



Governing Body

322nd Session, Geneva, 30 October–13 November 2014

GB.322/INS/4/2

Institutional Section

INS

Date: 19 September 2014

Original: English

FOURTH ITEM ON THE AGENDA

Matters arising out of the work of the 103rd Session of the International Labour Conference

Follow-up to the adoption of the Protocol and Recommendation on supplementary measures for the effective suppression of forced labour

Purpose of the document

The document proposes a strategy for 2015–20 to promote ratification, implementation and enforcement of the abovementioned Protocol and to strengthen action towards the elimination of forced labour and human trafficking.

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Policy implications: None.

Legal implications: None.

Financial implications: Need for focus in the allocation of regular budget and mobilization of extra-budgetary resources.

Follow-up action required: Implementation of the strategy.

Author unit: Fundamental Principles and Rights at Work Branch (FPRW).

Related documents: Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203); GB.316/INS/5/3.

Introduction

1. The overall vision supporting this strategy is that when the ILO celebrates its 100th anniversary in 2019, forced labour will no longer persist at a scale estimated by the ILO to affect 21 million women, men and children worldwide. The objective of this strategy is therefore to effectively eliminate traditional and state-imposed forced labour systems and to address contemporary forms of forced labour, which are often linked to human trafficking. This would emancipate millions of people who are the least protected and poorest, and who often work in the informal economy. The realization of this vision requires political will and determination, which ILO constituents expressed through their overwhelming support for the adoption of two new instruments on forced labour at the 103rd Session of the International Labour Conference (ILC) in June 2014.
2. The Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), bring ILO standards against forced labour into the modern era by creating specific obligations to prevent forced labour, to protect its victims and to provide access to remedies, and by emphasizing the link between forced labour and human trafficking. The Protocol also reaffirms the importance of prosecuting perpetrators of forced labour and ending impunity, in line with the Forced Labour Convention, 1930 (No. 29). If widely ratified and implemented, it can act as a catalyst in turning the vision of a world without forced labour into reality. The proposed strategy is thus built around the key elements of the new Protocol and its supplementary Recommendation.
3. All around the world, leaders from governments, trade unions, business and civil society have joined the global struggle to end forced labour. This “global alliance”, initially called for by the ILO in 2005, is now gaining momentum and provides an opportunity for lasting change. At the same time, there is a risk of increased forced labour in the context of rapid economic integration, crisis and widening inequalities. Some entrenched forms of bondage persist, often linked to informality and poverty. These challenges, however, are now widely acknowledged and significant policy changes have occurred in all regions in order to address gaps in the implementation of ILO and other international standards. The proposed strategy builds on those efforts. It recognizes the importance of national ownership and promotes active participation of the ILO’s tripartite constituents in the design and implementation of national policies against forced labour and human trafficking.

Strategic approach

4. The proposed strategy is based on a four-pronged approach:
 - (a) promoting widespread ratification of the Protocol and effective implementation of the Protocol and the Recommendation;
 - (b) strengthening institutions, laws and national action plans to prevent forced labour, empower its victims and prosecute the perpetrators;
 - (c) enhancing current efforts to collect reliable national statistics, to carry out research and to share knowledge across institutions at national, regional and global levels; and
 - (d) facilitating and supporting partnerships with United Nations (UN) agencies and other organizations with the full involvement of the ILO’s tripartite constituents to enhance impact and policy coherence.

5. The strategy builds on the ILO plan of action on fundamental principles and rights at work, endorsed by the Governing Body in November 2012 (GB.316/INS/5/3). It acknowledges the linkages among the categories of fundamental principles and rights at work and will be aligned with the priorities of the forthcoming ILO programme and budget and with the areas of critical importance, namely the protection of workers from unacceptable forms of work, the formalization of the informal economy, decent work in the rural economy, workplace compliance and labour migration. The proposed strategy covers the period 2015–20 with two major opportunities to report on progress at the ILC recurrent discussion on fundamental principles and rights at work in 2017 and at the 100th anniversary of the ILO in 2019.

