



Eleventh sitting

Tuesday, 10 June 2014, 3 p.m.

President: Mr Funes de Rioja

REPORT OF THE FINANCE COMMITTEE OF GOVERNMENT REPRESENTATIVES: SUBMISSION AND APPROVAL

Original Spanish: The PRESIDENT

We will now all look at the report of the Finance Committee of Government Representatives. This report is contained in *Provisional Record* No. 10, where you will also find the resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2013, the resolution concerning use of the 1992–93 and 2000–01 surpluses, and the resolution concerning appointments to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board).

I would now like to ask the Chairperson and the Reporter for the Committee, Ms Hernández Narváez of Mexico, to present the report.

*Original Spanish: Ms HERNÁNDEZ NARVÁEZ
(Chairperson and Reporter of the Finance Committee
of Government Representatives)*

It is my honour to submit, for the consideration of the Conference, the report of the Finance Committee of Government Representatives.

The report is contained in *Provisional Record* No. 10 and contains the recommendations of the Committee on matters that came before it. The three resolutions that the Committee submits for adoption by the Conference appear at the end of the report.

The Committee examined the report and audited consolidated financial statements for the year ending 31 December 2013, as well as the report of the External Auditor. The Committee noted that the report contained no reservations with respect to the financial statements and that for the second consecutive year the Office fully complied with the International Public Sector Accounting Standards.

The finance report also provided information on the application of three new standards on financial instruments. The Committee supported the recommendation of the Governing Body, according to which the Office should make full use of the information provided by the International Public Sector Accounting Standards and help constituents to better understand the financial results to facilitate decision-making processes.

The Committee decided to recommend to the Conference that it adopt the consolidated financial reports and statements for the year ending 31 December 2013, under article 29 of the Financial Regulations.

The Committee also considered a recommendation submitted by the Governing Body in March 2014, according to which the surpluses of 1992–93 and 2000–01 be used during the biennium 2014–15, to partially finance an ILO contribution to the United Nations Resident Coordinator system. The Committee thus decided to recommend to the Conference that it adopt the attached resolution.

The Committee also examined a document concerning the composition of the ILO Staff Pension Committee. It recommended that the Conference appoint Mr Luc Abbé-Decarroux of the Employers' group to the Committee for the period 9 October 2014 to 8 October 2016.

I would like to express my appreciation to the members of the Committee and the secretariat. I would also like to acknowledge all those involved in the elaboration of the report, who enabled the Committee to finalize it and submit it to the Conference today for its consideration. With these observations, I submit to the Conference the report of the Committee for approval and the resolutions contained therein for adoption.

Original Spanish: The PRESIDENT

I would now like to ask all those present if anybody else would like to take the floor on this matter? If that is not the case, I thus consider that the Conference approves the report as a whole, that is the summary of the deliberations of the Committee, which were included in paragraphs 1–17, and the appendix, showing the contributions of the member States for 2015.

(The report – paragraphs 1–17 and the appendix – is approved.)

RESOLUTION CONCERNING THE FINANCIAL REPORT AND AUDITED CONSOLIDATED FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2013: ADOPTION

Original Spanish: The PRESIDENT

We shall now proceed to the adoption of the resolutions, one by one.

The first is the resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2013. If there are no objections, may I take it that this resolution is adopted?

(The resolution is adopted.)

**RESOLUTION CONCERNING USE OF THE 1992–93
AND 2000–01 SURPLUSES: ADOPTION**

Original Spanish: The PRESIDENT

We now move on to the resolution concerning use of the 1992–93 and 2000–01 surpluses. If there are no objections, may I take it that this resolution is adopted?

(The resolution is adopted.)

**RESOLUTION CONCERNING APPOINTMENTS TO THE
ILO STAFF PENSION COMMITTEE (UNITED NATIONS
JOINT STAFF PENSION BOARD): ADOPTION**

Original Spanish: The PRESIDENT

Finally, we come to the resolution concerning appointments to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board). If there are no objections, may I take it that this resolution is adopted?

(The resolution is adopted.)

Original Spanish: The PRESIDENT

On behalf of the Conference, I would like to express my most sincere gratitude to the Committee for its hard work, both its members and the secretariat. The Conference thanks you for your efforts and dedication.

**REPORT OF THE COMMITTEE ON FORCED LABOUR:
SUBMISSION, DISCUSSION AND APPROVAL**

Original Spanish: The PRESIDENT

We now turn to the next report for the consideration of the Conference, which is contained in *Provisional Record* No. 9 and includes a proposed Protocol to the Forced Labour Convention, 1930, and a proposed Recommendation on supplementary measures for the effective suppression of forced labour.

Allow me to remind you that the Governing Body, at its 320th Session, held in March this year, adopted various measures designed to improve the Conference proceedings and make them more efficient. These measures include a new procedure for the adoption of reports, which is being trialled at the current session of the Conference. Under this procedure, each Committee entrusts the approval of the draft reports to its respective Officers, so that it is no longer necessary to hold an additional sitting just to approve the draft report. Once it has been approved by the Committee Officers, the secretariat then publishes the report on the Internet and the Committee members then have 24 hours during which they may submit corrections to the summaries of their own statements.

The corrections received within the deadline set will be inserted in the final version of the text.

I will now read out the list of the members of the Committee who asked for corrections to be made to their own interventions: Government representatives of Belgium, Canada, China, Greece (on behalf of the Member States of the European Union), India, Indonesia, Ireland, Japan, Singapore, Spain, Sweden, Switzerland, Turkey and United States, and the Workers' group.

