



QUICK FACTS & FIGURES

- There are almost **21 million people who are victims of forced labour**: 11.4 million women and girls and 9.5 million men and boys;
- They are found primarily in **labour intensive sectors**, such as agriculture, construction, manufacturing, domestic work and the sex industry;
- About **90 percent** contemporary forms of forced labour **occurs in the private economy**, often linked to **global value chains** and trafficking in human beings;
- Forced labour is also imposed by State Authorities, in prisons or in the military;
- Migrant workers and indigenous people are particularly vulnerable to forced labour;
- Unscrupulous employers and businesses make about **US\$ 150 billion of illicit profits every year** by resorting to forced labour. Profits were the highest in Asia and Developed Economies;

OVERVIEW

Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.

Forced labour, contemporary forms of slavery, debt bondage and human trafficking are closely related terms though not identical in a legal sense. However, most situations of slavery or human trafficking are covered by the definition of forced labour as outlined in the ILO's Forced Labour Convention, 1930 (No. 29).

Over the past few years we have seen a significant intensification of global action against the forms of coercion variously referred to as slavery, forced labour, institutions and practices similar to slavery and human trafficking.

With the adoption of the Convention Against Transnational Organized Crime and the Protocols to Prevent, Suppress and Punish Trafficking in Persons in 2000 (referred to as the Trafficking Protocol) the UN has developed the first comprehensive international instrument against human trafficking for purposes of either sexual or labour exploitation, or the removal of organs.

In June 2014, governments, employers and workers at the ILO International Labour Conference (ILC) decided to give new impetus to the global fight against forced labour, including trafficking in persons and slavery-like practices. They voted overwhelmingly to adopt a Protocol and a Recommendation which supplement the ILO's Forced Labour Convention, 1930 (No. 29), and complement existing international instruments by providing specific guidance on effective measures to be taken to eliminate all forms of forced labour.

The ILO has focused much of its normative and remedial activities on forced labour which is different from sub-standard or exploitative working conditions. It becomes forced labour when it involves:

- Restrictions on workers freedom of movement;
- Withholding identity documents (passports);
- Withholding wages;
- Physical or sexual violence;
- Threats and intimidation (against workers or their family);
- Fraudulent debt from which workers can't escape;

While criminal law enforcement against serious offenders has to be part of the appropriate response, the main strategic policies that tackled the slavery-like practices that pervaded rural areas of so much of the world in the twentieth century were land tenure and redistributive agrarian reforms, and the extension of labour rights including minimum wages to those who had previously been deprived of them.

Our research shows that it is not only irregular workers in the underground economy who are exposed to labour trafficking. Temporary or contract workers with perfectly lawful contracts of employment can be abused or cheated by unscrupulous recruiters and employers taking advantage of loopholes in the legal framework. And the abuses are far more likely to flourish if systems of labour inspection, or for the licensing and monitoring of labour brokers and recruiters, are weak or non-existent.

In sum, one of the biggest challenges is to distinguish between *individual* and *systemic* cases of coercion. In the former, it should be possible to identify and punish one offender or group of offenders; and similarly to identify and provide appropriate assistance to one victim or group of victims. These are the cases most easily addressed through criminal law enforcement, together with appropriate mechanisms for victim assistance and compensation.

In other cases, the main task is to eradicate the abusive recruitment and employment practices which may be very widespread, and which can also enjoy a high degree of cultural acceptance in some societies.

INTERNATIONAL LEGAL INSTRUMENTS

To bring about a more integrated and holistic approach to trafficking in persons requires anti-trafficking actors to recognize, first of all, that there is more than one international instrument to deal with the challenges of trafficking in persons, all of which require full implementation. This has to be supplemented in practice by a comprehensive and human rights-based approach to trafficking in persons that gives equal attention to prevention, protection, and prosecution.

In addition to the Trafficking in Persons Protocol, international law includes a number of international legal instruments that identify, define and describe different forms of exploitation, including all of those explicitly mentioned by the Trafficking in Persons Protocol with the exception of one – the removal of organs.

The Convention on the Elimination of All Forms of Discrimination against Women requires States to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women. The exploitation of the prostitution of others is also the subject of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

Forced labour or services are the subject of the International Labour Organization's (ILO) Forced Labour Convention (Convention No. 29 of 1930), which defines forced or compulsory labour, and also by the ILO Abolition of Forced Labour Convention (Convention No. 105 of 1957). The Slavery Convention (1926) defines slavery, and its Supplementary Convention helpfully describes 'practices similar to slavery', including debt bondage, and institutions and practices that discriminate against women in the context of marriage.

The Convention on the Rights of the Child, and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000), prohibits trafficking in children for any purpose, including for exploitive and forced labour. Additionally, the International Labour Organization's (ILO) Worst Forms of Child Labour Convention (Convention No. 182 of 1999), prohibits for all children under 18 years of age, all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, as well as the use, procuring or offering of all children for the purpose of prostitution.

Several other human rights treaties prohibit certain practices linked to experiences common to trafficked persons, including ethnic, racial and gender-based discrimination. The various treaty monitoring bodies have further developed the jurisprudence on the different forms of exploitation.

One of the lessons learned in the past decade in responding to trafficking in persons is that an exclusive reliance on a narrow interpretation of the obligations created (and sometimes not fully detailed or defined) by the Trafficking in Persons Protocol is not sufficient to ensure a comprehensive and effective response to human trafficking.

