



Inter-Parliamentary Union
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International
Labour
Office



Eliminating Forced Labour

Handbook for Parliamentarians No. 30

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Table of Contents

Foreword.....	5
Acknowledgements	7
Executive summary.....	8
Part I: Understanding forced labour.....	11
Question 1: Why care about forced labour?.....	12
1.1 Forced labour happens everywhere	13
1.2 Forced labour is a violation of human rights.....	13
1.3 Forced labour negatively impacts society and the economy	17
Question 2: What is forced labour?	18
2.1 Definition of forced labour	19
2.2 Definitions matter: forced labour, trafficking in persons, slavery and related concepts.....	23
Question 3: What does forced labour look like?	28
3.1 Forms of forced labour	29
3.2 Recognizing forced labour.....	34
Question 4: What factors increase the risk of forced labour?	39
4.1 Root causes of forced labour.....	40
4.2 Individual factors: Workers at heightened risk of forced labour	43
4.3 Economic sectors at heightened risk of forced labour	48
Part II: Taking action.....	53
Measure 1: Ratify the Forced Labour Protocol and other relevant instruments.....	54
Measure 2: Adopt and strengthen legislation on forced labour.....	59
Measure 3: Strengthen the enforcement of laws and regulations on forced labour	66
Measure 4: Establish a comprehensive national policy and action plan based on consultation and coordination.....	75

Measure 5: Raise awareness and build engagement	80
Measure 6. Generate research and data on forced labour	84
Measure 7. Allocate financial and human resources to combat forced labour and monitor progress	87
Measure 8: Promote international cooperation to prohibit and eliminate forced labour	90
Conclusion.....	95
Checklist for parliamentarians	96
Bibliography	98
Reports of the ILO Conventions, Protocols, Recommendations and Declarations.....	108
Selected reports of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR)	109
United Nations Conventions and other International Conventions.....	110
Annex I: ILO instruments on forced labour	112
Annex II: Report form for the Protocol of 2014 to the Forced Labour Convention, 1930.....	122
Annex III: Cases of progress noted by the ILO Committee of Experts related to the abrogation of a legislative text allowing use of forced or compulsory labour, 2008–2017	127

Foreword

“So enormous, so dreadful, so irremediable did the [slave] trade’s wickedness appear that my own mind was completely made up for abolition. Let the consequences be what they would: I from this time determined that I would never rest until I had effected its abolition,” declared the British parliamentarian William Wilberforce in the House of Commons. Indeed Wilberforce, together with a group of courageous parliamentarians, campaigned relentlessly, overcoming political resistance and radically transforming public opinion, until the slave trade in the British Empire was eventually abolished in 1807.

For centuries, parliamentarians across the world have combated slavery. Modern forms of slavery, however, still thrive. On any given day in 2016, an estimated **24.9 million people were subjected to forced labour. In flagrant violation of fundamental human rights, over 17 per cent are children**, vulnerable to severe exploitation and abuses. These figures mean that parliamentarians, wherever they live, are likely to have people in forced labour in their constituencies, working in agriculture, construction, food services, or in other sectors. Some of their constituents could be trafficked to another region to be exploited in prostitution or domestic work, for example. While other constituents may consume goods and services produced or assembled by people in forced labour.

Recent years have seen increased legislative action at the international and national levels. A vast majority of countries have laws prohibiting either forced labour or human trafficking, or both. Many of these laws, enacted by parliamentarians, were formulated with technical assistance from the International Labour Organization (ILO). They not only criminalize forced labour but also provide legal guarantees for victims by way of protection measures and access to legal remedies.

In 2014, the Protocol to the Forced Labour Convention, 1930, was overwhelmingly adopted by the ILO’s tripartite constituents, along with the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). Reflecting the knowledge accumulated over decades from all regions of the world, the two instruments are clear and authoritative beacons as States progress in their fight against forced labour. They supplement the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), which require countries to end all forms of forced or compulsory labour.

Forced labour is a complex global phenomenon, and its effects are multidimensional, putting at risk the physical and psychological integrity of affected people. It also damages social cohesion and social welfare and causes huge losses to the national economy. It is the antithesis of decent work - work done in conditions of freedom, security, equity and dignity – and as such undermines the prospects for social justice and lasting peace.

The tide, however, is turning: greater transparency and integration of the global economy have helped to bring the scourge of forced labour to the forefront of the international community's agenda. This means that **we can be the generation to put an end to slavery, forced labour and human trafficking.**

Parliamentarians have a key role to play in this fight. As public opinion-makers, as representatives of the people, as legislators, and as scrutinizers of governments' actions and decisions, parliamentarians are uniquely placed and have a wide range of opportunities to inspire, encourage, and guide the journey towards the eradication of forced labour. Through their power to enact legislation, adopt budgets, and otherwise exert oversight over governments' activities, parliamentarians can be the key enablers of action against forced labour.

For the third time the ILO and the Inter-Parliamentary Union (IPU) are working together to develop a tool for parliamentarians. A first joint handbook on "Eliminating the worst forms of child labour: A practical guide to ILO Convention No.182" was published in 2002. Another on "Migration, human rights and governance" was published jointly with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2015.

This new handbook on «Eliminating forced labour» provides an easy-to-use reference manual and we hope that parliamentarians across the world will find it useful as they make their contribution to global efforts to effectively combat the scourge of forced labour. It is a question of justice and human rights. Parliamentarians have the duty and power to make that difference and shape a better present and future for all.

International Labour Organization



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Note:

National practices are mentioned throughout the document to provide concrete examples and encourage action. Reference to a particular country does not imply any judgement on the national situation and practices regarding forced labour. Failure to mention a country is not to be understood as a sign of inaction in the country, since it was not possible to reflect all existing good practices.

Executive summary

Despite the widespread belief that forced labour is a thing of the past, it now manifests itself in various forms the world over. The ILO estimates that **24.9 million people, 4.3 million of whom are children**, are in forced labour, and that women and girls are disproportionately affected (ILO, Walk Free Foundation, 2017). **But do we really know what forced labour is and whom it affects? Would we recognize victims if our paths crossed? Are parliamentarians aware of the key role they can and should play to combat this scourge?** This handbook responds to these questions with facts, figures and real-life examples. It provides concrete step-by-step guidance and a checklist to support parliamentarians to take effective action in addressing forced labour.

Part I of the handbook aims to clarify the phenomenon of forced labour by answering four key questions:

Question 1: “Why care about forced labour?” – This section describes forced labour as a crime and a human rights violation affecting women, men and children all over the world. In 2005, all United Nations member States pledged to take immediate and effective measures to eradicate forced labour (Target 8.7 of Sustainable Development Goal (SDG) 8). Almost all governments prohibit forced labour, either through specific laws on forced labour and/or through laws that address trafficking in persons, bonded labour or modern slavery. This section also describes the impact forced labour has on societies and the economy, generating estimated illegal profits of over US\$ 150 billion per year, on top of the income tax revenues lost by governments and the unpaid contributions to health and pension systems.

Question 2: “What is forced labour?” – This section defines forced labour and clarifies terms which are often used interchangeably, including trafficking in persons, slavery, modern slavery and other related concepts. It describes how forced labour can be difficult to detect due to its multifaceted nature, with those subjected to forced labour often hidden in plain sight or working in clandestine environments or private residences.

Question 3: “What does forced labour look like?” – This section guides us through the different types of forced labour, and through several indicators that can be used to identify specific incidences of forced labour. The different forms addressed include: state-imposed forced labour; trafficking in persons, forced commercial sexual exploitation, debt bondage and bonded labour.

Question 4: “What factors increase the risk of forced labour?” – This section addresses the root causes of forced labour which must be recognized in order to develop sustainable plans of action to tackle the issue. They include poverty, weak social dialogue, lack of awareness, crisis such as conflicts and natural disasters, precarious work, lack of social protection, and discrimination. This section also presents the types of sectors with higher prevalence of forced labour, as well as the groups of population, which are more vulnerable, such as women, children and migrant workers.

Part II of the handbook outlines practical measures to address forced labour, as well as specific actions that parliamentarians can take. The eight specific measures, as outlined in the provisions of the Forced Labour Protocol, include:

Measure 1: “Ratify the Forced Labour Protocol and other relevant instruments”

– Parliamentarians can play a key role in ratifying the Forced Labour Protocol, which provides all actors with a comprehensive strategy and set of tools to address the challenge of the elimination of forced labour in all its forms. Its ratification thereby creates the right environment to take effective measures to prevent forced labour, protect people and provide them with access to remedies.

Measure 2: “Adopt and strengthen legislation on forced labour” – In order to realize the international prohibition of forced labour, parliamentarians should adopt new legislation and strengthen or adapt existing legislation to ensure that the national framework encompasses all forms of forced labour, allowing for effective protection of victims and successful prosecution of perpetrators.

Measure 3: “Strengthen the enforcement of laws and regulations on forced labour”

– In order to protect human rights and deter offenders, parliamentarians should ensure that the relevant legislation is enforced and that its coverage is extended to all workers in all sectors. The capacities and resources of law enforcement officers, including labour inspectors, must also be strengthened.

Measure 4: “Establish a comprehensive national policy and action plan based on consultation and coordination”

– Along with the various stakeholders engaged in combating forced labour, parliamentarians must be involved in the development of a comprehensive national strategy on forced labour and the appropriate institutional framework for its implementation.

Measure 5: “Raise awareness and build engagement”

– Parliamentarians, as leaders of public opinion, can help raise awareness and secure buy-in from the general public and key stakeholders. They should ensure effective dissemination of existing legislation on forced labour, and seek the cooperation of key stakeholders in supporting its implementation.

Measure 6: “Generate research and data on forced labour” – The development of reliable data is instrumental for parliamentarians and policymakers in order to ensure that laws and policies are evidence-based and relevant. Forced labour is notoriously difficult to identify and measure, but it is possible to obtain better data. Guidelines for the collection and analysis of forced labour statistics provide much-needed impetus to national efforts to accurately measure forced labour using standardized concepts and definitions.

Measure 7: “Allocate financial and human resources to combat forced labour and monitor progress” – Budgets are powerful tools in influencing economic and social development, and reveal the priorities of the government. Parliamentarians can play a key role of financial oversight, holding the government accountable on budget allocation and spending on efforts to eradicate forced labour.

Measure 8: “Promote international cooperation to prohibit and eliminate forced labour” – Given the global and cross-border dimensions of forced labour, cooperation between countries is necessary to achieve its eradication. Parliamentarians can support these efforts, in particular by initiating or joining parliamentary networks.

Part I: Understanding forced labour

“You may choose to look the other way but you can never say again that you did not know.”

William Wilberforce, *British Parliamentarian,*
leader of the movement to abolish
the slave trade



Demonstration against human trafficking, Libya

© AFP/Gulshan Khan

Question 1: Why care about forced labour?

“Devli was born into bonded labour in a stone quarry in India. Sitting in my car immediately after her rescue, the eight-year-old asked: ‘Why did you not come earlier?’ Her angry question still shakes me – and has the power to shake the world. What are we waiting for?”

Kailash Satyarthi, Nobel Peace Prize acceptance speech, 2014

Forced labour is a criminal offence and a severe violation of human rights. Parliamentarians can play a key role in raising awareness in their constituencies on the existence of forced labour and its consequences, which are explained in the section below. Forced labour affects all countries and it is imperative that all countries work together to ensure that there is no safe haven for such crime to occur. Through networking with colleagues from other regions of the world, parliamentarians can build a unified parliamentary front to combat this scourge.

1.1 Forced labour happens everywhere

Forced labour is often considered to be largely abolished in the twenty-first century. Yet the reality is different. According to the research carried out by the ILO and the Walk Free Foundation, in partnership with the International Organization for Migration (IOM), hereafter called the “2017 Global Estimates”, **24.9 million people** are subjected to forced labour, of which **4.3 million are children** (ILO, Walk Free Foundation, 2017). Nowadays, though workers may no longer be in chains, they may be coerced through more subtle means, such as debt bondage, deceptive recruitment or abuse of vulnerability.

Forced labour is not limited to developing countries but affects every region and all countries in the world. The prevalence is highest in Asia and the Pacific, where 4 out of every 1,000 people are in forced labour, followed by Europe and Central Asia (3.6 per 1,000), Africa (2.8 per 1,000), the Arab States (2.2 per 1,000) and the Americas (1.3 per 1,000).

Women and girls are disproportionately affected by forced labour, accounting for 99 per cent of those affected in the commercial sex industry, and 58 per cent in other sectors. Individuals from ethnic minorities and indigenous peoples are also more vulnerable to forced labour.

1.2 Forced labour is a violation of human rights

Forced labour is a crime and a major violation of human rights, coercing people to work in degrading conditions, denying basic human dignity to its victims. Forced labour cannot be equated simply with low wages or poor working conditions.¹ People in forced labour are often subjected to physical, sexual or psychological violence, and exposed to serious physical and mental health risks, including sexually transmitted diseases, depression, anxiety, fear, trauma, and high levels of post-traumatic stress disorder. Forced labour is especially harmful to children, greatly impacting their physical and psychological development. Due to physical and social isolation, most victims face great difficulties in seeking help, especially when they are compelled to work by law or by public authorities in situations of state-imposed forced labour, but also in the case of migrant workers who may not speak the language of the country or may be undocumented.

¹ While in most cases people subjected to forced labour endure very bad working conditions, not all forced labour situations involve exploitation. For instance, one can be working in good conditions but prevented to leave his/her employer.

Rosa's story, a survivor of forced labour

I regret leaving Togo, I regret quitting my job in the factory, and I deeply regret leaving my kids. But I thought I was giving them a chance of a better future. The job in Lebanon promised an extra US\$ 40 a month. That money could have done so much good for my family, but it was all lies.

I arrived in Beirut and the agency placed me with a wealthy family that lived in the suburbs. They had many beautiful things. I worked there for 10 months, day and night, without a break and without a single day off.

I was allowed to eat twice a day, for only two minutes. Madam stood there and timed me with her phone, and then the alarm would go off. I was only given a piece of bread, and Madam would never hand it to me, she would toss it on the ground. If I hadn't finished my bread when the two minutes were up, Madam would snatch it away and throw it in the bin. She never gave me water, so I would hide and drink water from the bathroom.

Tricked and trapped

Once, she locked me in a room for three days with nothing to eat or drink. I was so desperate that I drank my own urine. Every day Madam would beat me for no reason with a shoe, a stick or a belt. Today, I still get pains in my ears from where she hit me. I wanted to leave but I was always being monitored and they were always locking me in, plus they hadn't yet paid me. One day I asked to leave but Madam told me that they had spent lots of money to have me there so I had to stay without any salary for 15 months.

I thought that it couldn't get any worse, but it did.

One day, after 10 months of working for them, I woke up in the hospital with stitches on my stomach. The stitches were very neat, a straight line directly up the centre of my stomach. I didn't know what had happened, and nobody would tell me. Finally, Madam told me that I had fallen from the window. But it didn't make sense, I couldn't remember being near the window. They refused to give me any more answers. After two days in the hospital, Madam's father came to get me, I was still bleeding and weak but he took me to his house and locked me in a room with no windows. I spent eight days locked in that dark room. One day Madam opened the door and said: "You're going home now".

They left me at the airport, with a ticket, my suitcase, and 2 months' salary, instead of the 10 months' salary that I was owed. I was so weak that I could hardly stand, but I was finally away from Madam and the others. I slowly dragged my bag into the airport, every step felt like a mile. When I got to the General Security, they examined my passport then looked at me suspiciously. I was 72 kg when I came to Lebanon, I was 32 kg when the nightmare ended.

Rescued

The General Security noticed how ill and weak I looked and refused to let me travel, instead calling my employer who reluctantly dropped me at the recruitment agency that had first placed me with the family. I remember how horrified the agent looked at the sight of me. I told them everything that had happened and they sent me directly to the hospital. After a week in the hospital, I went to the Caritas shelter. There they gave me a lawyer who, together with General Security, fought for me to get compensation and I was awarded US\$ 6,000. Soon I'll be back in Togo, and I'll tell my story. People need to know.

Source: True story, adapted from the ILO 50 for Freedom campaign, 50forfreedom.org/blog/stories/i-couldnt-stand-living-like-a-slave.

Freedom from forced labour is one of the most basic human rights and a cornerstone for ensuring decent work. The two fundamental ILO Conventions on the subject – the Forced Labour Convention, 1930 (No. 29) (C029), and the Abolition of Forced Labour Convention, 1957 (No. 105) (C105) – are amongst the most widely ratified ILO instruments. The principles embodied in these Conventions have found universal acceptance and endorsement and have become an inalienable part of core human rights. The principles have been incorporated in various international and regional instruments. The prohibition of the use of forced or compulsory labour in all its forms is now considered as a peremptory norm of international human rights law; it is of an absolutely binding nature from which no exception is permitted.

ILO instruments on forced labour

Forced Labour Convention, 1930 (No. 29), hereafter “Convention No. 29”

This fundamental Convention prohibits all forms of forced or compulsory labour, which is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”, and provides exceptions in certain limited circumstances (see details in section 2.1). It also requires that forced labour shall be punishable as a penal offence, and that the relevant penalties imposed by law are adequate and strictly enforced. Ratified by 178 countries (as of August 2019).

Abolition of Forced Labour Convention, 1957 (No. 105), hereafter “Convention No. 105”

This fundamental Convention prohibits forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination. Ratified by 175 countries (as of August 2019.)

Protocol of 2014 to the Forced Labour Convention, 1930, hereafter “the Forced Labour Protocol”

The Protocol on Forced Labour is a binding instrument which requires member States to take effective measures on prevention, protection and access to justice, including compensation. It also requires the intensification of efforts to eliminate all forms of forced labour, including trafficking in persons. Ratified by 37 countries (as of August 2019).

Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), hereafter “Recommendation No. 203”

The recommendation is a non-binding instrument which provides further orientation on how to implement the Forced Labour Protocol.

These instruments, among others, underpin the Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the ILO in 1998.

The 1998 Declaration on Fundamental Principles and Rights at Work

In 1998, the ILO created a special promotional measure to strengthen the application of the four principles and associated rights that are considered fundamental for social justice. By adopting the Declaration on Fundamental Principles and Rights at Work and its Follow-up, ILO member States recognized that they have an obligation, arising from the very fact of membership in the Organization, to work towards realizing certain basic values, namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. This obligation exists even if they have not yet been able to ratify the eight fundamental Conventions which embody these principles (including the Protocol of 2014 to the Forced Labour Convention). At the same time, the ILO itself has an obligation to provide the assistance needed to achieve these objectives (ILO, 2019c).

In recent decades, most countries of the world have committed to combating the practice of forced labour. At the global level, in 2015, all United Nations Member States pledged to “take immediate and effective measures to eradicate forced labour” (Target 8.7 of SDG 8 on decent work and economic growth) (UN, 2015).

At the national level, almost all governments prohibit forced labour either in their constitution and/or in their criminal, labour or administrative laws. The prohibition of “forced labour” may be explicit or be addressed through other offences targeting trafficking in persons, bonded labour, slave labour or modern slavery.

Criminalizing and suppressing forced labour

The fundamental obligation of Convention No. 29 is to suppress all forms of forced labour. The Convention also requires ratifying States to ensure that the use of forced labour is punishable as a penal offence. The ILO supervisory bodies have considered that States must not only criminalize and prosecute forced labour, but also – as the Forced Labour Protocol makes clear – take effective measures to prevent forced labour and to provide victims with adequate protection and access to justice, including compensation. The ILO forced labour instruments are of a complementary nature. They provide all actors with a comprehensive strategy and set of tools to address the challenge of eliminating of all forms of forced labour.

1.3 Forced labour negatively impacts society and the economy

The impact of forced labour is not limited to affected people and their families; it also has a strong negative impact on society, on business and on the economy.

Forced labour is about money. **It is estimated to generate annual profits of over US\$ 150 billion** (ILO, 2014a), equivalent to the combined profits of the world’s top three companies (Fortune, 2018). **While state-imposed forced labour still exists, affecting 4.1 million people** (17 per cent of all those in forced labour), the vast majority of people subjected to forced labour are exploited **in the private sector (20.8 million)**, among whom **4.8 million are subjected to forced sexual exploitation and 16 million to exploitation in other sectors (construction, agriculture, domestic work, etc.)**.

Employers and businesses face unfair competition from unscrupulous companies who reap the profits from coercing human beings. This may also put pressure on other businesses to lower wages or cut benefits in order to stay competitive, impacting the overall economy. Meanwhile, governments lose out on tax revenues while facing huge legal costs from prosecuting forced labour cases, money that could be spent on public services such as education or health care.



Family in bonded labour, Pakistan
©ILO/M. Crozet

Question 2: What is forced labour?

Parliaments are in a position to take targeted action to efficiently combat forced labour, trafficking and slavery, including through the ratification of treaties relevant to forced labour or the drafting of national legislation. It is therefore instrumental for their members to **deepen their knowledge** of forced labour, trafficking and slavery, including their similarities and differences, as well as the way they affect people differently based on gender, age, ethnicity and other relevant factors. This can be done by requesting information or specific training on these subjects and by ensuring that related learning materials, including international treaties, are available in the parliament's library.