I invite the Officers of the Committee to come up to the podium: the Chairperson, Mr Garner (Australia), the Employer Vice-Chairperson, Mr Potter

(United States), the Worker Vice-Chairperson, Mr Veyrier (France), and the Reporter, Mr Shinguadja (Namibia).

I invite you to take a seat on the podium and I call on Mr Shinguadja to introduce the report.

Mr SHINGUADJA (*Reporter of the Committee on Forced Labour*)

It is with great pride that I speak to you and present you the fruits of our Committee's work. The proposed Protocol and Recommendation before you are important milestones towards effective and sustained suppression of forced labour or compulsory labour.

Millions of workers have been subjected to this scourge in Africa and beyond in the last centuries. Unfortunately, however, forced labour is not a thing of the past. A total of 21 million workers worldwide are still being subjected to forced or compulsory labour today.

Given this sad reality, the Protocol and Recommendation will be central to ensuring that we can all respond to the contemporary challenges of forced labour, giving particular attention to measures aimed at prevention and protection, as well as to enable the victims to access remedies such as compensation.

Whereas the fight against forced labour will require ongoing efforts, the Protocol brings to an end a long discussion which comprised decisions by the Conference and the Governing Body regarding the transitional provisions that were originally included in the Forced Labour Convention, 1930 (No. 29).

I have learned that in preparation for this discussion the secretariat, as well as many of us, went back in time and very thoroughly read the records of the discussions in 1930. This proved invaluable for generations of Workers', Employers' and Government delegates to understand the intricacies of Convention No. 29 and I am thus particularly proud to be adding to this body of knowledge on forced labour by presenting to you the report of our Committee.

Aside from its detailed content, the report provides a good glimpse into the work of our Committee, which was skilfully chaired by Mr David Garner in collaboration with the Employer Vice-Chairperson, Mr Ed Potter, and the Worker Vice-Chairperson, Mr Yves Veyrier.

Through their inclusive approach, the Officers secured important support from the regional groupings, which were crucial to us being able to work through the draft in a single sitting, as well as taking a central decision, namely on the form of the instruments, in full consensus and without having to resort to voting.

Given that this was a single-discussion item, we knew that we needed to get it right. We were only able to reach this goal because, from day one, the Committee was supported by a strong spirit of cooperation and mutual understanding between all groups. Whereas some delegations had come to the Conference convinced that the form of the instrument should be that of a Protocol and Recommendation, others first wanted to understand what such a Protocol could look like before voicing their support.

For this reason, this report is far longer than other reports of recent years. It accurately reflects the discussion throughout the 18 sittings that we held,

some of them well into the late hours of the evening.

Finally, I would like to thank the Office for providing us with their professional and unwavering support. Before closing, I would like to ask you, delegates, to vote tomorrow for the Protocol and the Recommendation. Let us make history. Herewith, I submit the draft report as well as the proposed Protocol and Recommendation, which are to be found in *Provisional Record* No. 9.

Mr POTTER (*Employer Vice-Chairperson of the Committee on Forced Labour*)

Very few people have the opportunity to participate in a historic moment in their lifetime. This is such a moment for all of us.

Tomorrow, we will vote to adopt a supplemental forced labour Protocol and Recommendation that update the 84-year-old Convention No. 29. These instruments will bring the ILO forced labour standards into the twenty-first century so that they will be effective to address all forms of modern-day forced labour, and human trafficking that results in forced labour. The Protocol and Recommendation establish a common framework, strategy and measures for the 177 nations that have ratified Convention No. 29, and the eight countries that have not ratified Convention No. 29, to move together in alignment on a common approach to suppress and eliminate forced labour, to provide prevention, protection and remedies for the 21 million persons currently in forced labour, and to ensure that others do not fall into forced labour.

We can all agree that forced labour is an abhorrent practice and a severe human rights violation. Victims of forced labour lose their freedom and dignity and are bound to dangerous and unacceptable working conditions. The vast majority of persons in forced labour conditions are poor and are in the informal sector, outside traditional formal labour market regulation and protection. It presents a challenging situation for ILO member States to meet their state duty to protect, prevent and remedy human rights harm to persons within their borders, which is frequently out of public view, and criminal in many instances. The *Profits and poverty: The economics of forced labour* report released by the ILO on 20 May 2014 clearly shows the linkage between persons in forced labour and poverty. Forced labour standards alone cannot lead to the abolition and elimination of forced labour; that also requires economic development that creates opportunities for individuals and families.

We had a challenging task in front of us in our Committee: to discuss a Protocol and Recommendation on a significant human rights issue in a single discussion – in a far shorter time period than the double discussion procedure that led to adoption of Convention No. 29 in 1930. This placed a premium on collaboration and mutual goodwill throughout the Committee's work. We never had to take a vote and we were never close to doing so. Every provision in the Protocol and Recommendation was adopted by consensus. We were a Committee made up of people of goodwill, all of whom were committed to achieving a meaningful outcome. As at all critical junctures in the ILO's history, our Committee showed the collective will, determination and foresight to achieve a consensus.

The consensus was achieved through the exemplary leadership of the Minister Counsellor for La-

bour of Australia, David Garner, who provided an environment of openness, transparency and consensus building, with good humour and grace. This is an outstanding act of international leadership and diplomacy that is a credit to himself and to his country. The Employers' group is particularly appreciative of the decision he made in consultation with the Committee's Officers and the ILO secretariat to defer the final decision on whether there would be a Protocol until all the amendments of the proposed Protocol had been considered. It allowed everyone to have a clear view of what the final content of the proposed Protocol would be, before deciding whether to support the Protocol or not. We would not be here today advocating for an overwhelming vote in favour of a Protocol and Recommendation but for this critical decision.