Ratification and implementation of the Protocol and Recommendation

6. The ratification of the new Protocol is an important political and symbolic act to demonstrate commitment to fundamental human rights and to take effective action against forced labour. The Protocol is open for ratification to all 177 member States that have already ratified Convention No. 29. It will give new impetus to the goal of universal ratification of all fundamental Conventions, which was reaffirmed by ILO constituents in the 2012 ILC resolution concerning the recurrent discussion on fundamental principles and rights at work. The Protocol requires two ratifications in order to enter into force. The objective is to achieve at least 25 ratifications by the time ILO constituents discuss progress towards the realization of fundamental principles and rights at work at the ILC in 2017. This is a realistic goal considering that many governments have already taken measures in line with the new instruments.
7. Implementation of the Protocol and Recommendation will be monitored by the ILO's supervisory bodies. The observations of the supervisory bodies will guide and support targeted action to ensure effective implementation of the new instruments. As to the Protocol, non-ratifying member States will report under the annual review mechanism set out in the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.
8. The Protocol notes that the transitional period provided for in Convention No. 29 has expired and that the provisions of Article 1(2) and (3) and Articles 3–24 of the Convention are no longer applicable. Article 7 of the Protocol consequently provides for the deletion of those provisions. The Office will accordingly publish the text of Convention No. 29 without the transitional provisions once the Protocol has entered into force.
9. The objective of universal ratification of Convention No. 29 and its related 2014 Protocol requires the close involvement of governments and employers' and workers' organizations. The Office, including the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) will support national efforts towards ratification. This will entail the following:
 - communication and outreach activities, including regional meetings, to raise awareness about the new instruments among ILO constituents and other stakeholders;
 - publication of guidance tools to review national legislation and to ensure implementation of the Protocol and Recommendation; and
 - upon request, provide technical assistance to examine national law and practice in light of the new Protocol and Recommendation.

Strengthening institutions, laws and national action plans

10. The Protocol and Recommendation emphasize the importance of the development and implementation of gender-sensitive national policies and action plans in close coordination with employers' and workers' organizations. Such action plans should have clear targets to prevent forced labour, to protect its victims, to provide access to remedies and to prosecute perpetrators. Their implementation requires strong and transparent institutions within government and civil society. Support for institution building at the national level and the exchange of good practices are therefore an integral part of this strategy. The Office will develop tools for assessing the impact of national action plans to help countries implement the ILO's standards against forced labour.

Prevention

11. The Protocol and Recommendation stipulate a range of innovative measures to prevent forced labour, such as due diligence by public and private sectors, the strengthening of labour inspection and other services, social protection and the elimination of abusive and fraudulent recruitment practices. While there is no one-size-fits-all approach, the new instruments stress the need to address root causes and not just symptoms.
12. Sectoral initiatives are a promising entry point for preventive action against forced labour. Evidence shows that forced labour is particularly prevalent in agriculture, fishing, domestic work, entertainment, construction, manufacturing and mining, affecting men, women and children to a different degree. It is in the interest of law-abiding employers to put an end to forced labour, not least because the illicit profits amount to an annual US\$150 billion, as was recently estimated by the ILO. Employers' organizations and businesses can play a key role in raising awareness about the risk of forced labour, promoting due diligence and advocating for effective policies against forced labour. Strengthening the voice of workers through organization and collective bargaining is another important catalyst for change.
13. The strategy will give priority to agriculture, fisheries, domestic work and manufacturing, given the estimated high prevalence of forced labour in those sectors. Sectoral employers' and workers' organizations at national and global levels will be involved in the design and implementation of action programmes. Work is already under way to promote decent work among migrant domestic workers, including the prevention of domestic servitude, through a global project funded by the European Union (EU). Regarding forced labour in fisheries, the Office has developed an action programme, taking into account the points of consensus adopted at the Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (No. 188), in 2013. It implies a partnership with INTERPOL and the United Nations Office on Drugs and Crime (UNODC) to engage with flag and port States as well as origin countries of fishers to identify, prosecute and prevent cases of forced labour in small-scale and industrial fisheries. In agriculture, the focus will be on plantations where traditional bonded labour systems persist or have mutated into new forms of coercion. There is also a risk of forced labour being associated with global manufacturing, and further sectoral activities will be developed by taking into account the decisions of the ILC debate on global supply chains in 2016.
14. Another relevant entry point to prevent forced labour is to stop abuse and deception of workers during recruitment, transportation and placement, whether within or across countries. The ILO's Fair Recruitment Initiative, announced by the Director-General in his Report to the 103rd Session of the ILC, will provide an umbrella for further action in this area. It is a multi-stakeholder initiative involving employers' and workers' organizations, governments, international organizations, academia, non-governmental organizations and many other actors, promoting fair recruitment practices within and across countries.

