



Governing Body

329th Session, Geneva, 9–24 March 2017

GB.329/INS/9

Institutional Section

INS

Date: 14 February 2017

Original: English

NINTH ITEM ON THE AGENDA

Progress report: Ratification and implementation of the Protocol of 2014 to the Forced Labour Convention, 1930

Purpose of the document

To report progress on the ratification and implementation of the Protocol of 2014 to the Forced Labour Convention, 1930 (see the draft decision in paragraph 35).

Relevant strategic objective: Standards and fundamental principles and rights at work.

Main relevant outcome/cross-cutting policy driver: Outcome 8: Protection of workers from unacceptable forms of work.

Policy implications: See paragraphs 32–35.

Legal implications: None.

Financial implications: None.

Follow-up action required: See draft decision (paragraph 35).

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

Related documents: GB.322/INS/4/2, GB.326/INS/3, GB.329/INS/4.

Background

1. According to latest ILO estimates, about 21 million men, women and children are in forced labour around the world – trafficked, held in debt bondage or working in slavery-like conditions. Ninety per cent are exploited in the private economy, and almost half of all victims have migrated internally or across borders. Forced labour generates some US\$150 billion in illicit profits, causing industries and businesses to face unfair competition and States to lose billions in tax income and social security contributions.
2. The Protocol of 2014 to the Forced Labour Convention, 1930 (the Protocol), has reaffirmed the definition of forced or compulsory labour contained in the Forced Labour Convention, 1930 (No. 29). The ILO forced labour Conventions¹ are among the most highly ratified, however much has changed since Convention No. 29 was adopted, when forced labour was used primarily by colonial administrations and in certain independent States.
3. To bring ILO standards against forced labour up to date, the International Labour Conference adopted the Protocol to supplement Convention No. 29 and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). The Protocol establishes obligations to prevent forced labour, protect victims and provide them with access to remedies, and emphasizes the link between forced labour and trafficking in persons. It also reaffirms the importance of prosecuting perpetrators of forced labour and ending their impunity. Recommendation No. 203 provides guidelines to implement these obligations.
4. The widespread support and consensus for the new instruments by the tripartite delegates to the 103rd Session of the International Labour Conference (2014) represent a call to action and reveal a powerful political will to respond to the challenges forced labour poses today. If widely ratified and implemented, the Protocol, together with earlier ILO Conventions on forced labour and other relevant international instruments, will be a catalyst for realizing a world without forced labour.
5. In November 2014, the Governing Body, endorsing a follow-up strategy² to promote ratification of the Protocol and implementation of the new instruments, requested the Office to develop a detailed action plan with measurable targets and indicators and to report on the status of their ratification and implementation to the Governing Body in March 2017.
6. The Office also developed the IPEC+ Flagship Strategy (International Programme on the Elimination of Child Labour and Modern Slavery), which seeks to contribute to the elimination of child labour by 2025, and forced labour by 2030 – in line with Sustainable Development Goal (SDG) target 8.7. In accordance with the integrated strategy on fundamental principles and rights at work endorsed by the Governing Body, the IPEC+ Strategy consists of 12 action areas, under four categories: public policies and governance; empowerment; knowledge and data; and partnerships and advocacy.

¹ The [Forced Labour Convention](#), 1930 (No. 29), and the [Abolition of Forced Labour Convention](#), 1957 (No. 105).

² [GB.322/INS/4/2](#).