My counterpart on the Workers' bench, Yves Veyrier, has been committed to this issue ever since the recurrent discussion on fundamental principles and rights at work in June 2012, when we both discussed the 2012 *ILO Global estimate of forced labour* with Beate Andrees, Head of the ILO's Special Action Programme to Combat Forced Labour. Without Yves' drive and compassion for mankind, and singular focus on the outcome, we would not be where we are today. It has been my privilege to work with you, Yves, during the past three sessions of the Conference.

Of course, all final credit goes to the Government representatives who achieved consensus, notwithstanding differences in country circumstances and situations. As the Employer Vice-Chairperson, I especially want to thank the Employers' group in our Committee for their support throughout our discussions, especially those who participated in the Drafting Committee and in the working parties.

We would not have been successful without all the multidimensional skills and knowledge of the ILO secretariat. They are a credit to themselves and to the ILO as an institution. They deserve recognition for the outstanding way they supported the Committee's work under extreme hours of work and time pressures.

We will not take the plenary's time going through the structure and content of the Protocol and Recommendation (they are fully described in *Provisional Record* No. 9), other than to say that they set out a path for ending forced labour on this earth by spelling out the implementation of Convention No. 29, in consultation and coordination with employers' and workers' organizations, with provisions that protect, prevent and remediate forced labour that were not set out in Convention No. 29 in 1930. The Protocol importantly makes clear that the ILO's definition of forced labour contained in Convention No. 29 encompasses human trafficking which results in forced labour, and that the transitional clauses of Convention No. 29 are deleted.

The Employers' group unequivocally supports adoption of the forced labour Protocol and Recommendation without hesitation. Our stamp is on these instruments. This is a humanitarian moment, this is a human rights moment, and represents what the international business community stands for – respect for human rights. Adoption of the Protocol and Recommendation, however, is just the end of the beginning. What will be essential following this session is rapid ratification by the 177 countries that have already ratified Convention No. 29 and effective implementation of the Protocol.

The Protocol and the Recommendation represent a call to action. They go beyond pious words; they are more than text on a piece of paper. Their potential impact can only be realized if there is rapid and universal ratification of the Protocol and its complete and effective implementation. Non-ratification and non-implementation is not an option if the ILO constituency really means to eliminate and suppress all forced labour.

Original French: Mr VEYRIER (Worker, Vice-Chairperson of the Committee on Forced Labour)

I will not repeat what Mr Ed Potter has just said about all of the members of the Office, the secretariat and Ms Beate Andrees, who have worked so much and so hard, and who have not dictated the course of our work but who have been guided by our debates and have been able to open up the way to success and avoid any dead ends in our work.

In this regard I can say that the Workers' group fully supports the amendments proposed by the Employers' group commending the work of the secretariat of the Office.

Today, men, women and children are subjugated into serving what have to be called their masters. Subjected to hard work, their passports are confiscated and held by labour traffickers who demand money in return for them. Threatened, subjected to violence, sometimes sexually abused, they are afraid and often they have no possible recourse. Without a work permit they may see themselves accused of being in an irregular situation and they find themselves without resources and without a home. They cannot run away. No region of the world is free from this.

However, since 1930, Convention No. 29 has called for the suppression of forced labour and the Reporter of the Committee on Forced Labour in 1930, Mr Vernon, affirmed that: "the draft Convention ... provides very expressly and emphatically that there is to be no forced labour for private interests of any kind (and) all States Members ... will bring all forms of forced or compulsory labour to an end and they will do so at the earliest possible date".

Convention No. 29 is one of the most widely ratified Conventions. Along with the ILO Declaration on Fundamental Principles and Rights at Work, it is universally accepted by all of the countries which are Members of the ILO, and while it has some interim provisions in Article 2, the supervision of its implementation has allowed obligatory or forced labour to be reduced under state authority. But new forms of forced labour have developed, linked to migration and the economic pressure, which the most vulnerable populations are suffering from – those who have been hard hit by the serious economic crisis we are going through.

Over the past two years, since the 2012 session of the Conference, devoted to fundamental principles and rights at work, and over these past two weeks, we have undertaken to build confidence between us. I would like to commend the commitment of Government and Employer representatives and, of course, my brothers and sisters, the Workers. Members of the Committee know this, and the report of our work sets it out. Each Article and each word was studied and weighed up in order to rest assured that it was relevant. The Protocol calls on member States of the ILO to universally commit, to give effect, systematically and continually, to Conven-

tion No. 29, through prevention, protection, reparation and compensation for victims. The Recommendation sets forth specific measures.

We emphasized effectiveness and efficiency, and the Recommendation invites Members to take, apart from the measures that are indicated in the Recommendation itself, measures that, depending on the situation, will be the most effective ones. The Protocol also stresses prevention policies, naturally for the most vulnerable people but also for employers in order to protect them, by making sure that they are not involved in forced labour practices. It also provides an invitation to track down and combat this dreadful treatment – the trafficking of people for forced labour.

By adopting this Protocol, we will send out a political signal showing the high level of our commitment to swiftly rid ourselves of this scourge. We will show the ILO's capacity to modernize and adapt its instruments and modes of action for one of its most symbolic Conventions to real situations. This Protocol would delete the temporary provisions which still tarnish the text of Convention No. 29. These are provisions which introduced exceptions to the prohibition on forced labour at the request of colonial regimes.