2.1 Definition of forced labour

Forced labour is not easy to identify. Firstly, it takes very different forms. People can be subjected to forced labour by public authorities, by private enterprises or by individuals, through a wide range of coercive practices, which occur in all types of economic activity and in all parts of the world (ILO, 2012e). Secondly, it often happens away from public scrutiny. Thirdly, even in plain sight, forced labour is not always easy to detect. However, the common features in all forced labour situations are covered by the definition provided in article 2(1) of Convention No. 29:

Forced labour is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily”.

According to this definition, endorsed by the 178 countries that have ratified Convention No. 29, there are four legal elements to forced labour:

a. Work or service

“All work or service” refers to any type of work, service and employment, occurring in any activity, industry or sector, including in the informal economy. It also encompasses activities that may be considered illegal in certain countries, such as begging or prostitution. Forced labour can occur in both the public and private sectors.

b. Any person

“Any person” refers to all human beings, adults and children, nationals and non-nationals, including migrants in irregular situations.

c. Menace of any penalty

The “menace of any penalty” – the means of coercion to impose work on someone against their will – should be understood in a very broad sense. It covers penal sanctions as well as a wide range of means of coercion used to compel someone to perform work or service against their will. It includes various forms of direct or indirect coercion, such as the actual or credible threat of:

- physical, psychological or sexual violence against a worker or family or close associate;
- retaliation;
- imprisonment or other restriction of movement;
- financial penalties;
- withholding wages or other promised benefits;
- withholding valuable documents, such as identity documents or residence permits;
- debt bondage or manipulation of debt;
- denunciation to authorities (such as police or immigration) and deportation;
- dismissal from current employment;
- exclusion from future employment;
- exclusion from community and social life;
- removal of rights or privileges (such as promotion, transfer, access to new employment, social benefits);
- deprivation of food, shelter or other necessities;
- shift to even worse working conditions; and
- loss of social status.

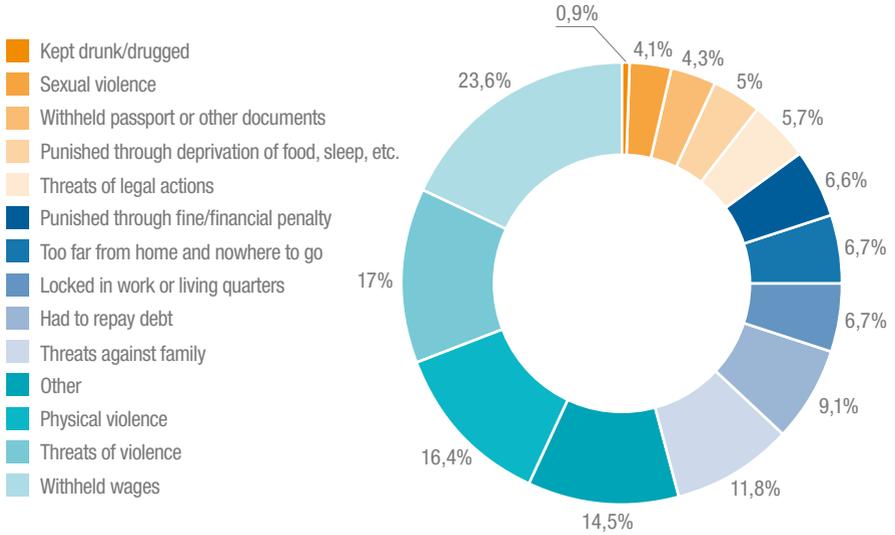
The threat must be understood from the point of view of those affected. A child, for example, will be more easily deceived into believing a threat is credible. Migrant workers not speaking the language of the country may be more easily led to believe that they will be deported if they complain to the police. Some threats also use the victim's religious or cultural beliefs, as observed in some cases of voodoo threats used against Nigerian women trafficked for sexual exploitation.

Means of coercion used

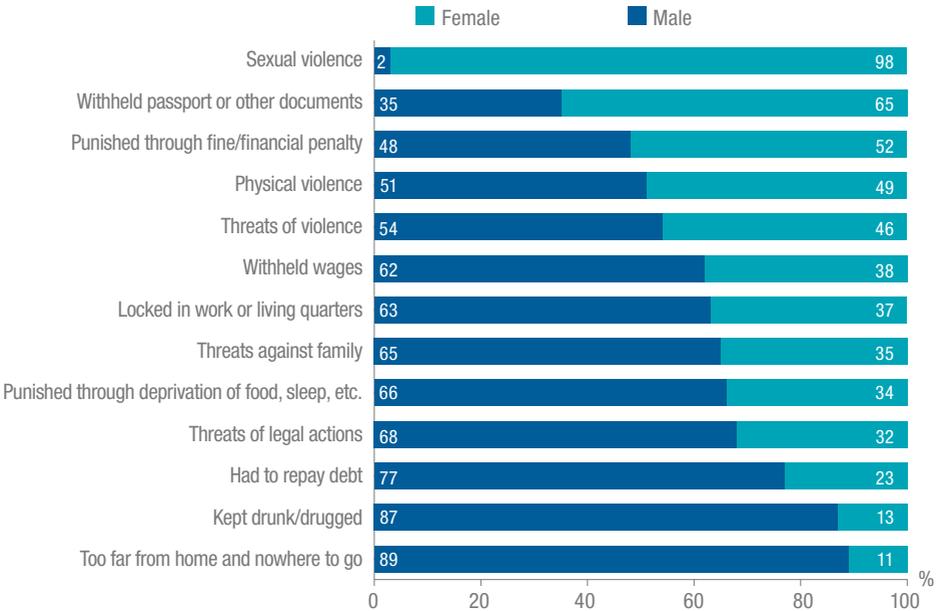
According to the 2017 Global Estimates, the withholding of wages, or the threat to do so, was the most common means of coercion, experienced by almost a quarter of people (24 per cent) forced to work. This was followed by threats of violence (17 per cent), acts of physical violence (16 per cent), and threats against family members (12 per cent). The estimates confirm that different forms of coercion may be used depending on various factors. For example, the estimates suggest that men were more likely to be subjected to threats against family, withheld wages, confinement, denial of food and sleep, and threats of legal action. In contrast, women suffered higher rates of sexual violence and were more likely to have their passports withheld (see Figure 1).

Figure 1. Means of coercion used

(a) Percentage of victims of forced labour exploitation, by means of coercion



(b) Percentage distribution of means of coercion, by sex



Source: ILO, Walk Free Foundation, 2017.

d. Lack of voluntary offer

In the definition, the term “offered (...) voluntarily” refers to the freely given and informed consent of workers to enter into an employment relationship and to their freedom to withdraw their consent at any time, that is to say their freedom to leave the employment. For example, an employer or recruiter could interfere with this freedom by making false promises to induce a worker to take a job that they would not otherwise have accepted. Another example would be a worker who did accept to work freely but was prevented from revoking the initial consensual agreement. Circumstances that potentially give rise to involuntary work include, among others:

- birth or descent into “slave” or bonded status;
- physical abduction or kidnapping;
- sale of person into the ownership of another;
- physical confinement in the work location, in prison or in private detention;
- psychological compulsion, such as an order to work backed up by a credible threat of a penalty for non-compliance;
- induced indebtedness (for example by falsification of accounts, inflated prices, reduced value of goods or services produced, or excessive interest charges);
- deception or false promises about types of work, terms of work, activities or employers;
- withholding and non-payment of wages;
- retention of identity documents or other valuable personal possessions; and
- no or limited freedom to terminate the work contract.

The broad definition of forced labour under Convention No. 29 outlined above has provided the ILO supervisory bodies with a tool to address both traditional and new forms of forced labour. The Forced Labour Protocol reaffirms the validity of this definition and specifies that action to combat forced labour must include specific action against trafficking in persons (P029, article 1, paragraph 3).

Convention No. 29 also provides for exceptions to the definition of forced labour by specifically referring to five situations in which compulsory labour may be imposed:

- work of a purely military character exacted in virtue of compulsory military service;
- normal civic obligations;
- work or service exacted from any person as a consequence of a conviction in a court of law, carried out under the supervision of a public authority;
- work exacted in cases of emergency, such as wars or natural calamities; and
- minor communal services in the direct interest of the community involved (C.029, article 2(2)).

Each of these exceptions is subject to the observance of certain conditions that define their limits (for details regarding exceptions and their limitations, see ILO, 2012a, paragraphs 273–281).

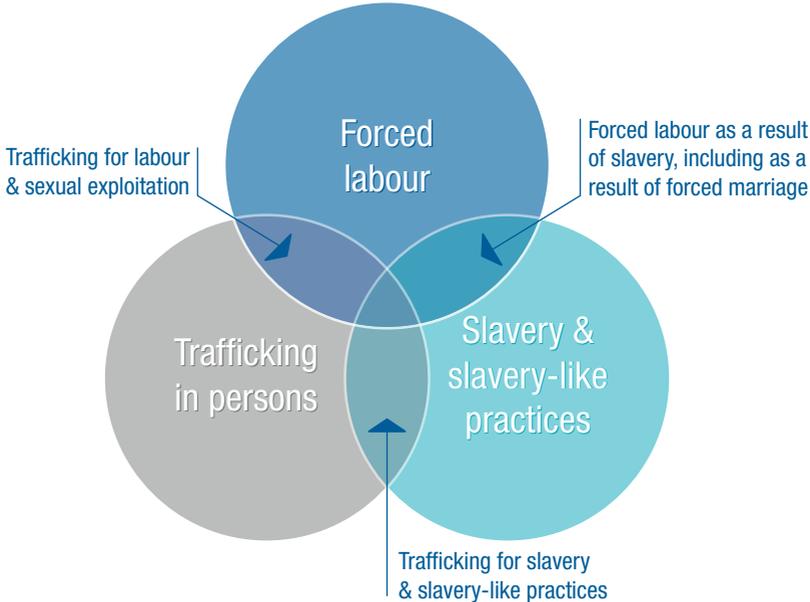
Convention No. 105 further supplements Convention No. 29 by prohibiting member States from having recourse to any form of compulsory labour in five specific circumstances:

- as a means of political coercion or as a punishment for expressing political views;
- as a sanction for participating in strikes
- as a means of labour discipline
- as a means of racial, social, national or religious discrimination; and
- as a method of mobilizing labour for economic development purposes.

2.2 Definitions matter: forced labour, trafficking in persons, slavery and related concepts

Slavery, trafficking in persons and forced labour are terms that are often used interchangeably. While these concepts do have significant overlap, they are conceptually distinct and each has a clear definition in international law (ILO, Andrees, 2014). It is important for parliamentarians to understand the origins of these concepts and their precise scope. Figure 2 illustrates the links between these concepts, which will be explored further in this section.

Figure 2. Relationship between forced labour, trafficking in persons, slavery and slavery-like practices



Note: The relative size of each area in this figure does not reflect the number of persons impacted by the issue, nor the degree of overlap.

Trafficking in persons

The definition of trafficking in persons, provided by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Trafficking in Persons Protocol),² encompasses three elements:

- **Acts:** Recruitment, transportation, transfer, harbouring or receipt of persons.
- **Means:** The means that are used to accomplish one of the prohibited acts; namely, the use of threat or of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.³
- **Purpose:** Whether this act, using the above means, was conducted for the purpose of exploitation. The Trafficking in Persons Protocol provides that “exploitation” includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (article 3(a) of the UN Protocol, 2000).

Based on the definitions provided by the international treaties, there is a significant overlap between forced labour and trafficking in persons. In particular, trafficking in persons for labour or sexual exploitation are forms of forced labour. However, some forms of trafficking are not forced labour (such as trafficking for the removal of organs), and, conversely, some forms of forced labour are not trafficking (such as inherited debt bondage, forced labour as means of political coercion, etc.). Taken together, the Trafficking in Persons Protocol and the ILO forced labour instruments seek to prohibit exploitative practices in all their forms.

In the past few decades, the requirement that ratifying States to the Trafficking in Persons Protocol address trafficking for both sexual and labour exploitation as a serious criminal offence has provided an impetus for legislative action against abusive practices covered by the ILO forced labour conventions.

The Forced Labour Protocol and Recommendation No. 203 offer parliamentarians a comprehensive framework to address forced labour. This encompasses prevention and protection measures that include labour market-based approaches, as well as prosecution and enforcement measures, in particular access to remedies and compensation for victims while emphasizing partnerships with stakeholders such as labour institutions.

2 The definition is provided by the UN Protocol, 2000, article 3(a):

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

3 For persons below the age of 18, this illicit means requirement is not relevant if the “act” and “purpose” requirements are satisfied. In other words, there is no need to establish deception, coercion or other illicit means. See UN Protocol, 2000, article 3(c).

These measures should include specific measures to target trafficking in persons:

“[The IPU Assembly] emphasizes that protection of victims of trafficking should be incorporated into, and placed at the centre of, States’ legislative frameworks, thereby requiring governments to review immigration laws and policies in the light of their impact on the victims of trafficking and shifting the focus from immigration control to preventing the exploitation of migrants and workers and to the care of victims.”

(IPU, 2008)

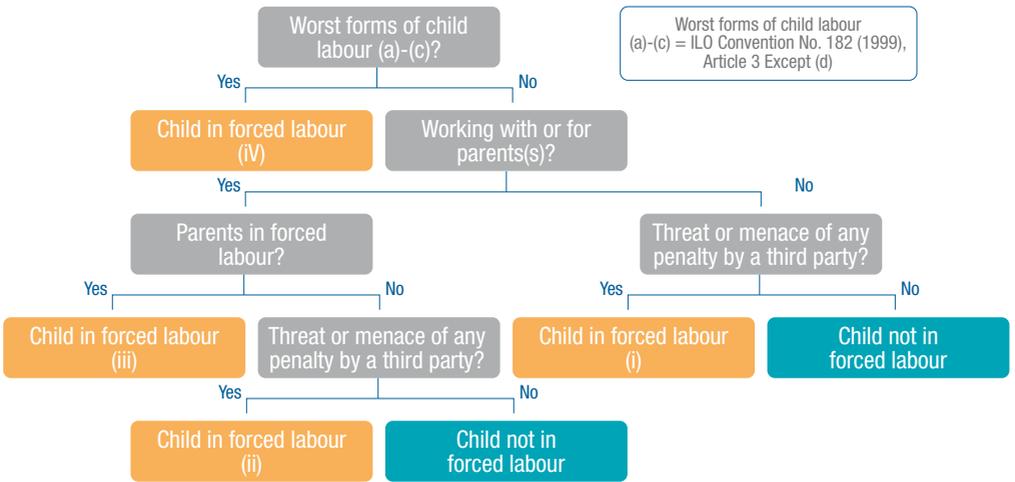
Slavery

“Slavery” is defined under article 1(1) of the League of Nations Convention to Suppress the Slave Trade and Slavery (the Slavery Convention), 1926, as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. Slavery is an institution of complete ownership, in which an individual is subjected to the full control of the slave owner who can make decisions for this individual on education (attending school or not), work (type and conditions) or even private life (who to marry). The prohibition against slavery in international law has achieved *jus cogens* status, meaning that all States accept it as a principle that cannot be derogated from. Nevertheless, and although slavery is prohibited by law in most countries, the practice or its vestiges remain in certain countries. In most cases, people subjected to slavery will work for their “master” and will fall under the definition provided by the Forced Labour Convention. However, if the person does not perform any work, the Forced Labour Convention definition will not apply.

Forced labour of children and worst forms of child labour

Forced labour of children includes all of the following categories of work performed by a child (anyone under the age of 18):

- i work performed for a third party (other than his or her own parents), under threat or menace of any penalty either on the child directly or the child’s parents; or
- ii work performed with or for his or her parents, under threat or menace of any penalty applied by a third party either on the child directly or the child’s parents; or
- iii work performed with or for his or her parents where one or both parents are themselves in a situation of forced labour; or
- iv work performed in any one of the following worst forms of child labour (set out in the Worst Forms of Child Labour Convention, 1999, No. 182 (C182)): (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, [as well as forced or compulsory labour], including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties.



The worst forms of child labour also include hazardous work, which does not constitute forced labour per se. However, children are more vulnerable because of their age and their dependency on adults; consequently, further investigation may be required to check whether their consent to hazardous work is indeed free and informed.



Note: The relative size of each area in this figure does not reflect the number of persons impacted by the issue.

Finally, it should be noted that the principle of “best interest of the child” is included in the list of guiding principles spelled out in Recommendation No. 203, which parliamentarians may use to guide their approach to eradicating forced labour.

Modern slavery

“Modern slavery” is not defined in international law. It generally refers to a wider range of situations of extreme exploitation where a person is heavily dependent on another and cannot refuse or leave because of mechanisms of control and coercion, violence, deception or abuse of power.

In 2007, the UN Human Rights Council considered that “the mandates of existing Special Rapporteurs [did] not adequately cover all slavery practices, and that the issue of contemporary forms of slavery [needed] to be given greater prominence and priority within the United Nations system if these practices were to be eradicated once and for all.” As a consequence, the Council decided to appoint a Special Rapporteur on contemporary forms of slavery, including its causes and its consequences (UN, 2007).

The Rapporteur’s mandate encompasses “forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage” (OHCHR, no date (a)). Likewise, the UN Voluntary Trust Fund on Contemporary Forms of Slavery considers that “modern forms of slavery include serfdom, forced labour, debt bondage, the worst forms of child labour, the sale of children, forced and early marriage, the sale of wives and inherited widows, trafficking in persons for exploitation and sexual slavery” (OHCHR, no date (b)).

At the national level, some parliaments have adopted legislations on “modern slavery.” In the United Kingdom, the Modern Slavery Act 2015 does not define “modern slavery” but lists the offences covered by the Act, namely slavery, servitude, forced or compulsory labour and human trafficking.⁴ Similarly, the Australian Modern Slavery Act 2018 defines “modern slavery” as a conduct which would constitute an offence under Division 270 or 271 of the Criminal Code (which covers slavery, slavery-like conditions, servitude, forced labour, forced marriage, trafficking in persons, organ trafficking and debt bondage) or trafficking in persons or the worst forms of child labour.⁵

At the international level, the SDGs use the term under target 8.7 which aims to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.

In the 2017 Global Estimates, “modern slavery” is used as an umbrella term to focus on two main issues: forced labour in its various forms (including debt bondage and the relevant forms of slavery, slavery-like practices and trafficking in persons) and forced marriage.

4 UK, Modern Slavery Act 2015. Available at: www.legislation.gov.uk/ukpga/2015/30/part/1/crossheading/offences/enacted.

5 Australia, Modern Slavery Act 2018. Available at: www.legislation.gov.au/Details/C2018A00153; and Criminal Code Act 1995. Available at: www.legislation.gov.au/Details/C2017C00235/Html/Volume_2.



Charcoal camp, Brazil.
© ILO/S. Carvalho

Question 3: What does forced labour look like?

As described in previous sections, forced labour is a multifaceted phenomenon that may be difficult to detect.

It is instrumental for parliaments to get accurate information related to the different forms of forced labour, including as a result of trafficking in persons, existing in their country in order to:

- **map existing forms of forced labour** and get accurate information related to the different forms of forced labour in their countries;
- **identify legal, implementation and operational gaps**, including weak regulation of recruitment actors and processes; and
- **assess the need for a forced labour survey** to inform lawmaking and policymaking.

This section enables parliamentarians to understand the different types of forced labour, and the indicators that can be used to identify specific incidences of forced labour.

3.1 Forms of forced labour

State-imposed forced labour

According to the ILO 2017 Global Estimates, just over **4 million people are in forced labour imposed by State authorities**. Most of them are forced by their government to work for the purpose of furthering economic development. In many instances this happens “legally”, as national legislation or regulations allow the imposition of compulsory labour in contravention of the two forced labour Conventions and the Protocol. Instances include legislation allowing the call-up of labour for the purpose of economic development of the country, or legislation allowing the call-up of conscripts for public work for development purposes. As legislators, parliamentarians have a crucial role to play in modifying or abrogating these laws and regulations.

Overall, forced labour systematically imposed by State authorities is on the decline, and has practically disappeared in most countries.

Forced labour in Myanmar: the ILO response and the role of Parliament

Myanmar ratified Convention No. 29 in 1955. Political instability and the military coup d'état, however, made its implementation difficult. The military regimes in Myanmar forced civilians to build large infrastructure projects, to deliver porter services for the army or to clear land mines. In 1996, a group of workers' delegates to the ILO International Labour Conference (ILC) presented a complaint⁶ against the Government of Myanmar for non-observance of Convention No. 29 (ILO, 1998). The complaint stated, in particular, that the Government had demonstrated its unwillingness to take action following repeated calls from the ILO's supervisory bodies over the last 30 years, including in special paragraphs in the reports of the Committee of Experts on the Application of Conventions and Recommendations (ILO, no date, CEACR), in 1995 and 1996. Following the complaint, a commission of inquiry was established. In 1998, it concluded that the use of forced labour was widespread in the country in all states and regions. A number of recommendations were made for changes in legislation and practice. In 1999, however, the Government's reply to the ILO was that it had no parliament established, therefore the laws related to forced labour could not be amended.⁷

In 2000, the ILC found that Myanmar was not implementing its recommendations. Consequently, the Government issued Order 1/99 and Supplementary Order 1/99 which advised that forced labour was illegal; the Order, however, did not clearly define forced labour according to Convention No. 29. In its resolution, the ILC therefore enacted a number of measures, including a request to ILO member States to review their relations with Myanmar to ensure that their actions would not perpetuate the use of forced labour. As a result, several countries or country groupings, including the United States and the European Union, enacted sanctions against Myanmar. The ILC resolution further demanded that the ILO Office in Myanmar only engage with Myanmar on forced labour elimination, forsaking all other technical cooperation

6 See the complaint procedure in the ILO supervisory system: ILO, Complaints webpage.

7 The Town Act No. 3/1907 and the Village Act No. 3/1907 (Myanmar).

issues. This remains a unique ILC resolution, in that it recognized that, in order to end forced labour, constituents must not only understand the negative consequences of the problem for the country's economy, but they must also be committed and have the capacity to end the practice. The resolution allowed the Office to further engage and clarify all technical matters with regard to forced labour.

