



Third sitting

Tuesday, 9 June 2009, 10.20 a.m.

Presidents: Mr Hossain, Mr Allam

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

The PRESIDENT

It is my honour to open this special sitting of the Conference plenary, dedicated to discussion of the Director-General's Global Report, prepared under the follow-up to the Declaration of Fundamental Principles and Rights at Work. This year's Report is concerned with the elimination of all forms of forced or compulsory labour.

Its title is *The cost of coercion*.

The Report comes at a time when there has been growing concern worldwide to strengthen national legislation against all forms of forced labour, including forced labour that results from trafficking of human beings for either labour or sexual exploitation.

Next week the Conference will hold the High-level ILO Summit on the global jobs crisis. An essential message is that the cost of crisis should not be borne by the most vulnerable and least protected members of the society. The Global Report provides a stark reminder that modern forced labour represents a human cost to the workers and society at large, and also a financial cost of more than US\$20 billion "stolen" from workers who are in a forced labour situation rather than in a free employment relationship. There is a real risk that vulnerable workers – especially migrants, including young women, and even children – become more exposed to forced labour, as conditions of hardship encourage them to accept, higher risks.

Forced labour is truly a global problem affecting almost every country. It is a labour market issue as well as one of criminal justice. Several government agencies, including labour administration and labour inspectorates, have a key role to play. It is also essential to engage employers' and workers' organizations in action against forced labour. Employers' organizations help their members to understand the risks of forced labour; and trade unions reach out to vulnerable workers at risk of forced labour, monitor equipment and employment practices, and bring grievances to the attention of the relevant authorities. Social dialogue is of fundamental importance. Governments, employers and workers must combine their efforts to address any deficiencies in the law, to build consensus for any law and policy reforms that may now be needed, and establish the appropriate monitoring mechanisms.

I look forward to your inputs. They will provide the basis for a new action plan to be adopted by the

Governing Body in November, enabling the ILO to lead, with renewed vigour, the necessary global campaign to eradicate forced labour once and for all.

Mr TABANI (*Employer, Pakistan; speaking on behalf of the Employers' group*)

This session of the International Labour Conference is going to consider progress towards the elimination of forced labour in the wake of the 1998 Declaration on Fundamental Principles and Rights at Work. This is the third opportunity which we have had for reviewing progress and now we have the benefit of three Reports and a decade of work from which we can evaluate our efforts.

In 1998, at the time of the approval of the Declaration, the President of the Conference (Mr Jean-Jacques Oechslin from the Employers' group) described forced labour as "... the modern form of slavery and bondage. It means treating human beings as objects and not as people endowed with rights." We Employers, together with other governments and workers, reiterate our commitment to the abolition of forced labour. The principles which gave rise to the 1998 Declaration remain in no way diminished following ten years of implementation. Indeed with experience, the wisdom and foresight of that 1998 Declaration becomes clearer each year.

The purpose of this annual Global Report process is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and now it is the turn of forced labour. It is to serve as a basis for assessing the effectiveness of the assistance provided by the Organization or the Office and for determining priorities for the following period in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out. We wish to compliment the Office for this 2009 Global Report. It provides an unparalleled snapshot of the contemporary incidence of forced labour. It also establishes a sound empirical base to pursue ongoing policy responses, technical cooperation and service delivery. More importantly, this Report provides an opportunity to reflect on what can be achieved when the Office works effectively with social partners towards agreed outcomes. Such cooperation has implications not just for forced labour but for the effectiveness of ILO activities generally.

The title of this year's Report refers to the "cost of coercion". In some respects financial calculations may not be the right focus as the real costs of forced labour are lost in self-respect and human dignity and even broken lives.

However, an estimate that forced labour costs the global economy over US\$20 billion per year is also a very powerful figure. It reinforces the magnitude of the problem and is very useful in raising the priority accorded to it.

Let me now turn briefly to some of the key themes of the Report. The Employers welcome the growing global recognition and visibility of the extent of forced labour and the importance of combating it. One of the positive outcomes coming through the Report is the growing recognition and acknowledgement of this issue, particularly at the national and regional levels. This is a direct reflection of the joint commitment of the Employers, Workers and Governments to include forced labour, through the 1998 Declaration, in the most fundamental areas of concern.

A further key theme from the 2009 Global Report is the essential role of governments in combating criminal behaviour. Without government commitment to combat criminal behaviour such as trafficking, violence and imprisonment, our efforts cannot be effective as criminal activities fall beyond the reach of the social partners. Employers need genuine government leadership prior to being able to enter into meaningful action plans at the national level. This was a clear conclusion of the High-level Employers' Meeting in Atlanta in 2008, which finds mention in the Report.

Chapter 3 of the Report is very useful in this regard. It challenges nations in all regions and at all stages of development to do better on this issue in coming years. Employers are particularly supportive of the global trend towards effectively criminalizing forced labour activities. Trafficking and other forms of forced labour are serious criminal offences, properly punishable by law. It is a welcome sign that more and more nations are moving to recognize such offences and are moving towards better enforcement of the law.

However, a note of caution is essential here on the role of labour inspectorates in the enforcement of criminal and migration law matters. Employers are concerned lest any new criminal inspection powers or investigation techniques be inappropriately applied to labour legislation. Capacity for labour inspection to be approached with a minimum of form and legality should not be lost in moving labour inspectorates too far from their core business. In particular, there appear to be considerable dangers in inappropriately trained labour inspectors assuming the role of police or migration officers.

The Committee of Experts' 2009 observations regarding the labour inspection Conventions are relevant here. The experts emphasize the importance of inspectors devoting most of their time to their primary duties, i.e. actual labour inspection. This underscores the need for clear agreement at the national level on what constitutes forced labour and its distinction from ordinary labour law enforcement.

Another interesting and potentially important development in the fight against forced labour are the recent efforts to enlist the support of religious leaders. I note the example of a few countries identified in paragraph 323 of the Report.

Chapter 4 is particularly important for us because of the challenges for employers' and workers' organizations. It specifically challenges employers and workers to continue to combat forced labour across the next four years and beyond. We welcome the frankness and clarity with which challenges to

employers are outlined and we welcome the recognition that priorities and experiences will differ by business size as well as by industry and national as well as international circumstances. We reiterate the importance of employers' organizations freely engaging with forced labour at the national level, and the efforts of multinational enterprises to eliminate the risk of forced labour from often very complex and hard-to-supervise supply chains. Chapter 4 of the Report provides some useful examples and we wish to highlight two positive developments at the practical level.

Firstly, we would like to emphasize recent employer activities in this area. During 2008, two major meetings in Asia and the Americas provided an opportunity to review the contemporary incidence of forced labour and to share employer responses. This will lead to additional IOE guidance to members on combating forced labour. We note our Worker counterparts' comparable three-year plan of action on forced labour and we congratulate them for it.

Secondly, we wish to highlight one area of technical cooperation, which employers particularly valued and which reflects well the unique process and nature of the Declaration. In November 2008, the Organization's Special Action Programme to Combat Forced Labour released a seven-part plain language handbook to assist employers in combating forced labour. Over 1,000 handbooks have been issued in 53 countries. The handbook has been released in English, Spanish, Arabic and Chinese, with the French edition pending.

A key feature of the handbook is a series of case studies reflecting the observation in the introduction to this year's Global Report that "knowledge has to be shared about good practices that can guide future efforts". Various follow-up activities have been undertaken with employers and further promotion is planned for the coming months. The key to the effectiveness of the handbook is the extent to which it reflects the spirit of the Declaration. It was prepared in close and active cooperation with employers and is an effective and usable tool which continues to be implemented in the field, once again based on effective employer-Office cooperation.

Let me now turn to the draft action plan contained in Chapter 6. Much of the proposed action plan is positive and practically focused. We are encouraged by those elements of the plan which seek to expand the capacities of governments and between governments to play a lead role in combating forced labour. A genuinely effective global alliance on this issue will, however, be strengthened by some adjustment in emphasis and priorities. Employers are unable to accept any suggestion there is something inherent in labour contracting or employment through recruitment agencies which increases risks of forced labour. Whilst the dedicated oversight of such employment may be merited in situations where abuses are apparent, labour contracting is a legitimate and accepted part of the labour market in most countries. It would not be fair for the victims of forced labour to have time and resources inappropriately diverted towards lawfully operating contractors and intermediaries. An open mind should also be kept with regard to good practice in contract employment and using trained agents as possible partners in combating forced labour in the future. Care also needs to be taken in harnessing increased media interest in forced labour. The ILO should

therefore prepare its media engagement in close collaboration with the social partners, both here in Geneva and at the local level.

We further intend to analyse the draft action plan and work with the Office towards a document which reflects the key themes that I have outlined today.

Finally, what of the next four years? What do the Employers want to be saying when we respond to a global report on forced labour after four years? The Employers would like to stand here in 2013 and report on further successful joint Office-employer initiatives, which have entrenched and built upon the employer commitment to combat forced labour. We would also like to stand here and report on genuine progress in more countries towards eliminating forced labour. But let me also point out that, firstly, any reversal of the current practice, i.e. co-operation between the Office, employers and workers, will not be effective in eliminating forced labour.

We note with interest that Chapter 6 of the Report describes trade unions as central partners in the fight against forced labour. Let me point out here that proper engagement with both workers and employers will be critical to continued success in this area.

The second threat to progress during the next four years would lie in unduly extending the definition of forced labour and wasting time arguing about the boundaries of the concept rather than addressing the core concerns so neatly encapsulated in the current Report and agreed to by all interests. The Employers hope that the extensive research planned in this area will not lead to a legalistic or academic approach which displaces the current very practical focus that we have developed.

In particular, the Employers caution against straying into relativist considerations such as the fairness of wages, or control over the employment relationship, in defining forced labour. The Employers will be vigilant in ensuring that this does not occur.

We look forward to further practical initiatives arising from this very useful Report as the building blocks are now in place for an intensified programme of action. We expect the finalization of the 2009 Action Plan to yield effective programmes and initiatives which have a real impact on reducing forced labour throughout the world.

Mr TROTMAN (*Worker, Barbados; speaking on behalf of the Workers' group*)

We have what we think is a challenging Global Report before us and although we know that there are conflicting areas of interest in this Conference, we should like to believe that the participation levels which were recorded at the outset in no way reflect the seriousness with which the subject is seen, and needs to continue to be seen, by our social partners and by the governments as well.

Mr Tabani has praised the fundamental principles and rights at work when addressing the reporting sessions which have been held on some of the core labour standards and we would wish to compliment him for making that reference.

We ourselves wish to do the same and we wish, in supporting the Employers, to make the further point that this is clear evidence that the standards of the ILO, and not just the core labour standards, have in fact gone a long way, and continue to go a long way

to improving the quality of life for workers around the world.

I am pleased whenever Employers indicate that they are willing to embrace those standards and I hope that the Employers will continue to give their support in whatever new work comes out of this Conference, beyond support for the core labour standards, to support other standards which help to create relations between employers and employees which will help to make the environment in which people live much better and reduce the possibility for chaos and social disequilibrium.

The Workers' group welcomes the 2009 Report entitled: *The cost of coercion*, a very interesting title, and we compliment the imagination of those who came up with it and we shall have some comments to make on that as we endeavour to ask governments around the world to realize the effect that forced labour has, not only on the government of the country, but also on the governance of countries and the world at large.

We have to look at this Report in tandem with the 2007 General Survey on the eradication of forced labour, as they complement each other. This particular survey provides an authoritative and complete overview of the state of law and practice in relation to forced labour in the world.

It is unfortunate that key elements of the Report were not explored further in the current Global Report. Furthermore, we remain confident in the capacity of the Committee of Experts to provide the necessary understanding of contemporary forms of forced labour.

The international community has unanimously established freedom from forced labour as a fundamental human right and that is one of the reasons why we are so pleased that Mr Tabani has indicated, through his reference to the fundamental principles and rights at work, the importance which we have to attach to standards generally.

Although this is considered to be a fundamental human right, we still have to take note that the Report on forced labour has informed us that over 12.3 million people worldwide are in some form of forced labour. Slavery itself, bonded labour, human trafficking and other forms of forced labour are evils that continue to afflict our society today.

There must be recognition that this is criminal in many instances and that criminal behaviour must be dealt with and must be weeded out, wherever we can.

Bonded labour, trafficking of persons, contract labour and other exploitative practices of private recruitment agencies are all trends referred to in the present Report.

My friend Mr Tabani says, and I agree with him, that we have to bring an open mind to these discussions and that we must not – in view of the information regarding employment agencies and their relationship with forced labour – now reject all employment agencies.

We must not now reject all employment agencies. We agree with him that we must not decide that we are going to throw away the baby with the bath-water, but it would be purely inadvisable for us not to recognize that if the baby is no longer a baby but has reached the stage in terms of physical age where it only serves to soil the water, as muddy as the water is, it would be improper for us just to smile at that baby and say you are merely a baby and it is alright to continue to do it. The same applies to em-

ployment agencies, which are, in many instances, identifiable and in many instances can in fact be dealt with. We must be able to deal with these agencies, and where there is criminal action on their part, we must be willing to deal with that criminal action with the full force of the law.

The Report also refers to the situation of seafarers. The Report notes cases of deception to get people on board vessels, of non-payment of wages and of physical confinement of seafarers and of fishermen, sometimes merely for challenging an instruction. Due attention is also paid to the situation of domestic workers. These workers are particularly vulnerable to forced labour owing to their isolation in private homes. Some of them are sometimes deprived of their official documents and some of them have little or no protection by the laws of the countries in which they find themselves.

This is also well known to all of us, or perhaps I should say to many of us. Yet there is very little that is done in many international centres to address this very real problem. That is one of the reasons we hope that everyone will do his and her best next year when the subject of domestic labour comes up for discussion and there will be some action on our part. We are very, very hopeful that we will seek to bring some level of social justice to this area where so little can be done without the involvement of such an important institution as our International Labour Organization.

We regret, however, that this Global Report does not explore a number of key areas of importance in the fight against forced labour. The Report does not provide sufficient information about the situation of people subjected to bonded labour and to slave labour. Similarly, no particular attention is paid to the issue of prison labour. Other forms of work extracted in the formal economy under the menace of a penalty are not referred to. We know of cases of compulsory labour in the public services, as well as in the export processing zones, which merit attention, and we would like to believe that the Report, though it has fallen short, will endeavour to ensure that before further discussions and involvement, there will be an addendum to this particular document and that we will expose those areas where people criminally involve themselves in forced labour, while, at the same time, continuing to get the approbation of those people who might otherwise be able to bring ease and comfort to the workers who suffer in these regions.

We should take note of some ILO action and, particularly in that area, we should take note of the action that has been carried out since the last Global Report. Several departments are engaged in this work and we would wish to commend them on their particular efforts. However, our group thinks that it would be desirable and would help very much if we were able to streamline the work of the house and therefore present some clarification of the responsibilities assumed by these different departments, and of how the synergies which they each have are able to be brought to bear on the exercise of the fight against forced labour. It would be especially useful to have them come together to share their experiences in the work of trafficking, in which the migration programme should take the lead.

Regarding trade union action, we welcome the illustration of the work which trade unions have been carrying out against forced labour in this Report. The International Trade Union Confederation

(ITUC) plan of action against forced labour is a commitment to fight forced labour through the promotion of the ratification and implementation of the relevant standards through advocacy and campaigns, through capacity building of its affiliates, through organizing of the victims of forced labour, through networking, and by using the ILO's supervisory system itself.