The adoption of the Protocol and the Recommendation will mark a new stage, a little after its centenary, in the action and the indispensable role of the ILO during a troubled and uncertain time. It will demonstrate the strength of tripartism when it is motivated by social justice and human rights.

Today, 84 years after the adoption of Convention No. 29, the approval of its Protocol will offer the possibility for those countries that approved it in 1930 to renew their determination. There were some 50 of them. It will be a possibility for those countries that at the time did not approve the Convention to overcome their hesitation. It will also be an affirmation of this commitment for countries that had not yet joined the ILO and for those that have since won their independence and their sovereignty and that have become Members of the ILO.

Once again, please allow me to repeat: while our Constitution affirms that labour is not a commodity, forced labour reduces men and women themselves to less than a commodity, the value of which is protected by trade laws! The commitment and the enthusiasm of our Committee are going to generate broad support by this Conference.

I would once again like to address myself to delegations who might hesitate. Do not stand on the sidelines of this decision; do not isolate yourselves from something that will be considered by the next generation as having contributed to ridding us of this scourge. The international community, aware and committed to the respect of human rights, is following our work very closely, but the 21 million women, children and men who suffer from this disgraceful treatment, they are kept in ignorance of their rights to emancipation and social justice. It is to them that we must say tomorrow morning: "We are committing ourselves to freeing you from this terrible oppression. We are going to free you!"

The Workers' group would like to request that you approve the report of our work. The Workers' group would like to request, and I hope that this appeal is heard and relayed beyond this room to all of our delegations, that you vote tomorrow, every one of you, for the adoption of the Protocol and the Recommendation, for tomorrow will be a great

moment in the history of the human community. We will add what was lacking to liberate humanity from forced labour. This will be a great moment for the International Labour Organization, committed to promoting and effectively realizing human rights.

Mr GARNER (*Chairperson of the Committee on Forced Labour*)

It is a great honour for me to announce that tomorrow you will have the historic opportunity to take the ILO's fight against forced and compulsory labour into the twenty-first century.

Just on 84 years ago, your predecessors in the plenary of the International Labour Conference adopted the first Convention against forced and compulsory labour: Convention No. 29. As with all struggles for human rights, there was division, with some governments being of the view that universal application of the 1930 Convention was not possible. Differences at that time were settled, in part, through the adoption of transitional measures permitting the continued use of forced labour in particular circumstances. But despite those differences, no country, at that time, voted against the adoption of the Convention. And the real story was that the voices for global humanity, human progress and emancipation won and Convention No. 29 has become one of the most widely ratified and effective Conventions of the ILO.

While the ILO's supervisory system has, for some time, affirmed that the transitional period of recourse to forced labour has long expired, the entry into force of this Protocol will finally remove, for all time, those provisions from Convention No. 29.

The Committee on Forced Labour was given responsibility for modernizing Convention No. 29 - supplementing it, to ensure that the international community has the necessary legal and enforceable mechanisms to bring to an end forced labour practices that continue to this day, including trafficking in persons for the purposes of forced or compulsory labour that may involve sexual exploitation.

As was the case in 1930, members of our Committee representing Governments, Workers and Employers brought to the table different views and perspectives on the most effective instrument to adopt in the fight against forced labour. The question was asked: Should we adopt a legally binding and enforceable Protocol supported by a Recommendation, or would a Recommendation alone suffice?

Reflecting our responsibilities, the Committee agreed from the beginning not to rush this decision, notwithstanding the time constraints we faced in a single discussion. And in this regard, I pay a great compliment to my Vice-Chairpersons and to the Committee members for their patience, flexibility and willingness to allow all the tripartite partners the necessary time and space to consider the issues on the most suitable way forward.

I also extend my appreciation to our Reporter and distinguished delegate from Namibia, Mr Bro-Mathew Shinguadja, and to our hardworking Committee Drafting Committee.

The ILO's 2012 report *ILO global estimate of forced labour: Results and methodology* estimates that 21 million people still suffer the hardship, indignity and deprivation of forced labour across the globe, including in construction, agriculture, manufacture, mining and domestic services and, significantly, many cases involve sexual exploitation.

Forced labour is estimated to generate US\$150 billion in annual profits for those who seek to exploit the vulnerability, desperation and tragic circumstances of those caught up in this abhorrent practice.

Forced labour imposed by state authorities remains a concern in some countries, although it has been in decline now for several decades. Therefore, the major concern today is forced labour in the private sector, including the informal economy which is directly linked to poverty, social inequality, irregular labour mobility and criminal activity.

As a result, our Committee addressed aspects of all key themes of this year's Conference: forced labour; the transition from the informal to the formal economy; the need for productive and meaningful employment; and labour migration.

Following our initial deliberation, last Wednesday, the Committee on Forced Labour agreed that the time was right to recommend to you today that the most effective instrument to achieve the elimination of forced labour in the twenty-first century was the adoption of a Protocol supported by a Recommendation.

That decision was facilitated greatly by the excellent preparatory work that had been undertaken in the lead up to our meeting, including by the Tripartite Meeting of Experts on Forced Labour and Trafficking for Labour Exploitation, held in February 2013. My Vice-Chairpersons and I would also like to express our great thanks for the work of the Office and the Committee secretariat – a great team of dedicated, professional and hardworking officers of the ILO.

I would also like to take this opportunity to thank once again all the intergovernmental and non-governmental organizations that participated in, made statements in and observed our proceedings. I know that for many of them this is a passionate cause, and I hope that, in time, this instrument, if adopted, will also assist them in pursuing their important work.