The growing isolation of the country and mounting international pressure helped trigger a response from the Government. In 2002, the Government accepted the appointment of a liaison officer with a mandate to address forced labour. This was remarkable, especially considering that other international bodies were finding it very difficult to address other human rights issues in the country. In February 2007, the Government signed a supplementary understanding with the ILO, which provided for the establishment of a complaints mechanism for individuals who had been subjected to forced labour.

In 2008, the Constitution was amended to adopt a bicameral national Parliament as well as fourteen regional and state-level legislative bodies. In 2012, the ILO and the Government agreed on a joint comprehensive strategy for eliminating forced labour, and restrictions were gradually lifted by the ILC.

In March 2012, the Parliament adopted a new law which provides that the use of forced labour by any party is a criminal offence under the Penal Code. It repealed the Town Act and Village Act of 1907, which had previously served as a legal basis for exacting forced labour, and replaced them with the Ward and Village Tract Administration Law, which largely adopted the definition of forced labour in line with Convention No. 29.

Trafficking in persons⁸

Trafficking in persons for the purpose of sexual or labour exploitation can be linked to organized crime and often involves deceptive recruitment, violence and manipulation of debt. The exploitation can take place in very different sectors, such as domestic work, agriculture, manufacturing or construction. Trafficking affects adults and children, across countries or within borders.

Article 1(3) of the Forced Labour Protocol:

The measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

⁸ See more on the legal definition in section 2.2.

Story of Kevin and Peter, trafficked for labour exploitation

Peter (aged 25) and Kevin (aged 19), both citizens of a northern country of the European Union (EU), were homeless and unemployed when they were approached by Edgar. Edgar offered them a construction job, including room and board. The idea of a job and a place to stay seemed heaven-sent, and they quickly agreed.

The wages were low but steady, and more than they could hope for in their current situation. Edgar put Kevin and Peter up in an old caravan with two other men and set them to work on construction jobs. He paid them a bit of cash at the end of each day and brought them food as well.

After a short while he asked if they would like to go work in a couple of wealthy neighbouring countries where there were many construction jobs on offer. Kevin and Peter agreed, as did the other men in the caravan. Kevin didn't have a passport, but that did not matter; Edgar got him a fake one and bought his tickets.

Things did not work out in the new countries the way the men had imagined. Again living in cramped caravans, sometimes six of them together, their "wages" soon shrank to the point where they were earning less in a day than they should have been earning per hour. They were working long days – sometimes 12 to 14 hours – six days a week, laying asphalt and doing stonework around private houses. Whenever they were not working, they had to go door-to-door in residential neighbourhoods, trying to drum up new business.

Edgar shipped them around so much that they had no idea where they were or even which country they were in. He often treated them abusively, shouting at them, hitting them, and even striking them with a trowel. He warned them that if they left they would be fetched back or beaten; Kevin tried it anyway, once, but was quickly found by Edgar and hauled back to the building site. He did not try again.

After three months, Edgar suddenly went back home, leaving the men behind. Kevin walked all the way to his national embassy in the capital city and appealed for help. Peter made it to a port city and tried to buy a ticket home but he was in such a confused state that he had to be helped by the police; when they heard his story they opened an investigation into Edgar's activities. In the end, Edgar was convicted of human trafficking for purposes of forced labour. Though all the men had consented to work for him and to go abroad, the court deemed that their labour had been exploited and that they had been in reasonable fear of reprisal had they tried to leave their jobs.

The fact that they had little money, were dependent on Edgar for room and board, had a limited ability to make themselves understood, no real idea of where they were and, in two cases, false papers, all made any escape from their circumstances that much more difficult. Edgar received a two-year prison sentence, had the money he had made from the building jobs confiscated and was requested to pay limited damages to Peter and Kevin, worth about 10 days' wages. Kevin now lives under a form of police protection in his home country; Peter stayed in the host country in a secret location and is now under a witness protection regime.

Story adapted from IPU, UNODC, 2013.

Forced commercial sexual exploitation

“Forced prostitution and sexual exploitation should be considered as violations of human dignity and, as women are disproportionately represented among victims, as an obstacle to gender equality.”

(PACE, 2014)

Forced commercial sexual exploitation is a prevalent form of forced labour. According to the 2017 Global Estimates, about **3.8 million women and men and 1 million children** are victims of forced commercial sexual exploitation. The vast majority (99 per cent) are women and girls.

Sexual exploitation of women and children

Article 6 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women requires that States Parties “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

The Committee on the Elimination of Discrimination against Women further highlighted the increased vulnerability of women living in areas affected by crisis or conflict: “Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.” (UN CEDAW, 1992)

Debt bondage and bonded labour

Debt bondage is defined as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”⁹ Bonded labour can affect a whole family when the head of the household pledges not only his own labour but also that of family members to receive an advance payment from his employer or credit in the case of need.

The debt can arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses, such as medical costs. Debts can be compounded as a result of wage retention, manipulation of accounts and/or excessively high interest rates, especially when workers are innumerate. In most cases of debt bondage, the initial debt grows at a rate that cannot be met, and the individual (sometimes together with family members) is unable to leave the work as the debt mounts and cannot be paid with the wages received. Debt bondage may also arise when children are recruited in exchange for a loan given to their parents or relatives. Unscrupulous employers or recruiters make it

⁹ UN Convention, 1956. As elsewhere in this document, it is noted that “his” should be read to include “her” – historical texts not always being gender neutral.

difficult for workers to escape from the debt, by undervaluing the work performed, imposing financial penalties for alleged mistakes or breach of contract, inflating interest rates or charges for food and housing.

Debt bondage can keep vulnerable populations, such as indigenous peoples and other poor and vulnerable groups, in forced labour. It occurs in activities and sectors such as agriculture, logging or mining, and increasingly in new sectors such as domestic work, brick kilns, rice mills, mining and quarrying, and carpet weaving. According to the 2017 Global Estimates, roughly half of all cases of forced labour exploitation involve debt bondage.

The term *kamaiya* designates an agricultural worker within the Tharu indigenous community in western Nepal. Tharu people used to work and stay on the landlord's premises for years and even generations. They were kept in a situation of severe exploitation and, in many cases, in debt bondage, with the whole family working to pay back exorbitant debts. Similar practices – *haliya* in the far-western hill region, and *haruwa* in the eastern Tarai districts – do not only affect the Tharu population.

A committee was formed by the Government in 1990 to suggest appropriate ways for solving the problems of *kamaiyas* and other agricultural labourers. A “sankalkpa prastav” (commitment motion) was registered during the first session of Parliament in 1991 in the House of Representatives but the motion did not get through.

In early 2000, the Tharu people started to mobilize, demanding that their landlords free them from debt. A group of *kamaiyas* submitted a memorandum to the Government and held meetings with members of Parliament, journalists and other people concerned. Under growing pressure, the Government declared on 17 July 2000 that all bonded *kamaiya* were free from debt (*saunki*). The practice was thus declared illegal and punishable; oral and written contracts were nullified.

The cabinet decision presented to the Parliament includes the following points:

- The engagement of *kamaiya* labour is illegal.
- The *kamaiyas* are emancipated outright; any written or oral contract made between the landlord and the *kamaiya* or a family member is null and void and its enforcement punishable by law.
- The *saunki* under the *kamaiya* system is illegal and therefore should not be paid back.

The Government of Nepal enacted the Kamaiya Labour Prohibition Act in 2002, which banned the *kamaiya* system and provided victims with support services and remedies. Under this law, the Government is providing support (land purchase and house building/repair) to 32,509 *kamaiya* families and 16,953 *haliya* families in Nepal. In collaboration with different development partners, like the ILO, the Government is also providing *kamaiya* and *haliya* families with livelihood and alternative skills and support for children's education.

3.2 Recognizing forced labour

The ILO developed a list of forced labour indicators (ILO, 2012c) (listed below), translating the definition of forced labour provided by Convention No. 29 into 11 operational indicators:

- abuse of vulnerability;
- deception;
- restriction of movement
- isolation;
- physical and sexual violence;
- intimidation and threats;
- retention of identity documents;
- withholding of wages;
- debt bondage;
- abusive working and living conditions; and
- excessive overtime.

Most of these indicators are not sufficient per se to formally identify forced labour, however they can be very useful for front-line officials to detect suspicious situations where persons possibly trapped in forced labour may require urgent assistance.

The indicators are meant to be adapted to the national context and sectors, and can serve as a basis for national consultation. It is important for parliamentarians to be versed in these indicators, which may help them identify the forms of forced labour present in their constituencies and develop legislative and policy measures to combat forced labour (UNODC database, ILO–ITC compendium). Below is a description of each indicator. It is important to note that these indicators are to be understood from the point of view of the persons affected by forced labour. For instance, it is easier to isolate a child than an adult.

Abuse of vulnerability

A Chinese domestic worker who worked 365 days a year did not speak a word of French except “good morning” and “good evening.” She was kept in a situation of dependence because of the language, continuous work and isolation. That domestic worker was a real slave.

(Labour inspector in France)

Anyone can be submitted to forced labour. However, people who lack knowledge of the local language or laws, have few livelihood options, belong to a minority religious or ethnic group, have a disability or have other characteristics that set them apart from the majority population are especially vulnerable to abuse and may be easily trapped in forced labour. When an employer takes advantage of a worker’s vulnerable position, for example, by imposing excessive working hours or withholding wages, then a forced labour situation may arise.

Deception

My mum told me her sister was planning to come and get me so that I could start living with her. It was my auntie who promised to pay for my school expenses but did not fulfil her promises. Instead she turned me into a domestic worker.

(Young Zambian woman)

Deception relates to the failure to deliver what has been promised to the worker, either verbally or in writing. Persons submitted to forced labour are often recruited with promises of decent, well-paid jobs. But once they begin working, the promised conditions of work do not materialize, and workers find themselves trapped in abusive conditions without the ability to escape. In these cases, the initial consent has been vitiated and thus is no longer “informed”. Had they known the reality, they would never have accepted the job offer.

Restriction of movement

There were bars on the windows and an iron door, like a prison. It was impossible to escape, not even worth contemplating. It lasted two months. They took me to clients and brought me back. Always under guard.

(16-year-old girl from Kazakhstan trafficked for prostitution in Russia)

Forced labourers may be locked up and guarded to prevent them from escaping, at work or while being transported. If workers are not free to enter and exit the work premises, subject to certain restrictions that are considered reasonable, this represents a significant indicator of forced labour.

Isolation

The camp was in an area that was very difficult to reach. To travel to an urban centre, you had to plan the journey several days in advance. Transport was only possible by small plane or by riverboat, which could take up to 22 days.

(Escaped indigenous worker in Peru)

People trapped in forced labour are often isolated in remote locations, and denied contact with the outside world. Workers may not know where they are, the worksite may be far from habitation and there may be no means of transportation available. But equally, workers may be isolated even within populated areas, by being kept behind closed doors or having their mobile phones or other means of communication confiscated, to prevent them from having contact with their families and seeking help. Isolation can also be linked to the fact that the business premises are informal and not registered, making it very difficult for law enforcement or other agencies to locate the business and monitor what is happening to the workers.

Physical and sexual violence

The abuse started almost immediately after I arrived and became more frequent and violent. I was regularly slapped, whipped and punched.

(22-year-old Cambodian domestic worker in Malaysia)

Forced labourers, their family members and close associates may be subjected to actual physical and sexual violence. Violence can include forcing workers to take drugs or alcohol so as to have greater control over them. Violence can also be used to force a worker to undertake tasks that were not part of the initial agreement, such as to have sex with the employer or a family member. As violence is not acceptable under any circumstances, it gives a very strong indication of the possible existence of forced labour. Exposed to violence or the threat of violence, a worker cannot express free consent.

Intimidation and threats

When I told the woman I was working for that I wanted to leave, she threatened me and said that unless I paid US\$ 600, she would go to the police and tell them I had no papers. There was nothing I could do because I don't have papers, and I know the police will not help me.

(31-year-old Ethiopian migrant worker in Lebanon)

People in forced labour may suffer intimidation and threats when they complain about their conditions or express their wish to quit their jobs. In addition to threats of physical violence, other common threats used against workers include denunciation to the immigration authorities, loss of wages or access to housing or land, sacking of family members, further worsening of working conditions or withdrawal of “privileges” such as the right to leave the workplace. Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.

Retention of identity documents

As I passed through immigration, the driver grabbed my passport. I cannot leave because my passport is with the employer, and I cannot move around without it.

(Nepali man working as a cleaner in the United Arab Emirates)

The retention by the employer of identity documents or other valuable personal possessions is an element of coercion if workers are unable to access these items on demand and if they feel that they cannot leave the job without risking their loss.

Withholding of wages

At the beginning, he promised me a salary and I started to work. He gave me food and sometimes bought me some clothes. But I was still waiting for my salary. When I asked him about my salary, he would say: “After selling these products.” I would continue working with him nevertheless. One night, I told him I wanted what he owed me because I wanted to leave. He jumped at me and started beating me and shouting at me, “You can leave if you want but I won’t give you anything.” I left crying. I had stayed 16 months at his place, but got nothing.

(16-year-old boy in Niger)

Workers may be obliged to remain with an abusive employer while waiting for the wages that are owed to them. The fact of irregular or delayed payment of wages does not automatically imply a forced labour situation. But when wages are systematically and deliberately withheld as a means to compel the worker to remain, and when they are denied the opportunity to change employer, this points to forced labour.

Debt bondage

A worker borrowed 20,000 rupees from a middleman. When he had paid back all but 4,000 rupees, the middleman falsely claimed that the worker owed him 40,000 rupees. He was made to work in the mine, while the middleman’s son kept watch outside.

(Labour leader in a mine in Pakistan)

Debt bondage, through the manipulation of debt by unscrupulous employers or recruiting agents, affects more than half of all people in forced labour. This proportion rises above 70 per cent for adults who are forced to work in agriculture, domestic work or manufacturing (ILO, Walk Free Foundation, 2017, pp. 36–37). Debt bondage – or bonded labour – reflects an imbalance in power between the worker-debtor and the employer-creditor. It has the effect of binding the worker to the employer for an unspecified period of time, anything from a single season to years, or even successive generations. It bears no resemblance to taking a “normal” loan from a bank or other independent lender, for repayment on mutually agreed and acceptable terms.

Abusive working and living conditions

The workers were housed in plastic shacks, drinking contaminated water, and they were kept in holes behind bushes in order to hide them until we left.

(Labour inspector describing the conditions in a Brazilian fazenda)

People submitted to forced labour are likely to endure living and working conditions that workers would never freely accept. Work may be performed under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear), and in severe breach of labour law. Forced labourers may also be subjected to substandard living conditions, made to live in overcrowded and unhealthy conditions without any privacy.

Excessive overtime

I had to work 19 hours a day without any rest and overtime payment or holiday. They treated me like an animal.

(Nepali migrant worker)

Forced labourers may be obliged to work excessive hours or days beyond the limits prescribed by national law or collective agreement. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent, or being on call 24 hours a day, seven days a week. As a rule of thumb, if employees have to work more overtime than is allowed under national law, under some form of threat (for example of dismissal) or in order to earn at least the minimum wage, this may amount to forced labour.



Child domestic worker, Mali
© ILO/M. Crozet

Question 4: What factors increase the risk of forced labour?

Forced labour exists in large part because of:

- a minority of unscrupulous employers, agents and traffickers who seek profit in certain industries through the exploitation of other people;
- poverty, inequality and discrimination, making individuals vulnerable to such exploitation;
- inadequate legislation that does not provide the necessary protection to all workers in all sectors and does not regulate recruitment practices; and
- difficulties faced by law enforcement bodies in identifying, prosecuting and sanctioning forced labour practices.

The following section examines the root causes of forced labour, as well as the factors which make certain categories of workers more vulnerable to coercion and the sectors where forced labour is more likely to occur. Parliamentarians should be aware of the root causes allowing forced labour to thrive and the risk factors. Knowledge of these root causes and risk factors can help shape legislation and frame policies and sustainable plans of action to combat forced labour and ultimately ensure decent work for their constituents (ILO, 2018a).

4.1 Root causes of forced labour

Forced labour will not be eradicated without addressing its root causes, as required by the Forced Labour Protocol:

Article 2(f) of the Forced Labour Protocol

Measures taken shall include:
Addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Recommendation No. 203 provides further guidance on the issue:

Relevant provisions in Recommendation No. 203

Preventive measures shall include:
Promote fundamental principles and rights at work, in particular freedom of association and collective bargaining, to enable at-risk workers to join workers' organizations (paragraphs 3(a) and (b))
Programmes to combat discrimination (paragraph 3(c))
Educational initiatives for children and skills training programmes for at-risk population groups (paragraphs 3(d) and 4(d))
Basic social security guarantees, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), to reduce vulnerability to forced labour (paragraph 4(f)).

Poverty

Forced labour affects all countries, not only the poorest, and can be found in all economic sectors. However, it is linked to social injustice, and poor households are more vulnerable. ILO studies have shown that, regardless of the variations in countries and economic conditions, poor households find it particularly difficult to deal with income shocks, especially those that push households below the food poverty line (ILO, 2014a). In the presence of such shocks, families without social protection nets tend to borrow money to solve short-term consumption needs, and to accept any job for their adult members or their children, even under exploitative conditions. This can lead to heavy dependence on creditors, recruiters and unscrupulous employers who might take advantage of their situation of vulnerability.

Weak governance

In some countries, widespread corruption, sometimes with government or corporate complicity, and weak rule of law allow abusive practices to occur at the recruitment stage and on worksites and go unpunished. Inadequate legislation and poor law enforcement mean that perpetrators of forced labour are rarely prosecuted and punished. In this situation, the potential gains for a minority of unscrupulous employers, agents and traffickers who resort to forced labour practices outweigh the perceived risks of being punished.

As a consequence, in many countries, it is difficult for persons subjected to forced labour to assert their rights, access justice and receive adequate compensation for material and moral damages. This reduces the probability of affected persons coming forward to denounce perpetrators and seek help, and confounds efforts to accurately understand the extent of this practice.

Weak social dialogue

The lack of effective governance, in particular comprehensive laws and policies to prevent and prosecute forced labour, is often linked to weak social dialogue. Workers' and employers' organizations play a critical role in the formulation and implementation of such laws and policies and should be consulted in line with ILO Convention No. 144 on Tripartite Consultation (see Measure 4).

Social dialogue requires strong workers' and employers' organizations. In some countries and sectors, however, workers' face restrictions on their rights to organize and bargain collectively. When workers are unable to exert a collective voice, to defend their interests, or to positively influence the conditions of their working lives, they are more vulnerable to abuse, including forced labour.

Even in countries where representative trade unions exist, some workers are not allowed to join them. This is the case of migrant workers and domestic workers in many countries, and it increases their vulnerability to abuse and exploitation. However, there are a growing number of innovative approaches to organize workers in the informal economy.

Examples of national measures to combat forced labour

Republic of Korea

The Republic of Korea's Supreme Court determined in June 2015 that all workers are entitled to basic workers' rights, including the right to join and set up a trade union, regardless of their immigration status. Consequently, the Migrants' Trade Union, as of mid-2015, has been able to officially represent the rights of 553,000 registered migrant workers and 208,778 undocumented migrant workers. Its activities include lobbying the Government to change labour policies that may create risks of abuse or forced labour of migrant workers.¹⁰

¹⁰ Republic of Korea Supreme Court, Decision 2007 Du4995, 25 June 2015, regarding the Trade Union and Labour Relations Adjustment Act.

Lack of awareness about labour and human rights

A lack of awareness about labour and human rights and how they can be exercised heightens people's vulnerability to exploitative labour and hinders their capacity to organize and campaign for themselves. The Forced Labour Protocol and Recommendation No. 203 call for measures to educate the public, vulnerable groups and employers, in recognition of the importance of heightened awareness to changing behaviour and practices that can lead to forced labour and related abuses. Awareness-raising efforts can take many forms through many different media. Religious leaders, activists, artists and sport champions can play an important role as agents of change (see Measure 5).

Informal economy and lack of access to social protection

Workers in the informal economy are among the most vulnerable and least protected groups, and forced labour imposed by private actors occurs overwhelmingly in the informal economy (ILO, 2014c). The Forced Labour Protocol and Recommendation No. 203 contain provisions in a number of areas of relevance to addressing decent work deficits and reducing vulnerability to forced labour in the informal economy, including: the promotion of freedom of association and collective bargaining; basic social security guarantees forming part of the national social protection floor; and skills training programmes for at-risk population groups.

Economic and social vulnerability is a key driver of forced labour, and social protection is central to mitigating this vulnerability. Social protection, and basic social security guarantees in particular, is a key prerequisite for a workforce that is healthy and prepared to cope with adverse social or economic contingencies, and is therefore resilient to forced labour.