Instead, efforts must be made to ensure better understanding of the coherence between criminal law, human rights law, refugee law, labour law and other relevant bodies of law, and the need to bring diverse but complementary instruments to bear on the trafficking challenge, not only as reference tools but as an international framework that needs to be implemented on the ground.

At the national level, States should pursue comprehensive legislation and urge a multidisciplinary approach which is underpinned by standards espoused in a number of international instruments, involving policy makers and practitioners from different ministries or sectors with specific expertise on crime, labour issues, migration, child protection and human rights, amongst other topics. This in turn requires coordination between the various government ministries and agencies involved and close cooperation with a range of service providers, including non-governmental organization, that have a role to play in identifying and/or protecting and assisting victims.

NEW ILO PROTOCOL AND RECOMMENDATION

The Protocol to the Forced Labour Convention, 1930, is a legally-binding instrument that requires States to take measures regarding prevention, protection and remedy in giving effect to the Convention's obligation to suppress forced labour. The Convention is open for ratification by Member States.

The Protocol acknowledges the important contribution of workers and employers – actors of the real economy – in eradicating forced labour. It requires governments to consult their representative organisations on national policies and action plans against forced labour. The supplementing Recommendation No 203 also stresses the importance of freedom of association and collective bargaining as a means to prevent forced labour and to provide remedies.

The Protocol reaffirms the definition of forced labour contained in the ILO's Convention No. 29 and confirms that it applies to situations of trafficking in persons for the purposes of forced labour. The Protocol lays out provisions for the prevention, protection, remedies and other effective measures to address trafficking in persons, namely:

- Educating and informing those considered particularly vulnerable, employers and the wider public;
- Extending the coverage and enforcement of relevant laws to all workers and sectors;
- Strengthening labour inspection and other services responsible for implementation of these laws;
- Protection from abuses arising during the recruitment process;
- Supporting due diligence by the public and private sectors;
- Addressing root causes and factors that heighten the risks of forced labour;
- Effective measures for the identification, release, protection, recovery and rehabilitation of victims;
- Protecting victims from punishment for unlawful activities that they were compelled to commit, and;
- Ensuring victims' access to appropriate and effective remedies, such as compensation, irrespective of their presence or legal status in the territory.

In giving effect to their obligation to suppress forced labour under the Forced Labour Convention, the Protocol requires States to take effective measures to prevent and eliminate forced labour, to provide victims protection and access to appropriate and effective remedies, such as compensation, and to sanction perpetrators.

FAIR RECRUITMENT INITIATIVE

With 231.5 million international migrants and many more internal migrants, most looking for work, there are many opportunities for criminal exploitation. Migrant workers are likely to pay huge recruitment or transportation fees that are often transformed into a debt by the recruiter or employer and are used as a coercive measure.

In response, the ILO's Fair Recruitment Initiative was announced in 2014 by the ILO Director-General in his report to the 103rd International Labour Conference stressing the "growing international concern about abusive and fraudulent recruitment practices affecting migrant workers in particular and issues of human trafficking and forced labour". It is now launched at international and national levels to test models of fair recruitment.

The ILO's Fair Recruitment Initiative is a collaboration between the International Organization of Employers (IOE), the International Trade Union Confederation (ITUC) and the International Confederation of Private Employment Services (CIETT) and seeks to help prevent human trafficking and enhance development gains from labour mobility. The initiative is also closely coordinated with the Global Migration Group and the Inter-Agency Coordination Group against Trafficking in Persons agencies, in particular IOM, World Bank, OHCHR and UNODC.

It is based on a four-pronged approach:

- **Enhance global knowledge about national and international recruitment practices** through surveys, legal analysis of existing regulations, review of economic determinants of informal/formal recruitment, business case studies, monitoring of recruitment costs and the development of a knowledge base and share models for matching employers and job-seekers;
- **Strengthen laws, policies and enforcement mechanisms** through ratification campaign (especially for Convention 181, Private Employment Agencies Convention), capacity building of legislators and other key government officials to better regulate the industry, training tools for labour inspection, and over the longer term a complaints mechanism and support services;
- **Promote fair business standards and practices** based on ILO standards through global stakeholder consultations, mapping of existing tools and an on-line platform for stakeholders to access this information;
- **Foster social dialogue and partnerships** which currently consists of the International Trade Union Confederation (ITUC), the International Organization of Employers (IOE) and the International Confederation of Private Employment Agencies and in association with GMG members;

ILO Background

Since its foundation, the International Labour Organization (ILO), a specialized agency of the United Nations, has been dedicated to the protection of the rights of men and women in the world of work. The Constitution of the ILO, enshrined in Part XIII of the Treaty of Versailles in 1919, commits the organization to the establishment of universal peace based upon social justice and to address “conditions of labour exist involving such injustice hardship and privation to large numbers of people”.

In addition to its work, research and international conventions combatting forced labour, the ILO established the Special Action Programme to Combat Forced Labour in 2001 to spearhead activities against forced labour and human trafficking, contribute to the global knowledge base, and reinforce the capacity of ILO constituents and others to eliminate forced labour.

Since then, SAP-FL has provided technical support through more than 60 field projects, thereby developing effective ways to prevent and prosecute forced labour and human trafficking, and assist victims, in partnership with national stakeholders. It has developed a range of practical products, including handbooks and training tools for business, legislators, judges and labour inspectors; and e-learning modules for law enforcement on the identification and investigation of forced labour cases.

www.ilo.org/forcedlabour