You have before you a proposed Protocol and a proposed Recommendation to Convention No. 29. The proposed Protocol calls on member States to give effect to their obligations to suppress forced labour as enshrined in Convention No. 29, in particular by taking effective measures to strengthen prevention and protection, enable victims to access remedies, such as compensation, and sanction the perpetrators of forced or compulsory labour.

The new instruments will complement and strengthen existing international law, in particular the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Importantly, the new instruments reconfirm the continued validity of the definition of forced labour enshrined in Convention No. 29. They also make it very clear that this definition encompasses trafficking in persons for the purpose of forced or compulsory labour, which requires cooperation at the national, regional and international levels. It is envisaged that, in time, this Protocol will lead to greater international policy coherence in the area of forced labour and trafficking.

Many government authorities are involved – or should be involved – and the new instrument reaffirms the important role of labour ministries and of labour inspection or similar services. For example, badly regulated and informal recruitment and placement processes are often the first step in what

can be a vicious cycle of dependency and exploitation.

Most importantly, the responsibility and role of the social partners to actively contribute to the fight against forced labour is now firmly acknowledged. We discussed the important role that employers and business can play in addressing issues of forced labour, both within their operations and downstream, and look forward to further discussions on this at future sessions of the Conference.

There was consensus also that the punishment of offenders is important, but it is also equally important to ensure that the rights of victims are protected, that victims receive compensation and other remedies, and that long-term prevention measures are promoted.

The new instruments before you contain obligations and guidance to get to the root of the problem and to achieve the effective elimination of forced labour. Tomorrow, you will have the opportunity to build on the important and far-reaching measures adopted by your predecessors in 1930.

You will have the opportunity to show that the ILO has the capacity to continually respond to the challenges of the modern world, in particular with respect to protecting and promoting the fundamental rights of the most vulnerable and exploited workers in the world today.

Those subjected to forced and compulsory labour on a daily basis need your resolve and firm commitment to effective action through these instruments. Twenty-one million enslaved people are depending on you. I commend the Committee's report to the plenary of the 103rd Session of the International Labour Conference.

Original Spanish: The PRESIDENT

We will now open the discussion on the report of the Committee on Forced Labour.

Ms RIDDERVOLD (Employer, Norway)

Forced labour is a problem everywhere in the world. The European region is no exception. European employers, as well as employers worldwide, are highly committed to eliminating forced labour and to addressing implementation gaps in order to eradicate forced labour effectively. Therefore, we participated in this year's discussion on a Protocol to supplement the Forced Labour Convention, 1930, to include human trafficking aspects, and on a Recommendation on practical guidance on ways to address implementation gaps. I would like to thank everyone for the fruitful and positive discussions over the last two weeks.

With the Protocol to the Forced Labour Convention, 1930, and the Recommendation on supplementary measures for the effective suppression of forced labour, we now have an up-to-date framework which will accelerate the elimination of forced labour. This framework is highly recommended to all tripartite constituents of this Organization. I hope to see an overwhelming majority voting in favour of both instruments at tomorrow's vote.

I also trust that member States that have ratified Convention No. 29 will, as soon as possible, also ratify this new Protocol and that those few Members that have not yet ratified Convention No. 29 will do so now, including the Protocol, and take advantage of the new Recommendation with its practical guidance on the implementation process.

Mr HUBBARD (Worker, Australia)

It is an honour to speak in support of the report of the Committee on Forced Labour, which recommends the adoption of both a Protocol and Recommendation to update Convention No. 29. It was a delight to be part of a hard-working, dedicated and very passionate Committee, and I support the views of the previous speakers.

Alarming, forced labour is a growing, not a diminishing problem. The ILO, in 2005, estimated that the profits from forced labour were US\$44 billion per year. That has grown, if you read the ILO's 2014 report: *Profits and poverty: The economics of forced labour*, to US\$150 billion annually. Rather than being under control, forced labour is increasingly out of control. What we have achieved here in this report is important, but it is only a first step towards effective suppression. Forced labour is not confined to a few countries or one geographic area. In my part of the world, Asia and the Pacific, 56 per cent of the 21 million workers subjected to forced or compulsory labour are a part of that system. This is not only a problem of the developing world; the profits of forced labour are highest in industrialized countries, including Australia, at US\$34,800 per victim, involving more than 1.5 million workers. Forced labour is an issue for every country, not just a few countries. And that is why this proposed Protocol and Recommendation must be supported by as many countries as possible tomorrow, including, I hope, my own.

I just want to make a point about a couple of parts of the Protocol and Recommendation. In 1930, the problem of forced labour was primarily one of state abuse. Today, 90 per cent of forced or compulsory labour is in the private sector. One reason forced labour affects us all globally is that very often forced labour is part of international supply chains, often involving large corporations. The profits resulting from forced labour flow along a very long chain, often without direct knowledge of the company at the head of the chain. I acknowledge that a very important discussion on supply chains is to be held in this house in 2016 but, if we were going to have a truly modern Protocol and Recommendation, our Committee would have been remiss if it had not referred to this growing issue, and it was not easy to find the right words. However, Article 2 of the proposed Protocol requires member States to support due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour. Further, in Paragraph 4(j) of the Recommendation, member States are obliged to support employers and businesses to take effective measures to identify and prevent forced labour in their operations and – importantly, referring to the Ruggie Principles – in products, services, or operations to which they may be directly linked. Member States carry the primary responsibility to prevent forced labour. However, the private sector in every country must also be supported to ensure that forced labour is not used in any of their operations, or by their direct suppliers. Finally, a key factor in the menace of labour recruiters and placement agencies. All too often these agencies intentionally fail to explain labour contracts to workers; too often they charge exorbitant fees to workers, especially migrant workers, and too often they are not effectively supervised and regulated. This issue has been ad-

dressed in Article 2(d) of the Protocol and in Paragraphs 4(e), (i) and 8 of the Recommendation. Paragraph 8 proposes that Members take measures to eliminate abuses in this area, including eliminating the charging of recruitment fees, which often lead to a never-ending spiral of debt bondage.