Humanitarian crises, including conflicts and natural disasters

Conflicts and natural disasters often disrupt livelihoods and education, and worsen the level of governance of a country. These events can result in the collapse of the rule of law, income shocks and population displacements, within or across national borders, which create a conducive environment for violations of fundamental rights, including forced labour. With the sudden loss of livelihoods, crises provide fertile ground for unscrupulous recruiters, so it is important not only to mitigate the impact of crisis on workers but also to ensure workers' fundamental rights are not eroded during the post-crisis and recovery phase. This should be assessed in a gender-responsive manner, as risks and types of forced labour differ considerably according to gender.

Children in conflict zones are particularly vulnerable. They can be recruited as combatants or sexual slaves, used as human shields or suicide bombers, or forced to commit acts of extreme violence or perform hazardous work to extract minerals.

Discrimination

Whether on the basis of gender, race, ethnicity, nationality, religion, political opinion, social origin, HIV status, disability, age or sexual orientation, discrimination shapes how people are treated in the labour market. People discriminated against face an increased risk of forced labour, as in the case of indigenous workers in Latin America, the Romani in Europe or scheduled castes and tribes in South Asia and West Africa. In their case, forced labour is often one of the consequences of the structural discrimination, social exclusion and exploitation they suffer from, combined with poverty and illiteracy. In the case of indigenous peoples, discrimination is also related to their access to land. In certain countries, slave-like practices may still be observed.

Migrant workers are particularly prone to discrimination on various grounds, for instance their real or perceived nationality, race, ethnicity or religion. In an environment where there are widespread misperceptions about migrant workers, reinforcing prejudice, intolerance and stigmatization, migrant workers and their families are all the more vulnerable to exploitation and abuse.

Gender inequality also makes women more vulnerable to forced labour. Despite considerable progress, girls are still at a disadvantage as regards to access to education, which affects the nature and quality of women's participation in the labour market. In general, discrimination faced by women makes it more challenging for them to speak up to defend their rights as workers. As a result, many women work in economic sectors vulnerable to exploitation, including forced labour, such as in the lower tiers of the textiles and garments supply chains or in domestic work (ILO, 2011).

4.2 Individual factors: Workers at heightened risk of forced labour

As a consequence of the root causes of forced labour detailed above, certain categories of workers are more vulnerable to coercion than others. Most of these workers are easily replaced in the low-skilled sectors that employ them, and therefore have little leverage to advocate for their rights in the face of unscrupulous recruiters or employers seeking to profit from their labour illegally. Some are particularly at risk because of their gender, young age, ethnic background, relative poverty or irregular migrant status. Some workers combine several of these risk factors, which makes them even more vulnerable and perfect targets for perpetrators.

Gender factors and risks to women and girls

While gender is an important factor determining the risk of forced labour, it is often contextual, with great variances across countries, sectors and forms of forced labour. Women and girls represent 99 per cent of people subjected to forced sexual exploitation and the vast majority of affected people in domestic work (ILO, 2018a).

The concentration of women migrant workers in private homes and other unregulated venues rather than in public workplaces can entail greater vulnerability in terms of discrimination on gender, racial, ethnic, and occupational and nationality grounds. Women may also find themselves victims of exploitation, hazardous work conditions and violence and harassment. Women and girls in forced labour suffer much higher rates of sexual violence and are more likely to have their passports withheld. In occupations such as domestic work, women migrant workers often find themselves excluded from the right to family reunification.

“[The IPU Assembly] encourages parliaments to mainstream gender equality concerns in all legislation and oversight practices (including the formulation, enforcement and monitoring of laws and budgets) to ensure that women and children are protected from all forms of abuse and that they are provided with legal, medical and other forms of assistance.”

(IPU, 2010)

While prevention and protection efforts need to reflect and prioritize the generally higher-risk profile of females, they also need to account for the unique vulnerabilities of males, which have to date been overlooked in efforts against forced labour in some countries. Indeed, in sectors such as mining, fishing, construction, manufacturing and agriculture, men and boys are disproportionately affected.

Gender stereotypes can undermine the ability to detect male victims. Men can also be more reluctant or ashamed to acknowledge they were working under coercion or identify themselves as victims (ICAT, 2017). Besides, some protection services are not provided for men. For instance, many shelters are for women and children only, therefore there is no safe accommodation available for men or families who are rescued or escaping from forced labour situations. Males in forced labour are more likely to be subjected to threats against family, withheld wages, confinement, denial of food and sleep, and threats of legal action.

Reducing vulnerability to trafficking and forced labour of women and girls

In rural South Asia, many women and girls from indigenous, low-caste or low-income backgrounds consider migration as the only option to escape poverty and discrimination. While many do indeed succeed in improving their livelihoods by moving to bigger cities or going abroad, many also end in forced labour, deceived by recruitment intermediaries or suffering serious abuses by unscrupulous employers. The domestic work and garment sectors in the Middle East and India are common employment destinations for women and girls from South Asia. Reports of abuse from these workplaces include unpaid wages, confiscation of identity documents, long working hours without days off, restrictions on movement, deception about terms and conditions of work, sexual violence and intimidation.

The **Work in Freedom** programme adopts an integrated and targeted approach to reduce vulnerability to trafficking and forced labour of women and girls in South Asian countries of origin (Bangladesh, India and Nepal) and in selected destination countries (India, Jordan and Lebanon). Engaging migrants, civil groups, trade unions, businesses and regulators, initiatives are designed to reduce vulnerability and shape fairer labour markets. Activities focus on promoting informed and freely chosen migration, supporting fair recruitment practices and better regulations, and reviewing law, policies and practices to ensure the safety and dignity of migrant workers. It also aims at building and strengthening migrant collective support networks through worker centres, organizing, training, and sharing information.

Since the programme's inception in 2013, these activities have benefited more than 170,000 women in Bangladesh, Nepal and India (adapted from ILO, DFID, 2017; ILO, 2018a).

Children

Children, internationally defined as all persons below the age of 18 years, are more vulnerable to forced labour due to their young age and dependence on adults. Children can be in forced labour as family members, when the whole family or community is subjected to forced labour. Children may also be subjected to forced labour individually, as a result of being trafficked for instance. Forced labour may also result from traditional practices of placing children in foster care with relatives in distant cities. While parents are promised education for their children, boys and girls are often exploited as domestic workers, in agriculture and fishing or in the sex industry. Migrant children are especially vulnerable to child labour and forced labour, and are more likely to experience violence and sexual abuse, and denial of their civil and political rights. The ILO estimates that almost one in six victims of forced labour worldwide is a child.

“[The Inter-Parliamentary Conference] recommends that legislation banning any form of child abduction or exploitation and the use of child labour in hazardous work, and in particular protecting children against sexual exploitation, forced labour, bonded labour and other forms of slavery involving children, be adopted as rapidly as possible and effectively applied by at least the countries represented in the Inter-Parliamentary Union.”

(IPU, 1997)

Relevant provisions in Recommendation No. 203

- Preventive measures shall include initiatives to address child labour and promote educational opportunities for children, both boys and girls, as a safeguard against children becoming victims of forced or compulsory labour (paragraph 3 (d)).
- Protective measures for children subjected to forced or compulsory labour should take into account the special needs and best interests of the child, and, in addition to the protections provided for in the Worst Forms of Child Labour Convention, 1999 (No. 182), should include:
 - a. access to education for girls and boys;
 - b. the appointment of a guardian or other representative, where appropriate;
 - c. when the person's age is uncertain but there are reasons to believe him or her to be less than 18 years of age, a presumption of minor status, pending age verification; and
 - d. efforts to reunite children with their families, or, when it is in the best interests of the child, provide family-based care (paragraph 10).

Sexual exploitation of children

The United Nations Convention on the Rights of the Child (CRC, article 34) stipulates that:

“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.”

In 2000, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (article 3(1)(a)) reaffirmed that “Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

...

- a. Sexual exploitation of the child; (...)”

Migrant workers

There are 164 million migrant workers worldwide, including 68.1 million women (ILO, 2018c). Migrant workers are noted in the preamble of the Forced Labour Protocol as one group “with higher risks of becoming victims of forced labour.” Migration for employment has the potential to be a positive phenomenon for both governments and migrants themselves. For instance, in countries of origin, migration for employment can contribute to development through remittances, return migration, and engagement of transnational communities (diaspora). Return migrants bring back human capital, financial capital

(savings), and social capital (contacts and access to networks) (ILO, 2008). Migration can also be empowering for women and men who gain additional transferable skills, higher self-esteem and increased economic independence.

However, migration has its risks. According to the 2017 Global Estimates, almost a quarter of all victims of forced labour were exploited outside their country of residence. The United Nations Office on Drugs and Crime (UNODC) further reports that 28 per cent of detected victims of trafficking in persons were detected within their sub-region. However, this pattern changes considerably from one region to the other (UNODC, 2018). Both internal and international migrants are vulnerable to forced labour in a wide variety of sectors and countries. The destination country and the legal status of migrant workers in that country play a significant role in determining the likelihood of being in forced labour: an irregular migration situation entails a higher risk of exposure to forced labour. The following are some factors that heighten the risk of exploitation and abuse in the workplace: (a) deceptive recruitment practices, both by unscrupulous employers and intermediaries (for example, the charging of recruitment fees and retention of personal documentation); (b) frequent lack of social support systems; (c) unfamiliarity with the local culture, language, their rights at work and national labour and migration laws in the country of employment; (d) limited or denied access to legal and administrative systems; (e) dependence on the job and employer due to migration-related debt, legal status, or unscrupulous employers restricting the worker's freedom to leave the workplace; and (f) reliance by family members on remittances sent back home by the migrant (UN, 2014). Other factors such as isolation and the lack of decent accommodation and integration mechanisms also play a role in increasing the vulnerability of migrant workers (ILO, IPU, OHCHR, 2015). Nowadays, forced labour linked to migration and exploitative labour contract systems can be found everywhere in the world.

Relevant provisions in Recommendation No. 203

- Preventive measures shall include orientation and information for migrants, before departure and upon arrival (paragraph 4 (g)).
- Taking into account their national circumstances, Members should take the most effective protective measures for migrants subjected to forced or compulsory labour, irrespective of their legal status in the national territory, including:
 - a. a provision of a reflection and recovery period in order to allow the person concerned to take an informed decision relating to protective measures and participation in legal proceedings, during which the person shall be authorized to remain in the territory of the member State concerned when there are reasonable grounds to believe that the person is a victim of forced or compulsory labour;
 - b. provision of temporary or permanent residence permits and access to the labour market; and,
 - c. facilitation of safe and preferably voluntary repatriation (paragraph 11).

People with low education levels

Adults with low education levels and children whose parents are not educated are at higher risk of forced labour. Low education levels, resulting in illiteracy and innumeracy, reduce employment options for workers and often force them to accept work under poor conditions. On the other hand, individuals with higher education levels will be in a better position to understand the contract they sign or keep track of the repayments of their debts. For example, a common method used by perpetrators of debt bondage is to inflate interest rates and falsify accounts, hence deceiving workers with low numeracy skills. Being educated and literate also leads to higher incomes, reducing the likelihood of falling into abject poverty and hence reducing dependence on credit. Lack of access to education may be driven by many factors, including the absence of free public education, requirements to pay for books, uniforms and other necessities that prevent poor families from enrolling their children, inadequate education infrastructure, and poor quality of instruction.

4.3 Economic sectors at heightened risk of forced labour

Forced labour is a crime driven by greed. It is overwhelmingly concentrated in the private economy – 84 per cent of total cases are imposed by private actors, according to the 2017 Global Estimates.

This figure underscores the importance of public and private action in high-risk countries and economic sectors to prevent forced labour and related abuses in the operations of businesses and enterprises, and in the products, services or operations to which they may be directly linked through their supply chains (ILO, 2018a). While most companies proactively avoid illegal employment practices, there is a risk that they may become associated with forced labour through business links to contractors and suppliers who may conceal unlawful practices (ILO, 2016).

Article 2(e) of the Forced Labour Protocol

Supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour.

Relevant provisions in Recommendation No. 203

Preventive measures shall include: providing guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked (paragraph 4(j)).

Sectors where forced labour occurs

The 2017 Global Estimates on forced labour provide a good overview of the sectors most affected by forced labour (see Figure 3).

Figure 3. Distribution of private imposed forced labour cases

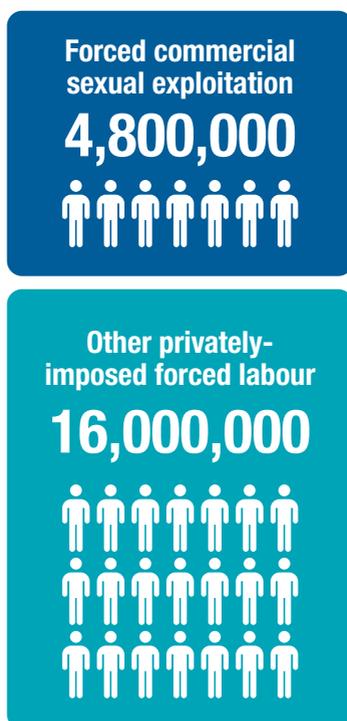
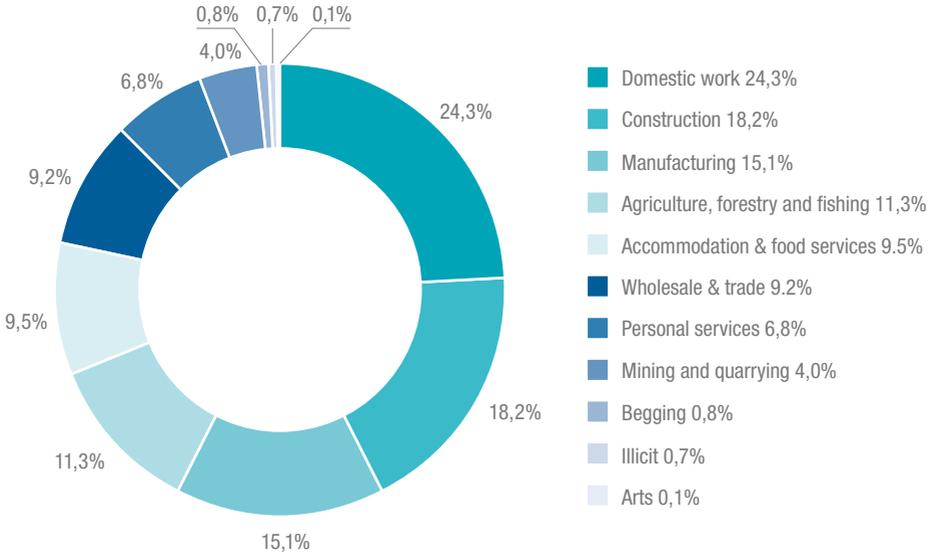


Figure 4. Sectoral distribution of private imposed forced labour cases (outside forced commercial sexual exploitation)



Note: These figures are based on cases of forced labour where the industry in question was reported. Information on the industry was available for 65 per cent of the total cases.

Domestic work

Most domestic work occurs in the informal economy and in the private sphere, and therefore tends to remain outside the scope of regulation, monitoring and inspection offered by labour laws. Children and adults in domestic work may face very harsh working conditions, including long hours of work, poor board and lodging, and extreme physical, sexual and psychological violence. The coercion that domestic workers often face, and which in many cases leads to forced labour situations, typically stems from recruitment and job placement mechanisms. It is particularly important to raise awareness of workers and employers in this sector to change behaviours which are often still entrenched in long-standing patterns of discrimination.

Construction

The construction industry, with its high demand for low-skilled workers and the strong reliance on subcontracting and temporary work, is prone to exploitation which can amount to forced labour.

Manufacturing

In the manufacturing sector, coercion has been documented mainly in lower-income countries. While attention has long focused on the abuses in small garment or footwear factories in the largely informal sector of the South Asian countries, growing awareness of global supply chain risks has led to coercion being detected in the production of a range of products that until recently had escaped public attention, such as the manufacture of garments for medical use. At the higher end of the manufacturing scale, abuses in the electrical and electronics industry have also received global attention, with some major electronics, telecommunications and technology brands encountering criticism over labour exploitation, including forced labour, in their supply chains. Another high-profile issue involves pressure on high-technology companies to ensure that their products do not contain minerals that are produced in conflict zones where forced labour may have been imposed by rebel groups.

Commercial agriculture and fishing

Much of the low-paid work in commercial agriculture is seasonal, which gives an important role to labour providers, who can be employment as well as recruitment agents, generally responsible for the payment and working conditions of the workforce. Illegitimate agents have been widely responsible for the typical range of abuses such as non-payment or late payment of wages, restriction on physical movement, violence and threats, in wealthier as well as in poorer countries.

The seafood industry, which is part of the larger agriculture and fishing sector, has also drawn international attention. The most severe cases, documented on some deep-sea fishing vessels in the Asian region, have involved physical brutality and even loss of life. Yet this industry poses unique challenges for preventing abuses. Difficult conditions are inherent in the fishing industry, which typically involves long hours of work and strenuous activity in a challenging marine environment: vessels may be at sea for long periods, in distant fishing grounds, and well beyond the reach of national labour inspection systems. Migrant workers are at an especially high risk of coercion in this industry in both developed and developing countries. In many cases the entire business operation is illegal (involving illegal brokerage and illegal fishing in addition to serious violations of labour law), and the vessel owners can use undocumented migrants both to cut costs and to escape the attention of law enforcement authorities. Coercive practices have also been documented in other industry activities, including onshore seafood processing.

Reliance on labour recruiters

The risks of abuse are highest in sectors relying heavily on labour recruiters. The term “labour recruiter” refers to both public employment services and to private employment agencies and all other intermediaries or subagents that offer labour recruitment and placement services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks. The range of possible intermediaries includes formally registered companies that provide temporary staffing services, informal unlicensed individuals, and quasi-registered labour contractors. If recruitment agencies and recruiters can help match labour supply with labour demand, unscrupulous recruiters and fraudulent agencies prosper in a weakly regulated environment (ILO, 2019a).

Many migrant workers enter the destination country through networks of recruitment agents, often incurring high brokerage fees, even when they are engaged through legally recognized recruitment agencies. Informal sub-agents may also charge recruitment fees at the community level even when recruitment agencies comply with the national legislation prohibiting the charging of fees by registered agencies. And when the labour brokerage is informal and the workers have no contracts of employment, there is considerable risk of further abuse.

Reported abuses include charging of exorbitant fees; deception about the nature and conditions of work; contract substitution; retention of passports; illegal wage deductions; ineffective complaint and grievance procedures; and threats against leaving employers, coupled with the fear of subsequent deportation. In some cases, these abuses amount to trafficking in persons for the purpose of forced labour.

In particular, the payment of recruitment fees and related costs increases workers' risk of ending up in forced labour. Many workers must borrow heavily to pay these fees, leaving them highly dependent on their employers, who often deduct recruitment fees directly from their wages, sometimes at exorbitant rates. Additional fees can be charged for medical screening, training and recruitment-related documentation. These fees can be imposed on workers by illegal brokers and sub-agents before the job seeker is even in contact with the recruitment agency. High recruitment costs tend to particularly affect workers in low-skill construction, agricultural and domestic work. Wage advances given to workers by labour recruiters, especially common in instances of internal migration for low-skilled work, can have a similar impact. Workers receiving the advances can be "bonded" to their employers (and recruiters) for the entire season and sometimes for years until they have repaid the advances.

The situation can be exacerbated when migrant workers are tied for a lengthy period of time to one employer by visa arrangements. In such situations, they may suffer restrictions on their freedom of movement, leaving them isolated and alone and with no effective remedy against abusive treatment (ILO, 2018a).

Part II: Taking action

“If we want to make a significant change in the lives of the 25 million men, women and children in forced labour, we need to take concrete and immediate action.

Let’s not just be angry at slavery, let’s make change happen.”

Guy Ryder, Director-General of the ILO



Ratification by Niger of the Forced Labour Protocol, 2015
© ILO/M. Crozet

Measure 1: Ratify the Forced Labour Protocol and other relevant instruments

When a country ratifies an international treaty, it signifies that it is committed to the pursuit of its goals and that it is prepared to submit its policies and legislation to scrutiny by international bodies to ensure compliance (ILO, 2019b). Signing a treaty also serves as a “safety lock” in that it commits not only the government in office at the time of ratification, but also future governments – thus putting the application of the ratified Convention beyond the vagaries of party politics and changing governments.

In 2014, the Forced Labour Protocol and Recommendation No. 203 were overwhelmingly adopted by representatives of governments, workers and employers at the ILO International Labour Conference, providing all actors with a comprehensive strategy and set of tools to address the challenge of the elimination of forced labour in all its forms.

The Forced Labour Protocol is a binding instrument which requires ILO member States to take effective measures to prevent forced labour, protect affected people and provide them with access to remedies. It also emphasizes the link between forced labour and trafficking in persons. Recommendation No. 203, which is non-binding, provides further guidance to implement these obligations. Each member State may implement the Forced Labour Protocol in a manner that takes into account its unique national circumstances, though the measures adopted must be effective (P029, article 1(1)). Further details about the content of the provisions of the Forced Labour Protocol and Recommendation No. 203 will be given throughout measures 2 to 7.