Progress on ratification and implementation

7. In many member States, ILO constituents have taken action to promote ratification and implementation of the new instruments. The third section of this document highlights some of these efforts.
8. Looking ahead, universal ratification of the Protocol would first require universal ratification of Convention No. 29, the fundamental Convention which underpins and which is supplemented by the Protocol itself. Only eight member States have yet to ratify Convention No. 29, which is therefore within reach of universal ratification – indeed, that goal set by the Governing Body could be attained by the ILO Centenary in 2019.
9. The Protocol is open for ratification by all member States that have already ratified Convention No. 29. The following 11 countries have ratified it (in chronological order): Niger, Norway, United Kingdom, Mauritania, Mali, France, Czech Republic, Panama, Argentina, Estonia and Finland. The Protocol entered into force on 9 November 2016. In 2018, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) will examine the first reports on the application of Convention No. 29 as supplemented by the Protocol.
10. Meanwhile, consistent with the obligations of member States under the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work, non-ratifying member States are called on to provide information in relation to the Protocol under the annual review mechanism. The member States' reports under this follow-up indicated that more than ten countries had initiated the ratification procedures or had expressed their intention to do so.³
11. In recent years, more than 30 countries⁴ have adopted laws, acts, decrees, ordinances or regulations on forced labour, modern slavery and/or human trafficking. These highlight the need to adapt national legislative frameworks to criminalize all forms of forced labour to ensure the effective prosecution and sanction of perpetrators. These texts also address the need to strengthen institutional frameworks to better prevent forced labour and ensure effective victim protection.
12. For example, in January 2017, Peru published Legislative Decree No. 1323, which incorporates the crime of forced labour into the Penal Code. The Executive Branch passed the measure on 5 January 2017 under powers granted by Congress, and intends to address the obligation under Convention No. 29 to punish this practice under law and to ensure that penal sanctions are adequate and strictly enforced.
13. The United Kingdom Modern Slavery Act passed on 26 March 2015 consolidates and simplifies the law on existing offences, such as human trafficking and forced and compulsory labour. It covers: criminal offences, law enforcement powers, victim protection provisions, the establishment of an independent anti-slavery commissioner, and

³ For more information, please refer to GB. 329/INS/4.

⁴ Angola, Antigua and Barbuda, Barbados, Bosnia and Herzegovina, Comoros, Cyprus, Djibouti, France, Haiti, Italy, Kuwait, Lao People's Democratic Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mauritania, Mexico, Montenegro, Morocco, Nigeria, Pakistan, Peru, Saudi Arabia, Samoa, Seychelles, Singapore, Spain, Sudan, Thailand, Trinidad and Tobago, United Arab Emirates, United Kingdom, United States and Zimbabwe (Source: [NATLEX](#) and CEACR comments under Convention No. 29)

transparency in supply chains. The Act defines and criminalizes offences of the exaction of slavery, servitude, forced and compulsory labour, and human trafficking.

14. In 2015, Mauritania adopted Act No. 2015-031 criminalizing slavery and punishing slavery-like practices, which reinforced the legislative framework to combat slavery by providing, among other measures, for civil society organizations to take legal action and be party to proceedings on behalf of victims, as well as for the establishment of collegial courts to hear cases of offences relating to slavery.
15. In 2015, Spain strengthened its criminal legislation by: expanding the definition of trafficking in persons to include trafficking in which the victim commits an offence for the benefit of the exploiter; facilitating the confiscation of assets, goods and earnings arising from trafficking; and establishing an office to recover and manage such assets and use them for prevention and assistance to victims.
16. In Brazil, in June 2014, Constitutional Amendment No. 81/2014 was promulgated, with new wording for article 243 of the Constitution, providing for rural or urban property in which the use of slave labour has been identified to be expropriated and consigned to agrarian reform and social housing programmes.
17. In addition, numerous countries have adopted or reviewed national action plans against forced labour, particularly against trafficking in persons. Most now include the creation of a coordinating agency, a task force or a national rapporteur to follow up on their implementation.⁵
18. With the support of development partners, such as the United States, the European Commission, Switzerland and the United Kingdom, new technical cooperation projects totalling more than \$35 million were designed and launched to collect reliable national statistics, undertake research, support legislative reform and livelihood programmes, enhance the technical capacity of constituents and raise awareness.
19. Through the United Nations Inter-Agency Coordination Group Against Trafficking in Persons (ICAT), and at international conferences and meetings, the Office has continued to cooperate with relevant international organizations interested in combating forced labour and in promoting the Protocol and Recommendation No. 203. In addition, the ILO and partners took the initiative to establish Alliance 8.7, launched in New York in September 2016. The Alliance aims to accelerate progress against child labour and forced labour through: increased global awareness of the problem and solutions; powerful advocacy for high-level commitment (including promoting ratification of international instruments, including the Protocol); more effective policies and action plans, including a sharper focus on prevention; coordinated and coherent global, regional and country-level action; better coordination, monitoring and knowledge-sharing; support for new and innovative initiatives; and creation of a global financing facility.
20. Enforcement remains a major challenge. On the ground, financial and human resources, and technical capacity are often lacking. Many countries are giving increased attention to the fight against forced labour practices and a number have established specialized units