Our 21 million sisters and brothers who are subjected to forced labour need us to endorse this Protocol and Recommendation overwhelmingly but, more than this, they need every member State of the ILO, whether they be developed or developing, to ratify the Protocol quickly and implement real measures that make a difference.

Ms MAGODIELO (*Employer, South Africa*)

It may be a great shock that, to this day, we are still talking about issues and holding dialogue on strengthening measures to eliminate forced labour in its traditional and modernized forms. These horrendous acts are no longer performed overtly, through chains and outright abuse, they are now hidden and discreet, calling for more innovative ways of dealing with them.

The history of our continent, Africa, is painted on a canvas of human rights abuses, human trafficking and slavery. This tool, an instrument on forced labour, resonates with our continent and is a tool that will assist us in dealing decisively with these human rights abuses.

Our country, South Africa, prohibits forced labour and this instrument, the Protocol, as well as the Recommendation, creates a platform that we can use to combat and effectively deal with the elimination of forced labour. The effects of forced labour create unfair competition for business because most of the work is undeclared. Also, forced labour usually finances criminal activities. It cheats people of their human rights and also has devastating effects on the psychology of the people.

We are encouraged that, throughout the Protocol and the Recommendation, we see language that talks not only about compensation, but about remedies that will deal with the damage wrought by forced labour, human trafficking and slavery. It is an attempt, in the best way we know how, to right the wrongs.

I was very encouraged by sitting in the committee and seeing how the social partners dealt with this task. The work was performed in earnest, in a spirit of collaboration and with a commitment to the desired outcome. Our response, as employers in the continent and specifically in South Africa, is a resounding "yes" to the Protocol and the Recommendation, and we encourage our governments to adopt them.

Original French: Mr NIANG (Worker, Mauritania)

I have listened to the passionate closing speeches made here by the Chairperson and the two Vice-Chairpersons condemning forced labour. I would simply urge all delegates, when the texts are put to them for adoption tomorrow, to think about those millions of workers in situations of forced labour who continue to suffer, both physically and spiritually.

In my country, Mauritania, forced labour sadly remains a fact of life, marked by the deep and ancient scars left by practices of slavery rooted in our history and in our ancestral tradition. Such practices are most common in rural areas, where they are less visible and where traditional livestock breeding and

agriculture are still carried out. Children and, above all, women, are subjected to such forms of labour in the streets, beginning work early in the morning and continuing well into the night.

Progress has been made in my country in this regard and various measures have been taken, such as the law criminalizing slavery and the creation of both a special court to combat this scourge and an agency responsible for caring for victims of slavery. Despite all of this, slavery remains a cultural and, therefore, a structural problem. Consequently, the new instruments to be submitted tomorrow are important because they will allow all the stakeholders, be they economic, social, cultural, traditional, or even religious because religion also has something to say here, access to new, modern mechanisms that will contribute to the human progress that we wish to see.

I would like to highlight the fact that victims of forced labour yearn for freedom but have never had access to effective means of protection. Sometimes, victims are prevented from defending their rights by the complicity of officials and members of the judiciary and security forces. Now these instruments will help to address this situation, through prevention and protection measures that will do much to raise general awareness concerning the need to stamp out this practice.

Cases of slavery continue to be uncovered across the country. Recently, a mother and her daughters were freed from their former masters. The case is currently before the court. The adoption, tomorrow, of the Protocol to the Forced Labour Convention, 1930, along with the Recommendation on supplementary measures for the effective suppression of forced labour, will ensure that such individuals are freed as quickly as possible.

Rather than attending school or vocational training institutes, many children are currently trapped in situations of servitude which rob them of their dignity, often leading them into juvenile delinquency and a difficult future.

I strongly urge you to think of all of those thousands of people, not only in Mauritania and Africa, but across the world, who are victims of the new forms of slavery.

At the same time, in today's informal economy, many jobs constitute forced labour in all but name. Therefore, the hopes of the Mauritanian workers and Mauritanian society in general are riding on your discussions tomorrow. Given the strong sense of general consensus among the Committee and the Conference, we are fully confident that both the Protocol and the Recommendation will be adopted.

Ms LASKARIDOU (*Government, Greece*)

I speak on behalf of the European Union and its Member States. The following countries align themselves with this statement: the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, and Republic of Moldova.

Over the last days, we have worked out the texts of a Protocol and a Recommendation to supplement Convention No. 29. Today we submit these two important instruments for consideration and adoption by the plenary of the Conference.

This is a big step for the definitive suppression of such a terrible human rights violation. We are really satisfied at the outcome of the standard-setting pro-

cess to address the existing implementation gaps and ensure coherence with international law.

All our 28 Member States have ratified Convention No. 29, which is also referred to in many of our laws and international agreements and instruments. For this reason, we have been particularly attentive to the formulation of the instruments. They are in line with the principles of our legislation and policies. The Protocol is concise and is drafted to ensure wide acceptance. It provides for particularly important principles. Effective measures are to be taken to prevent the use of forced or compulsory labour, as well as to improve the protection of victims and provide access to appropriate and effective remedies such as compensation. The Protocol also removes the outdated transitional provision from Convention No. 29.