Trade unions have always been against forced labour and have fought against it from the inception, whether it is at the level of organizing, policy work or advocacy. Trade unions have fought forced labour in the workplace and in society as a whole.

We have done so as trade unions, not as non-governmental organizations (NGOs). We therefore take exception to the chapter which deals with the challenges ahead, where the Report suggests that this is a new area of work for unions and that trade unions are only now aware of the urgency of the problem. Such sweeping statements are most unfortunate and are deeply offensive. Right from the inception of the ILO, the issue of the working conditions of migrant workers was at the heart of trade union demands. Our group has worked hard to ensure effective international instruments to fight forced labour, and we have regularly provided information to the supervisory system on cases of violation of these standards. At the national level, trade unions have engaged in the fight against forced labour, trafficking and other forms of slavery, sometimes with inadequate support from other parties from whom help should have been forthcoming.

We endorse the broad outlines of the proposed action plan. We would, however, like to add the following elements: Firstly, we agree with the Report that, besides discrimination and poverty, among the root causes of forced labour are the deregulation of labour markets, downsizing of labour inspection services and the proliferation of unregistered employment agencies. Mr Tabani, I say unregistered ones on this occasion because some are registered and monitored. Some have sprung up and are left to grow like wild weeds among the wheat, thereby contaminating the wheat. This, as a concern, should be reflected in the action plan which we will have. Second, the importance of focusing more on helping constituents to develop the right integrated policies in order to deal with the structural causes of the problem. Third, the current global crisis will have an impact on certain types of forced labour. It is therefore necessary to develop a separate response to the crisis and focus on preventing increased forced labour, particularly forced labour affecting our children and those trafficked into labour exploitation.

Fourth, the ILO's action plan should also take into consideration the issues raised in the section on the regular supervisory system. Fifth, capacity building and support for the social partners must remain a key element of the action plan. Sixth, mobilizing to achieve the universal ratification of Conventions Nos 29 and 105 must remain a prime objective to meet the ILO's commitment for universal ratification of all the fundamental Conventions by 2015. And seventh, we expect to see a clear articulation between forced labour and the other fundamental rights at work in the action plan. Child labour, discrimination and freedom of association and collective bargaining are all key elements in developing an integrated plan of action to deal with forced labour. My final remarks relate to the title itself, *The*

cost of coercion. Our group takes note of the new estimates in relation to the economics of forced labour. Indeed, the estimated cost of forced labour to working children, as well as to men and women, in terms of lost income due to unpaid wages, trafficking and so on, is very high. We suspect that the figure of \$21 billion is a guesstimate which has been used by the Office. However, even if it is \$21 billion, this is nothing compared to the deeper cost incurred by girls, boys, women and men working in conditions of forced labour. The deeper cost is the cost of the loss of their very dignity as human beings. Treated as beasts of burden, these people are subjected to inhumane work and working conditions by some governments themselves and some employers and as a result of their exploitation by private employment agencies. Our task today and our task into the future is to get them out of these conditions. The Workers' group remains committed to this task and we hope that we will hear that we are not alone in this commitment.

Original Arabic: Mr ALBAKRI (Minister of Manpower, Oman; speaking on behalf of the Gulf Cooperation Council)

On behalf of the Council of Ministers of Labour of the Gulf Cooperation Council (GCC), comprised of the United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar, Kuwait and Yemen, it is my pleasure to express our appreciation for this meeting, which provides us with a fitting opportunity for dialogue and cooperation to promote fundamental principles and rights at work, constructive interaction and renewed international cooperation towards a world governed by justice and respect for all human rights.

I also express our appreciation for the invaluable efforts of the Director-General of the International Labour Office in preparing the Global Report concerning the prohibition of forced labour, entitled: *The cost of coercion.* We commend its objective analysis of the efforts of the international community to anchor and promote the principles of social justice within the framework of international labour standards.

We emphasize that the GCC States have taken a longstanding interest in human beings as the principal goal of development, and were among the first States to apply international laws and regulations and support the ILO in its efforts to rally world public opinion, in order to achieve a fair globalization that gives priority to human beings and guarantees their rights.

In view of the nature of the sweeping economic and social changes and development experienced by the Gulf States, combined with expected population growth and the concomitant demand on the labour market to carry out their projects, our countries have adopted precautionary measures to address the potential repercussions of these changes according to an objective and rights-based approach, in accordance with the law and founded on respect for the concepts of justice, equality and respect for human rights. This is evidenced by the Global Report as it relates to our States' response and extensive cooperation with the ILO in promoting fundamental rights at work and preventing coercion and injustice at work.

In this regard, all of our States have ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). Our laws and regulations, especially recent

legislation and key amendments to the legislation in force, have drawn on the spirit and principles of international labour standards, with legal provisions clearly prohibiting forced labour and providing for freedom to choose to work or to leave work, laying down hours of work, weekly rest and leave, and prohibiting overtime except within the limits and subject to the conditions laid down in the legislation. Our States have also endeavoured in their legislation to prevent any situations affecting workers' right to choose and to receive a fair wage for their work. Some States have acceded to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

Labour legislation in our States provides for equitable organization of employment relationships and guarantees workers' rights, thus ensuring that no worker is subjected to injustice or forced labour. Our States have currently seen a number of important initiatives, not only on the part of governments, but also popular initiatives aimed at instituting monitoring by strengthening national mechanisms to prevent human trafficking, and enhancing the role of civil society, in particular organizations, associations and committees on human rights, as well as workers' organizations, to prevent exploitation of workers and abuse of their rights. Ongoing training is dispensed to public servants and officials and public policies are designed to that end. All cases of human trafficking have been criminalized, as have all forms of forced labour and coercion. The GCC has adopted model draft legislation protecting the rights of domestic workers. Several member States have set up departments to strengthen measures protecting immigrant labour, as well as national committees and offices to combat human trafficking, and opened centres to care for victims of forced labour.

It is thus with great interest that the GCC States read the action plan to eradicate forced labour set forth in the Global Report. Our States are interested in strengthening future cooperation, as indicated in the Report, between member States and the Organization in regard to improving the institutional framework for the labour market, fighting poverty and developing policies to raise awareness against forced labour and trafficking in persons.

We aspire to build a better world based on respect for standards and human dignity, enhancing the capacity of nations to work together for a more equitable, peaceful and hopeful future for all peoples.

Ms CRENNAN (Government, New Zealand)

Our Minister is not attending this sitting of the Conference, so I am speaking on her behalf.

The last time this topic was discussed, at the International Labour Conference in 2005, it was estimated that over 12 million people worldwide were affected by the practice of forced labour – about three times the population of my own country. That is, 12 million human beings in situations ranging from various forms of coerced work through to full-blown slavery.

Forced labour is in complete contrast to the work of the ILO decent work programme. It is, of course, far more than that. Forced labour is the exploitation of the weak by the strong, the vulnerable by the

predatory. It blights our humanity, affronts civilized values and disgraces those who tolerate or perpetuate it. However, condemnation alone is of no solace to the victims. Words must be backed by action.

In 2005, the ILO proposed a global alliance against forced labour, with the aim of eradicating the practice by 2015. Now, in 2009, with six years left to run, we must ask: What has changed? What progress has been made? Is the end actually in sight?

The Global Report notes that most forced labour is still found in developing economies, most often in the informal sector and regions with poor infrastructure, education, social support and labour law enforcement mechanisms. However, there has been some improvement. Most countries have legislation recognizing forced labour as a serious criminal offence, and most have joined in international covenants and actions to combat it.

International organizations have also taken action alongside the ILO. We commend the work undertaken by both the International Trade Union Confederation and the International Organisation of Employers to support actions against forced labour and trafficking amongst their constituencies.

New Zealand has also been doing its part. New Zealand's geographical isolation significantly reduces our exposure to people smuggling and trafficking, and there is no substantiated evidence of it in my country. However, we treat these issues very seriously and New Zealand is a signatory to the United Nations Trafficking Protocol.

Alongside ratification of the relevant international instruments, New Zealand also takes positive steps at the national level. On human trafficking specifically, New Zealand continually works to prevent its occurrence, to fund victim support for international agencies and programmes, and to prepare for dealing with any cases that may arise in New Zealand. As part of this work, New Zealand has developed a whole-of-government plan of action to prevent people trafficking, which is expected to be adopted soon. This will put in place specific strategies to enhance existing measures to prevent and detect people trafficking, bring offenders to justice and protect innocent victims.

New Zealand has also a policy of vigorously condemning any cases involving migrant sweatshop labour and has prosecuted perpetrators of such practices. New Zealand enforces minimum employment rights, irrespective of migrant status, so that, even where employees have not been lawfully employed, they still receive the protection of our employment laws.

Regionally, New Zealand has been a strong and active supporter of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime since its inception in 2002. We have co-hosted and participated in workshops, acted as Country Coordinator for Legal Frameworks and participated in the Bali Process Steering Group.

Finally, New Zealand has also provided substantial funding to United Nations activities and projects, facilitating collaboration between national and provincial authorities, capacity building and anti-trafficking projects in specific regions. This includes contributions to the United Nations Development Programme, the United Nations High Commissioner for Refugees, UNICEF, the Red Cross, and the United Nations Inter-Agency Project

on Human Trafficking in the Greater Mekong Subregion.

As the Report makes clear, if we are to end the situation of forced labour, committed global cooperation and action is required, and, in doing so, we need to pursue an approach which tackles all elements of this practice. The legal measures introduced need wider promulgation and more active national and transnational enforcement. Most of all, we need to address the root causes of forced labour.

There are no excuses for the practice, but there are reasons for it. Concrete action on economic development and poverty reduction, the empowerment and protection of women and children, and the promotion of decent work opportunities would go far to reducing both the supply and demand factors involved.

New Zealand noted in 2005 that the target of eliminating forced labour by 2015 was an ambitious one, though it gives us a clear date to work towards. Will we be any closer when we next review this matter?

We can set goals; we can take action; we can measure progress; but we must not forget that for the 12 million victims of forced labour the issue is real, not academic. For them, 2015 is not soon enough.

Mr SHEPARD (*Government, United States*)

We would like to commend the ILO on this groundbreaking new Global Report on forced labour, *The cost of coercion*. This Report illustrates the ILO's key role in bringing to light some of the pressing issues of our time, galvanizing the attention of policy-makers, the media and the public, and bringing us together to discuss them.

The ILO Global Reports on forced labour, published first in 2001 and then in 2005, now in 2009, have been important in contributing to our knowledge of the definitions, estimates and patterns of forced labour globally. This has been enormously helpful to us.

This year's Report adds to our knowledge of forced labour in many significant ways. For example, it looks at forced labour through a new lens, that of opportunity costs, in terms of the lost earnings of individuals being trapped in forced labour situations, rather than in freely chosen employment. A staggering estimate of over US\$20 billion per year clearly demonstrates the economic argument for combating and eventually eradicating forced labour. This US\$20 billion annually represents lost earnings that could be reinvested in our global economy and lost revenue for governments.

The Report also underscores that workers' rights are a human rights' issue and individuals throughout the world continue to work in conditions that make them vulnerable to exploitation. Deceptive employment practices such as fraudulent contract labour and recruitment continue to permeate the global economy. It also calls for combating forced labour by both addressing the criminal nature of this issue and also by promoting the protection of worker rights and an increase in the number of good jobs for workers.

The Report suggests that strong momentum has been created globally and significant progress made in many areas, but it also suggests that much more further action is needed in areas such as data collection and law enforcement. The United States Department of Labor has made, and continues to make,

efforts to combat forced labour in these and other areas. We have provided funding for technical assistance, for data collection and original research, including, in 2008, a three-year US\$1.25 million project to conduct research on forced labour in the production of goods in eight countries.

We are also in the process of developing a list of goods from countries that we believe were produced by forced labour or child labour, as required by our Trafficking Victims Protection Reauthorization Act of 2005; when published, this list will shine a spotlight on both forced labour and child labour in global supply chains and, we hope, will lead to meaningful efforts to address these problems. We are also in the process of developing a standard set of practices to make less likely the production of goods with forced labour or child labour.

As the Global Report points out, most forced labour is still found in developing countries in the informal economy and in isolated regions with poor infrastructure, labour inspection and law enforcement. But we must remember that forced labour affects all of us, including the countries of the industrialized world. Our Department of Labor plays an important role in identifying forced labour and trafficking cases in the United States; we target low-wage industries such as restaurants, janitorial services, hotels and motels, and agriculture, where victims of trafficking and forced labour are most likely to be found. Our investigators are often the first government authorities to witness exploitive conditions and to talk with victims. For example, one investigation into wage violations at a garment factory in American Samoa found factory workers held in barracks in a garden company compound threatened with the confiscation of their passports, deportation and false arrest. We provided assistance for more than 200 victims, most of whom were women from Viet Nam and China, and provided them with housing, training and temporary visas. The owners were ultimately found guilty of slavery and other crimes.

The Global Report makes the important point that in crisis situations such as the current global economic downturn, it is the world's most vulnerable populations who suffer the most. In this time of economic upheaval, we must work even harder to ensure that we use the tools that have been developed and the knowledge that has been gained to address what we know will be a growing need. At a time like this we must ensure that the progress already made is not lost and instead that worker' rights are made a key element and a priority for the future. I want to commend the ILO again on its Report. It could not come at a more important time and its message that forced labour can be overcome through concerted action by all actors, should be seen as a challenge to all of us and to the international community to act now.

Mr SRIVASTAVA (*Government, India*)

Dignity of labour is one of the basic tenets which form the very foundation of the modern civilized society. In today's world when the concept of decent work has found a place in programmes and policies the world over, pockets of forced labour existing in different parts of the world are a grim reminder that a lot of ground has yet to be covered and it is our prime duty to make concerted efforts to overcome this problem in the shortest possible time span. The principles of an equitable and just society,

along with the fundamental rights provided for in the Indian Constitution, provide the basic inspiration and the road map towards taking effective steps to counter this menace. Various democratic institutions in our country, such as the proactive political system, free press, sensitized judiciary and the dedicated executive wing, have been instrumental in launching a multi-pronged attack to eliminate forced labour. The commitment of the Indian Government to eradicate the bonded labour system is evident in the ratification of the Forced Labour Convention, 1930 (No. 29), and the enactment of comprehensive legislation in 1976. An institutional mechanism has been put in place to identify and rehabilitate bonded labourers as well as prosecute the offenders. There has also been a lot of action on the ground. Recognizing the fact that bondage tends to occur primarily on account of economic deprivation, various schemes, including the National Rural Employment Guarantee Scheme, were launched. These schemes have had the desired impact as not only have the wages gone up, especially in the rural sector, but there is much less migration, hence reducing the incidence of forced labour.