Protection and access to remedies

15. The Protocol and Recommendation also stress the importance of protection and access to remedies and set minimum standards that go beyond the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Most importantly, the new ILO instruments extend protection measures to all victims of forced labour, including victims of human trafficking for the purposes of forced labour. The implementation of those standards at national level requires close cooperation between government ministries, law enforcement authorities, prosecution, and workers' and civil society organizations that provide legal and other support services. Many good practices have already emerged at national and regional levels which will require further financial support in order to be sustainable. The creation of networks and the exchange of experiences will be promoted. Pilot projects will be designed to explore the potential of new technologies, such as social media and mobile phones, to protect and empower workers who are most vulnerable to forced labour.
16. The new instruments also recognize the importance of remedies, including access to justice and compensation. Compensation, in particular unpaid wages, can help victims of forced labour to recover and to deter potential exploiters. Further research is required to better understand legal and other obstacles that prevent victims from accessing justice and claiming compensation. Sensitization of, and dialogue with, the judiciary is important. This work will be coordinated with ongoing Office research on individual labour dispute settlement as well as with the ILO capacity-building programme for the judiciary.

Enforcement and prosecution

17. Criminal prosecution should be complemented by effective enforcement of labour law to prevent a downward spiral of labour and human rights violations and to increase the number of identified forced labour cases. Training and sensitization measures are required to further strengthen the capacity of law enforcement, including labour inspection, to foster collaboration between different enforcement authorities and to exchange good practices. The Office, in collaboration with the International Training Centre of the ILO (ITC-ILO), will update and further develop training tools on the identification, investigation and prosecution of forced labour. Upon request, it will facilitate and support training of specialized joint enforcement units that have been established in a number of countries.

Research and knowledge

18. A key priority of the proposed strategy is to improve statistics on forced labour, based on the resolution adopted by the International Conference of Labour Statisticians in 2013. This will require work to harmonize statistical indicators and to build the capacity of national bureaux of statistics and other institutions to collect, analyse and share data. Reliable statistics are of paramount importance to target policies and to demonstrate change at national, regional and global levels.
19. The ILO and its constituents are also well placed to promote and facilitate research on the socio-economic root causes and risk factors of forced labour as well as the impact of policy interventions to prevent forced labour, such as social protection. The Office will collaborate with national governments, academic institutions and social partners to initiate or support research projects on these issues.
20. Making knowledge accessible to policy-makers and the wider public requires an effective communication and dissemination strategy. The Office collects information about laws, policies and statistics through the supervisory system and in collaboration with member

States. The information is now being disseminated through the ILO Gateway which was launched in June 2014. The Gateway will be linked to a dedicated knowledge-sharing platform on forced labour and human trafficking, which is currently being developed in collaboration with other partner organizations. The Office will continue to strengthen its outreach to the media, academia and other stakeholders to disseminate its research.