The Recommendation is flexible enough to ensure it is adapted to the diversity of any possible situation. It provides key guidance for the implementation of Convention No. 29 and the Protocol. It also enhances international cooperation in the fight against forced or compulsory labour.

We would like to thank the Chairperson, the Vice-Chairpersons and the Reporter of the Committee, as well as the members of the Drafting Committee for their work. We would also like to acknowledge and express our gratitude for the important support provided by the Office and its Legal Adviser. Our special thanks go to the representatives of the Workers' and Employers' groups and to the other Governments for their engaged and constructive contribution to our discussions in the Committee. Allow me to express also our sincere thanks to all the interpreters for the services provided during the Committee's work.

With these new instruments, we will all be better equipped in our action to end forced or compulsory labour.

*Original Spanish: Ms MONTERO DE OLEO
(Worker, Dominican Republic)*

I would like to highlight the importance of the new ILO instruments on forced labour from the Latin American point of view, and especially from the perspective of my own country, the Dominican Republic, where there are an estimated 500,000 migrant workers, the vast majority of Haitian origin. Nobody knows the exact number because they are often living and working informally in the country without documentation or any form of protection. Most of them work in agriculture, construction, the informal economy and domestic work. Moreover, there are many migrant workers who hire Haitian workers unofficially for employment in restaurants, fast-food outlets and nail salons. The latter workers are highly exploited and subjected to systematic violations of their labour rights and heavy discrimination. This is all happening in the informal economy, which accounts for 56 per cent of the labour market in the Dominican Republic.

Migrants are exposed to multiple forms of discrimination and many violations of their labour rights. Most of them lack adequate protection, whether it be during migration itself on account of lack of decent work or information on their labour rights in other countries, especially Haiti, or against violations of their rights during the recruitment and mobility process, or when they finally find work in the Dominican Republic. They are paid on a piece-work basis with no guarantee of a minimum wage

and many find themselves in a highly precarious situation. Having incurred considerable costs in relation to their journey and recruitment, some of them work in conditions of bonded labour without any prospect of freedom in the most extreme cases.

This group of workers is highly vulnerable and suffers extreme exploitation by some sectors and human traffickers, who turn this type of worker into a factor of production without dignity or rights. These people need wider protection as a matter of urgency. They must be given the right to redress and rehabilitation in order to avoid such situations in the future and to prevent their lives and those of their families from being ruined for generations to come.

It is very important that these new tools can be used, taking into account the poverty affecting millions of workers who migrate from one country to another. They need a resource providing a guarantee that their rights will no longer be violated.

On behalf of all the Latin American countries, including my own, we call on the governments and the employers to protect these workers. Let us jointly adopt the Protocol and the Recommendation to prevent these new forms of forced labour, to increase protection of these most vulnerable workers and to guarantee redress for the harm that they suffer. With regard to voting tomorrow, let us say, "Yes, we can!"

Original Spanish: Mr CORDERO (Employer, Argentina)

During these last few weeks I have seen men and women working with honour, dignity and passion in the Committee in which I had the pleasure to participate. I have been working with Ed Potter, for whom I have great respect, and I would like to now congratulate him on his work. I have been working with the Chairperson of the Committee and also with the Worker Vice-Chairperson, who deserves our utmost respect and recognition for his work.

During this time we have been trying to establish an instrument, to be presented today and voted on by the Conference tomorrow, that will have the flexibility and the strength and all the necessary characteristics to protect a right that is fundamental to human beings. All this work will give meaning to the work that has been done by the Secretary-General, the President of the Conference, the Vice-Chairpersons and the various Chairpersons of the Committees, all of the delegates, and the Employers, Workers, and Governments. It will give meaning to the work of the ILO. It will give meaning to the work of the translators and of every person who has collaborated in this magnificent institution, to be able to express, tomorrow, a historical message. From this room, from within these walls, the message will go out to all humanity that we are ready to fight legally for human dignity. If a single person in forced labour today is released and rehabilitated thanks to what we achieve tomorrow in this very distinguished assembly, our work will have been accomplished.

Original Spanish: The PRESIDENT

I suggest that we proceed to the approval of the report of the Committee on Forced Labour. You can find the report in paragraphs 1-1278 of *Provisional Record* No. 9. Can I take it that the Conference approves the report with the corrections received? I see no objections.

(The report is approved in its entirety.)

**PROPOSED PROTOCOL TO THE FORCED LABOUR
CONVENTION, 1930: ADOPTION**

Original Spanish: The PRESIDENT

This brings us to the adoption of the proposed Protocol to the Forced Labour Convention, 1930. We shall proceed through it Article by Article, starting with the title and the Preamble.

May I take it that the Conference adopts the proposed Protocol in its entirety? I see no comments.

(The proposed Protocol is adopted in its entirety.)

**PROPOSED RECOMMENDATION ON SUPPLEMENTARY
MEASURES FOR THE EFFECTIVE SUPPRESSION OF
FORCED LABOUR: ADOPTION**

Original Spanish: The PRESIDENT

Now I turn to the adoption of the proposed Recommendation on supplementary measures for the effective suppression of forced labour. We shall go through it in the same way as for the Protocol, Part by Part, starting with the title and the Preamble.

I understand that the Conference adopts the proposed Recommendation in its entirety. I submit it for your consideration. I see no objections, so it is adopted.

(The proposed Recommendation is adopted in its entirety.)

Original Spanish: The PRESIDENT

This brings us to the end of the review of the work of the Committee on Forced Labour. The Protocol and the Recommendation shall be submitted to a record vote tomorrow in the plenary session.