The Bonded Labour System (Abolition) Act 1976, provides for the abolition of the system of bonded labourers and the simultaneous liquidation of their debts. The Act also lays down stringent penal provisions for offending employers. Trafficking clearly violates the fundamental right to lead life with dignity. In India serious efforts are being made to identify vulnerable areas and vulnerable groups, to strengthen law enforcement and create proper programmes and policies to check trafficking effectively. With reference to paragraph 157 of the Global Report, *The cost of Coercion*, on implementation of the Act, let me assure the house that the priority of the Government is the effective implementation of the provisions of the Act of 1976. A special group chaired by the Union Labour and Employment Secretary has been continuously monitoring the implementation of this Act as well as the centrally sponsored scheme for the rehabilitation of bonded labourers. Regular and concerted drives are made by the central governments, state governments, NGOs and research institutions for the identification, release and rehabilitation of bonded labourers. State governments have been advised to integrate the centrally sponsored scheme for the rehabilitation of bonded labourers with various ongoing poverty alleviation schemes so as to pool the resources for the meaningful rehabilitation of bonded labourers. In addition, central assistance under the scheme is provided to the state governments for conducting surveys of bonded labour, as desired by the ILO, as well as various awareness-raising activities and evaluation studies. So far 26 million bonded labourers have been rehabilitated and US\$15 million of central assistance has been provided to various state governments for their rehabilitation.

In pursuance of the Supreme Court order, the National Human Rights Commission has been intensely involved in overseeing and reviewing the implementation of the Act.

With reference to paragraph 73 of the Global Report, regarding the payment of advances to brick kiln workers it is clearly mentioned in paragraph 75 of the Global Report that the Government of India, along with the state governments and the ILO, has recently embarked on a collaborative programme to

address that issue. Among other objectives, the programme seeks to enhance the transparency of the advance system, developing some basic rules and approaches that will serve the interests of the parties involved.

With reference to paragraphs 106 and 182 of the Global Report on legal migration, the policy of the Government of India is to promote legal, orderly and organized migration from India and to discourage illegal migration. The annual conference of the heads of the Indian missions in the major receiving countries was held in New Delhi in September 2008. The objective of this annual conference was to provide an opportunity to the Indian missions in various labour receiving countries to share their experiences and work out concrete action plans.

The Ministry of Home Affairs in association with the United Nations Office on Drugs and Crime, is working on a two-year project for the training of law enforcement officials on human trafficking in five Indian states. The third meeting of the Regional Task Force to implement the South Asian Association for Regional Cooperation (SAARC) Convention on preventing and combating trafficking in women and children for prostitution is to be held in 2009.

The decisions taken in the previous SAARC meetings include sharing best practices, designing capacity building and training programmes based on these best practices, harmonizing national legislations, wherever possible to tackle trafficking and the development of standard operating procedures. A Compendium on Best Practices on Anti Human Trafficking by Law Enforcement Agencies was released by the Ministry of Home Affairs. The Ministry of Women and Child Development has adopted a multi-pronged approach to prevent and combat trafficking of women and children for commercial sexual exploitation. The Government of India has initiated a move to combine the existing child protection schemes under the Integrated Child Protection Scheme. The proposed scheme aims to provide for care and protection of children in conflict with law and for children in need of the care and protection by setting up state and district child protection units.

In paragraph 343 of the Global Report, mention has been made of the positive role of the Ministry of Labour in efforts to combat forced labour through a technical cooperation programme with the ILO. While the project initially targets some 11,000 workers, there is great potential for replicating such effective approaches in other areas facing similar concerns.

I would like to conclude by saying that concerted efforts need to be directed at social mobilization, sensitization and awareness raising at local, national and international levels to eradicate the misery of forced labour from human history, and ensure a life of dignity for all our fellow human beings.

Original Spanish: Mr RICCI (Employer, Guatemala)

Let me begin by endorsing what our spokesperson, Mr Tabani said. Forced labour is mostly found in areas of the economy which are difficult to access and there is little knowledge of the phenomenon of it causes. Gathering sound data and information are therefore essential to a better understanding of the issue.

One of the positive aspects of this year's Report is the fact that it does not repeat previous information

but expands on the information we already had. Opposition to forced labour is perhaps one of the most straightforward policy commitments that can be made, but properly understanding the causes and extent of the problem is essential if remedial policies and programmes are to be effective. Hence, we now know more about the incidence and costs of forced labour, and at the same time we know an increasing amount about various aspects of this problem.

Chapter 2 of the Global Report outlines wide-ranging efforts throughout the world to better understand the incidence and drivers for forced labour. Many studies and efforts at monitoring are under way in all the regions to grapple with understanding this difficult phenomenon. These activities are not simply to collect data, they also try to raise awareness about the significance of the problem. Publication of data and case studies is very relevant to encouraging societies from all parts of the world and at all stages of development to acknowledge and begin to engage with the challenges of forced labour. Even where a government or organization may dispute one particular assessment of the incidence of forced labour, it may be valuable in starting a debate on the outcome.

A couple more points should be noted. Firstly, we acknowledge and appreciate the significant initiatives taken by our colleagues from the trade unions and other bodies which represent good examples of measures towards understanding the phenomenon of forced labour. Secondly, it would nevertheless be very helpful if government statisticians and independent agencies could take on responsibility in this area. Independent and analytical information would provide the least contentious basis on which to build policy.

With regard to Latin America, the Report is quite clear about the strictly criminal aspects of this problem; its incidence in the informal sector of the economy and the problem as it exists in the formal sector. At the base of the pyramid we have the first two aspects namely, the strictly criminal aspect and its manifestation in the informal sector, and we need to address both of these. Hence we need to have technical cooperation which concentrates on the root of the problem, combating poverty and addressing the informal economy, as has been mentioned by one of our distinguished Government representatives. Technical cooperation should also focus on the pernicious effects of this problem, and in particular on measures taken to combat it through the judiciary. We need to think about supporting the labour inspectorate, particularly to focus on the informal sector of the economy. When it comes to the formal part of the economy, support for the labour inspectorate is also essential, as is the communication of good practices, which in many countries have produced excellent results, such as the adoption of codes of conduct.

Finally, let me mention some concepts which may not be referred to specifically in the Report but are worthy of attention and have been communicated by certain groups. It is very important to bear in mind that forced labour should not be confused with certain malpractices or inappropriate conditions of work. If we were to confuse the two, the concept of forced labour, and dilute this would not contribute towards eradicating it.

Finally, the Employers, Workers and Governments are all committed to combating forced labour,

as our contributions have shown. We hope that new forms of investigation and the development of new forms of information will help to centralize our efforts nationally and internationally. Nonetheless, the fact that these systems of information are not further developed should not be a pretext for those of us here to remain inactive and fail to respond to further efforts to combat forced labour.

(Mr Allam takes the Chair.)

Mr ILLOH (*Government, Nigeria*)

Nigeria affirms, with continued interest, the basic issues contained in the ILO Declaration on Fundamental Principles and Rights at Work with particular emphasis on freedom of association, recognition of rights to collective bargaining, abolition of forced labour and non-discrimination at work.

We note with interest that this year's Global Report is on the cost of coercion in relation to the global efforts of eradicating forced labour. We associate ourselves with, and congratulate, the Director-General on this Report, which is very lucid and timely. This Report, no doubt, demonstrates that forced labour is an antithesis to the tenets of the Decent Work Agenda, and it highlights the compelling need, at all levels, to mobilize resources with which to give practical effects towards the total eradication of forced labour.

We agree with the Report in terms of highlighting the basic trends, the main patterns and geographical incidences of forced labour, the policy and legal responses, and the major challenges towards its eradication. No cost would be too much to bear for eradicating forced labour.

In this regard, Nigeria will continue to fight, at all levels, the existence of forced labour, wherever it exists in our national life, until it is totally eradicated.

Apart from the ratification of all the core labour Conventions with regard to the fundamental principles and rights at work, we have entrenched and institutionalized the provisions of these Conventions in our various national laws, practices and customs.

Those attributes of our laws which encouraged or favoured forced labour, especially during the military era, have long been abrogated and expunged from our laws and practice.

We note with concern the emergence of new forms of forced labour which require urgent attention and action. In this context, we emphasize the need for cooperation, collaboration and partnership between governments, social partners, development agencies and stakeholders on information-sharing, experiences, best practices, monitoring and evaluation of efforts towards the eradication of forced labour.

Finally, I would like to congratulate the Director-General on his excellent Report and pledge our commitment to the various efforts and strategies of the Global Action Plan against forced labour.

Mr AHMED (*Worker, Pakistan*)

May I take this opportunity to associate myself with my able spokesperson, brother Trotman, and with the remarks he has made on this very vital and important subject.

We also appreciate the Global Report which has been published by the Office and commend our Director-General for publishing this vivid Report on

the situation prevailing in many countries pertaining to forced labour.

We have listened with attention to the speakers who have taken the floor earlier and noted that even the United States and New Zealand have acknowledged that forced labour exists in their own countries and they are taking measures to eliminate it. It has also been acknowledged that, in many countries, the international financial crisis has given rise to a growth in informal sector work and particularly to child labour and bonded labour. Therefore it requires international action, as well as national action, to eradicate this menace from the face of mankind.

We in Pakistan are certainly concerned about this issue, and the trade union movement in our country has been struggling to eliminate forced labour, particularly in rural areas, where feudalism still exists as a legacy of the colonial era and where, as a result of poverty and unemployment, people fall into the trap of bonded labour.

We have been pressing the Government not only to eliminate feudalism but also to promote economic and social development in order to eliminate poverty and unemployment, particularly in rural areas.

The Report mentions the menace of human trafficking and billions of US dollars are being earned by intermediaries at the expense of the poor, who are subjected to this illegal human trafficking affecting men, women and children. There is therefore a need for both national and international action to eliminate this menace through strengthened cooperation between sending and receiving countries to eradicate these practices, as well as to punish those who commit crimes against humanity.

There is also a need for the status of migrant workers to be checked, particularly in the sending country, where there should be a transference system which the intermediaries cannot exploit, but also in the receiving country, which should have facilities to eliminate discrimination against migrant workers, because, as the Report has rightly pointed out, migrant workers in many countries are subjected to low wages and poor conditions despite what they are promised by the sponsors. They are paid far less when they go into the receiving country and even their documents and passports are confiscated and they are put into detention. I think this calls not only for action both by the sending and the receiving country but also the ILO should take more effective measures to combat this illegal practice.

We in Pakistan have been carrying out a programme for combating forced labour. Following consultations with the trade union movement, the Government has adopted a national plan of action for combating forced labour, involving employers' and workers' associations. ILO assistance is appreciated.

In this context we would certainly appreciate it if the ILO would expand its technical cooperation to help member States to provide good practices so that this evil can be eliminated and to ensure social justice and good working conditions for those people who are subjected to this suffering.

With these remarks we fully support the Report and also the action to be taken both at the national and international levels as well as the role of the ILO in this important area and we offer our support and solidarity in combating this evil.

The Global Report this year provides a comprehensive analysis of current trends and emerging issues in the field of forced labour, as well as of the approaches being taken at national and regional level to combat what is, as the Report rightly states, the very antithesis of decent work.

We welcome the Report's assessment that there is universal condemnation of forced labour and that, partly as a result of media attention, there is now a greater awareness of the issue and that there has been a steady growth in action being taken in many countries, including the adoption of various constitutional and legislative provisions aimed at abolishing forced labour, combating human trafficking and providing support for groups who may be particularly vulnerable.

Nevertheless, the Report shows that forced or compulsory labour practices continue to exist and many people around the world are still subjected to it. The Report also shows that, in addition to the "traditional" forms of forced labour, new forms have emerged and have come into greater prominence.

In the brief time available I would like to highlight some recent actions taken by the United Kingdom Government in the area of human trafficking.

Last December the United Kingdom ratified the Council of Europe Convention on Action against Trafficking in Human Beings. This represents a major milestone in the fight against human trafficking.

The United Kingdom also has a comprehensive victim-centred strategy in place to tackle human trafficking, contained in the United Kingdom Action Plan on Tackling Human Trafficking, launched in March 2007 and updated in July 2008. It details 85 actions to tackle trafficking in four key areas. Firstly, prevention; secondly, investigation, law enforcement and prosecution; thirdly, providing protection and assistance to adult victims of trafficking; and fourthly, child victims of trafficking.

In 2006, we established the United Kingdom Human Trafficking Centre, a multi-agency organization that acts as a central point of coordination for intelligence, analysis and operational activities concerning human trafficking. The centre works very closely with law enforcement agencies throughout the country and with NGOs and the Home Office, our interior ministry, in helping to combat human trafficking.

We have introduced legislation to criminalize trafficking for the purposes of sexual and labour exploitation. To date, there have been about 100 convictions for trafficking, three for conspiracy to traffic for the purpose of sexual exploitation and five convictions for labour trafficking.

Time constraints do not allow me to go into detail about other measures we have taken and the results achieved. However, they include a police-led enforcement campaign against trafficking for sexual exploitation which succeeded in recovering 167 victims, 13 of whom were children, and the revoking, to date, of 92 licences by the Gangmasters Licensing Authority, which was set up in 2005 to protect workers from exploitation in agriculture, shellfish gathering and the food processing and packaging industries.

We have also run a number of awareness-raising campaigns with partners and our ratification of the Council of Europe Convention has strengthened our

identification and protection arrangements for victims. We have enhanced existing provisions by granting identified victims an extendable 45-day recovery period and permits for a minimum of one-year temporary residency in certain circumstances. Both measures go further than the minimum standards outlined in the Council of Europe Convention on Action against Trafficking in Human Beings.

We have also targeted specific support on children, including through establishing a trial trafficking advice and information line run by the National Society for the Prevention of Cruelty to Children – a national children's NGO – to advise professionals from all agencies on complex and difficult cases. It is now in its third year.

At the international level, our Department for International Development has also supported projects aimed at combating trafficking, including the trafficking of children.

The same department is currently funding a project entitled "Challenging descent based slavery in West Africa: A networking approach". The organization behind the project is called Anti-Slavery International, and its purpose is to increase awareness of slavery in West Africa and generate greater commitment to action aimed at eradicating the practice of slavery and related discrimination against the slave classes. The project targets both statutory institutions and civil society, and will provide a comprehensive and detailed picture of the extent and nature of traditional slavery in this region for the first time.

All the initiatives we have outlined today are an expression of the United Kingdom's determination to combat forced labour, nationally and internationally. We support the ILO's continuing work in this important area.

Original Spanish: Ms LAU VALDÉS (Government, Cuba)

My delegation places great store by the subjects dealt with in this year's Global Report, and we agree with what is stated in the Report itself, which qualifies forced labour as the antithesis of decent work and a violation of labour rights recognized as human rights. In order to eradicate it we must eradicate the real causes, which make possible its diverse manifestations. We need a commitment by all tripartite actors, especially governments.

In Cuba there is no kind of forced labour. The Cuban social system rejects all work of this kind in any country where it may exist. The type of work presented in the Report is counterproductive given its very nature, because it hinders full human development.

Work must exist in conditions of full employment with freedom to choose employment, as the basis of social protection, without forgetting other essential preconditions. We must ensure equal pay for work of equal value and prohibit child labour. We must ensure equal opportunity in recruitment and employment, without any kind of discrimination, and safe and healthy working conditions. We must allow people to develop fully, in conditions of respect for human dignity.

Regrettably, however, the real situation is revealed in the Global Report. It shows us just what the reality is in the poorest countries, and suggests that the richest countries have begun to pay some attention to the ways in which practices of forced labour can even reach into their own labour markets. Numerous forms of forced labour are de-

scribed, including debt bondage and contemporary forms of slavery. They also include aspects that might not actually amount to full forced labour, such as the use of prison labour by private companies, without adequate inspections and without regard to fundamental principle and rights at work.

The victims of forced labour are precisely the poorest and least protected the most marginalized. We need to promote job creation and social protection, and fight tirelessly to eradicate poverty and ensure full respect for equality and freedom.