⁵ For example, the adoption of a second National Strategic Action Plan for 2012–16 by the Philippines; a new National Action Plan for 2016–20 on Combating Trafficking in Human Beings was adopted in February 2016 in Ukraine; in Niger a first National Action Plan to combat trafficking in persons was adopted, which covers the period 2014–19; in Panama, the National Commission against Trafficking in Persons has adopted the national plan against human trafficking for the period 2012–17.

in the labour inspectorate, the police or the prosecutors' offices in charge of combating forced labour. Despite these efforts, identifying victims of forced labour and increasing the number of prosecutions and convictions for forced labour and trafficking in persons remain a challenge.

21. The United Nations Office on Drugs and Crime (UNODC) collects data on the enforcement of anti-trafficking legislation. In 2016, it reported that the percentage of detected trafficking victims found to be in forced labour increased from 32 in 2007 to 40 between 2012 and 2014. It found that there were considerable regional differences with regard to detected forms of exploitation. Trafficking for sexual exploitation was the main form detected in Western and southern Europe, in comparison to other forms of forced labour detected in Eastern Europe, Central Asia and sub-Saharan Africa. The UNODC reported that there were still very few convictions for trafficking in persons.

Building and sharing knowledge in collaboration with ILO constituents

22. Various tools and publications have been prepared to assist constituents in the implementation of the Protocol. These include the *ILO standards on forced labour: The new Protocol and Recommendation at a glance*. The ILO has prepared this publication in response to requests from ILO constituents for information about the new instruments and their provisions. It is intended as a reference for government officials and employers' and workers' representatives concerned with laws and policies on forced labour, as well as those responsible for the follow-up to ILO instruments.
23. Twenty-five trade union participants from 19 countries attended integrated interregional training on the promotion of the Protocol and its implementation in May 2016 in Turin. All developed action plans to engage trade unions in discussions and processes for ratification of the Protocol. Participants from Argentina, Kazakhstan and Côte d'Ivoire followed up immediately at the national level. Five more follow-up regional activities are planned for 2017.
24. In the context of SDG Alliance 8.7, two regional trade union meetings were held, including a session on the role of trade unions in the ratification and effective implementation of the Protocol. A consultation with trade unions from western and northern Africa on trade union policies and activities to end forced labour, modern slavery, human trafficking and child labour was held in Abidjan on 7 September 2016. The meeting was attended by trade union representatives from: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal and Tunisia. A consultation with trade unions from selected countries of South-East Asia and the Pacific (Fiji, Indonesia, Malaysia, Mongolia, Myanmar, Philippines, Timor-Leste, Thailand and Viet Nam) on trade union policies and activities to end forced labour, modern slavery, human trafficking and child labour was held in Bangkok on 13 September 2016. Last, in Niamey, Niger, on 19–20 December 2016, representatives from Niger, Senegal and Mauritania attended a workshop for trade union officials on the effective implementation of international labour standards on the elimination of forced labour. Participants developed national plans of action to achieve the effective elimination of forced labour, which include promotion of the ratification of the Protocol (Senegal) and of the implementation of the Protocol (Mauritania and Niger).
25. The ILO and the International Organisation of Employers jointly produced a guidance note to support employer/business engagement to implement the Protocol. The Office has also produced a mobile application which allows businesses to create interactive checklists that

will help them to ensure operations free from forced labour. Each of the 38 checkpoints provides best-practice recommendations for taking action.