On behalf of the other Officers and myself, I should like to congratulate most warmly all the participants in this Committee. You have said yourselves, and we, the Officers, would agree with the Secretary-General and his team, that these supplementary texts are an important response to the needs of the international community in this field and they will, in fact, become highly significant instruments in the fight against the scourge of forced labour. They consolidate a historic text dating back to 1930, which provided a solid basis. But with the update provided by this Protocol, which will be put to the vote tomorrow, and the supplementary Recommendation, the instrument will not only be effective, but also relevant, for the world of work, ethics and human dignity.

It is therefore an honour for me to be chairing this sitting in these circumstances. I should also like to echo the gratitude expressed by the distinguished speakers, the Chairpersons, Vice-Chairpersons and others to the secretariat for its work in ensuring that the whole process ran smoothly. They have worked extremely hard, with much dedication and in a most transparent manner, all day and late into the night, behind the scenes. That must not go by unnoticed, so I think we should pay tribute to them at this stage.

**REPORT OF THE CHAIRPERSON OF THE SPECIAL
TRIPARTITE COMMITTEE AND AMENDMENTS OF 2014
TO THE CODE OF THE MARITIME LABOUR
CONVENTION, 2006: PRESENTATION**

Original Spanish: The PRESIDENT

The next item on our agenda is the report of the Chairperson of the Special Tripartite Committee and the amendments of 2014 to the Code of the Maritime Labour Convention, 2006, which are published in *Provisional Record* No. 2.

The Special Tripartite Committee adopted these amendments at its meeting on 11 April 2014, and submitted them for approval to this Conference pursuant to Article XV, paragraph 5, of the Maritime Labour Convention, 2006, and article 17 of that Committee's Standing Orders. The amendments can also be seen separately in *Provisional Record* No. 2A, and will be submitted to a record vote tomorrow at the plenary session in the Assembly Hall.

If there are no objections, can I consider that the Conference has taken note of the report of the Chairperson of the Special Tripartite Committee?

(The Conference takes note of the report.)

Ms CHATO (*Government, Philippines*)

On 28 August 2012, the Philippines ratified the Maritime Labour Convention, 2006, thereby triggering the long-awaited entry into force of the Convention, six-and-a-half years following its adoption at the 94th (Maritime) Session of the International Labour Conference.

The Maritime Labour Convention is highly significant to the Philippines, which is not only a major source of seafarers for the international shipping industry, but also a flag State with a fleet of inter-island, coastal and ocean-going ships. It is in our country's best interests to provide our 360,000 seafarers with the best terms and conditions of employment and welfare, including the welfare of their families, while employed on board Philippine flag ships. Ensuring compliance with the Maritime Labour Convention has been challenging but essential policies and mechanisms have been put in place to implement the Convention with the cooperation of our partners from the shipowners' and shipyards' groups, and other government agencies. When the Special Tripartite Committee established under the Maritime Labour Convention, of which a Philippines representative is Vice-Chairperson, considered in April 2014 two sets of proposals to amend the Convention, we fully supported their adoption. We believe that these amendments further strengthen the protection mechanism envisaged by the Convention, by directly addressing the concerns over abandonment and shipowners' liability in cases of injury, illness or death of seafarers. In view of this, the Philippines endorses the adoption of the report of the Chairperson of the Special Tripartite Committee and the amendments of 2014 to Code of the Maritime Labour Convention, 2006, and is campaigning for ratification of the Convention.

Ms LIEW (*Worker, Singapore*)

The International Labour Conference has before it amendments of 2014 to the Code of the Maritime Labour Convention, 2006, as adopted in April of this year by the Special Tripartite Committee, established under Article XIII of the Convention. As you know, the MLC, 2006, was adopted by an almost

unanimous vote of this Conference in 2006 and created history by combining seafarers' rights and a level playing field for shipowners.

Singapore was the first country in Asia to ratify this important Convention in 2011. Subsequently, Singaporean tripartite partners also played host to the ILO to mark the ground-breaking launch of the MLC, in August 2013, on a Singapore-flagged Neptune Orient Lines ship, the APL Yangshan. We are all very pleased to see that today, the MLC, 2006, has already been ratified by 60 ILO member States and that more than 80 per cent of the world fleet is covered by this instrument.

These amendments that are before us are intended to address the need for financial security to protect seafarers in the event of abandonment and to address the issue of the provision of financial security by shipowners to assure compensation for the death and personal injuries of seafarers. Both methods will be included in flag State inspections and certification and port State control systems.

Using the tacit acceptance procedure borrowed from the International Maritime Organization (IMO) (with whom the ILO has closely worked on these matters), these amendments, if adopted tomorrow, will be expected to come into force by 2017. I

am pleased to note that there are already insurance products that have been developed to meet this requirement and I expect that most quality shipowners will move on this matter.

I call on the Conference to vote positively in favour of these amendments tomorrow, so that the MLC, 2006, will effectively play its role as the fourth pillar of the international maritime regulatory regime, and to promote the rights of the seafarers on whom world trade depends.

With these amendments, seafarers worldwide will now have recourse to a financial security regime in the event of abandonment, and coverage for their claims for death and injury arising out of their employment. Seafarers worldwide will now be able to hold their heads high, with decent working conditions, decent pay and welfare.

Without the understanding and support of the enlightened governments and employers, this Convention would not have been possible and, on behalf of the 1.5 million seafarers, I would like to thank and applaud our tripartite partners and ILO officials for their hard work and, most importantly, for caring for our seafarers.

(The Conference adjourned at 4.30 p.m.)

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