By ratifying the Forced Labour Protocol, a country:

- accepts it as a legally binding instrument;
- makes a formal commitment to implement the obligations in that instrument;
- accepts the ILO supervisory system, including the obligation to submit regular; and reports on progress made towards the full implementation of the provisions (ILO, 2017).

Workers' and employers' organizations are invited to provide submissions in response to these government reports, creating an opportunity for public dialogue on the topic. Those reports are reviewed by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR),¹¹ which can make recommendations on legislative and programmatic measures.

The ILO provides technical assistance to its member States on combating forced labour and implementing the Forced Labour Protocol through its field-based projects throughout the world.¹² For instance, the ILO advises governments on the development and implementation of relevant laws, policies and programmes, builds the capacity of employers' and workers' organizations, helps carry out gap analysis, and provides and contributes to awareness-raising campaigns.

Under the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work, non-ratifying member States are also required to submit annual reports to the ILO on the measures taken to address forced labour. This obligation applies to all member States that have not ratified one or more of instruments covering the four fundamental principles and rights at work,¹³ including the Forced Labour Protocol.

On top of the ILO Forced Labour Conventions and Protocol, parliamentarians can also check whether their country has ratified other international treaties that directly or indirectly prohibit forced labour, such as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the International Convention on the

11 The CEACR's comments are publicly available on the ILO website and can be filtered by country, convention and topic.

See www.ilo.org/dyn/normlex/en/?p=1000:20010::NO::.

12 See the list of ILO projects on forced labour: www.ilo.org/global/topics/forced-labour/projects/lang-en/index.htm.

13 Namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly Resolution 45/158 of 1990), and the Rome Statute of the International Criminal Court (2002).

Dedicated hearings on forced labour – examples of national practices

Parliaments can organize dedicated hearings on forced labour to ask specific questions of national and international experts to inform their legislative action. Hearings can be organized as part of the discussion preliminary to the ratification of the Forced Labour Protocol (such as the one requested by the French Senate in 2016¹⁴) or while discussing necessary amendments to the legislation (as in Belgium regarding trafficked children¹⁵). Hearings can be organized by different committees: in the United States of America, hearings on forced labour, trafficking in persons and modern slavery are regularly held by the United States Senate Committee on Foreign Relations,¹⁶ but specific hearings were also held by the United States Senate Committee on Homeland Security and Governmental Affairs in 2018 as well as by the United States Senate Committee on Indian Affairs in 2017. The European Parliament is also very active on the issue. For instance, in 2018, its Committee on Civil Liberties, Justice and Home Affairs held, in association with the Committee on Women's Rights and Gender Equality, a public hearing, "Trafficking of women and children in the context of migration. The new slavery of our times."

What is the role of parliaments?

Parliaments play an important role in the **signing and ratification of international treaties** and conventions. The decision to ratify a convention – and thus bind a country to its provisions – must be taken with the consent of the competent authorities (the national parliament in most countries). Under the ILO Constitution, **ILO member States must submit any new instrument adopted (conventions, protocols and recommendations) to the competent authorities within a year**, and inform the ILO Director-General of the measures taken accordingly, with copies of the report to the employers' and workers' organizations.¹⁷

14 Projet de loi autorisant la ratification du protocole relatif à la convention n° 29 de l'Organisation internationale du travail sur le travail forcé, 1930: www.senat.fr/rap/115-317/115-3179.html.

15 House of Representatives, Belgium, 2017: www.dekamer.be/FLWB/PDF/54/2354/54K2354001.pdf.

16 For instance, in November 2018, a full committee hearing on the global fight to end modern slavery: www.foreign.senate.gov/hearings/the-global-fight-to-end-11282018.

17 Article 19 of the Constitution, paragraphs 5, 6 and 7. On the obligations of member States in respect of conventions [and protocols, such as the Forced Labour Protocol], paragraph 5 states: "(a) the Convention will be communicated to all Members for ratification; (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action" (ILO, 2005).

This obligation is a fundamental part of the ILO standards system, with the aim of:

- promoting ratification of conventions and protocols;
- promoting measures at the domestic level for the implementation of the instruments;
- ensuring that the instruments adopted by the International Labour Conference are brought to the knowledge of the general public;
- creating an opportunity for debate;
- reinforcing the relations between the ILO and parliaments;
- stimulating tripartite dialogue at the national level; and
- contributing to the complete examination of a question and a possible improvement of the measures taken at the domestic level to give effect to the instruments adopted by the International Labour Conference (ILO, 2005; ILO, 2012d).

Ratification must always be communicated through a letter, called an “instrument of ratification”, to the ILO Director-General. If this is not done, the convention may be regarded by a State as “ratified” in its internal legal system, but this will not be effective in the international legal system. While there is no specific format for the instrument of ratification, there are a few requirements. In order to be registered, the instrument of ratification must:

- a. clearly identify the convention being ratified;
- b. be an original document (on paper, not a facsimile or photocopy) signed by a person with the authority to commit the State (such as the Head of State, Prime Minister, Minister responsible for Foreign Affairs or Labour); and
- c. clearly convey the government’s intention that the State should be bound by the convention concerned and its undertaking to fulfil the convention’s provisions, preferably with a specific reference to article 19(5)(d) of the ILO Constitution.

An instrument of ratification might thus contain the following statement: “The Government of ... hereby ratifies the ... Convention and undertakes, in accordance with article 19, paragraph 5(d), of the ILO Constitution, to fulfil its obligations in this respect.”

What can you do?

As a parliamentarian, you can:

Check whether your country has ratified the following ILO instruments:¹⁸

- All eight fundamental Conventions, and in particular Convention No. 29 and Convention No. 105
- The Forced Labour Protocol

If your government has not ratified the relevant instruments:

- **Check whether the instruments were presented to parliament within the 12 months following their adoption:**
 - ✓ Was a parliamentary debate organized?
 - ✓ What measures were decided following the presentation?
 - ✓ If the instruments were not presented to parliament, ask your government why it has not fulfilled this obligation.
- **Ask your government why these instruments have not been ratified, and what action it intends to take to fulfil the requirements of the Forced Labour Conventions and Protocol.**

Keep in mind that the government may have submitted an annual report to the ILO under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 1998, explaining the reason for non-ratification as well as any progress made towards this end.¹⁹ This document can serve as a basis for discussion to encourage the government to start the signing and/or ratification process without delay. If the government has not submitted this annual report, ask why.

- **Persuade the leaders of your party, and members of other parties, to form a cross-party alliance in parliament in support of action to eliminate forced labour, with a view to opening a parliamentary debate and supporting ratification of the Forced Labour Conventions and Protocol.**
- **Mobilize public opinion to encourage the ratification of the Forced Labour Conventions and Protocol and ensure their implementation.**

¹⁸ The information can be found on the ILO website for each instrument. See, for instance, for the Forced Labour Protocol: www.ilo.org/dyn/normlex/en/?p=1000:13300:0:NO:13300:P13300_INSTRUMENT_ID:3174672.

¹⁹ See 2018 Annual Review: https://www.ilo.org/declaration/follow-up/annualreview/archiveofbaselinesbycountry/WCMS_708929/lang-en/index.htm.



Woman drying paddy, India
© ILO/S. J. Mohammad

Measure 2: Adopt and strengthen legislation on forced labour

“It is in the legislatures that the instruments have been fashioned to create a better life for all.”

Nelson Mandela

As provided by Convention No. 29, States must adopt measures, in both law and practice, to ensure that no form of forced labour is tolerated in their territory. Furthermore, they must ensure that the penalties provided for in legislation for the penal offence of forced labour “are really adequate and are strictly enforced” (C029, articles 1(1) and 25). The first challenge is to ensure that the prohibition of forced labour in general, or of specific practices that constitute forced labour, is accompanied by effective penal sanctions. A general prohibition of recourse to forced labour or general provisions on the freedom of work may not suffice for the conviction of people who exact forced labour. The CEACR has stressed that to ensure that effective penal sanctions can be imposed by the competent courts, it is necessary for the punishable offence to be defined precisely in law and adapted to national circumstances.

While forced labour is a criminal offence that should be punished by penal sanctions, in most cases it also involves a number of violations of labour legislation, sometimes even of the Constitution. The establishment of adequate penal, labour and civil legislation lays the foundation for further policy action in the fight against forced labour by:

- translating the aims and principles of international standards into national legislation;
- setting the principles, objectives and priorities for national action to combat forced labour in all its forms;
- creating the machinery for carrying out that action;
- creating specific rights and responsibilities;
- ensuring that legislation guarantees the protection of victims of forced labour in all its forms;
- creating a common understanding among all actors involved;
- providing a basis and procedure for complaints and investigations;
- providing legal redress for victims; and
- providing criminal sanctions for offenders.

Relevant provisions in Recommendation No. 203

Members should “ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that they are effectively enforced” paragraph 4(e).

Though most countries have a legal framework in place to cover some forms of forced labour, in many countries the laws do not allow for successful prosecution of the perpetrators of forced labour and do not ensure access to justice for all victims. For instance, some legislation against human trafficking is still based on the assumption that women and children comprise all but a few of those affected, despite a growing body of evidence that in certain sectors and countries the trafficking of men for forced labour is also a significant cause for concern. As a consequence, men cannot be formally identified as victims and cannot benefit from protection measures, such as access to secured shelter, which are provided for women only (UNODC, 2009; database). Every State should undertake a periodic thorough review of its legislation, informed by new information on forced labour, to close as many gaps as possible (ILO, 2018a).

Enacting legislation on forced labour: Examples of national practices

Jordan

In Jordan, Regulation No. 12 of 2015 Regulating the Organization of Private Recruitment Agencies for the Recruitment of Non-Jordanian Domestic Workers has sought to address forced labour in the particularly vulnerable domestic work sector by regulating the employment relationships between workers, private employment agencies and employers. Agencies recruiting foreign domestic workers must, among other requirements, obtain a licence, pay a bank deposit and pass a check of their records. The Regulation ensures that workers can change employers, and prohibits recruitment fees from being charged to domestic workers. In turn, employers contribute to a recruitment insurance scheme, so that any financial outlays they make in the recruitment of migrant workers do not lead to undue pressure upon the workers to remain in their employment.

Mauritania

Building upon legislation adopted in 2007, Mauritania adopted in 2015 the Criminalizing Slavery and Punishing Slavery-like Practices Act (No. 2015-031), which doubled prison sentences for slavery crimes and created collegial courts to hear cases of offences relating to slavery and slavery-like practices. The legislation also took important steps towards allowing civil society organizations to lodge complaints on behalf of victims, and establishing victims' right to reparation.

Peru

In 2017, Peru adopted Legislative Decree No. 1323, which defines forced labour in the Penal Code as the crime of subjecting or obliging a person, by whatever means or against his/her will, to perform work or service, whether paid or not. It establishes penalties of imprisonment of six to twelve years.

What is the role of parliaments?

Lawmaking is one of the central functions of parliaments: they are in a powerful position to **influence the content and potential impact of the legislative framework to combat forced labour**.

Prior to any adoption of legislation against forced labour, parliamentarians should:

- Seek to **better understand this issue with its complex dimensions**. This first step should provide parliamentarians with basic and fundamental information with a view to adopting targeted legislation – allowing them to assess the magnitude of the issue and the resources to be mobilized for meaningful actions with long-term impact.
- **Make sure that no legislation in force would allow for the imposition of forced labour**. In many countries, parliamentarians have worked to abrogate laws that allowed the use of compulsory labour by the State, for example, as a measure of labour discipline or as a sanction in contradiction with the right to freedom of opinion, the freedom of the press or the right to strike (see examples in Appendix II of cases of progress noted by the CEACR).
- **Ensure that existing national legislation and policies effectively address forced labour in all its forms**. The legislation against forced labour should be human-rights-oriented and based on the SDGs, including specific arrangements to protect women, children and other vulnerable groups.
- **Ensure that legislation provides for dissuasive penalties, including the possibility of imprisonment, seizure and forfeiture of profits and assets**. In addition, the suggested legislation should make arrangements to compensate and protect victims of forced labour.

While countries may choose to adopt legislation under different names – for example “bonded labour” or “slave labour” – parliamentarians should ensure it encompasses all forms of forced labour present in the country so as to allow for successful prosecution of perpetrators and access to remedies for all victims. For example, the national legal definition may sometimes be too restrictive, making successful prosecution or enforcement difficult. It is not uncommon for national laws to have limited practical impact because they do not properly cover all forms of forced labour, or make the gathering of evidence very difficult. This is frequently seen in relation to trafficking, where national laws may cover trafficking for sexual exploitation but not for labour exploitation.

What can you do?

As a parliamentarian, you can:

Organize a hearing with international and national experts to discuss the situation in the country, in terms of legislation, current challenges in law enforcement, victim identification and protection; with a view to informing parliamentary processes to adopt targeted legislation.

Ask for an **information and training seminar**, if need be.

Take stock of all existing international and regional treaties your country is party to which aim to combat trafficking in persons and forced labour and **commission a legal gap analysis** to check that all provisions of ratified instruments are duly translated into national legislation.

Check whether the existing legal framework:

- is comprehensive and harmonized with policies;
- is sufficient to effectively protect your constituents from **all forms of forced labour**: if there is no comprehensive legislation addressing forced labour, or if existing laws cover only a subset of potential victims (such as laws covering only child trafficking), lobby for a revision of existing frameworks in accordance with the related international standards;
- adequately **protects workers against fraudulent and abusive recruitment**, including by prohibiting that any recruitment fees or related costs be charged to workers, as per the **General Principles and Operational Guidelines for Fair Recruitment**;
- provides victims with **access to justice and remedies**;
- provides **strong penal dissuasive sanctions to discourage perpetrators**;
- **expands liability to all persons** (including legal, public and private persons) involved in forced labour;
- follows a **human-rights, gender, child-sensitive and SDG-oriented approach**, and encourages adoption of specific measures related to the protection of women, children, migrants and other vulnerable groups; and
- is in conformity with the other Fundamental Principles and Rights at Work, i.e. non-discrimination in employment and freedom of association and collective bargaining.

If need be, **propose adopting new legislation or amendments to existing legislation**.

Consult other parliamentarian groups to secure support across political parties.

Ensure that the legislation against forced labour and the text of the Forced Labour Protocol are available (in official and local languages) and accessible to the population of your country.

Ensure coordination between the different parliamentary committees involved (including penal legislation, labour legislation, human rights, discrimination, child protection, public welfare and social affairs, and domestic security).

Legislation on due diligence

In recent years, there has been a growing number of regulatory initiatives aimed at achieving **public and private due diligence, sometimes specifically focusing on child labour and/or forced labour**. A number of parliaments have adopted legislation that requires companies to publicly report on actions taken, if any, to address risks of adverse impacts across their supply chains. (ILO, OECD, IOM, UNICEF, 2019). This public reporting allows parties concerned (e.g. workers and their trade unions, advocacy groups, consumers, investors) to easily discern a company's commitment in this regard. Although these laws have clearly stimulated awareness among business, investor activism, media reporting and civil society monitoring initiatives, the major concern is that they typically target first-tier suppliers and not the ones operating further down the supply chain in the informal economy where forced labour is more prevalent (ILO, 2018a).

To respond to due diligence expectations, parliamentarians should ensure that domestic legislation aligns with existing guidance on due diligence, such as the OECD Due Diligence Guidance for Responsible Business Conduct, 2018,²⁰ the UN Guiding Principles on Business and Human Rights,²¹ and the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy.²²

In particular, **parliamentarians as scrutinizers of government actions can influence public procurement policies**. Public administrations have significant bargaining power to influence the behaviour of their contractors and subcontractors, even beyond territorial borders. The insertion of labour clauses in public procurement contracts therefore offers a valuable entry point for strengthening labour protection in supply chains.²³

National legislation on public and private due diligence

United States

In the **United States**, the **California Transparency in Supply Chains Act** (SB-657), adopted in 2010, was one of the first laws imposing mandatory reporting of due diligence measures. It requires retailers and manufacturers doing business in California with at least US\$ 100 million in annual worldwide gross receipts to disclose publicly their efforts to eradicate slavery and human trafficking from their supply chains on their website, including information related to audits, internal accountability and training. The United States also adopted regulations related to public procurement, especially the Federal Acquisition Regulation, which governs the acquisition process by which executive agencies of the United States Federal Government acquire goods and services, as well as the Executive Order on Strengthening Protections against Trafficking in Federal Contracts. In addition, the Trade Facilitation and Trade Enforcement Act of 2015 prohibits the import of all

20 See Recommendation of the Council on the OECD, Due Diligence Guidance for Responsible Business Conduct, [OECD/LEGAL/0443], adopted in the Ministerial Council Meeting on 30 May 2018.

21 Adopted by the UN Human Rights Council in June 2011. See: www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

22 Adopted by the Governing Body of the ILO in 1977, last revised in 2017. See: www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf.

23 The Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84), offers additional guidance on the insertion of labour clauses in public contracts.

products made by forced labour and places the burden on the importing company to conduct supply chain due diligence to prove that their products are free of forced labour.

United Kingdom

The **United Kingdom Modern Slavery Act 2015** requires companies to produce a slavery and human trafficking statement for each financial year which details the steps they have taken to prevent modern slavery in their supply chains and own businesses. This statement must be signed off by the company's upper management and be published on their website. It also contains a provision that deals explicitly with the issue of extraterritoriality, making the Act applicable to all companies around the world with turnover of over GBP 36 million that operate in the United Kingdom market (i.e. supplying goods or services, carrying out business in the UK or being part of a UK-based business).

Australia

Similarly, the **Australian Modern Slavery Act**, adopted in December 2018, requires entities based or operating in Australia, which have an annual consolidated revenue of more than \$A 100 million, to report annually on the risks of modern slavery in their operations and supply chains, and on actions to address those risks. Smaller businesses can report voluntarily. The statements are publicly available on a central register maintained by the Government.²⁴ The New South Wales jurisdiction went a step beyond by adopting its own Modern Slavery Act with a lower threshold of \$A 50 million and penalties of up to \$A 1.1 million for businesses that do not comply.²⁵

Indonesia

Regulation No. 35/PERMEN-KP/2015 adopted by the Indonesian Ministry of Maritime Affairs and Fisheries introduces a certification system to mandate supply chain due diligence of fishery companies. It requires that each fishing company obtain a certificate from an independent certification body accredited by a Human Rights Team within the Ministry.

France

The **French Law No. 2017-399** on corporate "duty of vigilance" requires the largest French companies to prepare, implement and publish a due diligence plan to identify and address adverse human rights impacts in their operations, supply chains and business relationships. The law applies to all French joint-stock companies employing 5,000 employees or more domestically or 10,000 employees or more internationally, and to their subsidiaries and certain suppliers and subcontractors. The law provides for judicial mechanisms which allow third parties to order a company to comply with the law, or to hold it liable for damages caused by a failure to comply with the law.

European Union

The **Conflict Minerals Regulation 2017/821 of the European Parliament** sets out supply chain due diligence requirements for EU importers of 3TG (tin, tantalum, tungsten and gold) to ensure they import these minerals and metals from responsible and conflict-free sources only.

²⁴ Modern Slavery Act 2018 (Australia): www.legislation.gov.au/Details/C2018A00153.

²⁵ Modern Slavery Act 2018 No. 30 (New South Wales, Australia): www.legislation.nsw.gov.au/~/-/view/act/2018/30.

A **2014 European Union directive on public procurement** makes it compulsory for contracting authorities to reject abnormally low tenders arising from non-compliance with EU legislation or international labour standards, particularly regarding the use of child labour, and enables contracting authorities to exclude a tender if it is aware of labour law violations.

What can you do?

As a parliamentarian, you can:

Conduct a parliamentary inquiry on economic sectors at heightened risk of forced labour to monitor and ensure that labour norms are applied and call for accountability for employers who perpetrate forced labour.

Hold your government accountable for due diligence in public procurement (purchase of goods, services, public works, etc.).

Ensure that your government is setting out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

Check the existing regulations and laws:

- Does your existing legal framework cover **public and private due diligence**?
- Are there **obligations of disclosure**? For which type/size of companies?
- What is the legislation related to recruitment fees and recruitment agencies? **Does your legislation prohibit charging recruitment fees and related costs to workers?**
- Are all workers free to terminate their employment and, in the case of migrant workers, to return to their country?
- Is the employer's (or recruiter's) permission required for workers to change employer?

You can initiate a discussion about whether further legislation is needed.

Lead by example and ensure that your Parliament and the local authorities in your constituency are carrying out human rights due diligence related to the procurement of goods and services.



Inspection of a Bulgarian ship in Italy
© ILO/M. Crozet

Measure 3: Strengthen the enforcement of laws and regulations on forced labour

Despite the virtually universal prohibition of forced labour, most of those subjected to forced labour remain undetected and unassisted, while the perpetrators go unpunished. A robust law enforcement response is essential, both to protect the human rights of people affected by forced labour and to punish the perpetrators, as well as to deter other would-be offenders.

States have to make every effort to ensure that the labour inspection services, the forces of order and the judicial authorities are provided with the necessary resources to identify forced labour practices, bring such practices to an end, prosecute those responsible, impose administrative, penal and economic sanctions that are commensurate with the seriousness of the violation and, finally, ensure that the victims are compensated for the damages they have suffered.

Measure 3.1: Ensure that coverage of relevant legislation extends to all workers in all sectors

Unscrupulous employers or recruiters, whether they are organized groups or individuals, often take advantage of gaps in labour law or the lack of enforcement thereof.

