

Combatting Forced Labour

Q: What is forced labour?

Forced or compulsory labour is all work or service which is exacted from any person under the menace of a penalty and which the person has not entered into of his or her own free will. It occurs where work is forced by the State, or private enterprises or individuals who have the will and power to impose on workers by severe deprivations, such as physical violence or sexual abuse; restricting peoples' movement or imprisoning them; withholding wages or identity documents to force them to stay on the job; or entangling them in fraudulent debt from which they cannot escape. Forced labour is a criminal offence and a violation of fundamental human rights.

Q: What are the different forms that it takes?

Forced labour takes many forms - some imposed by the State, but the majority in the private economy. Forced labour can be an outcome of trafficking in persons and irregular migration, a problem which seems to be on the increase and which affects all regions of the world. Workers of both sexes can be forced to work in a range of sectors, including agriculture, construction, mining and domestic service, as well as in forced commercial sexual exploitation (affecting almost exclusively women and girls). Victims of forced labour are frequently drawn from minority social and ethnic groups who are subject to discrimination, and who live and work in poverty. Mechanisms of force applied include debt bondage, slavery, misuse of customary practices and deceptive recruitment systems. State-imposed forced labour includes labour demanded illegally by military authorities, and certain kinds of forced prison labour.

Q: What kind of forced prison labour is not acceptable?

Forced prison labour is allowed by Convention No. 29 as long as it is imposed following a conviction in a court of law, and is carried out under government supervision and control. Convention No. 105, though, prohibits forced labour even in these conditions, if it is imposed for certain kinds of offences (see under next question). Prisoners may not be hired out to private companies or individuals against their will, but they can agree to working for private firms - for instance, in workshops inside prisons - so long as this is done under proper government supervision.



What international standards exist for the elimination of forced labour?

The ILO has adopted two Conventions (instruments that are legally binding on ILO member States that ratify them) on forced labour. The first, the Forced Labour Convention, 1930 (No.29), calls for the elimination of all forms of forced or compulsory labour. This was supplemented in 1957 by the Abolition of Forced Labour Convention, (No.105). Adopted at a time when there had been growing use of forced labour for political purposes, it calls for the suppression of forced labour as a means of:

- political coercion or education, or punishment for the expression of political views;
- workforce mobilization for purposes of economic development;
- labour discipline;
- punishment for participation in strikes, and
- racial, social, national or religious discrimination.

These two instruments are considered "fundamental" ILO Conventions. This means that freedom from forced labour, along with freedom of association and the right to collective bargaining, and the elimination of child labour and of discrimination at work, is indispensable to the achievement of decent work. The forced labour Conventions are very widely ratified - Convention No.29 by 165 of ILO's 178 member States, and Convention No. 105 by 163. Furthermore, the ILO Declaration on Fundamental Principles and Rights at Work commits all member States to respect and promote the abolition of forced labour, even if they have not yet ratified the forced labour Conventions.



How many people are trapped in forced labour?

The ILO estimates that at least 12.3 million people are victims of forced labour worldwide. Of these 9.8 million are exploited by private individuals and enterprises, including more than 2.4 million in forced labour as a result of human trafficking. The remaining 2.5 million are forced to work by the state or by rebel military groups. Children aged less than 18 years are believed to represent 40-50% of all forced labourers. Women and girls account for almost all forced commercial sexual exploitation and 56% of forced economic exploitation.

The highest number of forced labourers is found in the Asia and Pacific region (77% of the total), followed by Latin America and the Caribbean (11%). Industrialized countries harbour an estimated 3% of all forced labour victims, three-quarters of whom have been trafficked.

What are the causes of forced labour?

Forced labour is for the most part rooted in poverty, inequality and discrimination, and most often driven by the pursuit of financial profit at the expense of vulnerable, unprotected and unorganized workers. In today's world, private individuals, agents and enterprises working within the illegal or underground economy are the main exploiters of forced labour. Inadequate legislation and poor law enforcement mean that the perpetrators are rarely prosecuted and punished. In this climate of impunity, the potential gains for a minority of unscrupulous employers, agents and traffickers who resort to forced labour practices outweigh the perceived risks. ILO estimates that the annual profits generated from trafficked forced labourers amount to \$31.6 billion. Half of these profits are made in the industrialized countries. In the past, forced labour has also been motivated by political factors. Whether politically, socially or economically motivated, forced labour has no place in the 21st century.

How can the problem be solved?

Getting rid of forced labour calls for action on many fronts. It requires gaining a clearer understanding of how forced labour operates in different contexts, of who is affected and how. It requires countries to adopt and implement strong laws and policies that outlaw the different forms of forced labour, protect the victims and allow appropriate punishment of the perpetrators. A range of practical actions is needed, adapted to the country context and types of forced labour problems, including raising public awareness of the risks of forced labour, providing alternative local income opportunities and skills to prospective irregular migrants, rigorous law enforcement, monitoring and regulating the activities of recruitment agencies, labour contractors and employers, and rehabilitation and reintegration of rescued forced labour victims.