The ILO can do much in this field to ensure that we make these things reality: a better world, without global crises, without inequalities in the distribution of wealth, with equal opportunities and with full respect for the rights of workers.

Mr MUSEKA (*Government, Zimbabwe*)

I wish to take this opportunity to thank the Office for producing a comprehensive Global Report on such an important matter which forms part of the core of the Decent Work Agenda. It provides a timely wake-up call for all stakeholders to assess and realign their efforts in pursuit of the goal of combating forced labour.

It is commonly agreed that the current global financial crisis presents another defining moment in our efforts to eradicate forced labour. It is in this regard that we need to increase the present momentum in the targeted fight against systemic issues that perpetuate and propagate all forms of forced labour in all corners of the world.

The Government of Zimbabwe fully subscribes to the fight against forced labour as appositely demonstrated by the inclusion of clauses that prohibit forced labour in both the Constitution of Zimbabwe and the Labour Act. This again is reinforced by the fact that the Government of Zimbabwe has ratified both Conventions that give effect to the abolition of forced labour.

As outlined in the Report, there has been a worrying trend in so far as our countries in southern Africa have been used as transit points for human trafficking, particularly as regards people from conflict zones in Africa. This presents a worrying trend as in most cases the victims end up in exploitative work situations.

It is against this background that the Government of Zimbabwe, in partnership with stakeholders such as the International Organization for Migration, has embarked on an initiative to develop a comprehensive policy and appropriate legislative framework to deal with the looming challenges of human trafficking. In the meantime, an inter-ministerial coordinating committee has also been set up to coordinate activities in this respect, as the need for inter-agency coordination has become more apparent with a view to utilizing effectively the mandates, skills and competencies of all stakeholders.

It is our considered view that there is a need for governments within our region to join hands and develop a regional plan to combat human trafficking as it is indeed the source of exploitative employment relationships. Accordingly the ILO can play a significant role towards harmonizing anti-trafficking legislation and practice in the southern African region. I am sure there is a considerable knowledge base and best practices within the ILO constituents, into which our region can tap.

I wish to confirm my appreciation for the clear articulation of the roles of all social partners in com-

bating forced labour outlined in the Report, as traditionally this has been taken as the exclusive responsibility of governments. There is a need for social partners to assume responsibility in all efforts aimed at eliminating forced labour.

While legislative and control mechanisms provide the necessary tools in fighting forced labour, there is a need to address the underlying causes such as poverty which perpetuate incidences of forced labour. Accordingly, a multi-pronged approach should be pursued if the goal of eliminating forced labour is to be achieved.

I am aware that there could be hidden forms of forced labour in our midst, which our labour administration systems may fail to identify and mitigate, particularly those that occur in the informal economy. Accordingly, our inspectorate systems must be technically equipped to deal with such complex work situations.

My Government is ready to render support to any global action that is meant to eradicate incidences of forced labour. In this regard, we call upon the ILO to extend technical support and experience in assisting us to develop the necessary policy and legislative framework that underpins our practice in eliminating forced labour.

Mr Moore (*Employer, United Kingdom*)

I shall address my brief comments in respect of the multinational enterprises and the supply chains. One of the key positive developments in the 2009 Global Report is the wide-ranging commitment to the elimination of forced labour and a globalization of awareness of the ongoing forced labour challenge. One dimension of the ongoing global discussion on this issue is the engaging of global enterprises and their focus on forced labour. We, as employers, would argue that in many respects global employers are amongst the foremost in terms of efforts to operate legally. Whilst industrial relations disputes do occur with multinational enterprises, they are overwhelmingly well removed from coercion, violence and unlawfulness. Indeed, our major multinational companies spend many hundreds of millions in pursuit of excellence in their human resource practices. At least these observations hold true for the direct employees of multinational enterprises, but like so much of modern business, especially when you are managing some of the world's largest operations, the challenge lies in managing substantial risk and complexity. The risk is that, notwithstanding the excellence with which multinational enterprises direct employment, they have limited control over the employment practices of their suppliers and contractors. Let's just consider for one moment that, in our day here at the *Palais*, we will encounter numerous instances in which non-UN employees will provide us with goods and services, anything from IT to serving the food in the cafeteria. If we then set this into a complex global supply chain and multiple national operations, we will then get a sense of the challenge multinational enterprises face in eliminating unacceptable labour practices from operations associated with their brands and operations. The risk exposures are substantial. The pleasing thing to note here today is that modern business operations, and the fact of globalization, have helped to provide the tools to address such issues. Multinational enterprises have increasingly sought to adopt a risk management style approach to reviewing their operations. They seek to identify

points at which there may be risks that forced labour will inadvertently creep into their own operations. The difficult task of risk assessment across complex business operations has been successfully addressed in other areas of commercial and regulatory practice. This experience provides analytical tools which can be adapted for considering forced labour. Harnessing the benefits of corporate social responsibility commitments and discussion at the company level, and through interaction with their multinational peers, the large companies of the world are providing new leadership, we believe, in combating forced labour. The support of their international representatives, such as the IOE, is contributing to this process. These efforts are effective, evolving and creative precisely because they are organic and voluntary. They arise from the commitment of international business to be leaders in the elimination of forced labour and they gain momentum as company-generated programmes. We, as Employers, believe this is the key to the success to date. Finally, we have every reason to conclude that a further four years of multinational enterprise leadership will yield further gains towards the elimination of forced labour throughout the world.

Mr SETYOKO (*Government, Indonesia*)

On behalf of the Government of the Republic of Indonesia, I would to thank the Office for its effort to prepare a comprehensive Global Report on the implementation of Conventions Nos 29 and 105. The ratification of ILO Conventions Nos 29 and 105 by the Government of the Republic of Indonesia confirms Indonesia's commitment to the abolition of forced labour.

The Report, based on the Office's observations, also mentioned about the conditions of domestic workers in Indonesia, a so-called form of forced labour. We share this concern, however, we must appropriate balance and accuracy in viewing this matter. As a country that has proven experience in respecting international laws, our efforts to uphold and respect these ratified Conventions should also be fully recognized. In this august forum, let me inform you on our efforts in dealing with this problem.

Soon after the ratifications of both Conventions, as well as other ILO core labour standards, Indonesia started its labour law reforms in 1999, a process that also invited the participation of the ILO through various means of consultations. Labour law reforms reiterate Indonesia's commitment to respecting international labour standards, in particular basic rights in the workplace, including the prohibition of all forms of forced labour.

In accordance with Indonesia's Constitution, various legislations and regulations have been developed and implemented in order to implement and protect the principles contained in both Conventions. These include the following: (1) Act No. 7 of 1994, regarding the abolition of all forms of discrimination towards women; (2) Act No. 39 of 1999, regarding human rights; (3) Act No. 23 of 2003, regarding children's protection; (4) Act No. 13 of 2003, regarding manpower; (5) Act No. 23 of 2004, regarding the abolition of all forms of abuse in the household; (6) Act No. 39 of 2004, regarding protection and placement of Indonesian migrant workers; and (7) Act No. 21 of 2007, regarding human trafficking.

In addition, it is our view that strengthening bilateral, regional and international cooperation is necessary in our effort to continuously implement the ILO Conventions on forced labour. In a broad context, Indonesia is ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 14 of 2009) and its Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 15 2009).

With regard to the issues of human trafficking, according to Act No. 21, we consider it as a serious crime. We give severe punishment to anyone who commits related acts that are against the law. Our law decides that the punishment for those crimes ranges from three to 15 years' imprisonment and a penalty of between 120 million rupiahs, equivalent to US\$12,000 and 600 million rupiahs, equivalent to US\$60,000.

At the level of implementing mechanisms, the Government of the Republic of Indonesia, through Presidential Decree No. 69 of 2008, has established a national working team on the elimination of human trafficking. This taskforce is comprised of representatives from central and regional government, NGOs and professional organizations.

At the same time, we are continuously strengthening our cooperation with various international forums that deal with this issue. At this juncture, we are also concerned about migrant workers who are linked to trafficking and, for that purpose, we have signed nine Memoranda of Understanding with various destination countries, in particular to eliminate the trafficking in persons of those who arrive as migrant workers.

It is in Indonesia's great interest to protect the rights of our children, in particular, from being vulnerable to forced labour. Laws are developed and adopted and policies and actions are taken to protect Indonesian children from being used in forced labour. For that purpose, ratification of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), will be, ultimately, followed by concrete actions.

Finally, I am sure that we all share a common understanding that tackling the issue of forced labour needs international collaboration and cooperation, in which the ILO can take a significant part.

Mr SANKAR SAHA (*Worker, India*)

I introduce myself as Sankar Saha, General Secretary, of the All India United Trade Union Centre, representing the Indian working class.

We are debating a vital issue at this time in the plenary today on the eradication of forced or compulsory labour, when the world economy is under the greatest irreversible economic crisis, which is due to continued exploitation of labour by capital. Thus, the capital has dug its own grave. The Director-General has already observed that the crisis is of all streets, of all lands of the globe. Not only of Wall Street. In his Report, he said that a very large number of people are suffering and feel uncertain, threatened and sometimes angry, surely frustrated. He sounds the bell of alarm at a time when the global economic downturn has unleashed a deep job crisis leading to a growing social recession world-

wide. He expressed concern about millions losing jobs, bankruptcies everywhere, unemployment, poverty, and the rise of informal employment. In the absence of jobs, demand for social protection will increase, he predicted.

In this backdrop, it is understandable that forced labour is part and parcel of the total exploited masses of the world population.

In the history of the development of society, the phenomenon continued with changes in form and content from time immemorial, after the creation of the division of society into classes. In slave society, all workers were slaves, whilst slaves were forced labour for that purpose while coercion was straightforward. In serfdom, the serfs were tied to a piece of land and were not only compelled to work for the feudal lords in exchange of meagre products given to them for their minimal subsistence. In both the social systems, slaves and serfs are in bondage, indeed, though their forms differed.

Under the banner of equality, fraternity and freedom, the labourers are also in some form of bondage – bondage of wage slavery. The slogan of equality was of no real value to them as employer and employee are on different footings. One buys the service of labour and the other sells it at the price offered. There can be no equality between the exploiter and the exploited. So, there can be no fraternity between the two opposite communities. Also, the question comes about freedom. When the employers enjoy unfettered freedom to employ, exploit and fire the workers, workers have only one right: either to serve that particular employer or resign and have another job and so be similarly exploited.

My whole idea is to place before the august house that all the three eras are the eras of exploitation of man by man, and workers in these societies cannot but be forced in this form or the other.

It has been discussed by many of the speakers that modern forced labour is found in abducted men and women, children who are engaged in hazardous work, people in debt bondage, trafficked women and children who are engaged in the sex trade, extracting labour from prisoners who are in privately controlled prisons, and so on.

The Indian Supreme Court has observed that people working at a rate of wages below minimum wages are nothing but forced labour. Similarly, those workers who are not covered by the social security network are none but forced. The recession has landed in such a way that workers are forced to accept jobs under any terms and any price offered by the employer. We are in the midst of a world economy where two thirds of the world's population are living on less than 50 cents per day. If these people are not forced who else are forced labour?

In the given backdrop I would urge this house to ponder whether the existing economic order can do a little towards eradicating the worst forced labour and establishing human values or the world's proletariat will have to go for an alternative social order free from the exploitation of men by men and where workers have dignity.

In the end, I recollect with a heavy heart that civilization witnessed the days in the early seventeenth century where American ships used to anchor in Africa to buy labour and used them as slaves to build their own civilization. Today's America again witnesses trafficked women and children who are used in the sex trade. Further, we believe that the

struggle to free people from forced labour is interdependent on freeing society from exploitation.

Original Spanish: Mr HANDS (Government, Bolivarian Republic of Venezuela)

My Government is grateful to the Office for giving us the Global Report: *The cost of coercion*, and for its intention to promote a global plan of action for the next four years against forced labour, taking into account regional priorities and country specificities.

The Bolivarian Republic of Venezuela has ratified all the core Conventions to guarantee labour rights. The progress made by world labour legislation over the years has been insufficient to eradicate this scourge, which has a tendency to mutate rapidly, leading to a diversity of situations, both old and new, that are unfortunately known as "modern forced labour".

There is a true crisis in the labour markets, which are distorted, that we, the tripartite constituents, must identify, evaluate and correct. We have to draw up a methodology that identifies the elements outlined in the document, such as vulnerability, deception and exploitation, and then consider country variations.

Regarding the questions on progress, initiatives and type of initiatives, the Bolivarian Republic of Venezuela does not identify with forced labour practices, bonded labour, exploitative working hours, or exploitation through subcontracting and outsourcing. On the contrary, we advocate putting an end to these types of forced labour as soon as possible, with the collaboration of the ILO. To that end, the new regulations of 2006 under the Labour Act promulgated by President Chavez abolished temporary work agencies, which in practice were acting as intermediaries, making a mockery of decent work and decent employment because they impede freedom of association and, ultimately, the fundamental human right to collective bargaining.

Article 90 of the Constitution reduced night working hours, which can no longer exceed seven hours per day or 35 hours per week. No employer can force workers to work overtime. The Constitution favours the progressive shortening of the working day and provides for the best use of free time for the physical, spiritual and cultural development of workers.

By eradicating inequalities at work and providing the same conditions for all workers in each workplace, we are making good progress against outsourcing and increasingly flexible arrangements. To that end, my Government has included workers on the payroll of state enterprises who were on contracts that did not guarantee stability of employment and that established differing levels of benefits; some of those contracts even resembled slave labour. In the case of recently nationalized companies, up to half of the workers were on short-term contracts, and had unequal access to safety and health at work, which has now been radically changed.

In his policy of inclusion, President Chavez has established equal treatment for national workers and foreign workers, organizing labour inspections, as required, in order to rule out discrimination or any differentiated treatment of migrant workers, so that they can enjoy the same labour conditions that have been achieved through collective agreements for national workers. The Government has also taken

action for fishermen who traditionally have been exploited by unscrupulous employers. That action includes the ban on industrial trawling, which harms the environment and marine fauna and does not provide its workers with the crew numbers needed or decent conditions to carry out their work.

In order to monitor these distortions in the labour market, what we need is labour inspection. Our Labour Act, which is in line with the Labour Inspection Convention, 1947 (No. 81), which we have also ratified, contains provisions on carrying out workplace inspections without prior notice, with corrective force.

To date, we have carried out more than 28,000 labour inspections and more than 13,000 repeat inspections. My Government is open to providing more information to the ILO about providing decent work and employment, and about the awareness-raising programmes to that end, so as to optimize workers' quality of life. Disseminating that information is a means of cooperating with the Office on this important issue.

Mr ALBUQUERQUE E SILVA (*Government, Brazil*)

The Brazilian Government welcomes the Global Report presented by the Office, appropriately entitled: *The cost of coercion*. The document represents not only a new effort to remind us that this old scourge still regrettably exists in the world, affecting the most vulnerable people in developed and developing countries, but also that such problems could be eradicated with the necessary efforts from governments and world civil societies.

Forced labour, although illegal in almost every country, is still a widespread, abominable practice, which violates labour law; but, above all, it challenges the most fundamental human right enshrined in numerous national constitutions and instruments: the right to human dignity. Most of the time, what drives those involved in this degrading criminal practice is the unmeasured economic interest of accumulating efforts at the expense and exploitation of workers.