Article 2(c) of the Forced Labour Protocol

Preventive measures shall include:

Undertaking efforts to ensure that (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy;

The aim is to ensure that vulnerable groups are not left unprotected. One way to implement this article is to ensure that labour laws themselves are in compliance with international labour standards, and to apply these labour rights to all workers, irrespective of migration status, and to all sectors where forced labour occurs, including agriculture, domestic work, contract work, commercial sexual exploitation and the informal sector generally.

Measure 3.2: Strengthen relevant enforcement services, including labour inspection

Article 2(c) of the Forced Labour Protocol

Preventive measures shall include:

Undertaking efforts to ensure that (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;

A frequently overlooked actor in the fight against forced labour is the labour inspectorate, which is uniquely placed to identify forced labour practices because of its right of access to the workplace. Many people in forced labour will show no obvious sign that they are working against their will. Perpetrators will maintain control over them by means that may be difficult to detect, such as the manipulation of a debt, the removal of their documents, or threatening them or their relatives. In such situations, people subjected to forced labour can be working alongside non-coerced workers on farms, fisheries, construction sites or in factories. They may be unwilling or unable to communicate with other workers because they do not speak the language or because they are too scared to talk about their situation. Trained labour inspectors can play an important role in identifying these forced labour cases as well as in informing workers about their rights and how to lodge complaints.

Labour inspectors are also entitled to initiate immediate action, such as confiscation of assets, which can be instrumental in gathering evidence and securing successful prosecution.

Last but not least, labour inspectors can take immediate action to address violations of labour law concerning wages, hours of work, occupational safety and health, and the payment of social security contributions, which could degenerate further into forced labour. However, labour inspectors face a number of challenges, such as the lack of human and financial resources or the lack of appropriate training. Besides, forced labour often happens in places inaccessible or difficult to control, including private homes, informal workplaces, vessels at sea, remote rural areas, etc.

Relevant provisions in Recommendation No. 203

Members should take action to strengthen the enforcement of national laws and regulations and other measures, including by:

- a. giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training to allow them to effectively enforce the law and cooperate with other organizations concerned for the prevention and protection of victims of forced or compulsory labour;
- b. providing for the imposition of penalties, in addition to penal sanctions, such as the confiscation of profits of forced or compulsory labour and of other assets in accordance with national laws and regulations;
- c. ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour;
- d. strengthening efforts to identify victims, including by developing indicators of forced or compulsory labour for use by labour inspectors, law enforcement services, social workers, immigration officers, public prosecutors, employers, employers' and workers' organizations, non-governmental organizations and other relevant actors.

Measure 3.3 Ensure recruitment is adequately regulated and monitored

Effective legislation and regulations on recruitment processes, for both national and migrant workers, help to curtail forced labour and trafficking. Beyond adopting or amending legislation on recruitment, parliamentarians can request the adoption of implementing decrees and hold the government accountable for monitoring implementation. Promoting fair recruitment practices, and averting the occurrence or risk of forced labour through the recruitment process, must be a fundamental part of any forced labour prevention strategy.

Article 2(d) of the Forced Labour Protocol

Preventive measures shall include:
protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;

Relevant provisions in Recommendation No. 203

- Promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies (paragraph 4(i)).
- Members should take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as:
 - a. eliminating the charging of recruitment fees to workers;
 - b. requiring transparent contracts;
 - c. establishing adequate and accessible complaint mechanisms;
 - d. imposing adequate penalties; and
 - e. regulating or licensing these services (paragraph 8).

In 2016, the ILO endorsed a set of **General Principles and Operational Guidelines for Fair Recruitment** (GPOG) to inform the recruitment policies and practices of governments, enterprises and public employment agencies, labour recruiters and employers. One of the key principles is that **no recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers**. In 2019, the ILO Governing Body endorsed the Definition of Recruitment Fees and Related Costs, which should be read together with the GPOG (ILO, 2019a).

General Principles and Operational Guidelines for Fair Recruitment (GPOG)

The objective of the GPOG is to inform different stakeholders, including governments, social partners, as well as lawmakers and policymakers, about promoting and ensuring fair recruitment. The GPOG encompasses the recruitment of all workers, both national and migrant workers, whether recruited directly by employers, through intermediaries or through temporary work agencies. They contain general orientations for implementation as well as recommendations for specific actors (governments, enterprises and public employment services).

As set out in the GPOG, no recruitment fees or related costs should be charged to, or otherwise borne by, recruited workers and jobseekers. The Definition of Recruitment Fees and Related Costs specifies other illegitimate, unreasonable and undisclosed costs which should also be prohibited. This aims to support the effective regulation of recruitment practices as well as the development, monitoring, implementation and enforcement of laws, policies and measures to protect workers' rights.

National practices to ensure fair recruitment

United Kingdom

The Gangmasters and Labour Abuse Authority (GLAA) works to prevent, detect and investigate worker exploitation, including modern slavery offences across the entire economy. The GLAA has changed the way labour recruiters are regulated and monitored. Labour providers are assessed to ensure they meet GLAA licensing standards, which cover health and safety, accommodation, pay, transport and training. It is a criminal offence to supply workers without a licence.²⁶

Tunisia

The ILO has provided technical support in Tunisia to amend the existing law on private recruitment agencies sending Tunisians abroad (Law 2010-49) and the related Decree (2010-2948) to prevent abusive recruitment, provide for penal sanctions and better regulate private agencies, and build the capacities of inspectors and trade unions.

Jordan

The various stakeholders of the garment sector in Jordan – buyers/brands, factories and trade unions – agreed to work towards a “zero-fee policy” which means that factories would no longer charge recruitment fees to workers. Instead, factories would cover the recruitment and transport costs for each worker and pay these directly to the agencies in the countries of origin. As of 1 January 2019, the ILO's Better Work project in Jordan monitors the application of this commitment and reports any payment of recruitment fee by workers as “non-compliance” on its public reporting platform.²⁷

Philippines

The Philippine Overseas Employment Administration developed three databases to address illegal recruitment and prevent trafficking which law enforcement agencies can access.

²⁶ See GLAA website: www.glaa.gov.uk.

²⁷ You can access the platform here: portal.betterwork.org/transparency/compliance.

Measure 3.4 Ensure victim protection and access to remedies

Articles 3 and 4 of the Forced Labour Protocol

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support (article 3).

- Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation (article 4(1)).
- Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour (article 4(2)).

The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, whether for material damages (such as medical costs, unpaid wages, legal fees, and loss of earnings and earning potential) or for moral damages (such as pain and emotional distress), can provide critical support for victims' recovery and also act as a deterrent for would-be offenders. The remedy of rehabilitation (such as vocational training, psychosocial support, microcredit, micro-enterprises development or financial assistance) aims to ensure long-term reintegration and prevent re-victimization. It can take the form of specialized packages or leverage existing public services and programmes. Access to different remedies may be dependent upon the procedure pursued (e.g. access to a compensation fund for victims may not be available in criminal proceedings) (UNODC database).

Yet even in contexts in which judicial or other mechanisms for remedies are technically in place, a range of practical and procedural obstacles can mean that people subjected to forced labour are not compensated for the violations committed against them. Indeed, in the vast majority of countries where people freed from forced labour had legal recourse to financial compensation, very few or none had actually received awards. A lack of awareness on the part of the aggrieved — both of their rights and of how they can be exercised — is one important obstacle in this regard. Migrants, who are living in an unfamiliar environment and may face additional language and cultural challenges, are typically among the groups who are least aware of their rights. Another obstacle is the lack of knowledge concerning the assistance and support services available to them. They may also be unable to afford the direct cost of legal assistance or the indirect cost of a prolonged legal process (ILO, 2018a).

Relevant provisions in Recommendation No. 203

- Protection:
 1. Targeted efforts should be made to identify and release victims of forced or compulsory labour.
 2. Protective measures should be provided to victims of forced or compulsory labour. These measures should not be made conditional on the victim's willingness to cooperate in criminal or other proceedings.
 3. Steps may be taken to encourage the cooperation of victims for the identification and punishment of perpetrators (paragraph 5).
- Taking into account their national circumstances, Members should take the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation, such as:
 - a. reasonable efforts to protect the safety of victims of forced or compulsory labour as well as of family members and witnesses, as appropriate, including protection from intimidation and retaliation for exercising their rights under relevant national laws or for cooperation with legal proceedings;
 - b. adequate and appropriate accommodation;
 - c. health care, including both medical and psychological assistance, as well as provision of special rehabilitative measures for victims of forced or compulsory labour, including those who have also been subjected to sexual violence;
 - d. material assistance;
 - e. protection of privacy and identity; and
 - f. social and economic assistance, including access to educational and training opportunities and access to decent work (paragraph 9).
- Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:
 - a. ensuring, in accordance with national laws, regulations and practice, that all victims, either by themselves or through representatives, have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages;
 - b. providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits;
 - c. ensuring access to appropriate existing compensation schemes;
 - d. providing information and advice regarding victims' legal rights and the services available, in a language that they can understand, as well as access to legal assistance, preferably free of charge; and
 - e. providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State, under simplified procedural requirements, when appropriate (paragraph 12).

Enforcement of legislation on forced labour: Examples of national practices

Malaysia

In Malaysia, under the 2010 Anti-Trafficking in Persons (Amendment) Act, labour inspectors have been granted the authority to exercise the same powers of enforcement as the police, and have investigated and assisted in the prosecution of criminal cases involving trafficking for labour exploitation.

South Africa

In South Africa, the 2013 Prevention and Combating of Trafficking in Persons Act (No. 7, article 44) specifically mandates relevant authorities to develop training courses on social contexts, norms, standards and procedures to ensure appropriate, efficient and sensitive responses to matters relating to trafficking in persons. Additionally, the 1997 Basic Conditions of Employment Act empowers labour inspectors to promote, monitor and enforce compliance with the law.

Brazil

In Brazil, the Special Mobile Inspection Group (GEFM) was created in 1995 under the Ministry of Labour. Using teams composed of labour inspectors, labour prosecutors and federal police officers, the GEFM investigates complaints of slave labour in situ, frees workers and prosecutes the owners of estates or other enterprises where workers have been found in conditions analogous to slavery.²⁸

Cuba

In Cuba, the National Labour Inspection Office uses a methodology specifically intended to detect cases of forced labour and trafficking in persons, and inspectors receive specific training in this regard (ILO CEACR, 2018a).

Portugal

In Portugal, police officers and labour inspectors receive cards for the identification of victims of trafficking in persons, which contain questions and indicators designed to help them identify and assist victims (ILO CEACR, 2018f).

European Union

In the framework of the Europol Joint Action Days, police officers and labour inspectors jointly conduct several inspections. In 2017, the Joint Action Day led to the identification of 1,191 victims of trafficking, with 98 suspects arrested, thanks to the cooperation of several countries from the European Union and the rest of the world (Europol, 2017).

28 See <http://trabalho.gov.br/dados-abertos/estatistica-trabalho-escravo> (in Portuguese).

What is the role of parliaments?

One of the first steps to ensure the **effective implementation of legislation** against forced labour is for parliaments to make it a priority for action, ensure that it is included in their agenda and **develop a strategy** to deal with the issue.

As part of their constitutional oversight function, parliaments should ensure the implementation of legislation against forced labour. This can also be done by **scrutinizing the budget and overseeing public finances and spending** to ensure that adequate financial and human resources are allocated to the effective implementation of legislation.

What can you do?

As a parliamentarian, you can:

Develop a vision to build a **well-articulated parliamentary strategy against forced labour**.

Monitor the implementation of the related legislation, including written or oral questions to ministers, commissions of inquiry, requests for debates, or proposals for amendments.

Check legislation and policies: **do all workers, irrespective of their presence or legal status in a State, have access to free or affordable grievance and other dispute resolution mechanisms? Are available remedies effective and appropriate to allow for rehabilitation?**

Lead by example and promote a zero-tolerance policy for any public official engaged in, facilitating or allowing forced labour and trafficking in persons to take place.

Ensure that cases of **corruption** connected to forced labour and trafficking in persons are investigated and prosecuted.

Ensure that the labour inspectorate has the mandate and capacities to identify forced labour cases, either by creating a **dedicated specialized group** or by ensuring that forced labour is part of their general training.

Raise awareness amongst your constituents about **existing complaint mechanisms and grievance procedures**.



Factory in Jordan (ILO Better Work programme to improve working conditions)
© ILO/M. Crozet

Measure 4: Establish a comprehensive national policy and action plan based on consultation and coordination

The development of a comprehensive national strategy on forced labour and an appropriate institutional framework for its implementation can strengthen the impact of measures taken against forced labour. The Forced Labour Protocol encourages such policy coherence by requiring Members States, under article 1(2), to develop a national policy and plan of action on forced labour.

Article 1(2) of the Forced Labour Protocol

- Develop a national policy and plan of action in consultation with employers' and workers' organizations.
- Take systematic action in coordination with these organizations as well as with other groups concerned.

Consultation and exchange of information between governments and workers' and employers' organizations, as well as engagement with other key stakeholders, can also play an important role in ensuring the effectiveness of measures, in particular reaching out to affected groups and promoting awareness on business practices. Social partners can bring information on affected groups and business practices and can be key allies at the implementation phase, and should therefore be involved at a very early stage. As per article 1(2), the national policy and plan of action must be developed in consultation with employers' and workers' organizations. More generally, article 6 stipulates that measures taken to apply the provisions of the Forced Labour Protocol and Convention No. 29 are to be determined by national laws or regulations or by the competent authority, after consultation with organizations of employers and workers concerned.

Relevant provisions in Recommendation No. 203

- Members should establish or strengthen, as necessary, in consultation with employers' and workers' organizations as well as other groups concerned:
 - a. national policies and plans of action with **time-bound measures** using a **gender- and child-sensitive** approach to achieve the effective and sustained suppression of forced or compulsory labour in all its forms; and
 - b. competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action (paragraph 1).
- Members should take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as:
 - a. eliminating the charging of recruitment fees to workers;
 - b. requiring transparent contracts;
 - c. establishing adequate and accessible complaint mechanisms;
 - d. imposing adequate penalties; and
 - e. regulating or licensing these services (paragraph 8).

Policies and action plans addressing forced labour: Examples of national practices

Argentina

An in-depth parliamentary debate led to the adoption of the 2008 law on the prevention and sanction of trafficking in persons and assistance to victims,²⁹ which created two coordination bodies: the committee on combating trafficking, involving four different ministries, and the federal council on combating trafficking, including representatives from all provinces.

Belgium

Belgium parliamentarians contributed to the design and implementation of the National Action Plan to Combat Human Trafficking, mainly through oral and written questions.³⁰

Pakistan

In Pakistan, time-bound action plans include several provincial initiatives to strengthen monitoring, including undertaking raids related to bonded labour, establishing a bonded labour cell within the Labour Department, and setting up an anti-bonded labour force (ILO CEACR, 2018d).

Uruguay

An inter-institutional roundtable to prevent and combat trafficking in persons was established in Uruguay in 2015. Its objectives include the provision of a forum for coordination and advice for the development of comprehensive public policies in response to the issue of trafficking; the formulation of a national plan of action and monitoring of its implementation; and the preparation of an annual report on the situation of trafficking in the country, including the results achieved (ILO CEACR, 2018i).

What is the role of parliaments?

In many countries, a national action plan or strategy is adopted through a legislative text, giving parliaments an instrumental role. Parliaments should make sure that the national policy and action plan encompasses all forced labour situations and local specificities through a coordinated and systematic approach, taking into account national and local specificities as well as root causes.

Parliaments should be at the forefront of coordinating efforts to develop a national action plan in collaboration with the various stakeholders, including social partners, engaged in combating forced labour.

29 Ley 26.364, Prevención y sanción de la trata de personas y asistencia a sus víctimas, 2008 (Argentina): <http://servicios.infoleg.gob.ar/infolegInternet/anexos/140000-144999/140100/norma.htm>.

30 Plan d'action de lutte contre la traite des êtres humains (National Action Plan to Combat Human Trafficking), 2015–2019 (Belgium): www.dsb-spc.be/doc/pdf/ACTIEPLAN_MH_2015_2019-FRpr%2013072015.pdf.

What can you do?

As a parliamentarian, you can:

Establish a parliamentary sub-committee to monitor progress against forced labour and to update regularly all the parliamentary committees involved, such as the Parliamentary Inquiry Committee on Trafficking of Women in the Israeli Knesset, or the Open Cross-Party Inter-Parliamentary Committee on the Issue of Human Trafficking of the Hellenic Parliament.

or

Ensure forced labour and trafficking issues are being dealt with under existing parliamentary bodies. In Austria, Burkina Faso, Ghana, Greece and Mexico, the Parliamentary Committee on Human Rights officially deals with trafficking in persons, whereas in Ghana it is the Committee on Gender and Children, and in Luxembourg the Legal Committee. The parliamentary committees established in Australia and in the United Kingdom were instrumental in the processes which led to the adoption of their respective Modern Slavery Acts.

Check whether your country has a national action plan to combat forced labour.³¹

- **If not, enquire whether the government intends to prepare such an action plan.** If your country has ratified the Forced Labour Protocol, point out that article 1(2) of the Forced Labour Protocol requires that governments develop a national policy and plan of action on forced labour.
- **If one is in preparation:**
 - ✓ Find out which unit or department of government has central responsibility for its design.
 - ✓ Find out whether national organizations of employers and workers, as well as NGOs and other relevant civil society actors, have been or are being consulted.
 - ✓ Ensure that **particular attention is given in the action plan to vulnerable groups**, including women and children, and to workers in the informal sector (such as domestic workers).
 - ✓ **Make sure the action plan responds effectively to gender-specific patterns of abuse**, addressing the specific vulnerabilities of women and men in different sectors, and providing sufficient protection to both.
 - ✓ Ensure that it contains provisions on strengthening the capacity of law enforcement agents, including labour inspectors and police officers.

³¹ In 2020, the ILO will publish guidelines to support the development of national action plans on forced labour.

- **If a national action plan has already been adopted:**
 - ✓ Find out which unit or department of government has central responsibility for monitoring its implementation.
 - ✓ Make sure that the main provisions of the action plan, in particular, objectives and target dates, are **communicated to your constituents**
 - ✓ Make sure that the national action plan contains properly coordinated, **effective and time-bound measures, with sufficient resources allocated** (see measure 7).
 - ✓ Undertake regular consultations to obtain updated information **to support and monitor the implementation** of the action plan by the government.
 - ✓ When the body in charge of forced labour and trafficking issues (be it an independent commission or a national rapporteur) presents its annual report to parliament, use the opportunity to organize a hearing or a question-and-answer session to take stock of progress and challenges.



Awareness-raising campaign, Peru
© ILO/C. Cárdenas

Measure 5: Raise awareness and build engagement

Awareness-raising is a key component of the prevention measures set out by the Forced Labour Protocol.

Article 2 of the Forced Labour Protocol

- 2(a) educating and informing people, especially those considered particularly vulnerable;
- 2(b) educating and informing employers.

Targeting the groups and individuals more vulnerable to forced labour (see section 4.2) may prevent them from being caught up in forced labour situations, while raising awareness among the general public can help encourage the identification of forced labour situations.

As far as employers are concerned, providing them with information on how to detect forced labour, such as a list of indicators, may help to prevent forced labour situations from arising in the first instance (ILO, 2015).

Parliamentarians, as leaders of public opinion, can help raise awareness and secure buy-in from the general public and key stakeholders. A communication strategy that delivers clear, targeted messages can build a broad coalition of supporters in the fight against forced labour. Governments have an important role to play in raising public awareness and building support; parliamentarians can hold the authorities to account on how successful they are in raising awareness. Parliamentarians should also reach out to workers' and employers' organizations, as potential allies that can help spread the message through their respective networks.³²

If a legislative framework already exists that establishes all of the relevant rights and protections for workers against forced labour, it is crucial that this information is widely disseminated to current and potential victims of forced labour, especially amongst workers in informal or irregular labour who are at high risk. In such situations, ignorance is a major issue – ignorance of workers about their rights or the means to assert their rights, and of employers about their legal obligations.

Relevant provisions in Recommendation No. 203

Taking into account their national circumstances, Members should take the most effective preventive measures, such as:

- a. targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them, *inter alia*, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need;
- b. targeted awareness-raising campaigns regarding sanctions for violating the prohibition on forced or compulsory labour (paragraph 4).

³² See Child labour/forced labour page on the International Trade Union Confederation's website: www.ituc-csi.org/forcedlabour.

Raising awareness and mobilizing engagement: Examples of national practices

Ireland

In 2016, Ireland adopted its Second National Action Plan to Prevent and Combat Human Trafficking in Ireland. Whereas in the First National Action Plan (2009–2012) awareness-raising campaigns targeted vulnerable migrant communities, government actors, employers and the public at large, the second plan places additional focus on the business community and high-risk sectors such as agriculture and construction.

Mauritania

In Mauritania, an important element of awareness-raising is the organization of various events to mark the national day to combat the vestiges of slavery. The main objective of the event is to send out the message that any slavery practice is prohibited by law. The institutionalization of a national day on the fight against slavery practices, organized in 2018 for the sixth time, is an effective means of raising local awareness, with active participation of public authorities, social and political leaders, civil society and international organizations (ILO CEACR, 2018c).

