employers' and workers' organizations are crucial stakeholders to ensure the sustainable eradication of forced labour.
- ▶ **The Minimum Age Convention, 1973 (No. 138)** and the **Worst Forms of Child Labour Convention, 1999 (No. 182)**: The elimination of child labour is also one of the FPRW. Both adults and children can be in forced labour. Forced labour of children is one of the worst forms of child labour (see **Tool No. 2** for more information on the links between forced labour and child labour).
- ▶ **The Equal Remuneration Convention, 1951 (No. 100)** and the **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**: The elimination of discrimination in respect of employment and occupation is the fourth FPRW. Discrimination is one of the root causes of forced labour and discriminated groups are more vulnerable to forced labour.



1- See ILO: *Rules of the Game: An introduction to the standards-related work of the International Labour Organization*, Centenary edition (Geneva, 2019). Available at: www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_672549/lang--en/index.htm.

2- All ILO's instruments can be consulted from here: www.ilo.org/dyn/normlex/en/f?p=1000:12000:644891923435:::P12000_INSTRUMENT_SORT:4.

- ▶ The **Domestic Workers Convention, 2011 (No. 189)**: Domestic work is one of the sectors most affected by forced labour, with some very severe forms of violence and abuse. Ensuring the rights of domestic workers are respected is key to prevent forced labour.
- ▶ The **Migration for Employment Convention (Revised), 1949 (No. 97)** and the **Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**: Migrant workers are more vulnerable to forced labour; as they travel to unfamiliar lands, they can be trapped in forced labour by unscrupulous recruiters.
- ▶ The **Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)** and the **Private Employment Agencies Convention, 1997 (No. 181)**: Workers can be deceived by unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework.
- ▶ The **Labour Inspection Convention, 1947 (No. 81)** and its related **Protocol of 1995 to the Labour Inspection Convention, 1947**, as well as the **Labour Administration Convention, 1978 (No. 150)**: Labour inspectors have a key role in detecting and preventing forced labour.
- ▶ The **Violence and Harassment Convention, 2019 (No. 190)**: The use of physical and psychological violence is often observed in forced labour cases.³ For instance, violence and harassment can be used to force a worker to undertake tasks that were not part of the initial agreement, in addition to their “normal” tasks, thus turning a regular work situation into a forced labour one.

In addition to ILO instruments, other international standards are important in addressing forced labour and related issues. These instruments include:

- ▶ the **Slavery Convention of 1926** which banned slavery and the slave trade and created concrete measures States parties agree to undertake to eliminate these practices. The Convention, which was created under the auspices of the League of Nations, requires signatories to eliminate slavery and the slave trade in their territories;
- ▶ the **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956** is a United Nations treaty that builds upon the 1926 Slavery Convention and the ILO Forced Labour Convention of 1930. It expanded the definition of slavery from one of “chattel slavery” to a definition including a ban of debt bondage, serfdom, servile marriage and child servitude; and
- ▶ the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000**, which criminalizes trafficking in persons “for the purpose of exploitation” including, “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”.

³- See ILO: *ILO Indicators of Forced Labour* (Geneva, 2012). Available at: www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.