Brazil was one of the first countries in the world to officially recognize that modern slave labour, despite being illegal, still marginally exists in our territory. But we were also one of the first countries to develop and implement a programme in 1995, followed by a National Plan in 2003, for the eradication of slave labour. This comprises inspection actions carried out by mobile inspection groups, the inclusion of released workers in pre-existing compensatory policies, and publicity in order to help prevent that criminal practice.

The Brazilian National Plan is a presidential goal and one of the priorities of the Brazilian Decent Work Agenda. In other words, it is one of the programmes considered to be a priority by President Lula. The eradication of slave labour programme is part of Brazil's two latest multi-annual plans 2004–07 and 2008–11. As regards the resources concerned, the programme's budget has increased since its creation in 2003. The Brazilian Government recognizes that civil society and the private sector have been playing a fundamental role in the progress achieved in the struggle against slave labour in Brazil. The results of this collective action are reflected in the Global Report presented by the Office and they are expressed in numbers – more than 33,000 rescued workers resulting in the payment of indemnities, amounting to US\$25 million.

The Brazilian Government is now sharing its experience with other countries, especially in Latin America, in trilateral cooperation with the ILO. As most of you are well aware, Brazil is the first southern country to take part in the ILO's RBSA fund initiative, as a donor. In our view, through this initiative the ILO will be capable of scaling up programmes for the promotion of decent work in vulnerable areas of the world. We hope that South–South cooperation, enabling solidarity among countries which share common experiences, can and will be one of the most effective tools for the eradication of slave labour from our societies.

Original German: Mr ZWERENZ (Government, Austria)

Austria is grateful to the ILO for drawing up this informative Global Report, which this year focuses on forced labour. Forced labour and human trafficking together form the “darker side” of globalization, and are a particularly important topic, even for industrialized States where it is estimated that over 360,000 persons are victims of forced labour. This Global Report notes that in the last few years, measures against such forced labour and human trafficking have been increased. Austria is affected, both as a destination and transit country, by human trafficking.

In November 2004, Austria decided to set up a human trafficking task force. In its regular meetings, representatives of relevant ministries and of the federal provinces have taken part, as well as representatives of NGOs working to combat human trafficking. Involving NGOs has been shown to be very positive.

Two weeks ago, the Second National Action Plan was launched by the federal Government. This, too, reflects the comprehensive approach of the Austrian Government in combating human trafficking, an approach which includes national coordination, prevention, protection of victims, prosecuting offenders and international cooperation. Austria considers it essential to increase protection and appropriate care for victims, especially women and children. In this context, it welcomes the human trafficking indicators drawn up by the European Commission and the ILO. They will be a crucial instrument for the task force on human trafficking and other bodies combating human trafficking.

The fight against forced labour must be continued and strengthened further with all available means. The Global Report clearly shows that this task calls for action from governments, which bear the main responsibility, but also from all who wish together to pursue the goal of a decent world of work that is free of coercion.

Mr PANT (*Employer, India*)

I would like to compliment the ILO on this comprehensive Global Report on forced labour which demonstrates the importance of the subject by saying that the “opportunity cost” of coercion is some US\$20 billion. I am sure that the real cost is much higher, but I do not think that there is any indicator to measure that.

I really appreciate the Report, and the staff of the ILO who have produced it. For the first time there has been an attempt to draw a distinction between two types of practices which normally constitute forced labour, or which are branded as forced labour. One type of activity consists of poor labour conditions, or labour conditions falling short of the

expected level – and the Report has the boldness to say that these do not constitute cases of forced labour because the tendency is to give forced labour the widest possible definition. The second type of activity consists of gross human rights violations of dignity and the restriction of human freedom, as well as cases of trafficking, false prosecution and slavery.

The Report has very categorically stated that only this second category constitutes forced labour. According to this definition, we have to adopt strategies to address these situations differently.

In the former type of cases we need to provide education and create awareness; we also have to strengthen training programmes. In the second category of cases, the strengthening of penal provisions would definitely constitute a major plan.

It is stated in paragraph 26 of the Report that a forced labour situation is determined by the nature of the relationship between a person and an “employer”. Yet, paragraph 37 says that forced labour today mainly occurs in the private economy. I think there is some inconsistency.

Reference has been made to subcontracting and intermediary employment. Intermediary employment, as my predecessors have stated, constitutes a major part of today’s economic activities. You cannot, merely because there are cases of forced labour or abuse in this type of employment, throw out – you cannot ban – subcontracting or intermediate employment.

What we need today is more effective law enforcement agencies, well regulated training programmes and more education for the intermediary

agencies. There have been successful cases where forced labour cases have been rooted out.

Many countries regulate and license labour migration agents and, in so doing, can both demand and promote specific standards of conduct and practice. In the current context, this could be the course to follow – by prohibiting forced labour or not allowing situations of forced labour to occur in the first place.

It may seem ironic to hear an employer speak positively about government regulation of an open market, but we must consider again the concept of risk management which is raised in the Report.

Proper regulation of intermediary employment in those countries where genuine forced labour concerns provide an opportunity for risk to be managed and minimized, or where both employers and the wider society promote effective regulation of migrant agencies in countries of concern, appear a worthy target for ILO assistance and support for national government.

To go a step further, training could play a very positive role in regularizing intermediary employment. Intermediaries and agencies could be properly trained to become agents of change. And a properly trained and educated network of intermediaries could, in turn, promote the elimination of forced labour amongst their employers and clients.

Finally, I would like to submit that awareness-raising and advocacy programmes have paid off in the past and the ILO should continue strengthening these programmes.

(The Conference adjourned at 12.45 p.m.)

Fourth sitting

Tuesday, 9 June 2009, 3.10 p.m.

President: Mr Zellhoefer

GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (CONT.)

The PRESIDENT

It is my honour to call the fourth sitting of the International Labour Conference to order. We shall now continue with our discussion of the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work, *The cost of coercion*.

Mr AADROUN (Government, Netherlands)

The Netherlands welcomes the ILO Global Report, *The cost of coercion*, under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. Forced labour, slavery-like practices and modern slavery are the subject of discussion, in order to come to a definition and standardization, as well as the question whether coercion is a necessary part of human trafficking and labour exploitation. We subscribe to the definition given of forced labour, approve the concept of freely chosen employment in general, and recognize the undeniable role of forced labour with regard to trafficking in human beings, a growing problem in global perspective. Forced labour is a serious violation of human rights, affecting 12.3 million persons worldwide, with annual profits of US\$32 billion from human trafficking alone, and the Netherlands therefore fully supports all international actions to fight these crimes.

The examples of forced labour from different parts of the world demonstrate again an appalling and horrifying crime. Despite investigative efforts and notwithstanding many legislative and policy actions at the international and national levels, forced labour still occurs. But it is more than a cultural or regional pattern. The fact that forced labour also takes place in western societies leaves room for discussions as to what extent the freedom to choose employment can also involve the infringement of labour legislation on wages, working time or employment contracts.

The situation in the Netherlands shows different actions since article 273f of the Penal Law Code was adopted in 2005, penalizing human trafficking for different purposes of exploitation. Other initiatives have been taken in the field of prevention, operation and policy development, such as the publication of a multilingual card to inform possible victims, the founding of the Expertise Centre of Human Trafficking and Human Smuggling and the

National Task Force on Human Trafficking. However, only two out of the ten cases of non-sexual trafficking that were brought before the court have resulted in legal penalties being imposed on the culprits.

In December 2004, the Government formulated the first National Action Plan for Human Trafficking, in which policy in the area of human trafficking is given shape in an integral and multidisciplinary way. The action plan contains 65 concrete action points in the area of human rights, legislation, prevention, protection of victims of human trafficking, investigation and prosecution, and research and registration. In February 2006, the so-called Additional Measures for the National Action Plan for Human Trafficking were adopted, with certain themes, such as prevention, being dealt with more specifically; in the context of this Report, under-age victims of human trafficking and youth prostitution are particularly relevant. Elements from the National Action Plan and the Additional Measures have been included in this Report in a number of places. We can now say that the majority of the action points have been implemented:

- The Centre of Expertise on Human Trafficking/Human Smuggling of the National Crime Squad functions as a central information point in operational collaborations. Agencies involved in supervision, monitoring, investigation and assistance in respect of human trafficking supply information to the Human Trafficking/Human Smuggling Centre. In the police forces and the public prosecution service, coordination structures have been set up and links have been established between the structures in order to optimize exchanges. A regular consultation between the different departments and NGOs that are active in combating human trafficking, and in particular the reception of and assistance to victims of human trafficking, was recently started up.
- A good practice in the field of combating trafficking in the Netherlands is the use of the results of criminal investigations for a wider purpose than the investigation and prosecution of suspects. The information obtained can thus be used to make it less feasible to obtain permits to start new businesses that serve as a cover for criminal activities. This is an effective way to hinder those who contribute to or are responsible for trafficking. We believe that creating boundaries to prevent trafficking is also a very effective approach to end this atrocity.
- The Netherlands was the first country to appoint an independent National Rapporteur on Traffick-

ing in Human Beings, supported by the Bureau of the National Rapporteur on Trafficking in Human Beings, in April 2000. The National Rapporteur has consciously opted for a broad approach with respect to monitoring on the subject, from prevention and assistance to investigation and prosecution, both nationally and internationally. The National Rapporteur regularly publishes her findings and recommendations in a report. Interim advice, either formally or informally, is also given on a regular basis.

- Combating trafficking in human beings is part of a programme to intensify the enforcement of the “less visible, but very damaging, criminality” within society. A substantive extra budget is allocated for the current term of the Government (until 2012). Along with prioritizing the fight against trafficking, this leads to innovative insights on enforcement, and bilateral assistance is carried out in regard to other countries, such as Bulgaria, Romania and Nigeria.

In order to give an extra impetus to these government-wide measures against the problem, in 2008 the Netherlands founded the Measures Combating Human Trafficking Task Force. The objective of this Task Force is to identify bottlenecks in our methods of tackling human trafficking and to come up with solutions. From now on the plan of action, as decided on by the members of the Task Force, guides our combat against human trafficking.

The Netherlands strongly supports international cooperation based on a global, holistic and multidisciplinary approach. Therefore it highly appreciates this Report, together with the ILO publication, *Forced labour and human trafficking: Casebook of court decisions*, and will elaborate the results in the fight against human trafficking and forced labour in the Netherlands. We thank the International Labour Office for its Report, and regard it as a stepping stone towards eradicating forced labour worldwide. The ILO has offered a basis for further actions, stressing the role of the national government and the cooperation of employers’ and workers’ organizations. The proposed global action plan against forced labour is received with great approval. Finally, the Report is certainly valuable in the process of reinforcing the fight against human trafficking in general and, more specifically, forced labour and the exploitation of human beings.

Mr RAUDABAUGH (*Employer, United States*)

Good afternoon, Mr Chair, and all my colleagues here in the room. I thank you for this opportunity to speak about child labour and I want to thank every one of you individually for all of your contributions. For these few minutes I will no longer be a citizen of my country but a citizen of our world. I would like to speak on child labour and begin with a quotation from a former president of the United States, John F. Kennedy, who said, “Children are the world’s most valuable resource and its best hope for the future.” After sitting in these meetings, I can only imagine that we all agree, regardless of whether we are here as Government, Employer or Worker representatives, that, of all these issues, child labour is the most shocking because children did not create the situation that they are in and no child should be confronted with those problems. The International Organisation of Employers (IOE) and the United States Council for International Business (USCIB) conducted a conference in At-

lanta, Georgia last Spring at the Coca-Cola headquarters, following up on the one in 2008 dealing with forced labour, and this year we discussed child labour.

In addition to *The cost of coercion*, other resources are the ILO publications *Action against child labour: IPEC highlights, 2008*, *Cooperating out of child labour* and *Practical guide to child labour reporting*, all of which I would endorse for your review and use in your home countries.

The role of child labour as a subset of forced labour has also been addressed. Over the past year and a half, 79 lawyers have worked on a pro bono project with the United Nations Development Programme (UNDP) initiative: “Defenders of the Poor”. The study works in parallel and in support of the activities of the ILO in the area of forced labour. What we have attempted to do through the efforts of the law firm Baker and McKenzie is to work with the building blocks from the ILO, the ITUC and the IOE. These include identifying data analysis, focusing on targeted sectors, the detection of some forms of forced labour and child labour, and setting up processes to report, respond to and measure progress.

Finally, I would like to highlight the items that the UNDP asked us to identify specifically. How do you develop reporting mechanisms and general awareness? The issue here is using the NGOs, the intergovernmental agencies and the international community not only to present a global overview of the issues and monitoring in each country, but also ways of bringing about action. Corporations and private actors, through their business supply chains, obviously have interests at stake and risks to their reputation. Targeted victims need to know where they can go to report their situation. We have suggested a variety of responses: a global hotline through the ILO; physical inspection and identification; site visits; use of private citizens or good Samaritan calls to the central reporting agency; community organizations; service centres; incentives and protection for victims; conducting workshops to educate people on the ground; and open-door legal clinics with support from the UNDP Office of the Defender of the Poor.

Where a country lacks adequate systems of investigating, assessing and reporting, we suggest that the ILO and UNDP provide a model for investigation, assessment, reporting, followed by remedial action. The remedies would serve to bring people out from the forced labour process by publicizing and reporting the issues, and taking action through supply chain inspections, established by global business.

Finally, consider “Pay to learn”. We could find some funding to then assist removing the child labourers out of these situations and into local learning centres. We could pay them to attend to make up for the small economic contribution they might otherwise have contributed to their family unit.

Ms ROBINSON (*Government, Canada*)

Canada is pleased to participate in the discussion on this year’s Global Report, entitled *The cost of coercion*. We are gravely concerned by the continued existence of traditional forms of forced labour, as well as the proliferation of more contemporary forms, such as trafficking in persons for forced labour and modern forms of debt bondage.

The Global Report prepared for this year's Conference provides an excellent assessment of progress since the last Global Report on forced labour and is a good basis for discussion. It highlights global trends in forced labour, identifies good practices and presents the overarching challenges that all governments, workers and employers face in combating this practice. Canada would like to express its appreciation to the Office for a very readable Report that contains practical information, such as indicators to identify forced labour. In addition, the agenda for coordinated national and international action duly emphasizes the potential role of labour ministries and inspectorates in responding to forced labour.

Moving from discussion to action is essential in combating trafficking and forced labour. The Report notes that there have been many advances over the last four years, particularly in terms of the commitment and goodwill constituents have demonstrated to address this global challenge. However, significant obstacles remain which serve to limit our collective response. These obstacles relate in large part to the difficulty of addressing this complex issue from the multidimensional perspective that it warrants.

We can all acknowledge the interdependence of global markets and the urgent need to address the human dimension of the economic crisis. Flagrant human rights abuses are taking place in informal and formal economies in all countries of the world, so it is imperative that we strengthen protection for workers that may be vulnerable to trafficking and forced labour. Addressing these situations requires a holistic approach in which we all have a part to play.

The Global Report aptly highlights the difficulties that countries face in ensuring protection for temporary foreign workers, who may be particularly vulnerable to unscrupulous employers or recruitment agencies. In Canada, federal and provincial jurisdictions have taken concerted steps to address the needs of temporary foreign workers. Efforts include enhancing awareness-raising efforts, informing workers and migrants of their rights, increased monitoring of labour standards, dissemination of good practices and special attention to prosecuting the perpetrators of forced labour. In addition, we are working to ensure consistent information sharing amongst stakeholders.