Sao Tome and Principe

Awareness-raising campaigns can also benefit from regional or international cooperation, such as activities organized by the police in Sao Tome and Principe, in cooperation with Interpol and countries of the subregion (ILO CEACR, 2018g).

Sri Lanka

In the context of migration, pre-departure campaigns are instrumental in raising awareness among potential migrants about the risks of forced labour and trafficking. In Sri Lanka, safe migration awareness programmes and comprehensive information and orientation programmes aim to raise the awareness of migrant workers on their rights and obligations (ILO CEACR, 2018h).

Honduras

Care should be taken in choosing the most effective channels for sensitization in the different parts of a country. In Honduras, in order to take action throughout the country, 11 local committees have been established and awareness-raising campaigns and training sessions have been conducted for 480 inter-institutional stakeholders with a view to formulating and implementing local intervention plans in the areas of prevention, protection of victims and prosecution of perpetrators (ILO CEACR, 2016).

What is the role of parliaments?

Parliaments should be at the heart of sensitization efforts in the fight against forced labour. Parliamentarians should **alert their constituents to the risks of forced labour**, as citizens, as workers and as employers, and the urgent need for its elimination. They can work to **encourage people to report cases of forced labour to the authorities**.

Parliaments should ensure **effective dissemination of existing legislation on forced labour**, and seek the cooperation of the population in supporting its implementation.

Parliaments should also **mobilize civil society, including NGOs and the media, and establish long-term cooperation** with them. Civil society organizations, including NGOs, can report forced labour-related information to inform lawmaking, contribute to raising awareness about legal provisions and encourage implementation of legislation against forced labour.

What can you do?

As a parliamentarian, you can:

Support human rights education of the population. Arrangements should be made to enable each citizen to be aware of their rights and to exercise them whenever they are violated.

Strengthen engagement with the population on forced labour and fair recruitment issues.

Initiate a long-term and mutually beneficial partnership with civil society and NGOs on the matter.

Participate in local and international campaigns to persuade the public of the necessity of adopting legislation addressing forced labour and establishing an institutional framework for its further implementation, for instance:

- Show public support for international action addressing forced labour³³;
- Include the issue in public speeches;
- Participate in public debates on television, radio or in meetings;
- Participate in or set up groups on forced labour, either within parliament or in collaboration with other institutions;
- Write newspaper articles against forced labour;
- Ask questions of government.

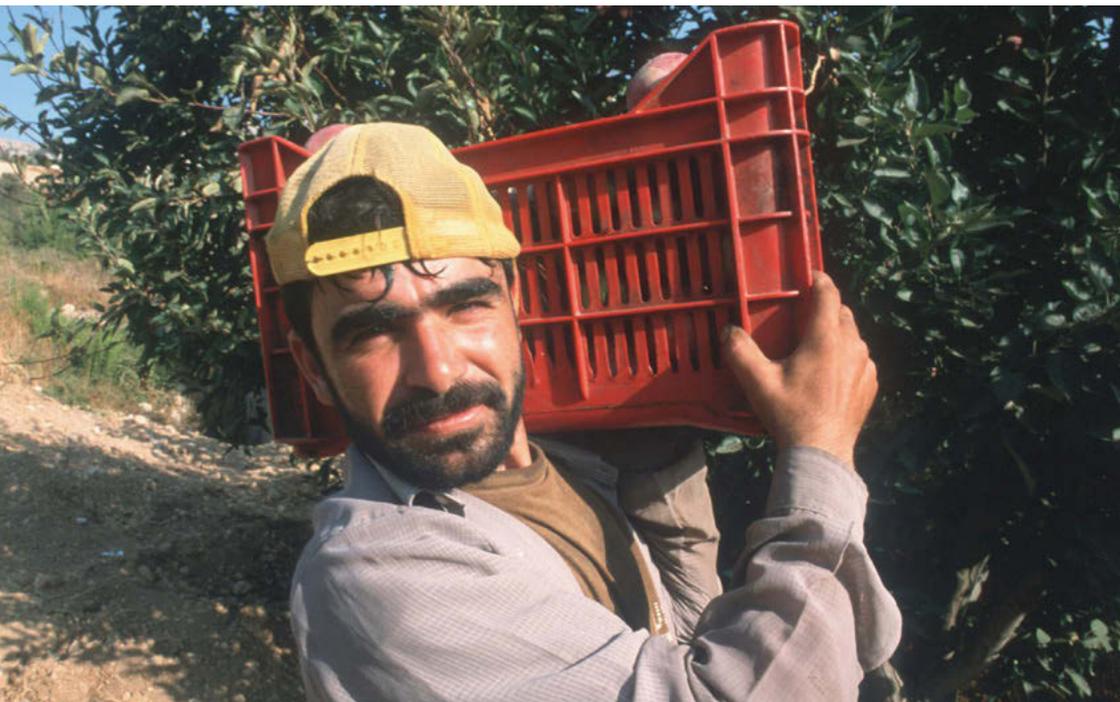
Support efforts to eliminate forced labour in your constituency, for instance:

- Pay visits to programmes and projects for the prevention of forced labour, or for the rehabilitation and reintegration of victims of forced labour;
- Visit employers' organizations, trade unions and local NGOs on the measures they take or could consider to eliminate forced labour;
- Confer with local law enforcement agencies, including the labour inspectorate, on their efforts to identify cases of severe exploitation and the challenges they face.

Engage with the private sector and private sector representative organizations concerning forced labour and fair recruitment practices, including through promoting the ILO General Principles and Operational Guidelines for Fair Recruitment.

Be creative in the ways you reach out to your constituents. Why not organize outreach visits, such as a parliamentary caravan? This technique has been used in some countries to discuss human rights issues in remote areas. It may help in discussing sensitive topics, especially when forced labour is related to long-standing patterns of discrimination. It is also helpful to address resistance to changes in legislation.

33 Such as the ILO 50 for Freedom campaign www.50forfreedom.org to promote ratification of the ILO Forced Labour Protocol, as well as other ILO activities (www.ilo.org/forcedlabour).



Seasonal workers from Syria harvesting apples in Lebanon
© ILO/P. Deloche

Measure 6. Generate research and data on forced labour

Forced labour is notoriously difficult to identify and therefore measure, but it is possible to obtain better data. Sound research and data, including gender- and age-disaggregated statistics on the prevalence of forced labour, are vital for policy design, implementation and monitoring. In most countries, the knowledge base of the scale and forms of forced labour is still weak and fragmented, and data collection is seldom based on the use of replicable methodologies. As forced labour issues are difficult to investigate through standard national statistical surveys, this is not surprising. However, parliamentarians, governments, employers, workers and other stakeholders rely on such data to conduct risk assessments and develop laws and policies.

Relevant provisions in Recommendation No. 203

Members should regularly collect, analyse and make available reliable, unbiased and detailed information and statistical data, disaggregated by relevant characteristics such as sex, age and nationality, on the nature and extent of forced or compulsory labour which would allow an assessment of progress made (paragraph 2 (1)).

It is essential to collect national data on forced labour. A number of States are now preparing and publishing annual reports on forced labour, but only a small number of governments have started to use statistical methods to measure it. This creates challenges for better understanding of the nature and extent of the problem at the national level, including its causes and consequences.

Some common problems impacting the generation of sound data on forced labour are the lack of harmonization of definitions and indicators of forced labour, and the lack of a designated body to take responsibility for data collection and analysis. **Guidelines concerning the measurement of forced labour** were developed precisely to address these problems. These guidelines were prepared by a working group involving more than 20 governments and national statistical offices, workers and employers. They were endorsed by the 20th session of the **International Conference of Labour Statisticians**³⁴ in October 2018, representing a critical step forward towards the improved measurement of forced labour (ILO, 2018b). The guidelines break new ground in providing recommendations for the collection and analysis of forced labour statistics, and in facilitating the international comparability of forced labour statistics by minimizing definitional and methodological differences across countries. They provide a much-needed impetus to national efforts to accurately measure forced labour using standardized concepts and definitions, which will in turn help inform national policy responses and monitoring of progress towards eradicating forced labour. The guidelines constitute a reference document for all countries wishing to collect data on these issues and will help build the capacity of national statistical offices to implement periodic surveys (ILO, 2012f).

Example of national practice: Nepal Labour Force Survey

In Nepal, the Central Bureau of Statistics was supported by the ILO³⁵ to include questions on forced labour in the third Nepal Labour Force Survey, covering 19,000 households in rural and urban settings. The survey not only produced data on forced labour in Nepal, but also institutionalized forced labour data collection through a regular national survey.³⁶

34 The International Conference of Labour Statisticians is the world's recognized standard-setting body in the area of labour statistics.

35 Through the Bridge Project, funded by the United States Department of Labor.

36 By the Central Bureau of Statistics.

What is the role of parliaments?

Parliaments should **ensure policies are evidence-based, and should therefore request and support the development of reliable data and statistics.**

They should encourage the generation of evidence-based information by government bodies and the allocation of resources on the basis of detailed data findings.

What can you do?

As a parliamentarian, you can:

Find out whether the national statistical office, or an independent national rapporteur, or any other stakeholder in your country, is gathering data on forced labour.

If so:

- Ensure that the existing (or the suggested) parliamentary body in charge of coordinating efforts against forced labour is regularly provided with updated information.
- **Organize regular information meetings with the national statistical office** to be informed of the progress, based on recent data, of the efforts to combat forced labour.
- Check whether existing policies take into account data findings and that resources are allocated accordingly

If there is not yet any systematic effort for the collection and analysis of information on this question:

- Insist that reliable data on forced labour is an essential requirement for the establishment and monitoring of a national programme to combat forced labour.
- Insist that the **capacity of the national statistical office, or of any other competent government agency, should be enhanced** to enable it to collect and analyse relevant data on a regular basis, potentially with the support of the ILO.



Vocational training to combat commercial sexual exploitation in Madagascar
© ILO/M. Crozet

Measure 7. Allocate financial and human resources to combat forced labour and monitor progress

Budgets are powerful tools in influencing economic and social development, and spending plans reveal the priorities of the government in concrete terms. Therefore, the budget allocated by a government to eradicating forced labour is as an important sign of the level of the country's commitment to tackling the issue.

Once a country has ratified the Forced Labour Protocol, parliamentarians can use the reports submitted by the government to the ILO on the measures taken to enforce the Protocol as a basis for parliamentary questions or debate on the government's efforts to eradicate forced labour. If the country has not yet ratified the Protocol, they can use the annual report the government must submit every year to the ILO under the follow-up procedure to the ILO Declaration on Fundamental Principles and Rights at Work, explaining any progress made towards addressing forced labour and towards ratifying the Protocol.

What is the role of parliaments?

Parliaments play a key role of **financial oversight**, holding the government accountable on budget allocation and spending, including by assessing the gender sensitivity of the budget. Regardless of whether parliament draws up or influences the budget, it can **request information, audit and monitor any budget, and in some cases supply ex-ante approval**. Results of such monitoring can at the very least impact subsequent government budgets and encourage innovation.

An effective monitoring and reporting system is critical for parliament to accurately assess the effectiveness of policies, and whether promises have translated into action by implementing corresponding legal and administrative provisions. There are various possible models that parliaments can use to achieve this, including the establishment of a national rapporteur's office, or parliamentary committees and hearings, or inter-ministerial task forces.

What can you do?

As a parliamentarian, you can:

If there is no designated authority that monitors the implementation of laws and programmes related to forced labour:

- **Establish a special parliamentary committee** on fighting forced labour.
- **Appoint a national rapporteur** to monitor the development and implementation of national measures to prevent and address forced labour.

Ensure that policy measures relevant to forced labour (in particular national action plans and policies) are adopted **with sufficient budget, including for specific measures for women, children and other vulnerable groups.**

Special attention should be given to children's education and to apprenticeships.

Analyse monitoring and audit reports published by relevant authorities (national rapporteurs, parliamentary committees, or inter-ministerial task forces) from the perspective of the Forced Labour Protocol. You can ask for briefings from those entities.

If the Forced Labour Conventions and Protocol have been ratified, **debate the reports submitted by your government to the CEACR.** If the instruments have not yet been ratified, debate the government's annual report to the ILO on the Declaration on Fundamental Principles and Rights at Work.

Analyse financial data provided by government authorities, regional and international actors, and other sources (including the ILO, UNODC, International Organization for Migration, World Bank, employers' and workers' organizations, and NGOs).

Disseminate budget information to your constituents and other stakeholders to mobilize support.

Review national budgets from the perspective of the Forced Labour Conventions and Protocol. Call on the government to allocate substantial resources to sectors at risk of forced labour.

Direct questions to the government during the budget debate, making reference to relevant global priorities (e.g. SDG target 8.7 on forced labour).

Lobby for increased budget allocation for sectors and institutions that provide services to workers subject to forced labour or are working towards the eradication of forced labour (e.g. the labour inspectorate).

Monitor the implementation of the budget and ensure performance targets are met.



A network that trafficked victims to Syria and Abu Dhabi dismantled by Indonesian police
© AFP/Aditya Irawan/NurPhoto

Measure 8: Promote international cooperation to prohibit and eliminate forced labour

Why is international cooperation needed to combat forced labour?

Forced labour is a complex global phenomenon that no single country can effectively address on its own. Approximately 42 per cent of all victims of trafficking in persons detected between 2016 and 2018 were from outside the country where they were exploited (UNODC, 2018). In addition, sectors with relatively high levels of forced labour, such as manufacturing, commercial agriculture and fishing, have become increasingly integrated in deeper global supply chains that transcend the boundaries of any one country.

Article 5 of the Forced Labour Protocol

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

The past few decades have seen many developments in international and regional efforts to tackle forced labour in all its forms, including the establishment of the Inter-Agency Coordination Group against Trafficking in Persons,³⁷ the United Nations Global Compact (2000),³⁸ and more recently the 2030 Agenda for Sustainable Development (especially SDG target 8.7, which serves as the basis for initiatives such as Alliance 8.7³⁹). In addition, international labour standards are becoming increasingly integrated in multilateral and bilateral trade agreements, including free trade agreements and bilateral investment agreements. Over the last few years, the IPU has held several national and regional seminars on the SDGs (IPU, 2018). The IPU and the United Nations Development Programme (UNDP) also developed a self-assessment toolkit which helps parliamentarians identify good practices, opportunities and lessons learned on how to effectively institutionalize the SDGs and mainstream them into the legislative process (IPU, UNDP, 2016).

Therefore, cooperation between and among member States in combating forced labour and trafficking in persons has become necessary, given the global and cross-border dimensions of the phenomenon. Measures to tackle forced labour require an integrated, coordinated strategy to address root causes, consequences and impacts, utilizing not only hard law instruments but also cross-border strategies that involve bilateral, regional and international cooperation.

Relevant provisions in Recommendation No. 203

International cooperation should be strengthened ... including by:

- a. strengthening international cooperation between labour law enforcement institutions in addition to criminal law enforcement;
- b. mobilizing resources for national action programmes and international technical cooperation and assistance;
- c. mutual legal assistance;
- d. cooperation to address and prevent the use of forced or compulsory labour by diplomatic personnel; and
- e. mutual technical assistance (paragraph 14).

Furthermore, free trade agreements and bilateral investment agreements increasingly contain "social clauses". These clauses explicitly require parties to observe fundamental labour rights as defined in the ILO Declaration on Fundamental Principles and Rights at Work of 1998. The prohibition of forced labour is one of the four fundamental labour rights embodied in this Declaration, along with the principles of non-discrimination, freedom of association, and prohibition of child labour. Free trade agreements and bilateral investment

37 See [icat.network](#).

38 Launched in July 2000, the United Nations Global Compact is both a policy platform and a practical framework for companies that are committed to sustainability and responsible business practices.

39 See www.alliance87.org.

agreements can, therefore, become for parliamentarians the impetus of conversations with businesses and employers in their constituencies to address forced labour (ILO, OECD, IOM, UNICEF, 2019).

Additionally, parliamentarians can refer to the United Nations Global Compact⁴⁰ and the Guiding Principles on Business and Human Rights (OHCHR, 2011), which are especially pertinent in the fight against forced labour.

Examples of international cooperation to combat forced labour

Regional consultative processes on migration, such as the Regional Conference on Migration (RCM), formerly known as the Puebla Process,⁴¹ the Colombo Process⁴² and the Abu Dhabi Dialogue,⁴³ provide intergovernmental forums for the exchange of information, experiences and best practices, and promote regional cooperation on migration within the framework of economic and social development. The RCM, for example, includes regular meetings of the Liaison Officers Network to Combat Migrant Smuggling and Trafficking in Persons. Similarly, the Bali Process⁴⁴ involves 49 members, including countries and international organizations, in a forum for regular policy dialogue, information-sharing and practical cooperation to help the region address people smuggling, trafficking in persons and related transnational crime.

As far as trafficking is concerned, bilateral agreements are very useful to improve cooperation between countries of origin and destination:

- In September 2011, **Benin and the Congo** signed a joint agreement against child trafficking. This agreement was meant to tackle the challenging issue of many children being trafficked from Benin to Pointe-Noire (Congo) where they become child slaves or involved in prostitution.
- The **Lao People's Democratic Republic** has signed memoranda of understanding with **China, Thailand and Viet Nam** on cooperation in combating and suppressing cross-border trafficking in persons, including issues related to the extradition of suspects, investigation and prosecution of perpetrators, and identification of and assistance to victims (ILO CEACR, 2018b).
- **Belgium, the Netherlands and Luxembourg** have discussed tools to facilitate victim protection, especially when the victim is identified in one country but is exploited in another.
- **Nepal and Jordan** signed in October 2017 a bilateral agreement on labour migration with a provision that prohibits charging fees to workers.

40 Principle 4: "Businesses should uphold the elimination of all forms of forced and compulsory labour". See www.unglobalcompact.org/what-is-gc/mission/principles/principle-4.

41 The Puebla Process was established in 1996 to promote cooperation on migration in Central America and the Caribbean. See www.rcmvs.org.

42 The Colombo Process, established in 2003, is a regional consultative process on the management of overseas employment and contractual labour for countries of origin in Asia, comprising 12 member States (Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam). See www.colomboprocess.org.

43 The Abu Dhabi dialogue, established in 2008, aims to improve the governance of labour migration in the Asia-Gulf corridors. See abudhabidialogue.org.ae.

44 See www.baliprocess.net.

Regional intergovernmental organizations, such as the **European Union**⁴⁵ and the **Commonwealth of Independent States**, also facilitate bilateral and multilateral cooperation against trafficking in persons.

The **Comprehensive and Progressive Agreement for Trans-Pacific Partnership** (CPTPP), between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Viet Nam, contains a chapter based on the **ILO 1998 Declaration on Fundamental Principles and Rights at Work**. All CPTPP parties commit to discourage the importation of goods that are produced in whole or in part by forced labour, regardless of whether the source country is a CPTPP country.⁴⁶

In 2003, the **Organization for Security and Co-operation in Europe** set up the Office and post of Special Representative and Co-ordinator for Combating Trafficking in Human Beings to help participating States develop and implement effective policies.⁴⁷

The **Organisation for Economic Co-operation and Development** has developed Guiding Principles focusing on the link between corruption and trafficking in persons and stressing the need for cross-border cooperation.⁴⁸

What is the role of parliaments?

Cooperation on combating forced labour has a number of benefits, including harmonization of strategies to deal with the issue.

Hence, the elimination of forced labour is heavily dependent on the cooperation of different stakeholders at the national and international levels, in which parliamentarians can play an organizational role.

While joining the general mobilization of partners against forced labour, parliaments can also initiate or join a parliamentary network to harmonize parliamentary perspectives as a contribution to those efforts.

Examples of regional inter-parliamentary cooperation on forced labour

The **Andean Parliament**, with ILO support, developed a recommendation encouraging its member States (the Parliaments of Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru) to ratify the Forced Labour Protocol. The recommendation was approved on 24 February 2017 (Recommendation No. 333).

The **Commonwealth Parliamentary Association** UK Branch has launched a Modern Slavery Project, led by parliamentarians and senior officials, to provide

⁴⁵ See, for instance, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims: eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036.

⁴⁶ Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Chapter 19: Labour (Canada): international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptgpp/chapter_summaries-sommaires_chapitres.aspx?lang=eng.

⁴⁷ See www.osce.org/secretariat/trafficking.

⁴⁸ See www.oecd.org/gov/ethics/human-trafficking.htm.

practical advice and support to Commonwealth legislatures in the pursuit of combating modern slavery, human trafficking and forced labour. The project aims to encourage and facilitate greater understanding of the national and international benefits of introducing modern-slavery-related legislation and exchange learning.⁴⁹ As part of the project, a handbook has been published to assist Commonwealth parliamentarians in drafting effective legislation on the aforementioned issues (CPA UK, 2018).

Parliamentarians Without Borders for Children's Rights is a group of members of parliaments from different countries, such as Bangladesh, Costa Rica, Ghana, India, Nepal, Netherlands, Paraguay, Sweden, Sri Lanka, Togo, Turkey and Uganda. They work together to create awareness about children's rights and ways to translate those rights into local and international law.⁵⁰ In their 2018 declaration of commitment, they aim to form and/or strengthen national and inter-country parliamentary groups and forums on the issue of children's rights, in particular child labour, child trafficking and education, and to conduct sensitization and capacity-building seminars for parliamentarians.

What can you do?

As a parliamentarian, you can:

Ensure that your government is cooperating with other countries through the above international mechanisms, including through mobilizing international support for national programmes against forced labour.