In the long term, forced labour prevention rests on targeted poverty-reduction initiatives such as creating income-earning activities, land reform and guaranteeing the right of all workers to organize and bargain collectively.

What kind of practical measures is the ILO taking to eliminate forced labour?

The primary tools for promoting respect for the fundamental principles and rights are the supervision by the ILO of the implementation of ratified Conventions, coupled with technical cooperation to assist member States to fulfill their obligations. The Special Action Programme to combat Forced Labour (SAP-FL) has been operational since 2002. The programme undertakes research, awareness-raising and advocacy, policy advice, capacity-building and community-based

prevention and rehabilitation activities, in partnership with ILO Constituents - governments, employers' and workers' organisations.

Some ongoing initiatives include:

Brazil - The ILO Project in Brazil aims to combat the abusive recruitment practices that lead to slave labour, particularly in cattle raising and agriculture. It helps to strengthen and coordinate the activities of Government agencies and other key partners in combating forced labour and preventing rescued workers from falling back into exploitation. Emphasis is placed on creating an effective mechanism for law enforcement, including appropriate penalties for exploiters of forced labour.

South-East Asia - Domestic workers are particularly vulnerable to forced labour and trafficking. In Indonesia and the Philippines, the ILO is advocating legislation that extends workers' rights to domestic workers. Newly formed organisations of domestic workers are instrumental in breaking their isolation and defending their rights. The ILO is providing assistance to these organizations and those of migrant workers in Hong Kong, Malaysia and Singapore, to increase their outreach and forge alliances with trade unions.

United Kingdom, Germany, Portugal, Poland, Romania, Ukraine, Moldova - This project aims to contribute to the progressive elimination of human trafficking into forced labour, including sexual exploitation through Europe. Its main focus is to strengthen administrative controls with regard to detection of forced labour and reviews activities of private recruitment agencies, including travel, bridal, model and other agencies that have been seen as a part of the traffickers' pattern of operation.

China - An ambitious new ILO initiative focuses on enhancing the role of labour institutions in combating trafficking within and from China. The project seeks to strengthen the law and policy framework against forced labour and trafficking by working with the Ministries of Public Security, Justice and Labour and Social Security, the National People's Congress and the Legislative Office of the State Council; to provide training to labour and other law enforcement officials at provincial level; and to engage workers' and employers' organizations in the prevention of trafficking and in the identification of victims.

India - An ILO project works towards preventing bonded labour through socio-economic empowerment measures such as microfinance, skills and entrepreneurial training, basic education and strengthening of women's self-help groups. For example, in the Indian state of Tamil Nadu the project works in drought-prone Tiruvallur District, where agriculture is the mainstay of the rural economy. It targets over 2,200 of the poorest families (of which 12% are headed by women), all at risk of bondage or currently with bonded family members. Individual family savings boxes, where money can be deposited on a voluntary daily basis, have proved particularly popular - in many cases, more than doubling the amounts saved.

Pakistan - Field-based work has focused on the rehabilitation of released or escaped bonded hari families who live in seven camps in and around Hyderabad in Sindh province. An experimental land-lease scheme will allow beneficiaries to own their housing plots and more easily access their rights. Other activities include a wide-ranging capacity-building programme for public functionaries and the judiciary, local-level training of Vigilance Committees, and a pilot legal aid service for bonded haris seeking relief through the courts.

Nepal - The project in Nepal is helping to rehabilitate some 14,000 adult and child former kamaiya bonded labourers through training, education, livelihood improvements, microfinance, promotion of organization of agricultural workers and implementation of minimum wages. The integrated package of assistance, delivered in close collaboration with government and other agencies, is helping families increase, diversify and stabilize their incomes and improve their health and well-being, as well as testing group-based micro-health insurance schemes adapted to the needs of the poorest households. However, the current political situation in Nepal has made it considerably more difficult to carry out social and labour related activities.

Ghana and Nigeria - Building on the ECOWAS initiative to eliminate human trafficking in West Africa, the ILO has partnered with governments, social partners and NGOs in Nigeria and Ghana to adopt and implement national plans of action against trafficking. Action research on labour migration, trafficking and forced labour has been undertaken in regions of origin of trafficking victims, where communities are being mobilised to prevent abusive recruitment, to raise awareness of the precautions to be taken while migrating and to rehabilitate returnees.

The Balkans and Eastern Europe - An objective of projects in Albania, Moldova and Ukraine is to improve migration law and policy by introducing monitoring of private recruitment agencies and negotiating bilateral agreements on labour exchange. Given the magnitude of trafficking from Albania towards Greece and Italy, the ILO has promoted and provided technical assistance for the negotiation of bilateral agreements to prevent child trafficking and to repatriate victims.