Canada's Immigration and Refugee Protection Act specifically prohibits the cross-border trafficking of persons and, in 2005, Canada strengthened its criminal law responses to human trafficking by including three new indictable offences in the Criminal Code.

Canada's overall response to trafficking is led by the Interdepartmental Working Group on Trafficking in Persons. Its mandate is serving as the federal Government's focal point on trafficking to enhance information exchange and collaboration among federal departments as well as with provincial and territorial governments, non-governmental organizations and international organizations.

Despite these positive steps, Canada still faces many hurdles. As in most countries, we grapple with the challenge of identifying and defining manifestations of forced labour as well as improving and streamlining data collection efforts. Moreover, there is room to further strengthen and ensure effective collaboration among governments, social partners,

service providers, policy institutions and academia. Labour ministries have an important role to play in identifying forced labour, monitoring labour conditions, working with law enforcement and other partners and preventing forced labour.

For those of us here today, it is essential that we not lose sight of our goal to improve the lives of the victims of trafficking and forced labour. We must focus our efforts on our potential contributions and reaffirm our commitment to address this global challenge. We must not allow ourselves to be overwhelmed by the magnitude of the challenges ahead. The ILO can assist in building on the developments noted in the Global Report by continuing to provide constituents with practical, adaptable advice which will assist all constituents to understand the scope and often subtle hidden characteristics of this crime. We cannot remain complacent in the face of this growing phenomenon, and should all take positive steps that will demonstrate our commitment to a truly coordinated response.

Original Spanish: Mr PINTO BLANCO (Government, Bolivia)

Yesterday on the streets looking for a way to survive, later poverty stricken, and today Labour Minister. I am proud to be here for the first time at the International Labour Conference, working for human rights.

I would like to greet the distinguished representatives, ministers, delegates, colleagues and workers from all countries with warmest greetings from the Plurinational State of Bolivia. Since comrade Morales became President, our Government, through international cooperation and with the help of the International Labour Organization, has applied specific policies to eradicate child forced labour and seek justice. For our Government, it is a matter of priority to comply with the ILO Conventions on fundamental rights and to speak out against the exploitation of human beings. Respect for fundamental rights is a sensitive priority task for the Plurinational Government of Bolivia, and for this reason we want to share with you some of the measures adopted to fight against and eradicate forced child labour.

The Bolivian Ministry of Labour is developing a number of specific actions to eradicate forced labour, bonded labour and similar types of activity against indigenous Avarani people of the Bolivian Chaco region in the Santa Cruz, Chut chaca and Tarija provinces. Through an inter-ministerial programme, we have managed to lay the foundations to give labourers a dignified life and help them out of bonded labour, servitude and forced labour, by giving them land and economic resources for investment.

Indigenous people, who hitherto have been exploited through bonded labour, have a population of approximately 290,000.

We have taken the following legal measures to help workers: the new Political Constitution of the Plurinational State of Bolivia, adopted in February of this year, bans forced labour in article 52. But adopting various legal instruments would be useless if we did not actually take practical measures to inspect and punish, we need to change the ideology and way of thinking of our population so that every day in our lives we continue to fight authorities, institutions and individuals to overcome the scourge of the exploitation of human beings. For example, this year on the World Day Against Child Labour, it

is the tenth anniversary of the adoption of ILO Convention No. 182, which addresses the need to fight against the worst forms of child labour. This day will also celebrate the progress made in the last ten years and will highlight the challenges which still exist, emphasizing the exploitation of girls in child labour.

Article 1 of the Worst Forms of Child Labour Convention, 1999 (No. 182), states that each Member which ratifies the Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst types of child labour as a matter of urgency.

One of the activities in Bolivia is strengthening the unity of fundamental rights, taking specific actions so that we can eradicate the worst of child labour. The State has been taking actions in the regions in various provinces: Bernejo Tarijo in the sugar cane harvest, Ciberalta Beni in the chestnut harvest, and in the province of Potosí in mining. We appreciate that child labour is found in all of Bolivia's provinces and that for economic reasons parents have sent their children out onto the streets to try and earn a living, which affects the family unity, education, health and education of the children who are the future of our country.

We are looking for other ways to make short-term and structural changes; consequently we have come to ask for international support in technical assistance, experience and economic resources so that, together, central Government, workers and employers, can work in a progressive way so that we can continue to adopt specific measures to eradicate forced child labour.

We agree with the ILO that the future belongs to the children. Along with the ILO member States, we want to have a future in which no child will be forced to work to the detriment of their health, development and their prospects of decent work.

We ask for international support and cooperation, particularly from those agencies active in fighting this scourge, with statistical data, public policies to eradicate child labour, family guidance, raising awareness among the population and other measures in education. For this reason we agree to taking part in the actions that must be taken together as part of the UN international system led by UNICEF and the ILO, and call upon all governments: to apply policies to attack the root causes of forced labour; to take urgent measures to eradicate worst forms of child labour; to pay greater attention to the educational and training needs of adolescents; to consider national measures to help promote policy reform; to create institutional capacity, encourage the adoption of practical measures; and to help change society's attitude and awareness.

Central Government has been channelling the economic resources coming from the United Nations, the international agency for combating poverty, better known for its Millennium Development Goals.

We must treat children as if they were our own, taking necessary joint action to allow their parents to find decent work that offers fair work, a fair income and a fair environment.

Finally, I would like to express my complete commitment to deploying all our efforts so that we can fight this scourge together, to raise awareness, promote action and work to ensure that no one in our society is exploited.

Original French: Mr LAURIJSSEN (Government, Belgium)

The Global Report we have before us clearly shows the progress achieved at national and international levels, while also pinpointing the areas in which challenges will be increasingly difficult to meet given the context of the world economic crisis. There is a danger that this crisis will further undermine human rights and increase fraudulent practices, which lead to forced labour and human trafficking. Indeed, endemic poverty often makes people look for better jobs, despite the risks involved. In this context, Belgium would like to underline the importance of abiding by the commitments of the international community to attain the Millennium Development Goals (MDGs).

We must try even harder if we do not want the promises of this campaign to come to nothing. The Millennium Summit +10, which will be held in 2010 when Belgium will have the Presidency of the European Union, will be an opportunity to give new impetus to the cause.

Apart from poverty, it is also important to look at the other root causes of this phenomenon, such as immigration policies, the demand for cheap labour, and certain forms of work organization in enterprises – all of which may cause, accelerate or contribute towards forced labour and trafficking. The responsibility of coping with these factors lies as much with the countries of origin and transit as with the receiving countries.

It is encouraging to note in the Global Report that the level of awareness among decision-makers is increasing. Most countries now have national legislation which attempts to repress human trafficking for the purposes of forced labour or sexual exploitation.

However, a battery of national regulations and laws is not always a guarantee. Applying legislation against trafficking and ensuring its compliance requires a political will, effective courts, freedom from corruption, a respect of civil freedoms and the strengthening of the capacities of the judicial authorities involved. There is also need for a social dialogue, which is, more than ever, fundamental for any social reform.

The Belgian Government, which has always considered that combating human trafficking is one of its priorities, has recently adopted a national plan for 2008–11 to deal with human trafficking. It is focused on prevention, the protection of victims of trafficking, coordination and the collection of information, as well as the search for and prosecution of human traffickers.

Although the number of sentences imposed is on the increase, it is still sometimes difficult to carry out investigations successfully because the networks that exploit people are increasingly diversified and professional nowadays. Greater attempts must therefore be made to identify victims and to analyse the structures that support those perpetrating the crimes.

My Government is extremely concerned about the working conditions of domestic workers, who are not duly acknowledged as being subjected to forced labour. It is eagerly awaiting the discussions on this subject which will take place at the International Labour Conference in 2010.

The Belgian Ministry of Employment supports the adoption of an international standard on decent domestic work and recently organized a symposium

on the subject, which identified the various aspects of the issue.

Another fundamental problem affecting migrant workers is linked to the sharp increase in outsourcing. Well-known companies are even outsourcing to less scrupulous enterprises so as not to tarnish their reputation. In Belgium, the possibility of giving magistrates the authority to prosecute those supplying illegal labour and their clients is being examined.

The Government of Belgium is entirely in favour of the Director-General's global action plan against forced labour. It is vital that States increase their cooperation and exchange information on their investigations, identity of victims, crackdown on crime and reintegration, as well as strengthen the commitment of workers' and employers' organizations.

In conclusion, my delegation supports the ILO's efforts to raise awareness and provide technical assistance and training through the Turin Training Centre. The ILO must continue to be a forerunner on the international scene in its attempts to combat forced labour – a role for which it has achieved international recognition.

Ms MUGO (Employer, Kenya)

My colleague, Mr Tabani, earlier on provided the overall response of the Employers' group to the 2009 Global Report which, as we have indicated, is generally a very positive one and reflects very well upon the universal commitments contained in the 1998 Declaration.

The 2009 discussion on forced labour also provides an opportunity to reflect on the challenges this issue presents to employers' organizations. I will say up front that these challenges pale into insignificance compared to those experienced on a daily basis by persons being trafficked, threatened or harmed. But it is important to understand where employers' associations are speaking from as we all continue to refine our efforts in this area.

The problem for employers' associations is that we are visible, law-abiding organizations of visible, law-abiding businesses operating in the commercial mainstream.

Indeed, one of the reasons for the existence of many employers' associations is to promote compliance with labour legislation. We believe, and there is clear evidence for this from a number of countries, that members of recognized employers' associations are the most law-abiding of employers. Our employer members are properly informed both of obligations and sanctions, and are often highly visible and eminent members of their societies.

When confronted by issues of human trafficking, violence and coercion, one of the immediate reactions of many employers is to question how it relates to them. This is due to the fact that members of employers' associations do not engage in the sex trade or shadowy trading. Rather, they strive to employ legally whilst operating lawful businesses. Whilst employers may experience friction with trade unions on some occasions, they abhor violence or compulsion. Most reputable employers would view forced labour as being as remote from their operational experiences as any other form of violent criminal behaviour, and would therefore be reluctant to be involved in any interventions. However, this attitude has changed. More employers and employers' associations are playing their part in the

elimination of forced labour, notwithstanding that it is not how their companies or members operate. This is well illustrated in the 2009 Global Report.

There is now a growing recognition of the role of employers in combating forced labour in any country. I would like to suggest four reasons why this might be the case. The first one is corporate social responsibility (CSR). CSR is working and having real benefits. There are changes of attitude in new generations of management throughout the world, which extend the possibility of employers to encompass broader interest in the advancement of their societies and the elimination of unacceptable practices from society.

The second reason linked to this is that employers are concerned about the reputation of their countries, regions, industries and so on, and want to see their competitive markets operate on the basis of reasonable prices for labour that are not based on violence or coercion.

Thirdly, our trade union counterparts continue to show real leadership in this area in a wide variety of nations. When it works effectively, social partnership means that, over time, one party educates the other on its priorities and concerns, and can elevate that issue more broadly in society.

Finally, there is, of course, the efforts of all those who are here. The ILO and the global leadership of both the trade union and the employment movements have recognized the global challenge of forced labour and have spent many years addressing it. This translates into their members being actively engaged at the national level in combating forced labour.

Employers continue to face a different challenge from that faced by workers. Trade unions have well-established links to the victims of trafficking and forced labour, and to other groups which work with them.

Law-abiding employers in the formal economy, on the other hand have little or no linkage to either the victims or perpetrators of forced labour. Our role is rather to identify and promote the risk points for forced labour, to promote more active consideration of this issue and to effectively share information on the role the visible, law-abiding formal economy can play in eliminating forced labour.

Our role is also to input national and international programme design and implementation to ensure effectiveness. Where the drivers for forced labour are economic, employers can also provide expert advice on market effects, signals and regulations in support of eliminating forced labour. Even if they are not markets formal employers may trade in, we are the experts on how markets work and what effect market intervention will have.

We therefore look forward to continuing gains in this capacity and to playing our part in a further four years of effort towards the elimination of forced labour.

Original Arabic: Mr MINDAN (Government, Iraq)

Forced labour is reprehensible and threatens workers' dignity. Combating it in all its forms is one of the essential principles of this Organization, which must defend human rights and preserve human dignity.

Aside from the causes of forced labour mentioned by the Employers and the Workers, one of the causes that we recognize is the existence of private recruitment agencies, which have recently multi-

plied in number and encourage forced labour in some member States of our Organization.

Therefore, we believe that it is the responsibility of governments and social partners to strengthen their control over these agencies and to promulgate a special law that considers forced labour as a crime that is punishable by law, without forgetting the creation of labour inspection committees, who should become a fundamental monitoring mechanism, in order to prevent forced labour in all its forms. We would have liked this to be included as one of the themes of the Report.

Mr ARUMUGAM (*Employer, Malaysia*)

Let me take this opportunity to compliment the Director-General on the Global Report on the matter of forced labour, entitled *The cost of coercion*. I appreciate, in particular, the emphasis on the efforts and role played by employers' organizations as set out in Chapter 4 of the Global Report.

Speaking on behalf of the Malaysian Employers Federation, which is the sole employers' federation in Malaysia, representing some 4,500 companies, including multinational companies and also representing all employer sectors or associations in the country, I take this opportunity to align my Federation with the assurance given by Mr Tabani earlier today in respect of the need for more coordinated and committed involvement by employers' organizations at national level to achieve the total eradication of all forms of forced labour.

While I must admit that Malaysia denounced the Abolition of Forced Labour Convention, 1957 (No. 105), on 10 January 1990, in view of a major difference of opinion between the ILO and the Government on the status of prisoners who were given training by private sector enterprises, it would be relevant to note that article 6 of the Federal Constitution prohibits slavery and forced labour and such acts carry criminal liability and are subject to prosecution and imprisonment.

Be that as it may, I am glad to report that there has been no real incidence of forced labour being practised by employers in Malaysia over the past many years.

Acknowledgment, however, must be made of the isolated allegations of workers being subjected to forced labour practices, particularly by contract labour suppliers, and in some cases by employers of domestic workers, particularly foreign domestic workers.

The Malaysian Employers Federation is committed to working together with the workers' organizations, the Government and civil society organizations and NGOs towards total eradication of forced labour and slavery in all forms.

While the Federation takes cognizance of the complaints being filed against local contract factories for multinational companies regarding allegations of slavery working conditions, these complaints have been more associated with cases of low wages or poor working conditions, which, as acknowledged in paragraph 23 of the Global Report, cannot be equated with forced labour.

The Malaysian Employers Federation fully subscribes to the notion that forced labour represents a severe violation of human rights and restriction of human freedom, and is fully in support of the efforts taken by the Ministry of Human Resources in Malaysia to protect workers from forced labour, which are highlighted in paragraph 209 of the Global Re-

port, by introducing a registration scheme for contractors supplying plantation workers, particularly foreign workers.

The Malaysian Employers Federation is totally committed to working with our tripartite partners and NGOs to prevent and eradicate any form of forced labour. To fulfil that commitment, as acknowledged in paragraph 244 of the Global Report, the Malaysian Employers Federation has teamed up with the Viet Nam Chamber of Commerce, to provide legal and cultural information to migrant workers in Viet Nam prior to their taking up jobs in Malaysia. The joint effort is intended to combat instances of wage coercion, confiscation of personal documents, including passports, and forced repatriation, among others.