If there is a **reporting system** attached to those mechanisms, check whether your country is fulfilling its reporting obligations. You can contribute by **becoming involved in the different stages of their reporting procedures**, including the submission and presentation of the report, and the implementation of the recommendations made following reporting.

Create networks with parliamentarians in other countries:

- Strengthen bilateral and multilateral cooperation with them to combat forced labour.
- Exchange experiences and help each other overcome common problems.
- Share experiences of successful and less successful measures to combat forced labour.

Mainstream forced labour and trafficking issues in existing parliamentary networks, both regional (e.g. Commonwealth, francophone) and thematic (e.g. on human rights, development, governance).

Provide political support for the work of international organizations that are active in combating forced labour, and in mobilizing international cooperation.

Make public statements in parliament and in your country to stress the need for international cooperation to combat forced labour, and for cooperation with international organizations active in this field, such as Alliance 8.7.

Request the assistance of international organizations to build your capacity (through training) and to support the implementation of your initiatives against

forced labour.

⁴⁹ See the Modern Slavery Project website at www.msproject-portal.com.

⁵⁰ See globalmarch.org/about-parliamentarians-without-borders-for-childrens-rights.

Conclusion

The Resolution, *Transforming our world: the 2030 Agenda for Sustainable Development*, adopted by the UN General Assembly in September 2015, declares that “we will eradicate forced labour and human trafficking and end child labour in all its forms.” This is further clarified in SDG Target 8.7, which commits the global community to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.” As public opinion-makers, as representatives of the people, as legislators, and as scrutinizers of governments’ actions and decisions, parliamentarians are uniquely placed to take concrete action towards achieving these goals.

With 24.9 million people estimated to be in situations of forced labour today, the Forced Labour Protocol provides direction to rise to the challenge and address the many different ways in which forced labour manifests itself. It is clear that parliamentarians have a key role to play, not only in ratifying the Forced Labour Protocol and related instruments, but also in ensuring their effective application. The eight measures set out in this handbook, and the suggested actions that parliamentarians can take, provide the key elements of a comprehensive strategy to implement the Forced Labour Protocol and achieve concrete progress towards the goal of ending forced labour, modern slavery and human trafficking.

In the words of David Garner, the President of the ILC Committee on Forced Labour for the drafting of the Protocol in 2014: “Those subjected to forced and compulsory labour on a daily basis need your resolve and firm commitment to effective action through these [forced labour] instruments. [Twenty-five] million enslaved people are depending on you.”

Checklist for parliamentarians

- ✔ Ensure that you are familiar with the scope of forced labour in your constituencies and its different manifestations, in particular among vulnerable groups and within high-risk sectors. Options to consider:
 - Request **specific training** on forced labour;
 - **Organize a dedicated hearing** or parliamentary discussion with international and national experts, including workers' and employers' organizations, law enforcement authorities and NGOs, to discuss the situation in your country, in terms of scope, legislation, current challenges in law enforcement, and victim identification and protection;
 - Advocate for building the **capacity of the national statistical office** to ensure reliable data collection and analysis on a regular basis to inform law- and policymaking.
- ✔ Support or initiate **awareness-raising campaigns on forced labour** in your constituency in partnership with relevant stakeholders.
- ✔ Advocate for the ratification of the international instruments related to forced labour:
 - Check **whether your country has ratified the ILO Forced Labour Conventions and Protocol**;
 - If ratified, check whether your government has presented these instruments to parliament. If not yet ratified, ask your government what action it intends to take in this regard.
- ✔ Check that your national legal framework is in conformity with the Forced Labour Conventions and Protocol (whether or not your country has ratified them), making sure in particular that it:
 - Is comprehensive and harmonized with policies;
 - Is effectively protecting constituents from **all forms of forced labour**;
 - Provides victims with **access to justice and remedies**;
 - Provides **strong penal dissuasive sanctions to discourage perpetrators**;
 - Covers **public and private due diligence**;
 - **Prohibits charging recruitment fees to workers**; and
 - Includes specific provisions related to the protection of women, children, migrants and other **vulnerable groups**.

If need be, you can propose adopting new legislation or amending existing legislation.

Checklist for parliamentarians

- ✔ Use your **oversight prerogative to monitor the implementation** of legislation related to forced labour, including written or oral questions to ministers, commissions of inquiry, requests for debates, or proposals for amendments. In particular, you can:
 - Request the appointment of a **national rapporteur**;
 - Ask your government to report on law enforcement capacities and resources to identify and investigate cases of forced labour;
 - Conduct a **parliamentary inquiry** on economic sectors at heightened risk of forced labour and call for the accountability of employers;
 - **Debate the government's submission to the ILO supervisory system** (annual report if not ratified, periodic reporting to the CEACR if ratified).
- ✔ Use your oversight prerogative to **ensure an adequate budget is allocated** to tackling forced labour, including for prevention and protection, for instance through **direct questions to your government during the budget debate**.
- ✔ Get involved in the design of the **national action plan** to combat forced labour and ensure that the national strategy:
 - Is designed in consultation with parliamentarians as well as with national organizations of employers and workers;
 - Includes time-bound measures with sufficient resources allocated;
 - **Responds effectively to gender-specific patterns of abuse**, addressing the specific vulnerabilities of women and men in different sectors, and provides sufficient protection to both;
 - Includes specific provisions to protect workers in the informal sector as well as migrant workers.
- ✔ Lead by example:
 - Promote a **zero-tolerance policy** for any public official facilitating or allowing forced labour and trafficking in persons to take place;
 - Ensure that your parliament and the local authorities in your constituency are carrying out **human rights due diligence** related to the procurement of goods and services;
 - **Encourage your constituents to report** any case of forced labour to the authorities.
- ✔ **Network with colleagues from other regions of the world** with a view to building a unified parliamentary front to foster cooperation and exchange of experiences.

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Annex I: ILO instruments on forced labour

The texts of the instruments can be found at www.ilo.org/dyn/normlex/en/f?p=1000:12030:::NO:::#Forced_labour and their ratification status at www.ilo.org/dyn/normlex/en/f?p=1000:12001:::NO:::

C029 – Forced Labour Convention, 1930 (No. 29)

Entry into force: 1 May 1932

PREAMBLE

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Article 2

1. For the purposes of this Convention the term ***forced or compulsory labour*** shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
2. Nevertheless, for the purposes of this Convention, the term ***forced or compulsory labour*** shall not include –
 - (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
 - (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
 - (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
 - (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake,

violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

[Provisions common to ILO Conventions are not reproduced here.]

P029 – Protocol of 2014 to the Forced Labour Convention, 1930

Entry into force: 9 November 2016

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Recognizing that the prohibition of forced or compulsory labour forms part of the body of fundamental rights, and that forced or compulsory labour violates the human rights and dignity of millions of women and men, girls and boys, contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all, and

Recognizing the vital role played by the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as "the Convention", and the Abolition of Forced Labour Convention, 1957 (No. 105), in combating all forms of forced or compulsory labour, but that gaps in their implementation call for additional measures, and

Recalling that the definition of forced or compulsory labour under Article 2 of the Convention covers forced or compulsory labour in all its forms and manifestations and is applicable to all human beings without distinction, and

Emphasizing the urgency of eliminating forced and compulsory labour in all its forms and manifestations, and

Recalling the obligation of Members that have ratified the Convention to make forced or compulsory labour punishable as a penal offence, and to ensure that the penalties imposed by law are really adequate and are strictly enforced, and

Noting that the transitional period provided for in the Convention has expired, and the provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 are no longer applicable, and

Recognizing that the context and forms of forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination, and

Noting that there is an increased number of workers who are in forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers have a higher risk of becoming victims of forced or compulsory labour, especially migrants, and

Noting that the effective and sustained suppression of forced or compulsory labour contributes to ensuring fair competition among employers as well as protection for workers, and

Recalling the relevant international labour standards, including, in particular, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Private Employment Agencies Convention, 1997 (No. 181), the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), as well as the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalization (2008), and

Noting other relevant international instruments, in particular the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the United Nations Convention against Transnational Organized Crime (2000), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Convention on the Rights of Persons with Disabilities (2006), and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Convention, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Convention;

adopts this eleventh day of June two thousand and fourteen the following Protocol, which may be cited as the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.
2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.
3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (c) undertaking efforts to ensure that:
 - (d) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
 - (e) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- (f) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (g) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (h) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.
2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Article 7

The transitional provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 of the Convention shall be deleted.

[Provisions common to ILO Protocols are not reproduced here.]

R203 – Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

Recommendation on supplementary measures for the effective suppression of forced labour

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Having adopted the Protocol of 2014 to the Forced Labour Convention, 1930, hereinafter referred to as “the Protocol”, and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as “the Convention”, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Convention and the Protocol;

adopts this eleventh day of June of the year two thousand and fourteen the following Recommendation, which may be cited as the Forced Labour (Supplementary Measures) Recommendation, 2014.

1. Members should establish or strengthen, as necessary, in consultation with employers' and workers' organizations as well as other groups concerned:
 - (a) national policies and plans of action with time-bound measures using a gender- and child-sensitive approach to achieve the effective and sustained suppression of forced or compulsory labour in all its forms through prevention, protection and access to remedies, such as compensation of victims, and the sanctioning of perpetrators; and
 - (b) competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action.
2.
 - (1) Members should regularly collect, analyse and make available reliable, unbiased and detailed information and statistical data, disaggregated by relevant characteristics such as sex, age and nationality, on the nature and extent of forced or compulsory labour which would allow an assessment of progress made.
 - (2) The right to privacy with regard to personal data should be respected.

Prevention

3. Members should take preventive measures that include:
 - (a) respecting, promoting and realizing fundamental principles and rights at work;
 - (b) the promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations;
 - (c) programmes to combat the discrimination that heightens vulnerability to forced or compulsory labour;
 - (d) initiatives to address child labour and promote educational opportunities for children, both boys and girls, as a safeguard against children becoming victims of forced or compulsory labour; and
 - (e) taking steps to realize the objectives of the Protocol and the Convention.
4. Taking into account their national circumstances, Members should take the most effective preventive measures, such as:
 - (a) addressing the root causes of workers' vulnerability to forced or compulsory labour;
 - (b) targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them, inter alia, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need;
 - (c) targeted awareness-raising campaigns regarding sanctions for violating the prohibition on forced or compulsory labour;

- (d) skills training programmes for at-risk population groups to increase their employability and income-earning opportunities and capacity;
- (e) steps to ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that they are effectively enforced. The relevant information on the terms and conditions of employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations or collective agreements;
- (f) basic social security guarantees forming part of the national social protection floor, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), in order to reduce vulnerability to forced or compulsory labour;
- (g) orientation and information for migrants, before departure and upon arrival, in order for them to be better prepared to work and live abroad and to create awareness and better understanding about trafficking for forced labour situations;
- (h) coherent policies, such as employment and labour migration policies, which take into account the risks faced by specific groups of migrants, including those in an irregular situation, and address circumstances that could result in forced labour situations;
- (i) promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion; and
- (j) in giving effect to their obligations under the Convention to suppress forced or compulsory labour, providing guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked.

Protection

5.
 - (1) Targeted efforts should be made to identify and release victims of forced or compulsory labour.
 - (2) Protective measures should be provided to victims of forced or compulsory labour. These measures should not be made conditional on the victim's willingness to cooperate in criminal or other proceedings.
 - (3) Steps may be taken to encourage the cooperation of victims for the identification and punishment of perpetrators.
6. Members should recognize the role and capacities of workers' organizations and other organizations concerned to support and assist victims of forced or compulsory labour.
7. Members should, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in

unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

8. Members should take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as:
 - (a) eliminating the charging of recruitment fees to workers;
 - (b) requiring transparent contracts that clearly explain terms of employment and conditions of work;
 - (c) establishing adequate and accessible complaint mechanisms;
 - (d) imposing adequate penalties; and
 - (e) regulating or licensing these services.

9. Taking into account their national circumstances, Members should take the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation, such as:
 - (a) reasonable efforts to protect the safety of victims of forced or compulsory labour as well as of family members and witnesses, as appropriate, including protection from intimidation and retaliation for exercising their rights under relevant national laws or for cooperation with legal proceedings;
 - (b) adequate and appropriate accommodation;
 - (c) health care, including both medical and psychological assistance, as well as provision of special rehabilitative measures for victims of forced or compulsory labour, including those who have also been subjected to sexual violence;
 - (d) material assistance;
 - (e) protection of privacy and identity; and
 - (f) social and economic assistance, including access to educational and training opportunities and access to decent work.

10. Protective measures for children subjected to forced or compulsory labour should take into account the special needs and best interests of the child, and, in addition to the protections provided for in the Worst Forms of Child Labour Convention, 1999 (No. 182), should include:
 - (a) access to education for girls and boys;
 - (b) the appointment of a guardian or other representative, where appropriate;
 - (c) when the person's age is uncertain but there are reasons to believe him or her to be less than 18 years of age, a presumption of minor status, pending age verification; and
 - (d) efforts to reunite children with their families, or, when it is in the best interests of the child, provide family-based care.

11. Taking into account their national circumstances, Members should take the most effective protective measures for migrants subjected to forced or compulsory labour, irrespective of their legal status in the national territory, including:
 - (a) provision of a reflection and recovery period in order to allow the person concerned to take an informed decision relating to protective measures and

- participation in legal proceedings, during which the person shall be authorized to remain in the territory of the member State concerned when there are reasonable grounds to believe that the person is a victim of forced or compulsory labour;
- (b) provision of temporary or permanent residence permits and access to the labour market; and
 - (c) facilitation of safe and preferably voluntary repatriation.

Remedies, such as compensation and access to justice

12. Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:
- (a) ensuring, in accordance with national laws, regulations and practice, that all victims, either by themselves or through representatives, have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages;
 - (b) providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits;
 - (c) ensuring access to appropriate existing compensation schemes;
 - (d) providing information and advice regarding victims' legal rights and the services available, in a language that they can understand, as well as access to legal assistance, preferably free of charge; and
 - (e) providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State, under simplified procedural requirements, when appropriate.

Enforcement

13. Members should take action to strengthen the enforcement of national laws and regulations and other measures, including by:
- (a) giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training to allow them to effectively enforce the law and cooperate with other organizations concerned for the prevention and protection of victims of forced or compulsory labour;
 - (b) providing for the imposition of penalties, in addition to penal sanctions, such as the confiscation of profits of forced or compulsory labour and of other assets in accordance with national laws and regulations;
 - (c) ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour in applying Article 25 of the Convention and clause (b) above; and
 - (d) strengthening efforts to identify victims, including by developing indicators of forced or compulsory labour for use by labour inspectors, law enforcement services, social workers, immigration officers, public prosecutors, employers, employers' and workers' organizations, non-governmental organizations and other relevant actors.

International cooperation

14. International cooperation should be strengthened between and among Members and

with relevant international and regional organizations, which should assist each other in achieving the effective and sustained suppression of forced or compulsory labour, including by:

- (a) strengthening international cooperation between labour law enforcement institutions in addition to criminal law enforcement;
- (b) mobilizing resources for national action programmes and international technical cooperation and assistance;
- (c) mutual legal assistance;
- (d) cooperation to address and prevent the use of forced or compulsory labour by diplomatic personnel; and
- (e) mutual technical assistance, including the exchange of information and the sharing of good practice and lessons learned in combating forced or compulsory labour.

Annex II: Report form for the Protocol of 2014 to the Forced Labour Convention, 1930

The present report form is for the use of the countries which have ratified the Protocol. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), the provisions of which supplement the Forced Labour Convention, 1930 (No. 29), and the present Protocol, which can contribute to a better understanding of its requirements and facilitate its application.

The matters with which this Protocol deals may be beyond the immediate competence of the ministry responsible for labour affairs, so that the preparation of a full report on the application of the Protocol may necessitate consultations with other interested ministries or government agencies.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

1. If this is your Government's first report following the entry into force of the Protocol in your country, full information should be given on each of the provisions of the Protocol and on each of the questions set out in the report form.

Subsequent reports

2. In subsequent reports, information need normally be given only:
 - (a) on any new legislative or other measures affecting the application of the Protocol;
 - (b) in reply to the questions in the report form on the practical application of the Protocol (for example, statistics, results of evaluations or audits, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
 - (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Protocol in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

Article 22 of the Constitution of the ILO

Report for the period from _____ to _____

made by the Government of _____

on the

Protocol of 2014 to the Forced Labour Convention, 1930

(ratification registered on _____)

In addition to the information requested in the report form concerning the Forced Labour Convention, 1930 (No. 29), please give detailed information for each of the following Articles of the Protocol.

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.
2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.
3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

Paragraph 2. Please describe the national policy against all forms of forced or compulsory labour and the measures envisaged under the national plan for the effective and sustained suppression of forced or compulsory labour, indicating how systematic action by the competent authorities is ensured so that these measures are implemented. Please indicate the manner in which employers' and workers' organizations are consulted. Please also indicate if there has been any coordination with employers' and workers' organizations, as well as with other groups concerned.

Paragraph 3. Please provide information on the specific measures taken to combat trafficking in persons for the purposes of forced or compulsory labour and on the results achieved.

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (c) undertaking efforts to ensure that:
- (d) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
- (e) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- (f) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (g) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (h) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Please describe all the measures taken to prevent all forms of forced or compulsory labour in each of the areas described in subparagraphs (a) to (f) of this paragraph, indicating the institutions responsible for their implementation and the resources at their disposal.

Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

Please indicate the measures taken to ensure that the competent authorities are able to identify and release all victims of forced or compulsory labour. Please describe the measures taken to provide victims with protection, recovery and rehabilitation. Please also indicate the measures taken to provide other forms of assistance and support.

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.
2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in

unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

Paragraph 1. Please indicate the remedies that have been established to enable victims of forced or compulsory labour to claim their rights and obtain reparation, including compensation, as well as the measures taken to ensure that such remedies are accessible to all victims, irrespective of their presence or legal status in the national territory.

Paragraph 2. Please indicate the measures taken to enable the competent authorities not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour. Please also indicate how the competent authorities are made aware of these measures and apply them in practice.

Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

Please indicate how, and in which areas, cooperation has been established with other member States to ensure the prevention and elimination of all forms of forced or compulsory labour.

Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Please describe the manner in which the measures to apply the Protocol and the Convention are determined, in particular to what extent this is done by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Request from the Reporting Form of Convention No. 29 for Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Please furnish information on any legal proceedings which have been instituted as a consequence of the application of this Article and on any penalties imposed.

Parts III, IV, and V of the Reporting Form of Convention No. 29 for Article 25

III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions, unless this has already been done in connection with Article 25.

IV. Please add a general appreciation of the manner in which the Convention is applied, for example by giving extracts from official reports, and information on any practical difficulties encountered in the application of the Convention or in the suppression of forced or compulsory labour.

V. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.⁵¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

⁵¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

Annex III: Cases of progress noted by the ILO Committee of Experts related to the abrogation of a legislative text allowing use of forced or compulsory labour, 2008–2017

<i>Topic</i>	<i>Countries (year)</i>	<i>URL</i>
<i>Establishing freedom of the press: press-related offences such as insults and defamation no longer punished by prison sentences</i>	<i>Benin (2017)</i>	www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3352342,103028,Benin,2017
	<i>Niger (2012)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3058372,103254,Niger,2012
	<i>Central African Republic (2011)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2699305,103381,Central African Republic,2011
<i>Establishing freedom of opinion: removal of prison sanctions for belonging to certain political parties or expressing certain political views</i>	<i>Pakistan (2017)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3328794,103166,Pakistan,2017
	<i>Nicaragua (2009)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2306035,102780,Nicaragua,2009
	<i>Liberia (2009)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2306023,102742,Liberia,2009

Topic	Countries (year)	URL
<i>Breaches of discipline (for example, absence without leave or refusal to obey an order) no longer give rise to imprisonment</i>	<i>Benin (2014)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3186037,103028,Benin,2014
<i>Breaking public order, without violence against persons, no longer punished by imprisonment (involving compulsory prison labour)</i>	<i>Moldova, Republic of (2011)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2699241,102695,Moldova, Republic of,2011
<i>Freedom to participate in strike: repeal sanctions of imprisonment (including compulsory prison labour) for participation in strikes</i>	<i>Kiribati (2010)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2325266,103504,Kiribati,2010
	<i>Kenya (2010)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2324979,103315,Kenya,2010
	<i>Mauritius (2009)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2306900,103106,Mauritius,2009
	<i>Nicaragua (2009)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2306035,102780,Nicaragua,2009
	<i>Cyprus (2008)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2302855,103070,Cyprus,2008

Topic	Countries (year)	URL
<i>Breaches of discipline under shipping code no longer punished by imprisonment (including compulsory prison labour)</i>	<i>Turkey (2012)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3064302,102893,Turkey,2012
	<i>Kenya (2010)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2324979,103315,Kenya,2010
	<i>Gabon (2009)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2307106,103391,Gabon,2009
	<i>Saint Vincent and the Grenadines (2009)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2307055,103333,Saint Vincent and the Grenadines,2009
	<i>Tanzania, United Republic of (2009)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2307133,103476,Tanzania, United Republic of,2009
<i>Freedom to terminate contract for all workers at any time: limitation for workers employed in "essential services" repealed</i>	<i>Uganda (2008)</i>	www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2303027,103324,Uganda,2008



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