Partnerships and coordination

21. The new instruments have put ILO constituents at the forefront of global efforts to eradicate forced labour, human trafficking and slavery-like practices. It is to be expected that the crucial role of employers' and workers' organizations will be enhanced and become more visible in the follow-up process. A key objective of this strategy is to further strengthen the capacity of social partners at national levels so that they can actively fulfil their role. This will be achieved through their involvement in national coordination mechanisms, technical cooperation projects and other initiatives against forced labour. At the global level, the Office will continue its collaboration with the International Trade Union Confederation (ITUC) and with the International Organisation of Employers (IOE), under the global alliance against forced labour launched in 2005. It will support regional and global meetings of workers and employers to facilitate networking and exchange of knowledge.
22. The Inter-Agency Coordination Group against Trafficking in Persons (ICAT), created in 2007 in response to UN General Assembly Resolution 61/180, has developed into an active mechanism of collaboration and exchange among UN agencies and other entities. The ICAT working group currently consists of six international organizations, namely UNODC, the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM) and the ILO. ICAT issues joint statements and papers, ensures regular exchange of information and organizes joint events. The ILO's contribution to this group will be further enhanced and international coordination broadened to encompass all forms of forced labour, whether they are linked to trafficking or not. The Global Migration Group (GMG), chaired by the ILO in 2014, is the principal inter-agency coordination mechanism on international migration, comprising 17 UN entities and the IOM. It provides scope to discuss issues of forced labour and trafficking, particularly in relation to the ILO's Fair Recruitment Initiative, under the auspices of the GMG Task Force on Decent Work and Migration. The ILO will also continue its collaboration with UN treaty bodies and the UN Special Rapporteurs on contemporary forms of slavery and on trafficking in persons, especially women and children.
23. An important pillar of this strategy is to enhance collaboration with regional organizations, notably with: the Association of Southeast Asian Nations (ASEAN), through its committees on migrant workers and trafficking; MERCOSUR; the focal points on trafficking of the Organization of American States (OAS); the EU; the Organization for Security and Co-operation in Europe (OSCE); the African Union (AU) and Regional Economic Communities in Africa; the Gulf Cooperation Council (GCC), through its Council of Labour Ministers; and the Arab League. Such collaboration will help to further tailor the ILO's strategy in order to address the challenges and opportunities as they manifest themselves in different regions, to promote the ratification of the new Protocol and to disseminate knowledge and good practices.
24. Well-established civil society organizations, like Anti-Slavery International or the Global Alliance against Traffic in Women, are also playing an important role in documenting forced labour, advocating for change and empowering victims. In addition, new

organizations have emerged, creating a powerful grassroots movement against slavery by using social media and other technologies. Private sector foundations and philanthropists are seeking greater involvement. Discussions are currently under way to create a Global Fund to End Slavery, a public–private partnership, which could potentially alter the space in which the ILO currently operates. The Office will explore opportunities to engage in this process.

Institutional framework for implementation

25. In collaboration with other ILO departments and units, the ILO’s Special Action Programme to Combat Forced Labour (SAP-FL) – established by the Governing Body in 2001 and now located in the Fundamental Principles and Rights at Work Branch (FPRW) – will promote research, technical cooperation and partnerships to end forced labour. Close coordination with field offices will be ensured through specialists working on forced labour, labour migration or international labour standards. These established lines of collaboration will be further strengthened to leverage the full capacity of the Office in support of the proposed strategy.
26. While many elements of the strategy will be implemented by national agencies, social partners and other organizations directly, the Office will require a minimum annual amount of \$25 million to facilitate and support the process. Part of it can be raised through extra-budgetary contributions but there is a need for focus on the use of regular budget resources in line with priorities eventually adopted in the programme and budget proposals for the next biennia. A strategy for the mobilization of extra-budgetary resources will be developed, based on a dedicated action plan with measurable targets and indicators, which will then be monitored and evaluated. Projects will be designed in close collaboration with potential donor and recipient countries, and other relevant stakeholders. The resource mobilization strategy will be embedded within a broader strategy encompassing all fundamental principles and rights at work.
27. The first report on progress should be submitted in 2016, ahead of the recurrent discussion on fundamental principles and rights at work scheduled for June 2017. Another milestone will be the ILO’s 100th anniversary in 2019. In addition, the Office will report progress under the programme and budget (currently under outcome 15) at the end of each biennium.

Draft decision

28. *The Governing Body:*

- (a) requests the Office to develop a detailed action plan with measurable targets and indicators, taking full account of the discussion in the Governing Body, and to report on progress; and*
- (b) requests the Director-General to support resource mobilization for its implementation.*