It is also relevant to note, as acknowledged in paragraph 285 of the Global Report, that the Malaysian Employers Federation entered into active and substantial discussions and consultations with trade unions and civil society organizations in August 2008 on the protection of the rights of migrant workers under the auspices of the Task Force on Association of Southeast Asian Nations (ASEAN) Migrant Workers mechanism.

I am pleased to inform that I personally attended the consultation on behalf of the Malaysian Employers Federation and extended the Federation's commitment in jointly pursuing the declared objective of prevention and eradication of forced labour in Malaysia.

Finally, as a former labour law enforcement officer and a current legal practitioner representing employers in the courts, I have personally not encountered any reported cases of forced labour in my 38 years of involvement in the labour law situation in Malaysia. This, I believe, is due to the recognition by employers – the good employers I am referring to – at large, of the fundamental rights of workers to freedom of choice of employment and the right to security of tenure in employment, as enshrined in the Federal Constitution, as well as the Industrial Relations Act and the Employment Act 1955, which ensures minimum terms and conditions of employment for workers.

In Malaysia, the courts have even pronounced that employers transferring their employees to other employers are deemed to be subjecting the employees to slavery if that transfer is done without the voluntary consent of the employees since it is a fundamental right of the employee to choose his own employer.

In conclusion, I would like to reiterate, as assured by other Employers' delegate colleagues earlier, that my Federation continues to offer its undivided and wholehearted support for any action to be taken for the eradication of all forms of forced labour.

Mr THOMAS (*Worker, India*)

Mr Roy Trotman, our spokesperson, has elaborately dealt with the issues. We stand by all the points that he has mentioned. Attending this meeting I find that there is no one, from the Employers, or the Governments or the Workers, supporting forced labour in any form.

This is the biggest issue, that is the biggest success, that is the hope that we have. But at the same time it is still in practice. How can we curb it? That is the question before this august body. The ILO has made its Report and recommendations. By implementing them, how far can we go? I also congratu-

late the Employers' delegate from Kenya who made a heartfelt declaration that they are working to prevent such actions. It is a most reassuring factor that the Employers' group as a whole agrees on this. Government is bent on taking action to curb it, yet it is in practice that we have to find the methods of resolving it. The only way to resolve it is with the implementation of this Decent Work Agenda.

If the Decent Work Agenda and the standards proscribed are implemented, naturally forced labour can be curbed. From that viewpoint, when we analyse this issue we find, as Mr Tabani was suggesting, that contract employment is required in the present context. If so, may I ask a simple question: what is the guarantee for the worker? The contract goes to a middle man. The middle man exploits the other man. How can it be ensured, by virtue of a contract, that equal wages are paid to the contractor?

There are several developed countries who pay more to the contract employees than to permanent workers. Why? In order to compensate for the lack of job security. But what happens in practice? The employer wants results, so he outsources. The middle man then exploits the situation and there is no control. This is one of the factors leading to an increase in forced labour.

In India, I have seen and experienced maximum exploitation by the middle man. Middle men get the maximum profit, not the employer, nor the government, nor society. Suddenly such middle men become a new class, new rich persons who penetrate the old society. So, as a tripartite body we can maintain the lever to safeguard that this agenda is well maintained. I think that can be done.

What is then the cost of coercion? The cost of coercion is the life of the worker, and the trade union movement all over the world is determined to see that coercion is not practised anywhere because it threatens the biggest human right. We are united in fighting for that human right.

The ILO has defined, in its report programmes, which have tripartism as their basis. When tripartism is not accepted and mandated, naturally the result is deplorable. I am happy that the representative of the Government of India referred to laws and regulations in force. It is true, all those things are there. But can it be said that they are applied? He also said that 26 million people had to be freed from forced labour. What is the role of the trade union in all this?

The ILO has framed the policy as a tripartite mechanism for this purpose, and the worker is the affected party. I am glad to inform you that voluntary action is being taken by the trade union movement, with the help of the ILO and the International Trades Union Congress to help in different countries, such as Malaysia and Egypt. People are being sent from Asia and are there to work in these countries. Migration is at least one of the causes of forced labour, we are working to see in what manner we can help migrant workers by communicating and intervening on their behalf.

In India, migration occurs because of imbalances in the different regions. I come from a state which is developed – it is called Kerala, but people come from other states who are poor. They are the most exploited class in Kerala. In the end nobody knows who comes from where. What is their security? They come in search of better jobs and better wages, but they are exploited.

Internal and external issues have to be studied. In relation to external migration, I have also seen what is happening in the Gulf countries. Like others migrating elsewhere, they suffer there and they are not benefiting. Nowadays, because of the job crisis, people have lost or abandoned their employment. If you go to Dubai airport you can see that employers and middle men have left their cars in the parking lot and left the country. What happens then to the worker who goes in search of work, especially a migrant worker? There is no employer left to give any help. Migrant workers are just one aspect of the problem where forced labour is rampant and common.

In the informal sector, people in search of a job are prepared to go anywhere to get that job.

Governments which are trying to increase their GNP or GDP, start special economic zones, which apply special conditions using contract employment. Such contracts are prevalent in these zones, and exploit workers.

Agricultural workers from rural sectors go to the special economic zones and finally find themselves in difficulties, working like slaves. This is why, through the ILO Declaration and all the activities carried out by the ILO in this domain, we all come to the consensus that we have to curb this phenomenon and we stand united to implement the programmes and the ILO Global Report, in order to end this menace as early as possible.

Original Arabic: Mr ARAFA (Government, Lebanon)

We would like to thank the Director-General of the International Labour Office for his Report, entitled, *The cost of coercion*. We agree with the ILO's definition of forced labour. It includes the menace of penalties such as the deprivation of rights. The worst form of forced labour is human trafficking.

The ILO has taken steps to exercise this phenomenon and to combat it. Lebanon has established penalties in its legislation, such as fines and imprisonment for any violation of its forced labour legislation.

Under Lebanese law any violations of these provisions constitute criminal acts which are punishable by penal sanctions. In the informal economy there are numerous cases of sexual exploitation and sexual harassment. In this sector workers are often left without any support. Here there is the need for special legislation to govern and regulate work in this domain. Furthermore, the role of labour inspection should not be forgotten. Labour inspectors should monitor hours of work and wages.

A national steering committee has been established which is tasked with improving the conditions of work of immigrant women workers, particularly domestic workers. It has drafted a set of guidelines and recently drawn up a model employment contract and a guide which will be translated into the various languages of the countries sending immigrant workers and distributed to employment agencies. The Committee is also preparing a technical cooperation project in cooperation with the ILO in order to improve the conditions of work of domestic workers.

A new commission has been established to deal with complaints from these women workers and a telephone hotline has already been set up for that purpose. There is also cooperation among the competent authorities to abolish child labour. A specialized unit was established in 2001 with a view to

reviewing legislation governing child labour. The Lebanese Government does not grant visas to any workers under 18.

Moreover, efforts are also being made to undertake information activities addressed to the labour market as well as training and awareness-raising courses. We also have to highlight the role of workers' organizations in disseminating knowledge about forced labour, especially in the informal economy. The ILO has a very important role to play in supporting the implementation of measures to combat forced labour and any actions based on violence or coercion.

Lastly, combating forced labour cannot be done without the participation of all the social partners. Employers are as responsible as the other partners. They have to take all the necessary measures to promote the education of workers in this area.

Mr ISLAM (*Government, Bangladesh*)

Now the challenge to the world community is to build and consolidate a global alliance of partners in order to eradicate forced labour at the earliest opportunity. My delegation has taken careful note of the Global Report, entitled *The cost of coercion*, and understands that the discussion on the Global Report will form the basis for a new plan of action, to be placed before the Governing Body in November 2009, hence the critical importance of this informative Report and the importance my delegation has attached to it. We are happy that the Global Report matched our expectations in many respects. Many other speakers before me have highlighted its strengths. My delegation aligns itself with many of these comments. However, in the spirit of constructive engagement, my delegation would like to raise some issues.

As a sending country of migrant workers, with about 6.7 million migrant workers abroad, our Government remains particularly sensitized to any international framework-setting exercise on migrant workers. In the wake of the financial and economic crisis, the vulnerability of migrant workers has increased. The reported retrenchment of migrant workers in many important destination countries has raised the risk of their possible abuse and exploitation. This risk factor may be used further to foster unethical recruitment practices. We need to ensure our vigilance as well as responsiveness to deal with any such unlawful practices. To this effect, our Government is holding regular bilateral dialogues with the governments of major destination countries for our migrant workers. It may be mentioned in passing that the number of returning migrants in the case of Bangladesh has not yet created any cause for alarm. The flow of remittances has also remained more or less steady.

We agree with the Global Report that high migration costs, lack of contractual obligations towards migrant workers, and employment, legal and institutional loopholes in the recruitment channels are all serious causes for concern. However, addressing these issues under the purview of coercion seems somewhat unwarranted and out of context. We must be cautious about blurring the distinction between unregulated and unscrupulous migratory practices on the one hand and forced labour on the other. The parameters for coercion should be applied dutifully so as not to unnecessarily complicate the ongoing international discourse on migration. There are a number of international and regional forums to ad-

dress the issues of unregulated migration practices through constructive discussions between sending and receiving countries. The ILO should contribute to the process by drawing strength from its core competencies and not overstretching its remit through broad-based legal or judicial interpretations.

I now move on to a more country-specific issue in the Global Report. My delegation has taken note of paragraph 83 of the Global Report, in which a passing reference is made to the reported existence of forced labour in the shrimp industry in Bangladesh. The Global Report quotes a report by the US-based Solidarity Center. My delegation would like to know whether the Office took any steps to corroborate the statement before incorporating it into the Global Report. If so, we would like to know what consultations the Office held in this respect with our Government or social partners. If it did not, we find it most unfortunate that the ILO has used an NGO report to cast aspersions on a member State without any sturdy evidence. The Government of Bangladesh has made it categorically clear in different national and international forums that there is no existence of forced labour in the shrimp industry in Bangladesh. This has also been supported by our social partners. The ILO did not appear to have felt the need to follow up on the reports, communications and interviews on this issue by various stakeholders, including the Governments of Bangladesh, Thailand and the United States, the international shrimp industry and relevant NGOs following the release of the Solidarity Center report. If the Office had done so, it would have refrained from making any statement that might compromise the credibility of its Global Report.

We have further noted that the Office had mentioned this particular issue in the two-line introduction to the online version of the chapter on "Forced labour: Fact and figures – The cost of coercion, regional perspectives: Asia". The main document contained therein, however, does not mention anything about this. We consider this selective approach taken by the Office simply egregious. My delegation would like to ask that this unfounded statement be removed from the ILO web site.

Having said that, let me be very clear that our Government, as well as our social partners, remains duly sensitized to the challenges and constraints existing in our shrimp industry. We are working with our tripartite constituents, as well as international partners, to address these constraints. However, it would be very difficult to accept any unfounded allegation, against any of our growing industries that will only serve the vested interests of certain groups. At a time when we are trying to chart the way forward for the ILO's action in response to the crisis, we hope that the ILO will take careful note of our concern.

Original Russian: Mr ALI MUKHAMEDOV (Government, Uzbekistan)

I will start by stressing that the Global Report tabled for our discussion is one of the most important parts of this year's meeting. It stresses particularly the role of governments in acting at national level to combat forced labour. I would like in that context to call attention to the specific measures being taken by the Government of Uzbekistan to combat forced labour, especially the use of forced labour by children.

There are millions of young people under the age of 18 who work legally throughout the world, in work which is appropriate to their age and level of maturity. They play a very important part in contributing to the income of their families and indeed to the economies of their countries. Because of that, I do not think "child labour" should be a negative term in itself. However, child labour is being exploited all over the world, especially child labour in its worst forms of more than 250 million working children in the world., some 8 million children are used in what can only be called the worst forms of child labour.

There are, however, recognized allowable forms of child labour, for instance, as part of the family in agriculture. There is a minimum age for employment established by the ILO in a Convention ratified by Uzbekistan. According to the Minimum Age (Agriculture) Convention, 1921 (No. 10), children are allowed to do light agricultural work, especially work at harvest time, on condition that the such work does not interfere with their schooling.

Uzbekistan has also ratified The Worst Forms of Child Labour Convention, 1999 (No. 182), which establishes the kinds of labour which are not acceptable: slavery, slavery-like practices, serfdom, sale of children, use of children to fight in armies, or for prostitution or pornography, and so on. These types of child labour are, of course, a violation of the rights of children and in our view they need to be eliminated as quickly as possible.

There is one issue which I think would be worth our particular attention because it is brought to the fore in the various media. That is whether Uzbekistan has the legal, economic and social conditions which would lead to forced child labour or other "worst forms" of child labour.

The answer to that question is first and foremost found in the Constitution of Uzbekistan, under which the rights of children are guaranteed by the State. The law forbids any and all kinds of forced labour for children and there is a law on guarantees and safeguards of the rights of children which enshrines international standards. According to that law if a person under 18 works, he or she has to be able to study as well.

Under Uzbek law, the minimum age at which a young person can work is 16 and the only exceptions are, if the parents allow it, that a child can work from 15 but only in light work which will not affect health and development or prevent the child from going to school. The law also places the onus on the employer, in the case of persons below 18 years, to make sure that the labour is such that the young person is able to study and has sufficient leisure time. The Social Liability Code provides for a range of sanctions against employers who contravene labour law in this area and, in particular, it is a crime under Uzbek law to buy or sell a minor, just as it is a crime to exploit their labour or do anything else to exploit or to bring children into any kind of illegal activities.

Uzbekistan is in the vanguard of countries which are implementing the laws to protect children. It has ratified the UN Convention on the Rights of the child of 1979 and 13 ILO Conventions, including Convention Nos 29, 111, 138 and 182. We have signed the optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography. All this shows

that Uzbekistan's legal system is in tune with the letter and the spirit of international law.

As we see in the Global Report, the scale of exploitation of children is very much a function of the social conditions of a country and its labour market. The growth rate of Uzbekistan over the last few years has boosted job creation, and provided everything necessary to make sure that both forced labour and any other kind of child labour are on the decrease.

There have been major reforms in our agricultural sector, which is now better regulated. We now have smaller family farms, growing mainly cotton, where members of the farmer's family work. Of course, they bring in some labour from outside, but it is cheaper for them to use their own families. These small private farms use mostly family labour. Contribution to the family budget is not considered a violation of international norms and standards such as the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60). It is really labour within the family farm and within the home. Because the families are doing all the harvest work themselves, the farmers do not go outside the family to hire others. It is not in their interest to use outside labour – hired labour.

There are other specific measures taken by the Government of Uzbekistan very recently. The first is the National Action Plan to implement the Minimum Age Convention and the Worst Forms of Child Labour Convention. This involved a special decree issued by the Government, which includes a whole range of specific measures in four particular areas. First, it is improving the legislation monitoring implementation of legislation covering children's labour, and the National Plan also provides for very stringent control and monitoring of the terms of the Convention, and for public information work explaining to people the content and the meaning of the international standards. One part of the National Plan is specifically targeted at informing people about the worst forms of child labour.