26. Following the debate in, and guidance ⁶ from, the 326th Session of the Governing Body (March 2016) on the implementation of the Enterprises Initiative, consultations have progressed regarding the creation of an ILO business network on forced labour and human trafficking, to work with companies and employers' organizations to share information about how companies are addressing forced labour and human trafficking in their policies and practices. One important element – on learning how individual companies operationalize due diligence processes – would help facilitate wider business learning within and across business sectors and across countries and regions.
27. A panel on “New legal tools for combating forced labour and human trafficking” was organized at the 9th Human Rights Conference in Atlanta ⁷ in September 2016. The panel highlighted the relevance and importance of the Protocol and its implementation, and of employers and companies in the fight against forced labour.
28. The Office also launched a global Fair Recruitment Initiative (ILO-FAIR) to: help prevent human trafficking; protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process; reduce the cost of labour migration; and enhance development gains. This multi-stakeholder initiative, which promotes the implementation of the Protocol, is implemented in close collaboration with governments, employers' and workers' organizations, the private sector and other key partners.

Ratification campaign

29. Ratification of the Protocol by ILO member States is an essential step towards securing the rights it proclaims. Ratification requires strong public support to work with governments to make the fight against forced labour a priority. Materials that clearly explain the scope and application of the Protocol and of Recommendation No. 203 are essential to build such support. A cornerstone of ILO activities promoting ratification will be the 50forfreedom campaign, which aims to achieve at least 50 ratifications by 2018. Designed in close collaboration with the ILO Department of Communication and Public Information (DCOMM), the 50forfreedom campaign was launched at the International Labour Conference in partnership with the International Trade Union Confederation and the International Organisation of Employers, with strong support from employers' and workers' organizations.
30. A platform was developed and launched – <http://50forfreedom.org> – to solicit the support of people everywhere for the ratification campaign. In January 2017, this platform had gained about 14,730 campaign supporters.
31. In 2015, a series of events took place in Argentina, Ethiopia, France and Zambia to launch the 50forfreedom campaign. These events provided an opportunity to engage constituents and other relevant stakeholders, share knowledge and practices, and enhance political commitment to ratify and implement the Protocol.

⁶ [GB.326/INS/3](http://www.ilo.org/gb326/INS/3).

⁷ <http://www.engagingbusiness.org/2016-program/>.

The way forward

32. Since the Protocol and Recommendation No. 203 were adopted in June 2014, many countries have adopted new legislation or policies against forced labour, modern slavery or trafficking in persons, signalling the considerable interest of ILO member States in combating these human rights violations.
33. While progress has been achieved in the ratification and implementation of the Protocol, the number of ratifications – only 11 – remains very low. The Office stands ready to work with constituents to ensure a rapid increase in the number of ratifications of the Protocol and its effective implementation. Several countries have already requested ILO technical assistance to enhance the capacity of various national actors in order to ensure the protection of workers and the enforcement of laws and regulations. This assistance will be extended further to assist member States in reducing the implementation gaps that the CEACR identified during its examination of first reports on the application of Convention No. 29 as supplemented by the Protocol.
34. The Office will also continue its work in accordance with the resolution of the 19th International Conference of Labour Statisticians (ICLS), engaging with ILO constituents and other experts to discuss and develop international guidelines to harmonize concepts, elaborate statistical definitions, standard lists of criteria and survey tools on forced labour, and to inform the 20th ICLS on the progress made. In line with the resolution, a technical working group was established, which has already hosted six consultations in different regions, in close collaboration with the ILO Department of Statistics. The outcome of these consultations will be the basis for a report to be submitted to the next ICLS. The current SDG target 8.7 includes a specific indicator on child labour, however, the proposed forced labour indicator has not yet been adopted. It is hoped that the work under the ICLS will help member States to monitor progress towards the elimination of forced labour. At the global level, the Office, in collaboration with other United Nations agencies and other international actors, will publish new estimates on forced labour and child labour in September 2017.

Draft decision

35. *The Governing Body requests the Director-General:*
 - (a) *to continue promoting the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930;*
 - (b) *to continue raising extra-budgetary funds for the promotion and implementation of the Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203); and*
 - (c) *to continue supporting member States in the implementation of the Protocol of 2014 to the Forced Labour Convention, 1930, and Recommendation No. 203.*