Since the Global Report pays particular attention to the development of social dialogue and partnership. In Uzbekistan, we have developed and are implementing in that context a special series of anti-crisis measures which are aimed at preventing the negative effects of the world financial and economic crisis from hitting too hard at Uzbekistan. This is a whole programme of measures backed by specific resources, and a whole system for implementation which includes all kinds of measures fully consistent with the basic principles of the International Labour Organization aimed at strengthening dialogue between employers, government and workers and taking into account the national interests of Uzbekistan. Under this anti-crisis programme of measures, we have provided: strong support to the banking sector; measures to stabilize the financial sector; support to those companies which export; development of the industrial social and other infrastructure; and the development of new types of jobs which are in tune with the needs of the country. The programme also includes the development of social institutions and small and medium-sized businesses. All these approaches have had many concrete results and have increased the number of new jobs being created. This is the guarantee and safeguard that alternatives to forced labour are being established.

I would like to start by supporting what my colleague and friend Mr Tabani has said who spoke on behalf of the Employers. I would like to emphasize the significance that we in our group attribute to the follow-up to the Declaration of 1998, because that really is the hard core of the rights and principles that should apply at work.

I would like to speak about Brazil and I say how pleased I am to see that the Report, in its paragraph 86, recognizes the effort that Brazil has been putting into fighting against any traces of forced labour that may exist in our country. And I would say that the efforts that Brazil has been putting into this because the document does not just talk about the efforts of the Brazilian Government which would not be appropriate. I want to say that the effort that is being made is supported by the entirety of Brazilian society including, in particular, Brazilian employers. We have supported all of the activities carried out by the Government in the ambit of our employers' organizations and we have made quite clear our complete repudiation of any kind of work that is not "decent". I will say by way of example, referring to paragraph 156, that the Brazilian employers applaud and welcome the change made in the Brazilian Penal Code, extending the scope of criminal legislation regarding forced labour to cover the offence of "imposing on a person a condition similar to that of slavery". That means that for us "forced labour" now includes and covers all kinds of degrading or exploitative work of this nature which restricts people's freedom of movement or involves retaining their papers. The parameters are broad, and allow for the proscription of any kind of attack on human dignity through an employment contract. Paragraph 165 talks about the information that the Brazilian Government has given on the results of its efforts to combat this scourge. I think it is worth emphasizing this because, according to the Ministry of Labour and Employment, some 3,266 individuals were freed in 2006, in 2007 nearly 6,000 people, and by the middle of 2008, 2,269 victims had been released. Those figures speak volumes. We are talking here about human beings. But it is important also to quote some other figures so that delegates can get some idea of the relative significance of this problem in our country.

Our country has 185 million people, and more than 80 million people are economically active. I do not want to say that the cases of forced labour in the broad sense are only these figures. These figures of people released relate to people assisted by the Government's efforts, but the country is very big, there are huge areas of the country which are still very difficult to reach, and it is particularly in those tender regions where we find these kinds of cases. It is possible that there are more cases of this nature, and that is why we need to continue our efforts of monitoring and control. But I would emphasize that the Brazilian Government gets information out quickly about infractions that have been reported. The very speed with which the information gets out could give you the wrong impression about what is happening in Brazil. These really are isolated cases, and the entirety of Brazilian society and the Brazilian business people finds them repulsive.

In paragraph 166, it is also stated that monitoring is not always leading to the full force of the law being felt in the case of infringements. The possible

sanctions can even include expropriation of the property where the forced labour took place, but we employers are fighting against impunity as well. We are absolutely in favour of the Brazilian courts applying the full force of the law, as has happened for example in one case where an employer was sentenced to 16 years in prison because it was found that he really had been engaged in these criminal activities.

Finally, and to wind up, I would like to make everyone here aware, of a piece of news that came out in the Brazilian press yesterday, which talks about another flagrant case of slave labour in a remote property in Central Brazil. Two companies there had 174 people working on the production of coal, and inspections found that this was work under very poor conditions, conditions of debt servitude, and the workers had their freedom of movement restricted in a way that contravened the law. Now, what is interesting about this news story? The inspectors reported that one of these companies, which worked in the car sector and in other sectors related to transport, is in fact part of a consortium of companies based in the Cayman Islands, in Portugal and in Switzerland, the country that is welcoming us here with such warmth. Now I do not want to prejudice anything and claim that these companies are at fault, but I just want to make it clear that the isolated phenomena, these cases that we found in Brazil, should not be generically attributed to the employers of our country. If you look closely, you will see that quite often this is an issue that crosses borders and maybe this is one of the forms of globalization, one of the "flip sides" of globalization, that we all want to fight against.

Finally, as other speakers have no doubt done, I would like to make it clear that these most perverse, most egregious forms of forced labour, or even the weaker forms of forcing people to carry out difficult work or even of enslaving them, are indications that there are people who are so poor, in such a state of poverty or ignorance about their rights, that they are prepared at some point to accept this kind of degradation, and the Brazilian employers and the business community are trying to do a great deal of work with their colleagues, the workers, and with Brazilian society in general, to achieve better, more equitable development. We know that we are moving towards a more fully developed society and that as we do that there is no doubt that we will see a situation in which such social evils will be less able to flourish. We are doing what we can along with the authorities to make sure that, apart from such praiseworthy activities as combating child labour and slavery we are doing all we can to promote an environment which will be favourable to the development of business and the creation and the continued sustainability of companies, particularly of small and medium-sized companies. It is the small and medium-sized companies that will really provide work and will we could even say, bring employment and development to the most remote parts of the country. There, of course, any support will be welcome to develop social and economic infrastructure to make it possible for such enterprises to be created, to continue to exist and create decent jobs.

Mr TABANI (Employer, Pakistan, speaking on behalf of the Employers' group)

In the last ten years, I think this is the first time that we have seen this Global Report session con-

clude at around 5 p.m. Brevity has indeed been the order of the day. I see that there is surprise on the face of Mr Kari Tapiola. Has perhaps the 2008 Declaration taken precedence over the 1998 Declaration, resulting in a short but very succinct session? All the speakers who have taken the floor today have enlightened us on what is happening in their countries – and in the case of Mr Trotman, we have heard a very broad view from the Workers' side of how they see the situation on forced labour.

We are pleased to note the number of governments speaking positively, but realistically, about efforts in their own countries, particularly regarding trafficking. I think trafficking has been an important issue throughout our discussions. As I mentioned in my opening remarks, greater visibility and recognition of the forced labour challenge by governments throughout the world is a substantial achievement of the 1998 Declaration, and it is an achievement upon which we can all build.

Having had the benefit of the various speakers today, we would like to return to what we emphasized in our opening remarks – the implementation of agreed goals and projects with the involvement of the social partners. We are now even more convinced that this is the key to further effective efforts in this area.

Mr Trotman identified about seven or so points in his opening remarks this morning. Whilst we may differ in a couple of areas, there is much with which the Employers agree.

For example, we agree that the structural and fundamental drivers of forced labour need to be addressed, along with proper law enforcement, inspection and other more immediate measures.

We agree that efforts on forced labour have to be sensitive to the impact of the economic and jobs crisis – and the importance of the action plan, taking into account the possible conclusions of the Committee of the Whole.

We also agree that the action plan and further implementation must support capacity building and the efforts of the social partners, and this is an area where the Workers and Employers seem to be very strongly united.

We also agree that in some countries greater consideration may need to be given to prison and bonded labour.

Of course, this level of commonality between Employers and Workers reflects the underpinnings of the 1998 Declaration. As we have been saying, it is better to exploit and move forward on shared values, rather than go on harping on differences which take us nowhere.

Once again, while closing, let me congratulate the Office on an excellent Global Report. More importantly, it is a report which has helped us move forward towards the abolition of forced labour.

We look forward to further inputs in the next report and a further four years of even more effective efforts towards the abolition of forced labour.

I must say I was very happy to hear one of the governments – I think it was the Government of Uzbekistan – state that it was already taking steps to mitigate the effects of the global crisis on forced labour. I think if governments do that, the work which we are doing will be further strengthened.

Mr TROTMAN (*Worker, Barbados, speaking on behalf of the Workers' group*)

I think we have to compliment the Employers for some of the issues that they are working on here in terms of dealing with this scourge. I do not know another word to use, so I say "scourge". Forgive me if it is an offensive word.

In reference to the Employers, I am pleased to take note of the two initiatives that they held in Asia and in the Americas last year, giving an opportunity for review of the contemporary incidence of forced labour and to share the responses from their constituents as a first step in trying to help the governments that were being addressed to deal properly with the issue.

We, on our side, particularly like Mr Tabani's, or the Employers', emphasis that this will lead to additional guidance to the Employer members in their combat against forced labour. They did not talk about it leading to greater knowledge, but Mr Tabani has spoken about the Employers' effort to combat this scourge. We particularly like that and we urge the Employers to take note that we, on our side, are pleased with what they are doing and we are happy that we will be able to work with them in this regard.

At another point in his report, Mr Tabani referred to the ILO's organization of the Special Action Programme to Combat Forced Labour and the plain language handbook that gives simple information and simple instructions to employers in what the International Organisation of Employers considers to be the proper way in which they should deal with the issue.

Mr Tabani has referred to this issue in 53 countries and I would like to suggest, respectfully, of course, that they make the effort to make it more widespread than that because, regrettably, the incidence of forced labour is not limited to 53 countries. We wish that we could say that that were so, but it is not.

Mr Tabani, in his concluding speech, referred to Uzbekistan, and I take note of what he said. I am sorry, but I would have preferred to see that Government's representative admit that there is forced labour and not seek to defend it.

The reality is that, if we have a situation where children are called upon to work during their holiday periods, to help harvest the crop, then everybody understands that if they come home from school and they are called upon to do similar work that is fine. If they are kept out of school, then we have to see that as being different, whether they are family or not family.

So, we should not be misguided, and if we have a problem it is better that we do as Brazil has done so often through President Lula: admit there is a problem, say that we are trying to deal with it, we are going to have some shortcomings, but help us to deal with the problem. The world will respect this much more and we should always try to show how we are going to correct those particular difficulties which exist.

There is another point where I differ a little bit from Mr Tabani and that is where, in his original submission, he spoke about inspectors. He gave me the impression, perhaps I am wrong, Mr Chairman, and Mr Tabani, but I got the impression that you are saying that inspectors should stay in their little corners and should not seek to shed the light of their

corrective measures on people outside of their small corner.

That is what trade unions used to be told, and what trade unions are still told by some governments and, indeed, by some employers. If you have a message, I do not think you can limit that message to where you stand. This is one of the reasons why the trade union movement will always reject any employer or government statement that says that trade unions should only limit themselves to negotiating collective agreements for how long the day should be and how much wages should be.

The life of the worker is not made only of how much he or she gets in his or her pay packet. The life of the worker relates to their involvement in society, from the cradle, through puberty, to adulthood, to pension and retirement, and to death. Any trade union that does not deal with how the government and the employers deal with these issues is not doing its work.

In the same way, I think we should be able to understand that, though we do not want inspectors to be part of a new police force, we must not limit them only to narrow limitations in the functions that they are conducting.

I do not think that Mr Tabani and I will disagree very much, it may only be the way that he came across and I cannot say that it is in the translation, Mr Tabani, because we are both speaking English, and you speak it very well. When I grow up I hope to be able to speak as well as you do.

Furthermore, I wish to make the point that we must not, as some governments did, confuse the issue of overtime with the issue of forced labour.

From where the Workers sit, overtime is quite OK, and overtime is quite OK if it is not enforced, and where it is compensated. Conditions for overtime should be negotiated; but if you enforce it on somebody, then it is forced labour. We think that that has to be understood, and we should not pretend that it is not happening.

We wish, on our side, to take note of the point made by the Government of New Zealand, where the speaker indicated that words must now be backed by action.

The Workers' group supports that very sound pronouncement from the Government of New Zealand and we would wish to commend that country for the practices which it has reported and the funding initiatives which it is conducting. We would like to suggest to other countries that they should emulate the performance of New Zealand.

Then there came the problem during the discussion that bothered the Workers' group immensely. There was the suggestion that Multinational Enterprises (MNEs) have limited control over those who supply their labour. The suggestion coming out very strongly to us was that the MNEs must be forgiven when they use labour that is exploitative or conditions that are criminal because, according to the pronouncement by that Employer representative, they cannot control it.

I wonder how true that is, Mr Chairman. Is it not more true that employers, and MNEs by extension, that have the will, can in fact control where they so desire? In fact, MNEs have addressed child labour and, before the last World Cup in football, or soccer if preferred, Mr Chair, because in some countries football would mean something different, MNEs were able to force their subcontractors to apply cer-

tain standards to the soccer balls that were going to be used in the World Cup.

There are other examples of that, so one can develop framework agreements or other methodologies which can set down very clearly the conditions under which the subcontract is established. After all, if the MNEs wish to have shirts made, do they not specify the material, the style, the type of the finish that the shirt should have, and the means of packaging that has to go into the box? Do they not have their quality departments test the materials and the way the shirt is made, inspect it being made and then pass or fail the final product? Now if that is so, why are we now going to be hearing that there is such a big problem and that the MNEs cannot try? We have MNEs trying even in agriculture and determining whether bananas are being grown according to proper standards. Of course we can try, and sometimes we might fail. But if we try and fail that is one thing. But if you fail to try then that is a different thing, and we will not excuse those MNEs that fail to try and excuse themselves on the grounds that it is too hard to try. I wish to get that point across very strongly to the spokesperson who decided that it is too hard to try in the effort to bring dignity to workers around the world. Let us make the effort and let us commit to that effort.

We as Workers agree with Employers that the effort at further success will not work if the Office fails to consult with the social partners, or if it, as some governments implied in their reports, consults only with NGOs. That message came across very loudly from some of the governments.

The Workers' group regrets that the Employers, however, find problems in reference to fairness of wages and control over the employment relationship in defining child labour.

We wish very briefly to comment on these two concepts as they relate to the current realities.

Where the employer exercises position, power and control over the labour market to impose a sub-human wage, where the worker's only alternative is to starve or to watch his children cry themselves to sleep, that in our view cannot be considered to be anything other than enforced labour. We ask the question, if that is not exploitation, where there is no choice, then what is it? So far as we are concerned, Mr Chairman, that is the kind of picture that the Report is painting. The Report has nothing to do with the effort which employers have been making, for ten years now, to construct, or in some cases to reconstruct, a definition of "contract for service", as opposed to "contract of service".

Another very interesting matter which we heard this afternoon came again from the Employers. It is a quote from the late, great John F. Kennedy, made by the Employers: "Children are the world's most valuable resource". We agree with this submission and we thank the Employers for reminding us. The Workers' group wishes to adopt this quotation, and we wish to use it to revisit the point we made earlier regarding the cost of coercion. The cost, according to the Report, is US\$21 billion, but the cost according to us is much more than that. What is the cost of the soul of a girl or a boy stolen by greedy denial of her or of his right to grow up playfully, without the raw depravities of child labour? What cost can be put on that?

Finally, we want to speak about the comments made by the representative of the employers in Kenya. We thought that she very properly addressed

the pivotal role which the trade unions can play, since their work brings them into daily contact with all types of exploitation. So far as we are concerned, she very correctly called on governments to utilize the vital vehicle of social dialogue with trade unions and employers to remove the scourge of forced labour. We wish to salute her and to support her call. This message of social dialogue is one which governments cannot afford to dismiss. It is clear that all the labour market issues, all the national development issues, all the answers for likely social stabili-

zation and resuscitation, lie in consultation and dialogue with the social partners. We believe that this is so and we hope that our message will resonate among other members in this house.

The PRESIDENT

That concludes our work for this afternoon. I wish to say thanks to all of you for your contributions. The Office will take full note of all of the points you have raised in your interventions.

(The Conference adjourned at 5.10 p.m.)

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